

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-51
DA Number	DA-505/2019
LGA	Liverpool City Council
Proposed Development	Alterations to the existing printery building, the addition of a new office building and the construction of a replica of a historical biblical site. The proposal is identified as nominated integrated development pursuant to the Environmental Planning and Assessment Act 1979 for the purposes of the Water Management Act 2000 (Natural Resources Access Regulator).
Street Address	12-14 Zouch Road Denham Court; Lot 2 DP 1111318
Applicant/Owner	International Bible Students Association
Date of DA Lodgement	13 August 2019
Number of Submissions	Six
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development with a Capital Investment Value (CIV) of over \$5 million for a community facility. The CIV of this application as outlined in a detailed cost report by a Registered Quantity Surveyor is \$9,980,330.80 and the proposal involves ancillary development to an existing Place of Public Worship.
List of all relevant s4.15(1)(a) matters	1. <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</i> - State Environmental Planning Policy No.55 – Remediation of Land. - State Environmental Planning Policy (Infrastructure) 2007; - State Environmental Planning Policy No 19 – Bushland in Urban Areas; - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; - Liverpool Local Environmental Plan 2008; - Liverpool Development Control Plan 2008. 2. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s415(1)(a)(ii)</i> - Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP. On this basis, assessment under clause 7 of SEPP 55 – Remediation of Land is not affected.

	• Draft SEPP (Environment) was exhibited from 31/10/2017 to 31/01/2018. The Draft SEPP applies to land within the Georges River Catchment. The Draft SEPP proposes changes that will repeal and replace Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, which currently applies to the proposal. 3. <i>List any relevant development control plan: s4.15(1)(a)(iii)</i> • Liverpool City Council Development Control Plan (LDCP) 2008 ○ Part 1 – Controls for all development ○ Part 5 – Development in Rural and Environmental Zones 4. <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s4.15(1)(a)(iv)</i> • No planning agreement relates to the site or proposed development. 5. <i>List any relevant regulations: s4.15(1)(a)(iv)</i> • Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC).
List all documents submitted with this report for the Panel's consideration	1. Arboricultural Report 2. Bushfire Assessment Report 3. Preliminary Contamination Assessment and associated supporting reports 4. Cost estimate report 5. Elevations and sections 6. Erosion and sedimentation control plans 7. Floor Plans 8. Geotechnical report 9. Landscape plans 10. Acoustic assessment 11. Film Set materials advice 12. Light Spill Assessment 13. Discussion of environmental impacts 14. Legal advice and addendums responding to SWCPP briefing 15. Filming Management Plan 16. Applicant response to neighbour submission 17. Essential services report 18. Civil bulk earthworks cut and fill plan 19. Site Plans 20. Statement of Environmental Effects 21. Stormwater drainage plan 22. Survey plan 23. Traffic Report and Peer review of Traffic Report 24. Waste management plan 25. Planning Advise relating to permissibility 26. Draft conditions of consent

Clause 4.6 requests	N/A
Summary of key submissions	Six neighbour submissions have been received in relation to the proposal raising the following key points: • Traffic • Parking • Church Road access • Permissibility • Fill and landscaping treatment • Neighbour amenity (noise and light spill) • Sewerage treatment • Filming not included as part of the proposal • Hours of operation not clearly defined
Report prepared by	Peter Nelson – Senior Development Planner
Report date	9 March 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the development is over \$5 million and the site is a place of public worship, pursuant to Schedule 7 Clause 5b of the *State Environmental Planning Policy (State and Regional Development) 2011*.

1.2 The proposal

The application proposes alterations to the existing printery building comprising the removal of the existing analogue printery and provision of a film studio, the addition of a new office

building and the construction of a permanent replica of a historical biblical site and mock forum for filming purposes.

1.3 The site

The site is identified as Lot 2 DP 1111318, No. 12-14 Zouch Road, Denham Court.

1.4 The issues

The main issues are identified as follows:

- i) Permissibility of the proposal under Clause 2.3 of the Liverpool Local Environmental Plan 2008;
- ii) Potential impacts on nearby residential neighbours in accordance with s4.15 of the Environmental Planning and Assessment Act;

1.5 Exhibition of the proposal

The development application was notified for 30 days from 2 September 2019 to 3 October 2019 in accordance with Environmental Planning and Assessment (EP&A) Regulations 2000. Six (6) submissions were received in relation to the proposed development.

1.6 Conclusion

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the applicable State Environmental Planning Policies, and the relevant codes and policies of Council.

As “ancillary development” to an existing Place of Public Worship, the proposed development is permissible within the RU2 Rural Landscape Zone under the Liverpool Local Environmental Plan 2008.

The proposed design, associated landscaping and the accompanying plan of management has detailed an operation of the proposed film studio and film recording use that will result in a negligible impact on the amenity of adjoining residential neighbours. Accordingly, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 2 DP 1111318, being 12-14 Zouch Road Denham Court. An aerial photograph of the subject site is provided in Figure 1.

The subject site has a primary frontage of 375.635m to Zouch Road. A secondary access to the site is available from the central southern portion of the site where Church Road ends with a cul-de-sac adjacent to this southern boundary. The site is generally rectangular in shape with a total area of 40.47 hectares.

The subject site is currently occupied by a number of buildings including a worship hall, printery, residential buildings, various workshops and sheds. These buildings are predominately located on the eastern side of the site and are generally away from

neighbouring residential neighbours located to the south and west of the site. The northern neighbour comprises Edmondson Regional Park and comprises a heavily timbered site and the eastern neighbours on the opposite side of Zouch Road comprise RE1 and SP2 (Electricity substation) zoned land.

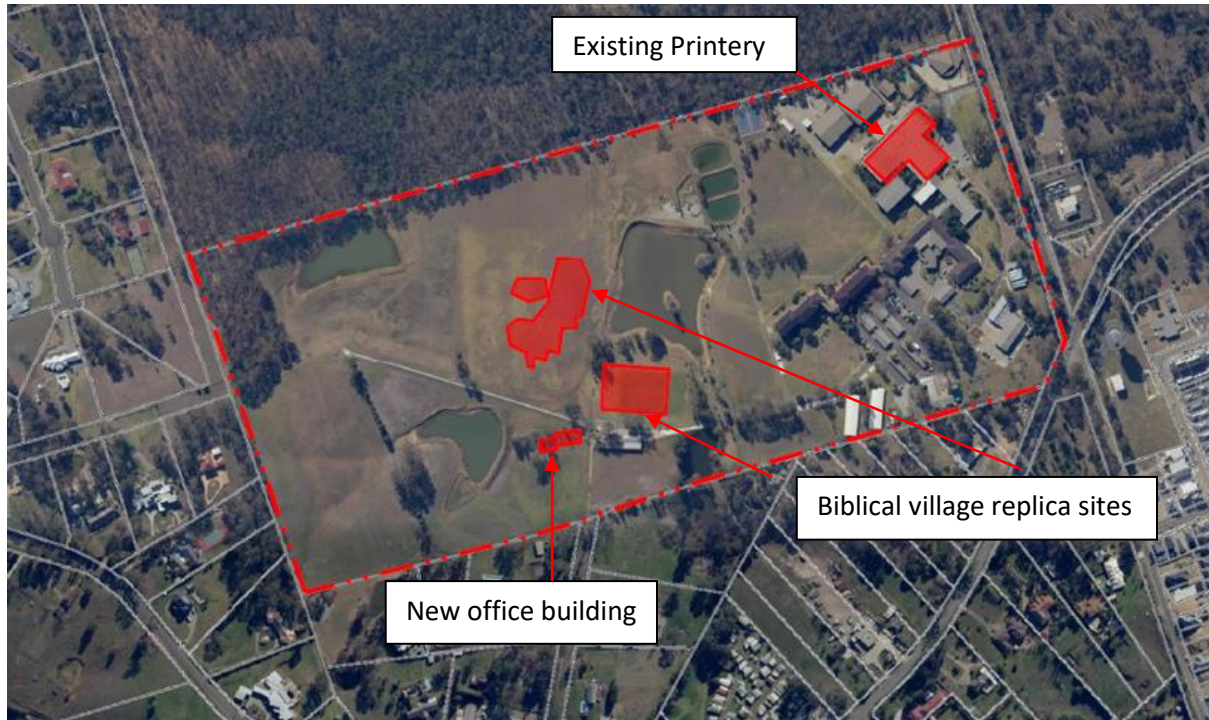


Figure 1: Aerial photograph of the Site and the location of proposed office works and replica villages (centre of site) and the existing printery building to the east (right of site)

2.2 The locality

The subject site is located in Denham Court to the immediate south of Edmondson Regional Park. Neighbours to the immediate south and west comprise rural residential properties. Edmondson Regional Park is located to the south east of the proposal.



Figure 2: Subject site and Adjacent sites

2.3 Site affectations

The subject site has is affected by the following constraints:

Overland flow paths

The proposed development site is located on the upper reach of Cabramatta Creek catchment. Cabramatta Creek runs across the site. The below mapping identifies the potential flood risk for the site as low.

Identifying the location of other overland flow paths that run through the proposed development site has been requested by Council's Engineers to be undertaken in a flood study to be submitted with the construction certificate application.

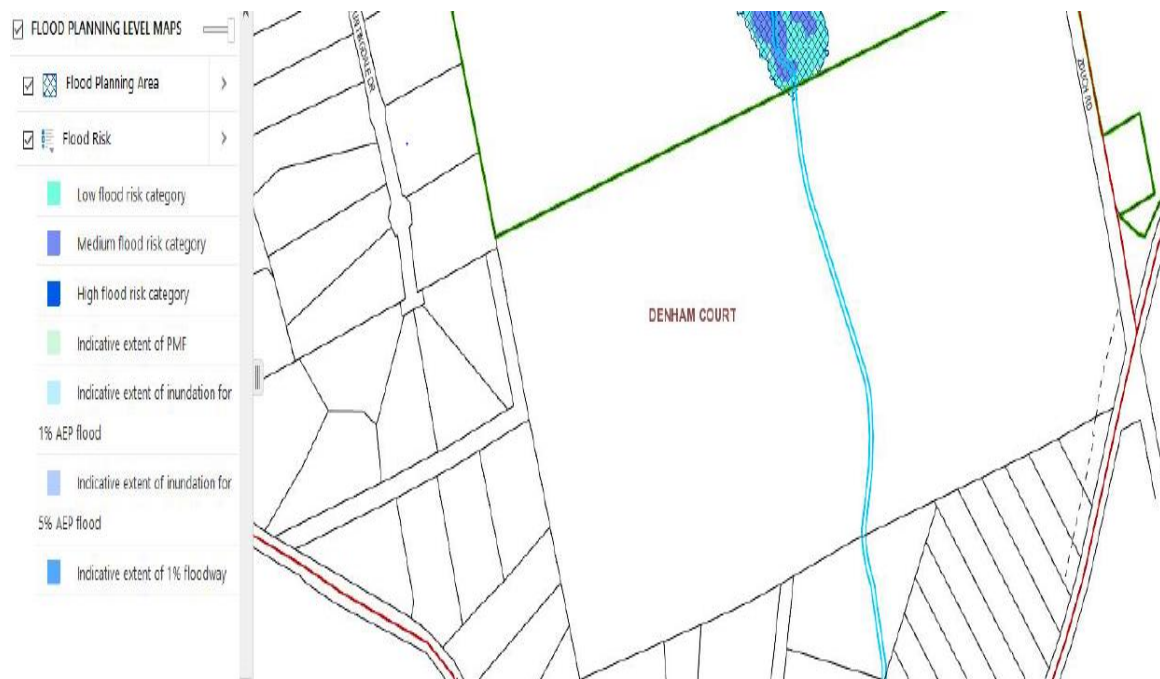


Figure 3: Riparian corridor traversing the site from north to south.

Bushfire

The site is bushfire prone as identified in the image below.

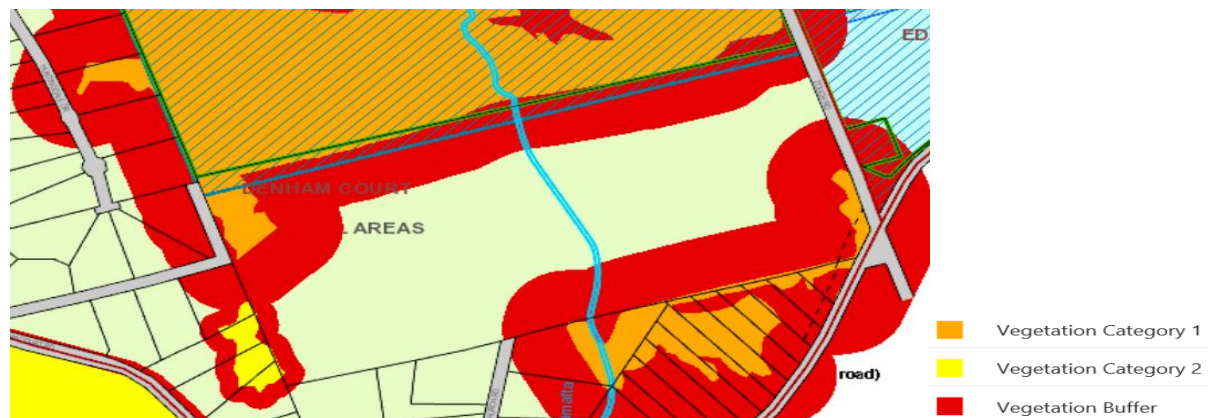


Figure 4: Image detailing the bushfire affectation at the site.

Biodiversity Values

There stands of trees on the site that are identified as having biodiversity values. These areas are identified in purple shading in Figure 5 below.

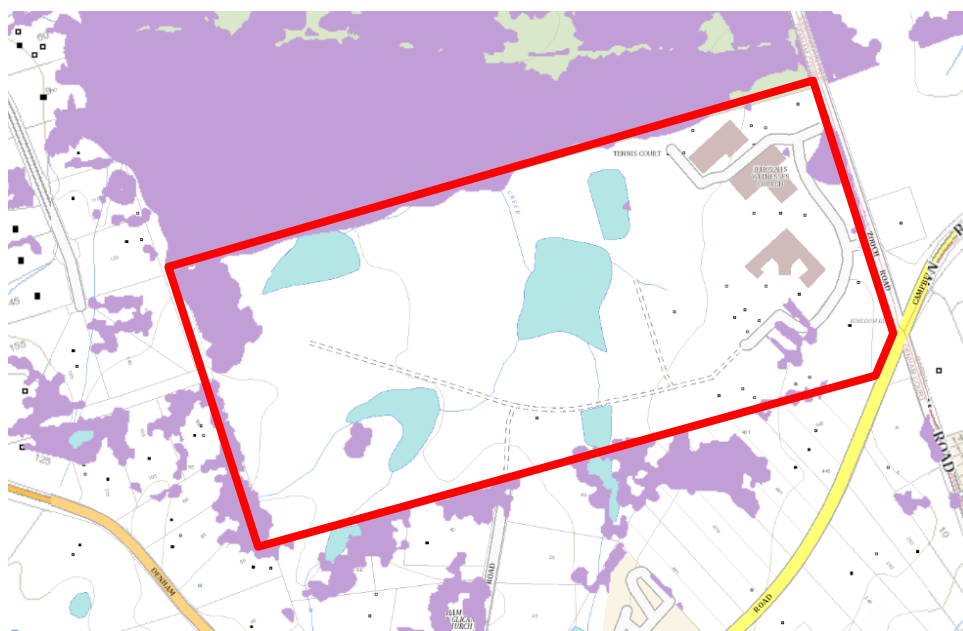


Figure 5: Biodiversity Values for the site (source www.lmbc.nsw.gov.au/Maps)

The proposal seeks permission to remove a Grey Gum from Council land adjacent to the Church Road entry. In normal circumstances, as this area possesses biodiversity values, an assessment under the Biodiversity Offsets scheme would be required, potentially warranting the lodgement of a Biodiversity Development Assessment Report (BDAR). However Council will not consent to the removal of this tree and as such a Biodiversity Assessment and BDAR is not required in this instance.

Salinity

The proposal is identified as being potentially impacted by salinity. Figure 6, below identified those areas of the site potentially impacted by salinity.

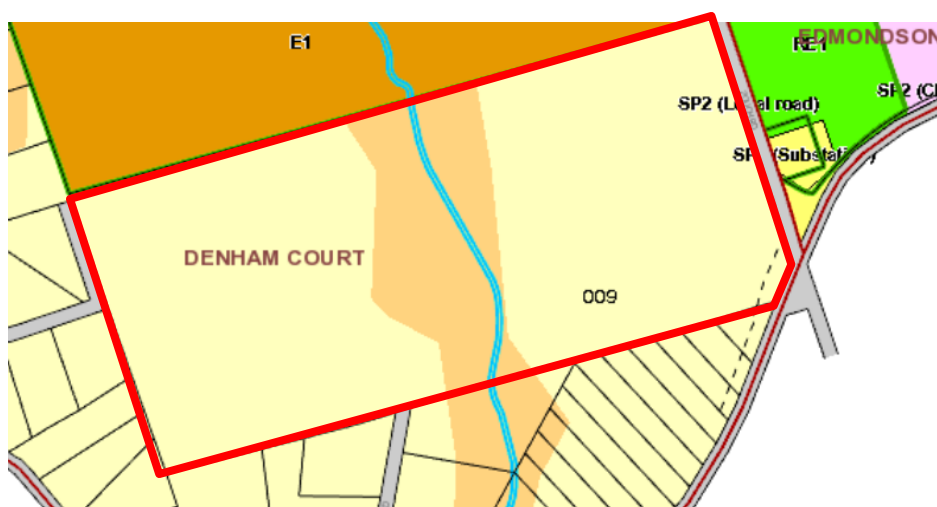


Figure 6: Site area potentially impacted by salinity.

3. BACKGROUND

3.1 Timeline of the Assessment

16 June 1978	The existing use, for the “erection of premises to provide for seminar facilities, teaching and administrative office, bible and bible literature storage and printery” was approved under T.P. 15411. At the time of approval the printery was permitted as an ancillary use. It is noted that this printery is of a light industrial scale with a series of significantly large printing presses (up to three stories in height) that Council is advised were installed to provide printed literature for the Asia-Pacific region.
18 April 2019	Pre-lodgement application lodged under PL-30/2019 to “create an indoor and an outdoor film studio, comprising: 1) Alterations to part of the interior of the existing printery space. It is proposed to construct one large (1000 m ²) video studio in the empty printery space. No changes to the existing façade/building envelope and building structure are proposed. 2) Facilitate the use of a back-lot farm paddock area for filming. It is proposed to re-purpose the existing farm shed as a waiting area and install some farm/barn style demountable buildings to support filming at nearby temporary film sets.
24 May 2019	Pre-lodgement Advice provided. The Applicant was advised that high technology industry uses, filming and temporary film sets are all prohibited under the zone and that the applicant explore the proposal as either an ancillary use or under existing use rights.
13 August 2019	Application lodged.
21 August 2019	Application placed on stop the clock pending payment of the nominated integrated development referral fee for Natural Resources Access Regulator.
23 August 2019	Fee paid and clock started.
2 August 2019	Application placed on neighbour notification until 3 rd October 2019. The application was also referred to external referral agencies including; the RMS, DPI Water, Endeavour Energy, Sydney Water and the Natural Resources Access Regulator.
4 August 2019	Endeavour Energy comments received.
6 August 2019	Sydney Water Comments Received
21 August 2019	RMS comments received.

3 October 2019	Neighbour notification period ceases. Submissions from six (6) adjoining and nearby neighbours were received during the notification period.
10 February 2020	Briefing report presented to the South Western City Planning Panel.
13 February 2020	Final record of briefing from the SWCPP provided to Council, identifying the following points of discussion.
14 February 2020	Applicant submitted information in response to the SWCPP points of discussion to the briefing notes.

3.3 Planning Panel Briefing

The subject application was considered by the Sydney Western City Planning Panel (SWCPP) on 10 February 2020. The SWCPP indicated that the following issues should be discussed in a future report to the SWCPP consideration:

Need for the assessment report to demonstrate permissibility of the proposed film studio and associated activities, including consideration of any legal opinion; if provided

Comment: The proposal is considered to be ancillary to the “Place of public worship” use and as such is permissible with consent. The applicant has provided legal advice and Council has sourced case law that supports this approach.

Future/long term use of the site having regard to the proposed new uses

Comment: The proposed film studio and filming use are only permissible as ancillary to the existing Place of public worship use. Should the site not be used as a Place of public worship then the film studio and filming use will no longer be permitted on the site.

Classification and assessment of the buildings associated with the film studio/sets

Comment: The film set is not being constructed as a temporary structure. These buildings are being constructed as permanent buildings and as such are defined under the LLEP as “farm buildings.” This definition includes “outbuildings” which is how these structures have been assessed.

Noise and acoustic impacts, light spill

Comment: An acoustic report and intrusive light spill assessment have been provided in relation to the proposal.

Landscaping and buffering

Comment: Appropriate separation from adjacent residential uses and the provision of an appropriate landscaped buffer has been provided to ameliorate amenity impacts in relation to noise, views and light spill.

Traffic impacts associated with the film studio and associated activities

Comment: Traffic impacts have been discussed in the Traffic Report that has been lodged in support of the application. Council's Traffic Engineer and the RMS have also provided an assessment and relevant conditions of consent in relation to the proposal.

Appropriate conditions of consent

Comment: Conditions of consent have been prepared.

An assessment of this additional information has concluded that the issues discussed by the SWCPP have been appropriately addressed as will be detailed in the remainder of this report.

4. DETAILS OF THE PROPOSAL

The application proposes the following:

- a) Removal of the non-digital portions of the existing printery including the four colour offset web press and associated enclosures.
- b) Internal alterations and additions, including sound proofing to install a film studio and associated amenities (reception, waiting area, green room, hair/make-up, wardrobe, offices, toilets) to gross floor area totalling 626m². Removing associated external windows and replacing these with insulated panels. Provision of glazed shopfront doors to the studio entry.
- c) Provision of a new office building on the southern side of the site approximately 75m from the Church Road boundary, adjacent to existing farm shed and cattle yards on this side of the site. The office will comprise a gross floor area of 675m² and comprise a foyer, 4 offices, an open plan office area, female and male toilets, cloak room, breakout area, conference room, storage area and kitchenette.
- d) Construction of a replica historical village and mock forum with a total combined site area of 1310m² and a GFA of 678m² totalling 34 stand-alone structures with a maximum proposed height of 8.5m. These comprise permanent structures for filming, including additional landscaping to be used by the Audi-visual department for the purpose of filming for religious training and instruction. These replica villages will be on the central portion of the site a minimum of 83m from the southern boundary. The replica villages will be generally obscured from direct overlooking of adjacent southern residential neighbours by the existing farm shed and proposed office building. The nearest residential neighbouring dwelling house to the south-west with a direct line of sight to the replica village is approximately 300m away. For the purpose of assessment these buildings are defined as "farm buildings" under the Liverpool LEP.
- e) Construction of a new parking area for up to 22 vehicles adjacent to the Church Road entrance.

- f) Construct a 8.3m high, compacted natural earth mound with clean fill adjacent to the film set.
- g) Vehicular access to the site is to be via the main entrance in Zouch Road.
- h) One (1) Forest Red Gum (*Eucalyptus treticornis*) is to be removed from the site. This tree does not require removal as a direct cause of the proposal. The arboricultural report lodged in support of the proposal has identified this tree as requiring removal due to poor health. The application also proposes the removal of a Prickly Paperbark (*Melaleuca styphelioides*) and a Grey Gum (*Eucalyptus Moluccana*) as part of the Church Road access (see point i) below).
- i) Upgrade existing vehicular access to the site on Church Road by replacing the existing gate and constructing a new driveway crossing, dual sliding gates, Centre Island and intercom access. This element of the proposal requires the removal of a significant Council Grey Gum (*Eucalyptus Moluccana*) street tree and an on-site Prickly Paperbark (*Melaleuca styphelioides*) which are proposed to be replaced.
- j) General upgrades to landscaped area in areas where new work is proposed.
- k) According to the amended film management plan, the ongoing use is generally proposed to be undertaken commencing at 7am, with filming concluding generally at sunset. This would assume the latest finish during the summer solstice at around 9pm. The film management plan notes that any filming outside of these hours will be done with lighting to imitate moonlight illumination levels. An obtrusive light spill assessment and acoustic report have been provided to discuss the potential impacts of the filming use.
- l) The number of staff/crew needed for the ongoing filming use is up to 35. Actors and extras to perform in the films will be made up of religious volunteers who live on the site. Actors/extras may be as few as 2 up to as many as 100 depending on the scene. The film day schedule described in the film management plan is as follows:

Time	TYPE A – Typical Non-Film Set Maintenance Day	TYPE B – Regular Daytime Film Day Up to 35 crew 1-35 cast TOTAL: Up to 70 (combination of living on site and commuting)	TYPE C – Large Daytime Film Day 35 crew 36-100 cast TOTAL: Up to 135 (combination of living on site and commuting)
	Average of 8 days a month	Average of 8 days a month	Occasional
6-8	No activity planned	7:00 AM Arrival of part-time commuter cast/crew by car on Zouch Road. 7:00 AM On-property plant and equipment movement.	6:00 AM Arrival of part-time commuter cast/crew by car on Zouch Road. 7:00 AM On-property plant and equipment movement.
8-12	Movement of materials with vehicles using internal roads.	8:00 AM Arrival of balance of up to 35 part-time commuter cast/crew. Delivery of lunch/refreshments using van provided internally with all food prepared on premises and no catering via Church Road	8:00 AM Arrival of balance of up to 75 part-time commuter cast/crew. Delivery of lunch/refreshments using van provided internally with all food prepared on premises and no catering via Church Road
12-2	Break for lunch around 11.50 am. Personnel return to the main dining room to eat. Then return to set at 1.00 pm. Similar to the 8-12 activity.	Van would return used lunch items to kitchen on-site. Delivery of afternoon break refreshment from on-site kitchen	Van would return used lunch items to kitchen on-site. Delivery of afternoon break refreshment from on-site kitchen
2-5	Similar to the 8-12 activity, All activity finished by 5.00 pm.	Same as the 9-12 activity. Progressive departure of vehicles as cast finish.	Same as the 9-12 activity. Progressive departure of vehicles as cast finish.
5-8	No activity planned	Filming may end around sunset	Filming may end around sunset

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 19 – Bushland in Urban Areas;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008.

Draft Environmental Planning Instruments

- Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP. On this basis, assessment under clause 7 of SEPP 55 – Remediation of Land is not affected.
- Draft SEPP (Environment) was exhibited from 31/10/2017 to 31/01/2018. The Draft SEPP applies to land within the Georges River Catchment. The Draft SEPP proposes changes that will repeal and replace Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, which currently applies to the proposal.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls for all development
 - Part 5 – Development in Rural and Environmental Zones

6. ASSESSMENT

The subject land is located on Bushfire Prone Land. The applicant has submitted a Bush Fire Protection assessment by a qualified consultant recognised by the NSW Rural Fire Service.

The “Bush Fire Assessment Report” prepared by Bushfire Consulting Services dated 5 July 2019 has concluded that;

This report has considered all of the elements of bushfire attack and provided the proposed development is constructed in accordance with the recommendations of this report, it is my opinion that the development satisfies the objectives and performance requirements of Planning for Bushfire Protection 2006 and Australian Standard AS3959-2009.

The proposal shall be conditioned to be constructed and the site shall be conditioned to be managed in accordance with this Bush Fire Assessment Report.

The proposal does not propose subdivision and as such concurrence was not required to be sought from the Rural Fire Service under Clause 100B of the Rural Fires Act 1997.

The development satisfies the clauses in section 4.14 of the Environmental Planning and Assessment Act 1979.

The development application has been assessed in line with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

(a) Liverpool Local Environmental Plan 2008

(i) Zoning

The site is zoned RU2 Rural Landscape Zone subject to the Liverpool Local Environmental Plan (LLEP) 2008. See Figure 7 below.

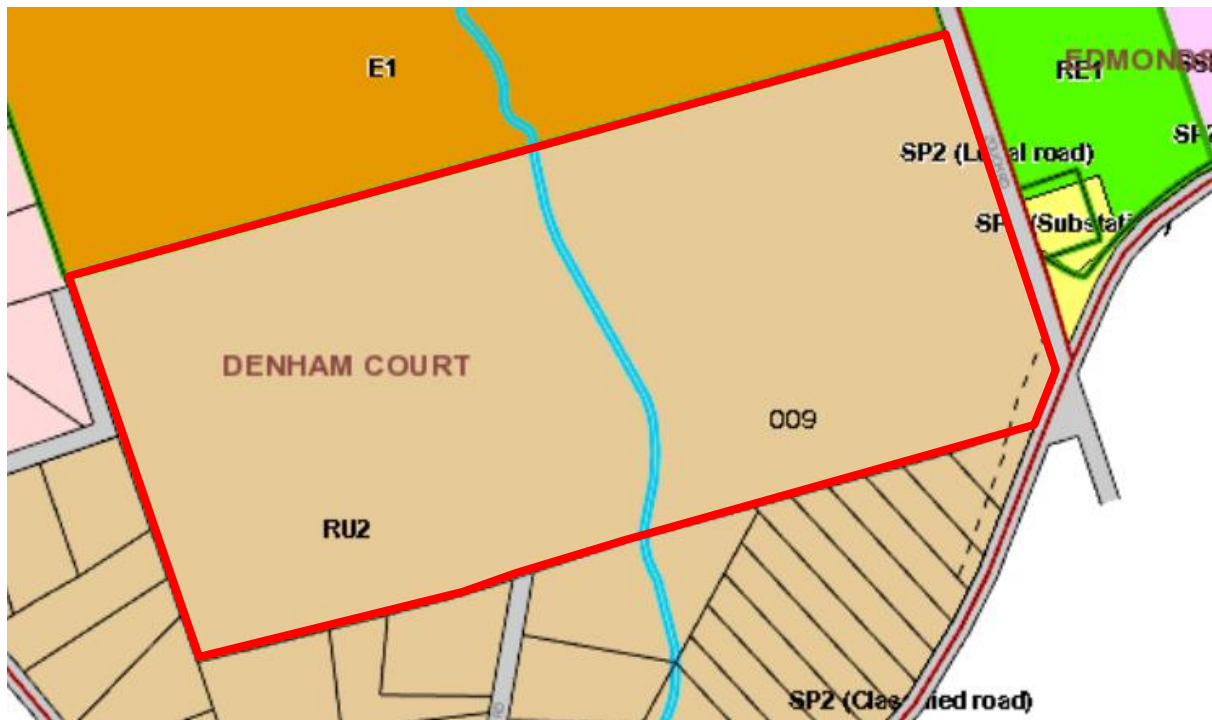


Figure 7. Extract of LEP 2008 zoning map

(ii) Permissibility

The overall development is defined as “Place of Public Worship” which is a permissible use within the RU2 Rural Landscape Zone.

It is noted that the application proposes a range of uses as part of the application that have been assessed to be ancillary to the place of public worship use. These ancillary uses are as follows:

- a) The film studio is defined as a “High Technology Industry.” If considered as a stand-alone use, this is prohibited in the zone.
- b) “Filming” is a separately defined use that is prohibited in the zone.

In addition to this, the film sets, being permanent constructions, are defined as “Farm buildings” which are permissible in the zone.

In relation to points a) and b) above, an otherwise prohibited use may occur if the use is secondary or ancillary to the dominant use. In this instance the place of public worship is the primary use of the site and the proposed film studio and filming use are ancillary and subservient to the primary use.

This treatment of ancillary use is noted in *Mollica v Marrickville Municipal Council* ((1969) 19 LGRA 24) which states that a prohibited use can only occur where that use remains ancillary to the approved use. This is further recognised in *Foodbarn Pty Ltd & Ors v Solicitor General* ((1975) 32 LGRA 157) which notes that the secondary or ancillary purpose must not serve an independent purpose which does not subserve the dominant purpose for which the land is being used.

On the basis of the above it is noted that the predominant use, that of a place of public worship is defined as follows;

Place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The proposed film studio and filming use are considered to be subservient to the place of public worship use as the filming and film production will be for religious educational purposes. This is ancillary to the place of public worship use, and in a broad sense the filming and film production can be viewed as being adopted for the specific purpose of religious training and instruction.

In addition to the assessment provided above by Council, the applicant has obtained Legal advice which explores in detail the composition of the approved primary use of a place of public worship and the link between this use and the proposed ancillary uses on the site. An excerpt of this legal advice is provided below;

Turning to the proposed use of the printery to a film studio for religious content and the replica historical Biblical site. The purpose of those uses, which is gleaned from an objective assessment of the Application, are for the purpose of creating audio/video material for subsequent dissemination of Biblical accounts to assist in the "instruction or religious training"; which for the organisation is to provide counselling and instruction to Bethelites, other Jehovah's Witnesses and the broader community. Those uses are therefore inextricably linked, despite their physical degree of separation, as one use cannot exist without the other (Macquarie International Health Clinic Pty Ltd v University of Sydney (1998) 98 LGRA 218). This is exemplified by the fact that the "staff" and "actors" for the digital production will all be ministers creating content to provide counselling and instruction to the organisation and broader community. There will be no actors or production crew who are not Jehovah's Witnesses that will assist in the media production component of the development. All of this will be supported by Bethelites, ministers living on the Land in the existing approved facilities.

Such a use is entirely consistent with the previous use as a printery, which at the time of consent, had to be regarded as being ancillary to the "ecclesiastical centre" as it was a form of development prohibited in Non-Urban 1 (f) zone under the Interim Development Control Order No 59 - Liverpool City Council. A transition to disseminating religious material for the purpose of religious instruction and training via the digital landscape merely represents a symptom of the changing times where content, whether religious or not, is consumed differently in the twenty-first century.

Faithbased organisations are not immune from this change. Even the understanding of how "social events" occur in the twenty-first century does not necessarily require temporal proximity and often takes place via digital media. The 'Morning Worship' breakfast broadcast at Bethel for members of the religious order throughout Oceania, which provides a link between ministers, is demonstrative of this.

Having regard to the character of those uses, extents and other features, they wholly fall within the meaning of a building which is ancillary to "religious worship" or is "used for...instruction or religious training" because the content created will be consumed by the religious organisation on the Land on a day-to-day basis as part of religious worship. This is undoubtedly the case of the replica historical Biblical site as its only purpose is to create religious content to assist in the instruction and training of Bethelites, other Jehovah's Witnesses and the broader community, being a use which is novel to members of the wider Christian faith and difficult to imagine any other use for which it could be put. The production of that material will be used by ministers of the organisation in congregational worship and assisting individuals in growing in their faith of Jehovah God through the instructive and training-based digital media.

There is no activity which can be regarded as falling outside of that purpose or for a different and independent purpose. It is therefore irrelevant to the process of characterisation whether the proposed film studio and replica historical Biblical site can also fall within the definition of another use that is prohibited in the RU2 zone such as "light industry". Once a use is established as being ancillary, its characterisation is ignored and treated as being subsumed within that dominant purpose (Foodbarn Pty Ltd v Solicitor-General (1975) 32 LGRA 157).

Conclusion

In our view the proposal is permissible under the LEP being characterised as a "place of public worship". Its innovation, activation and operations cannot be seen as independent and prohibited use but rather an integral part of, and ancillary to, the use of the Land by the Jehovah Witness as a "place of public worship".

On the basis of the above, Council considers that the works proposed under the current application are ancillary or subservient to the primary land use, that being a "place of public worship." As such, the proposal is considered to be permissible under the Liverpool LEP 2008.

(iii) Objectives of the zone

Objectives of the RU2 Rural Landscape Zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.*
- *To preserve bushland, wildlife corridors and natural habitat.*

The proposed development is consistent with the objectives of the RU2 zone in that:

- The proposed development retains sufficient open land for the use of a primary industry, if required as part of the existing use. Council is advised that the land is occasionally used for the agistment of cattle.
- The subject site is predominately open with large areas of paddock available on site.
- A "Place of public worship" is identified as a permissible land use and the proposal is compatible with this permitted use.
- The rural character of the land is retained and sufficient open paddock areas remain for the undertaking of agricultural uses should these be required.
- The proposal does not seek permission to remove any significant vegetation from within the boundaries of the subject site.

(iv) 4.3 Height of Buildings

Clause 4.3 of LLEP 2008 stipulates a maximum permissible height of 8.5m. The proposal complies with this maximum building height control.

(v) 4.4 Floor Space Ratio

The subject site has a maximum permitted floor space ratio of 0.1:1. The application proposes a maximum FSR of 0.095:1, in accordance with this control.

(vi) 7.6 Environmentally Significant Land

A stand of trees on the north-western corner of the site immediately adjacent to Edmondson Regional Park are identified as of environmental significance. These trees are not affected as part of the proposal.

A grey gum on Council land adjacent to the Church Road access to the site is proposed to be removed to allow for the widening of the access driveway. This tree will not be permitted to be removed and a condition of consent will require the retention of this tree. This condition will ensure that the proposal remains in accordance with Clause 7.6 of LLEP 2008.

(vii) 7.31 Earthworks

The application proposes earthworks to provide for a level area for the construction of the historical biblical sites and for the creation of an earthwork mound to the north of the biblical village.

Council's Engineers have not identified any drainage issues as a result of the proposed location of this mound.

The earthworks proposed are unlikely to impact on any future use of the site.

The proposed earthworks are a significant distance from allotment boundaries and will result in a negligible impact on adjacent neighbours.

The excavation proposed on site is unlikely to disturb any relics, however standard conditions of consent require appropriate consideration be provided in relation to the unearthing of any such relics.

The proposal will not result in any drinking water catchment issues as a result of the current proposal.

Standard conditions of consent will require that only clean excavated materials or fill can be used on site.

(viii) 5.10 Heritage Conservation

The southern boundary of the subject site is within 145m of the St Mary the Virgin Church and Cemetery Group, including Church and Churchyard at 30 Church Road, which is identified in Schedule 5 of LLEP 2008 as an item of general heritage.

The proposed office building on the southern side of the site will be visible from within the graveyard of 30 Church Road however the office building will have no impact on the heritage significance of either the graveyard or the church. This conclusion is based on the distance of separation between the Church grounds and the proposed development and the number of canopy trees extant on 40 Church Road that obscure views between the properties.

On this basis, a heritage management document has not been requested as the impact of the proposal on the heritage significance of the nearby heritage item is negligible.

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

The objectives of SEPP 55 are:

- *To provide for a state wide planning approach to the remediation of contaminated land.*
- *To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to clause 7 the above SEPP, Council must consider:

- Whether the land is contaminated.
- If the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

As a result of previous historical uses, the application was required to be accompanied by a preliminary site investigation in relation to contamination. The proposal has been accompanied by a Preliminary Site Investigation (PSI), prepared by Airsafe, dated 1 July 2019. The PSI did not find any reasons to suspect widespread contamination.

The Preliminary Site investigation also specified that the following information must be lodged in support of the proposal;

- a) *A soil vapour assessment be undertaken prior to use of the former printery as a digital film studio.*
- b) *An investigation be undertaken as to the “salinity potential” of the areas identified for the back lot film set and adjacent hard stand area.*
- c) *A groundwater investigation with in relation to chemical or volatile loss from the printery.*

The requested reports have been lodged and provided advice as follows:

- *Soil Vapour Assessment prepared by Reditus Consulting dated 25 July 2019 which concluded that “there is no unacceptable vapour risk to the proposed development” (p22).*
- *Salinity Management Plan, prepared by Morrow Geotechniques Pty Ltd, dated 1 August 2019 which provided an assessment of salinity at the site and recommended measures to reduce the potential impact of saline soils.*
- *Groundwater Monitoring Event report, prepared by Reditus Consulting dated 26 July 2019 which concluded that “there is no unacceptable risk to human health or the environment from the operation of the vehicle maintenance workshop, fuelling station, former printery chemical wastewater tank or up gradient former printery.”*

The Environmental Site Assessment was referred to Council’s Environmental Health Branch for review. Council’s Environmental Health Branch has reviewed the assessment and is satisfied that there is no significant contamination risk associated with the proposed development. Accordingly, no objection is raised by Council’s Environmental Health Branch to the proposed development, subject to conditions of consent.

(c) State environmental Planning Policy No 19 – Bushland in Urban Areas

The proposal does not require the removal of any bushland or significant vegetation from within the allotment boundaries with the exception of a structurally poor Forest Red Gum (*Eucalyptus Tereticornis*) and a Prickly Paperbark (*Melaleuca styphelioides*). As the paperbark is in a structurally poor condition, the removal of this tree is acceptable.

The Prickly paperbark is identified as being in fair condition and suitable justification has not been provided for the removal of this tree. As discussed later in this report, this tree will be conditioned to be retained.

A grey gum (*eucalyptus punctata*) located on Council land adjacent to the Church Road access is also proposed to be removed. This tree is located in an area identified as possessing biodiversity values. The tree has been identified within the arboricultural report as being in fair condition and sufficient justification has not been provided to warrant the removal of this tree. On this basis, this tree shall be conditioned to be retained.

As such the proposal is considered to be in accordance with the aims and objectives of SEPP 19.

(d) State Environmental Planning Policy (Infrastructure) 2007

The applicant proposes to redevelop land with a frontage to Campbelltown Road. Campbelltown Road is a classified road. Pursuant to Clause 101 - Development with frontage to classified road of SEPP (Infrastructure) 2007, the following shall be addressed:

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal does not require vehicular access from Campbelltown Road and provides access to the site from both Zouch Road (the main entrance) and Church Road (secondary access).

The safety of the existing classified road is unlikely to be affected by design of the proposed vehicular access to the land as these access and egress points are existing.

The proposal is unlikely to result in smoke or dust that will impact on the operation of Campbelltown Road.

Both Church Road and Zouch Road have sufficient capacity to cater for the vehicle movements expected as a result of the proposed use.

The location and design of the proposed use appropriately ameliorates any potential noise impact from Campbelltown Road.

(e) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. When a consent authority determines a development application planning principles are to be applied (Clause 7(2)).

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction, the development will have minimal impact on the Georges River Catchment.

Furthermore, assessment of the application has revealed that the proposed development is generally in accordance with the objectives of the Draft SEPP (Environment).

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are currently no draft planning instruments that would be applicable to the proposal.

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

(a) Liverpool Development Control Plan 2008

The application has been considered against the relevant controls contained in the Liverpool Development Control Plan (LDGP) 2008 including:

- Part 1: General Controls for all development; and
- Part 5: Rural and E3 Zones.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
1. PRELIMINARY	The proposal is considered to satisfy the objectives of this Section of LDCP 2008.	Yes
2. TREE PRESERVATION	This section of the DCP requires that Council consent be provided for the removal of any tree with a height of 3.5m or more and/or a canopy spread of 4m or more and/or a primary trunk diameter greater than 400mm at 1m from natural ground level. Two trees are proposed for removal on the site and one tree is proposed for removal on Council land adjacent to the Church Road driveway access to the site. The trees identified in the arboricultural report for removal and the justification for the removal is included below: <i>Tree 7 Forest Red Gum, is required to be removed due to its poor declining health and structural faults consisting of large open wounds, dead apical leader, splitting of the trunk and separation of the first order scaffold limbs from the trunk. Whilst this tree is sufficiently distanced from the proposed new building, it is required to be removed due to WH&S concerns if it fails.</i> <i>Tree 10 Grey Gum, Council street tree is required to be removed for the proposed new building entrance gate house. It is in fair health and condition, however it will be removed and replaced with an appropriate species within the Watchtower grounds.</i> <i>Group 11 Prickly Paperbark, is required to be removed for the proposed new building entrance gate house. It is in fair health and condition, however it will be removed and replaced with an appropriate species within the Watchtower grounds.</i> In response to the requested removal, the removal of Tree 7 is supported on the basis that this tree is in declining health. However Tree 10 is in fair health and is located in a mapped area with biodiversity value (see figure 5 above). On this basis this tree will be	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	conditioned to be retained. Similarly the Group 11 tree is located adjacent to land mapped as possessing biodiversity value and will be required to be retained. It is noted that in discussions with the applicant, the necessity for the widening of the existing Church Road access gate was not considered to be vital for the operation of the use.	
3. LANDSCAPING	The proposal has been supported with both an Arboricultural assessment specifying how existing trees are to be retained and protected and an integrated landscape plan that provided for significant additional canopy planting. The landscape plan and arboricultural report generally satisfy these objectives. A condition of consent will require the retention of a prickly paperbark and grey gum that were initially required to be removed for the widening of the Church Road access. As the widening of this existing access is not necessary for the operation of the existing use, the retention of these trees is to be conditioned. On this basis, the proposal is considered to satisfy this section of the DCP.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	The subject site has areas of bushland extant. It is noted that no trees from within the identified areas of bushland with biodiversity values are proposed to be removed from the site. Additionally, the Grey Gum located within the mapped area on Council land adjacent to the Church Road entry, will be conditioned to be retained. In relation to the planting proposed on-site, the proposed Bottlebrush (<i>Callistemon viminalis</i>), Prickly Paperbark (<i>Melaleuca stypheloides</i>), Spotted gum (<i>Corymbia maculata</i>), Turpentine (<i>Tyncarpia glomulifera</i>), Water gum (<i>Tristanopsis laurina</i>), Blueberry ash (<i>Elaeocarpus reticulatus</i>), Sheoak (<i>Casuarina glauca</i>), Paperbark (<i>Melaleuca quinquenervia</i>) and Lilly Pilli (<i>Acmena Smithii</i>) are considered to be appropriate species selection for landscape and screen planting.	Yes
5. BUSHFIRE RISK	As the site is identified as being partially designated as bushfire prone land, this section of the DCP is relevant to the proposal. The proposal has been supported by a Bush	N/A

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	Fire Assessment Report that specifies ongoing management conditions that satisfy the objectives of this section of the DCP. The Bushfire Management Plan does not require the removal of any vegetation to enable the establishment and maintenance of asset protection zones relating to the current proposed works. The plan also provides appropriate conditions to ensure the provision of appropriate water supply, the protection of utility supplies, the provision of emergency access and the siting of landscaping. The plan indicates that subject to implementation of the proposed recommendations, the proposal will comply with the aim, objectives and performance criteria of Planning For Bushfire Protection. On the basis of the above, the proposal will satisfy the objectives of this section of the DCP as it will be conditioned to be in accordance with the submitted Bush Fire Assessment Report.	
6. WATER CYCLE MANAGEMENT	This section of the DCP applies to all development where additional building or hard paved areas are required. Council's Development Engineer and Council's Flood Engineer have provided an assessment of the proposal in accordance with the objectives of this section of the DCP and have provided conditions of consent.	Yes
7. DEVELOPMENT NEAR CREEKS AND RIVERS	This section of the DCP requires that development within 40m of a waterway satisfy the requirements of the Water Management Act 2000. The proposal has been referred to the Natural Resource Access Regulator (NRAR) for comment in this regard. General Terms of Approval have been received from NRAR for the development.	Yes
8. EROSION AND SEDIMENT CONTROL	This section of the DCP requires the appropriate management of soil and erosion through either a Soil and Water Management Plan (SWMP) or an Erosion and Sedimentation Control Plan (ESCP). A condition will be imposed on any consent granted that an appropriate SWMP or ESCP be lodged with the Construction Certificate application.	Yes
9. FLOODING RISK	A flood study referenced as part of the application has identified portions of the north-eastern corner of the biblical replica	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	“Historical Site 1” as being located within the 1% annual exceedance probability extent. As such this portion of the DCP applies to that part of the proposal. Council’s Floodplain Engineer has indicated that the proposal will satisfy these requirements with a condition of consent relating to the provision of additional on-site flood storage.	
10. CONTAMINATION LAND RISK	An assessment under SEPP 55 was detailed previously in this report. It is considered that the proposed development satisfactorily addresses clause 7 of SEPP 55.	Yes
11. SALINITY RISK	This section of the DCP requires that a Salinity Management Response is provided for the site. A Salinity Management Plan has been lodged in support of the application to address this issue. A condition will be imposed on any consent granted that the proposal is constructed and managed in accordance with this Salinity Management Plan.	Yes
12. ACID SULPHATE SOILS RISK	The subject site is not identified as containing Acid Sulphate Soils.	N/A
13. WEEDS	The proposal is not likely to encourage the proliferation of weeds.	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	While no demolition of buildings is proposed, the fit-out of the existing printery for a film studio will create demolition material. Compliance with this section of the DCP entails compliance with the relevant Australian Standard and appropriate disposal of demolition materials. Compliance in this regard will be achieved via standard conditions of consent.	Yes
15. ON-SITE SEWERAGE DISPOSAL	It is noted that the existing use undertakes treatment of wastewater on site. The existing system is not proposed to be altered and information has been submitted in support of the application that demonstrates that the existing wastewater treatment system is of sufficient capacity to treat the additional wastewater demand.	Yes
16. ABORIGINAL ARCHAEOLOGY	No items of Aboriginal Archeological significance identified on the subject site.	Yes
17. HERITAGE AND ARCHAEOLOGICAL SITES	The St Mary the Virgin Church and Cemetery Group, including Church and Churchyard at 30 Church Road is identified in Schedule 5 of the Liverpool LEP as an item of general heritage. This general heritage site is located 145m south of the Church Road access to the subject site. As indicated within the assessment under 5.10 of the Liverpool LEP 2008, above, the proposed development will have a negligible impact on the views from	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	the heritage item and as such assessment is not required under this section of the DCP.	
20. CAR PARKING & ACCESS	For a place of public worship, this section of the DCP requires the provision of 1 space per 5 square metres of leasable floor area or 1 space per 6 seats, whichever is the greater. Alternatively, the DCP requires that car parking be provided in accordance with a traffic report. A traffic report has been provided in support of the proposal providing the following assessment of car parking requirements of the whole site: <i>Total existing car parking on-site: 351 spaces (including reception, commuter parking, kingdom hall, maintenance workshop parking)</i> <i>Total car parking required according to LDCP: 267 spaces</i> <i>Parking required for residences on-site: 184</i> <i>Parking required for visitors on-site: 33</i> <i>Parking required for offices on-site: 0 (this is included in residences as office staff live on site)</i> <i>Parking required for public place of worship on-site: 50</i> <i>Additional parking car spaces available above LDCP requirements: 84</i> <i>Proposed additional car spaces for new Office 5: 24 (not including designed temporary overflow parking)</i> <i>As per DCP 2% or 1 car spaces will be reserved for disabled access, this has been provided for in the planned new 24 space car parks</i> <i>Therefore, the proposed off-street parking provided is considered to be adequate for the proposed development and in excess of Council's parking requirements.</i> <i>The assessment above notes that the current place of public worship already has 84 spaces in excess of the minimum required under the DCP. As such, additional car parking spaces are not required for the</i>	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<i>current proposal, however 24 additional car parking spaces are being provided anyway as noted in the traffic report.</i> <i>The 24 space car parks will be for temporary members of the team that don't live on site to use. Additional over flow parking is provided for temporary cast members during peak times.</i> <i>Due to the nature of the work, these members will be arriving typically 5-6am and leaving gradually between 3-7pm.</i> <i>Filming is due to occur 7-8 days a month, hence this will be when the car park will be used between 60-100% capacity. Typically for the other 14 days per month generally only 10-15 people will be required to use the car park, hence 10-15% of the car park will be used.</i> <i>The existing buildings are designed currently to accommodate up to 464 members. The current staff living on site is 219 and, if this development is approved, this number is projected to rise to 366 permanent members of staff over the next 5 years. The proposal does not include any additional accommodation.</i> From the above, it is considered that the operation of the proposal will be provided with sufficient car parking spaces on site, even if staff needed for the use were all based off-site. On this basis, car parking provision is in accordance with the Liverpool DCP.	
22. WATER CONSERVATION	The current proposal does not seek any major amendment to the supply of potable water or the treatment of sewerage on-site. The site currently has dams for irrigation and for water treatment. The current application is unlikely to result in the increase in demand on the existing approved water supply and wastewater systems as the operation of the use can demonstrably be accommodated in the existing residential section of the proposal if required. On this basis, the proposal is considered to satisfy the objectives of this section of the DCP.	Yes
23. ENERGY CONSERVATION	For non-residential development, this Section of the DCP requires the proposal to satisfy the BCA energy efficiency provisions for Class 5 to 9 Buildings.	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	Standard conditions of consent require compliance with the NCC and BCA.	
24. LANDFILL	This section of the DCP has the dual objectives of minimising on-site cut and fill and minimising any impact of cut and fill on neighbouring properties. The application proposes to construct a mound to the north of the proposed biblical site to form part of the backdrop. The fill is proposed to be provided using clean fill. The fill is a minimum of 262m from any adjacent rural residential property boundary with a direct line of sight of this fill. As such, the fill is not likely to have any discernible impact on adjacent neighbour amenity in terms of visual amenity. On this basis, the proposed mounded fill is in accordance with this section of the DCP. The remainder of cut and fill occurring on site will be in direct relation to the provision of level building platforms for the biblical replica sites, the new office building and the associated car parking area. This cut and fill is predominately between 500mm and 1m in height and will not impact on the amenity of adjacent residents. On this basis, the general cut and fill complies with the requirements under this section of the DCP.	Yes
25. WASTE DISPOSAL AND RE-USE FACILITIES	This section of the DCP requires a Waste Management Plan to be lodged in relation to the development application. A waste management plan has been lodged in support of the proposal.	Yes
26. ADVERTISING & SIGNAGE	No signage proposed.	N/A
27. SOCIAL IMPACT ASSESSMENT	This section requires a Social Impact Assessment to be considered in relation to major changes to Places of Public Worship. This section of the DCP requires; social impacts to be considered, effective social engagement and community participation in planning decisions to be undertaken and that social assessments are undertaken in a consistent and transparent manner. It is considered that the impacts of the proposal have been appropriately assessed and all neighbour submissions have been considered within the assessment, below, in this report. This section of the DCP notes that a social	Considered acceptable on merit

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	impact assessment should be provided in support of the proposal. While a social impact assessment has not been provided, the supplementary information provided in direct response to neighbour submissions is considered to be sufficient to demonstrate that the applicant has had appropriate regard to neighbour participation and amenity. On this basis, the proposal is considered to satisfy the objectives of this section of the DCP.	

PART 5 – RURAL AND E3 ZONES		
CONTROLS	PROVIDED	COMPLIES
1. SITE PLANNING Location of buildings	The stated objectives of this section of the DCP are; a) <i>To ensure that new development is compatible with and enhances the visual quality of the existing rural environment.</i> b) <i>To ensure that developments do not detrimentally affect the amenity of adjoining areas.</i> c) <i>To site buildings having regard to views and vistas, the landform, existing buildings and roads, and to minimise the visual impact of buildings.</i> d) <i>Does not restrict the uses of adjoining or existing agriculture.</i> The proposal results in the provision of additional planting which enhances the visual quality of the existing rural environment. The proposal has provided evidence to conclude that adjacent rural residential neighbours will not be adversely affected by the proposal. All new proposed buildings will be a minimum of 75m from the nearest side boundary and are screened by significant planting. Sufficient paddocks are being retained on the subject site to allow for agricultural uses to be undertaken if required. On this basis, the proposal complies with this section of the DCP.	Yes
2. SETBACKS 20m Front Setback 2m Side Setback 10m Rear Setback 10m Secondary Frontage Setback 10% site coverage	The proposal well exceeds the minimum 2m side boundary setback required for rural properties, with a 75m setback provided as a minimum in this regard. The proposal also well exceeds the 10m rear setback required, with a minimum rear setback of 323m proposed.	Yes

PART 5 – RURAL AND E3 ZONES		
	This section of the DCP also has a requirement for a maximum 10% site coverage. The proposal complies with the site coverage requirement.	
3. PRIVATE OPEN SPACE AND LANDSCAPED AREA	The proposal does not impact on any approved residential component of the property in relation to the provision of private open space and sufficient landscaping is provided on site for the enjoyment of existing residents.	Yes
4. BUILDING DESIGN, STYLE AND STREETSCAPE Non-residential maximum 8.5m	This section of the DCP has the stated objectives; a) <i>To protect the scenic, historic and cultural value of Liverpool's natural and built environment.</i> b) <i>To protect significant views and vistas to and from public places.</i> c) <i>To maintain the existing streetscape and rural aesthetic of the area.</i> d) <i>To minimise the visual impact of any large development in rural zones.</i> e) <i>To promote a high standard of urban design, particularly along Classified Roads.</i> The proposal has no impact on the nearby heritage item, built environment or natural environment. The separation proposed from adjacent rural residential neighbours to the south and west and the additional planting proposed will enhance existing views from the street, will minimise any disturbance from the proposed use and will be compatible with the existing rural landscape. This section also requires that the height of any new building or structure not exceed 8.5m in height. It is noted that no new building proposes to exceed 8.5m in height.	Yes
5. LANDSCAPING AND FENCING	The proposal is to be conditioned to retain existing trees and landscape plans have provided for extensive additional planting. The proposed planting location and species type have been assessed by Council's Natural Environmental Landscaping Officer who has indicated that there are no issues with the landscaping proposed. As such, it is considered that the proposal satisfies this Section of the DCP.	Yes
6. CAR PARKING AND ACCESS	There are two access points to the site, the main entry on Zouch Road and the secondary entry on Church Road. The Traffic Report lodged with the application	Yes

PART 5 – RURAL AND E3 ZONES

	has identified spare capacity in Zouch Road and has also noted that Zouch Road is underutilised and has spare capacity. Council's Traffic Engineer has indicated that the existing road network has appropriate capacity to account for the additional vehicle movements. On this basis, access to the site via the existing road network is appropriate. The existing internal on-site circulation and additional proposed car parking areas on site are appropriately designed and provide for in excess of the minimum required car parking spaces for the site. Conditions will be imposed on any consent granted that Church Road remain a single driveway crossing at the boundary with no removal of trees on site or on Council land. Council's Traffic Engineer has noted no issues with the proposal and on this basis the proposal is assessed to comply in full with this section of the DCP.	
7. AMENITY AND ENVIRONMENTAL IMPACT	This section of the DCP has the following objectives; a) <i>To minimise the Environmental impact of such issues as pollution, noise, traffic, odour and ensure that the local amenity is not affected.</i> b) <i>To restrict the size & intensity of some uses, where they may have an adverse effect on surrounding properties.</i> c) <i>To ensure that any future aircraft noise will be of minimal disturbance to development within the vicinity of the airport site.</i> The proposal is unlikely to have any adverse impacts on any adjoining neighbour if undertaken in accordance with the recommended conditions of consent. No pollution is expected to be generated from the proposal with the exception of vehicle emissions. Despite this, the vehicle movements for both Zouch Road and Church Road are below the carrying capacity of these roads and as such the pollution generated from vehicles is considered to be appropriate. Additionally, traffic movements are at an expected level that will not adversely impact on neighbouring amenity.	Yes

PART 5 – RURAL AND E3 ZONES		
	The acoustic assessment lodged in support of the proposal has identified mitigation measures that will ensure the amenity of adjacent neighbours is not affected. The Obtrusive Light Spill Assessment has been lodged in relation to the application indicated that the proposal complies with the relevant AS/NZ standard in relation to obtrusive light spill. As such, the proposal is not likely to have an unacceptable impact on adjacent neighbour amenity.	
8. SITE SERVICES	The existing use provides for the appropriate provision of both utility, sewer and waste management services in accordance with this section of the DCP. The additional built form will not place an unacceptable burden on the existing utilities provided on site. The proposal satisfies this section of the DCP.	Yes
9.9 PLACE OF PUBLIC WORSHIP	The objectives of this section of the DCP include; a) <i>To ensure that Places of Public Worship are compatible with the rural environment.</i> b) <i>To minimise any adverse impact of Places of Public Worship on surrounding properties.</i> c) <i>To minimise any adverse impact of Places of Public Worship on road safety and traffic movement.</i> The proposal is compatible with the rural environment, with buildings set back a minimum of 75m from the nearest residential boundary and the provision of extensive additional landscaping proposed. The DCP also requires that a minimum 10m landscaped buffer is provided for side and rear boundaries. The minimum depth of landscaping buffer is to the southern corner of the open hard stand parking area which has a 20m separation from the southern boundary. The proposal has been demonstrated to have negligible impacts in terms of noise and all acoustic impacts can be appropriately ameliorated by suitable conditions of consent in relation to operation and timing of the use. The adjacent neighbours will not be impacted by traffic as all adjacent roads have spare capacity for the calculated vehicle	Yes

PART 5 – RURAL AND E3 ZONES		
	movements expected. Additionally, all parking and turning movements will be accommodated on the site and these movements will not be required on the street i.e. all vehicles have the capacity to enter and exit the site in a forward direction. All elements of the current proposal comply with maximum permissible heights. On this basis, the proposal complies with this Section of the DCP.	

On the basis of the above, the proposal is considered to comply in full with the relevant sections of the Liverpool LDCP 2008.

6.4 Section 4.15(1)(a)(iia) – Any Planning Agreement or Draft Planning Agreement

There is no planning agreement or draft planning agreement applying to the site.

6.5 Section 4.15(1)(a)(iv) –The Regulations

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia and requirements for demolition. As the fit-out of the film studio may require demolition of internal fittings and features within the existing printery, standard conditions of consent will be imposed in this regard.

6.6 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural Environment

The applicant proposes to remove the Prickly Paperbark (*Melaleuca styphelioides*) and Grey Gum (*Eucalyptus Moluccana*). The trees are proposed to be removed to allow for the widening of the Church Road access gate and provision of a gatehouse. These trees have been identified as being in good to fair condition in the Arboricultural report. Also, as primary access to Zouch Road is available to the site and the Church Road access has been assessed to be a secondary egress point under the Traffic and Parking report, the necessity to significantly upgrade this area and remove trees is not necessary. Accordingly, a condition of consent will require a more modest crossing than that proposed on Church Road to allow for the retention of these two trees so as to ensure that the natural environment is protected.

The proposal will not impact on overland flow and the additional canopy planting proposed for screening will result in a net gain for trees on site which is considered to be a good outcome for the natural environment.

Given the above, the proposed development will not have a negative impact on the natural environment.

(b) Built Environment

Visual Impacts

The proposal will have a negligible impact on neighbouring residents. All buildings proposed on site are under 8.5m in height and are set back a minimum of 75m from the closest site boundary.

Furthermore, the existing neighbour amenity of neighbouring residents will be enhanced as significant screen and canopy planting is proposed which will screen both the existing and proposed building works. This is clearly evident in the landscaping plan excerpt below.



Figure 8 – Excerpt from Landscaping plan demonstrating canopy planting adjacent to the southern boundary at the Church Road access

The proposed decommissioning of the printery and the fit-out for the film studio will result in no major impact on the built environment. When viewed externally from within the site the only change to the existing structure will be the filling in of a number of windows. These changes to the former printery/proposed film studio building will not be visible from any allotment frontage.

The proposed decommissioning of the printery and the fit-out for the film studio will result in no major impact on the built environment. When viewed externally from within the site the only change to the existing structure will be the filling in of a number of windows. These changes to the former printery/proposed film studio building will not be visible from any allotment frontage.

Flooding Impacts

Council's Engineers have supported the proposal subject to conditions and are satisfied that the proposal leads to no undue environmental risk.

Bushfire Impacts

Sufficient supporting information has been lodged to demonstrate that the bushfire hazard associated with the site can be appropriately managed.

Environmental Heritage

The proposal has no detrimental impact on environmental heritage.

Water Management

The proposal will not result in any negative impact on stormwater or wastewater.

Traffic and Parking

Council's Traffic Engineer has indicated that the expected traffic volumes expected to result on the surrounding road network as a result of the use are well within capacity.

The development results in a provision of car parking at the site in excess of the minimum required under the LDCP and as such it is highly unlikely that there will be any additional demand for street parking in Church Road.

Notwithstanding this, the Traffic and Parking Assessment lodged in support of the proposal has provided an assessment of the car parking demand for the proposal as follows:

	Persons	Number of spaces required*
Permanent Onsite Staff	366	228
Commuters per day (typ.)	39	29*
Maximum additional cast commuters	75	55*
	Total	312
	Surplus	63
*assessed at a rate of 1.38 persons per car based on onsite survey results (conducted on 13 th November 2019)		
*Proposed numbers have been extrapolated based on the ratio of current onsite staff to required car parking spaces.		

The Film management plan states that the majority of cast (up to 100 people) and crew (up to 35 people) will be volunteers from the site. However, even if the proportion of cast and crew commuting from off-site were to increase, the above table indicates that there is

surplus car parking on site. The Traffic and Parking Assessment indicates that on the largest filming days, approximately 84% of the available car parking on-site will be utilised.

The Traffic and Parking Assessment has provided assumptions in relation to the proportion of staff and crew living at the site and commuting to the site on the basis of the operation of the place of public worship as a whole. This approach is in accordance with The Liverpool DCP, Part 1, Table 13 Car Parking, Servicing and Loading Provision, which specifies that a place of public worship must provide parking “subject to a traffic report...due to the scope of a particular development”.

However the operation of the use, access to the site and parking provision will necessarily be required to be conditioned so as to be in accordance with the assumptions provided in the Traffic and Parking Assessment. In this regard, the following conditions are to be recommended;

1. The Film Management Plan is to be amended to detail that no more than 75 daily commuting cast/crew are to attend the film site. Should cast/crew in addition to this number be required, they are to be employed from those persons currently living in existing residential accommodation on the site.
2. The Film Management Plan is to be amended to require commuting staff and crew to enter the site via the main gate at Zouch Road. The Film Management Plan is to assign a traffic manager role to one staff member to monitor the release of commuters and stagger commuter exit of the site via Church Road throughout the day. The Church Road gate is to be staffed on filming days to ensure all wayward commuters are directed to use the Zouch Road gates in future. The intention of this condition is to limit any potential impact on adjacent neighbours on Church Road.
3. The access point at Church Road is to remain a secondary access with a single lane. Any upgrade to this access point is to ensure the retention of adjacent trees. Any gate provision must be provided in such a way as to allow vehicles to queue on site rather than on Church Road. The widening of this driveway to 6m within the site to allow for appropriate queueing and manoeuvrability is permitted only to the extent that this does not require the removal of any significant trees. The intention of this condition is to limit the impact of potential vehicle movements accessing the site that are not in accordance with the approved Film Management Plan. Plans detailing this change shall be submitted to Council's satisfaction prior to the issue of the Construction Certificate.

On this basis, the impacts of vehicle movements on the adjacent neighbours as a result of the proposed development is considered to be negligible.

Acoustic Impact

The “Alterations and Additions to Religious Establishment Noise Impact Assessment 12-14 Zouch Road Denham Court, prepared by Alpha Acoustics Pty Ltd, dated 14 February 2020” (acoustic report) lodged in support of the proposal has indicated that the predicted noise generation of the proposal has been calculated at worst possible case scenario; detailed as follows;

The main source of noise associated with outdoor filming includes:

a. People noise

- b. Driving small vehicles and vans on site*
- c. Operating forklifts, scissor lifts and light hand tools*
- d. Operating a small low noise generator.*
- e. Operating a hand-held volume controllable electronic voice amplifier.*

Noise modelling of several operational scenarios has been carried out. It is noted that the Church Road entrance will not be used in the night-time period. The modelling scenarios are based on the "Filming Management Plan" provided to Alpha Acoustics Pty Ltd and summarised in the following modelling scenarios:

Scenario Type A - LAeq, 15 minutes (8am to 5pm)

- a. 15 people with 5 talking normally,*
- b. Small power tools such as electric drills and electric circular saws,*
- c. Utility Vehicles, forklifts, several electric carts, telehandler, scissor lifts, van,*
- d. Movie set generator.*

Scenario Type B - LAeq, 15 minutes (7am to 10pm)

- a. up to 70 people with 30 talking normally and 5 talking loudly,*
- b. Utility Vehicles, forklifts, several electric carts, telehandler, scissor lifts, van,*
- c. Movie set generator,*
- d. Hand-held volume controllable electronic voice amplifier*

Scenario Type C1- LAeq, 15 minutes (7am to 10pm)

- a. up to 135 people with 60 talking normally and 15 talking loudly,*
- b. Utility Vehicles, forklifts, several electric carts, telehandler, scissor lifts, van,*
- c. Movie set generator,*
- d. Hand-held volume controllable electronic voice amplifier*

Scenario Type C2 - LAeq, 15 minutes (6am to 7am)

- a. up to 75 people say 30 talking normally, 5 talking loudly,*
- b. Utility Vehicles, 1 boom lift (i.e. scissor lift), several electric carts,*
- c. Movie set generator.*

Scenario Type C3 - LAMax, 15 minutes (6am to 7 am)

- a. up to 75 people say 30 talking normally, 5 talking loudly,*
- b. Utility Vehicles, 1 boom lift (i.e. scissor lift), several electric carts,*
- c. Movie set generator,*
- d. Car parking activities*

The acoustic report indicates that the assessment of these identified noise sources has been undertaken in accordance with ISO9613-2:1996 which specifies that the "noise model presents all plant operating simultaneously, accordingly the predictions should be considered a worst case scenario, assuming constant noise levels."

In addition to the noise levels having been monitored at the worst possible case scenario, the following has also been assessed;

ISO 9613-2:1996 incorporates mild temperature inversions and light winds blowing from source to receiver to account for a worst case weather affected noise without the weather changing the rating background noise levels and hence noise criteria.

Noise modelling results are presented in Appendix C of this report. Additionally the LAeq, period Noise emissions modelled in the day, evening and night-time period for the ground floor and first floor of nearby residential receivers have been incorporated...

From the above it is noted that the noise impact on adjacent residential receivers has been assessed by the acoustic engineer to be in compliance with the noise criteria for all noise models; subject to the following recommendations:

- *The movie set generator should have a sound power level of less than 90 dB(A).*
- *The hand-held volume controllable electronic voice amplifier should have a sound power level of no more than 100dB(A).*
- *Reversing safety beepers on all relevant plant equipment should be "broadband" style to reduce tonal noise annoyance.*

Given the above, conditions will be imposed on any consent granted that requires the submitted Film Management Plan to be amended to reflect the recommendations of the Acoustic Report. It is considered that the proposal results in a negligible impact on adjacent residential neighbouring amenity in relation to noise.

Light Spill

An Obtrusive Light Spill Assessment has been lodged in relation to the application identifying;

...light spill issues that could potentially impact neighbouring properties during the use of the existing International Bible Students Association (IBSA) facility as a filming location. The assessment covers the effects of low level carpark lighting as well as three different filming scenarios, facing the property boundary, which could occur during filming. Topographical features and various lighting types have been taken into consideration during the generation of the light spill model.

For all identified scenarios the proposal was assessed to be in accordance with Australian and New Zealand Standard 4282:2019 Control of the obtrusive effects of outdoor lighting. In this regard neighbours were assessed to experience <5 Lux during operation of the proposal.

(c) Social Impacts and Economic Impacts

The proposal is unlikely to result in any unreasonable social or economic impacts.

6.7 Section 4.15(1)(c) – The Suitability of the Site for the Development

It is considered that the applicant has sufficiently demonstrated that the site is suitable for the proposed development. The site is of appropriate area and dimensions to allow for appropriate separation from adjacent residential uses and the provision of significant landscape screen planting to provide for appropriate neighbour amenity.

6.8 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Internal Officers:

Department	Response
Engineering section	No objections subject to conditions of consent.
Flooding section	In order to mitigate adverse impact of flooding, conditions shall be imposed on any consent granted. The applicant shall submit details of flood compensatory works including location of excavation and cut and fill volume calculations to Council at Construction Certificate stage.
Traffic section	No objections, subject to conditions.
Environmental Health Section	No objections, subject to conditions.
Natural Environment/Landscaping Officer	No objections, subject to conditions.

The following comments have been received from External agencies:

Agency	Response
Natural Resource Access Regulator	General Terms of Approval have been issued by the NRAR.
Roads and Maritime Services	Advice provided by the RMS has been forwarded to the applicant and conditions required by the RMS have been included within the notice of determination. The RMS have provided a comment in relation to the potential safety of vehicle movements from Zouch Road in to Campbelltown Road. This comment will be imposed as condition of consent; worded as follows: <i>The submitted Traffic Report does not appear to consider whether the right turn movements at the Zouch Road/Campbelltown Road intersection are safe. An addendum to the Traffic Impact Assessment must assess if the additional traffic volumes from the proposed development will exacerbate any unsafe movements, if so then appropriate mitigation measures are to be recommended and adopted. This is to be reviewed and approved by Council's Manager of Development Assessment and NSW Roads and Maritime Services prior to the issue of any Construction Certificate.</i>
Sydney Water	No objections, subject to conditions.

(c) Community Consultation

The development application was notified from 2 September 2019 to 3 October 2019 in accordance with the notification requirements of EP&A Regulations 2000 for Nominated Integrated Development.

During the notification period, six (6) submissions were received. In response, the applicant prepare a response to submissions for Council consideration of the application. The Response to Submission can be found in Attachment 16 to the Assessment Report.

The issues raised in the submissions received and Council's comments appear in the table below:

Issues	Comments
Traffic, parking and the road network	
Multiple submissions have been received relating to the proposal to use the existing Church Road access to the site and the potential impacts of additional vehicle movements, additional on-street parking demand and resultant conflicts, traffic safety, pedestrian safety, vehicle manoeuvring and heavy vehicle movements.	Council's Traffic Engineer has assessed the proposal and the submitted traffic report and has raised no objection in relation to the proposed development. Church Road has additional capacity available to accommodate the expected demand from the proposed development.
Submissions have also been received in relation to the Campbelltown Road upgrade and traffic on Zouch Road.	The car parking provided on-site is sufficient and no on-street parking will be required to be utilised as a result of the proposed film studio, filming or office area. RMS conditions of consent relating to traffic and access will be included as conditions of consent and the operation of the site is such that all recommended conditions relating to traffic and parking can be achieved.
Permissibility of the use	
Multiple submissions have been received questioning the permissibility of the proposed use.	The proposed film studio and filming use are ancillary to the primary use of a "place of public worship" and as such are permissible with consent.
Impact of proposed fill	
Multiple submissions have been received in relation to the proposed fill which have brought up the potential for wind erosion.	Standard conditions of consent relating to erosion and sedimentation controls will be imposed on any consent granted so as to ensure that erosion is kept to a minimum.
Amenity (noise and light spill)	
Submissions have been received in relation to amenity impacts of the proposal in general and more specifically in relation to the potential impacts of light spill and noise.	The film management plan, acoustic report and obtrusive light spill assessment demonstrate that the filming will not impact on adjacent residential receivers.

Sewerage treatment and stormwater disposal	
Submissions have questioned the capacity of the existing on-site sewerage treatment system and the stormwater disposal system as a result of the proposal.	Council's Environmental Health Officer is satisfied that the existing on-site sewerage disposal system is sufficient to deal with the additional sewer connections. Council's Engineers have indicated that the stormwater treatment for the site is appropriate.
Filming not identified as part of the proposal	
Submissions have been received indicating that filming was not identified as part of the proposal.	The Statement of Environmental Effects notes that filming will occur on site and the film management plan identified how this operation will be managed.
Hours of Operation not clearly defined	
Submissions have queried the proposed hours of operation.	The neighbour submissions and the applicant's response have been assessed and it is considered that the neighbour submissions have been suitably addressed. For clarity in relation to hours of operation a condition of consent will require the use to be conducted between the hours of 7am and 9pm daily (in line with the Film Management Plan undertaking that filming will generally finish at sunset). The operation of the proposal within these hours is unlikely to impact on the amenity of the adjacent neighbours.

6.9 Section 4.15(1)(e) – The Public Interest

It is considered that the application has appropriately demonstrated that the proposed development is worthy of support.

7 DEVELOPER CONTRIBUTIONS

Development contributions are not required for development within the RU2 Zone.

8 CONCLUSION

In conclusion, the following is noted:

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the applicable State Environmental Planning Policies and the relevant codes and policies of Council.

The proposed development is permissible RU2 Zone as development that is ancillary to the primary use of a "place of public worship". The proposal complies in full with the relevant clauses of the Liverpool LEP 2008 and satisfies the objectives of the Liverpool DCP 2008.

The proposal has received six neighbour submissions which have been appropriately addressed by the applicant with either the provision of additional detail or the adoption of a plan of management that will appropriately ameliorate any amenity issues to the satisfaction of Council.

Based on the assessment, the application is considered to be appropriate and it is recommended that the application be approved.

9 RECOMMENDATION

THAT DA-505/2019 be approved in accordance with the appended conditions of consent.

10 ATTACHMENTS

1. Arboricultural Report
2. Bushfire Assessment Report
3. Preliminary Contamination Assessment and associated supporting reports
4. Cost estimate report
5. Elevations and sections
6. Erosion and sedimentation control plans
7. Floor Plans
8. Geotechnical report
9. Landscape plans
10. Acoustic assessment
11. Film Set materials advice
12. Light Spill Assessment
13. Discussion of environmental impacts
14. Legal advice and addendums responding to SWCPP briefing
15. Filming Management Plan
16. Applicant response to neighbour submission
17. Essential services report
18. Civil bulk earthworks cut and fill plan
19. Site Plans
20. Statement of Environmental Effects
21. Stormwater drainage plan
22. Survey plan
23. Traffic Report and Peer review of Traffic Report
24. Waste management plan
25. Planning Advise relating to permissibility
26. Draft conditions of consent