

DATE OF DETERMINATION	Monday, 23 rd March 2020
PANEL MEMBERS	Nicole Gurran (Acting Chair), Louise Camenzuli, Noni Ruker, Wendy Waller and Nathan Hagerty
APOLOGIES	Susan Budd and Peter Harle
DECLARATIONS OF INTEREST	None

Public meeting held at Teleconference Call on 23 March 2020, opened at 4:37pm and closed at 6:46pm.

MATTER DETERMINED

PPSSWC-51 – Liverpool City Council – DA-505/2019 at 12-14 Zouch Road, Denham Court – Alterations and additions to an existing religious establishment (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The proposed development allows for alterations and additions to an existing religious establishment; including the removal of an analogue printery, the provision of a film studio, new office building and construction of a permanent replica of a historical biblical site and mock forum for the purposes of filming.

1. The proposed development, subject to the conditions imposed, adequately addresses the requirements of the relevant State Legislation and State Environmental Planning Policies including SEPP 55 (Remediation of Land), SEPP 19 – Bushland in Urban Areas; and Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
2. The proposal adequately satisfies the requirements and provisions of the Liverpool Local Environmental Plan 2008 (LLEP 2008) and Liverpool Development Control Plan 2008. In relation to permissibility under LLEP 2008, the Panel accepts the Council's assessment that the proposed film studio and associated filming activities, while otherwise inconsistent with the RU2 Rural Landscape Zone for the site, are ancillary to the site's primary use as a "place of public worship", which is permissible within the zone. Places of public worship are defined as "a building or place used for the purposes 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 of the historical biblical site are for the purposes of religious instruction and training and neither the studio nor the historical site will be open to the public. The Panel further notes that the film set, which will incorporate permanent structures, are defined as "farm buildings", which are permissible in the zone.

3. The proposed development, subject to the conditions of consent proposed by the Council as amended below, will not unacceptably adversely impact on the natural or built environment including;
- Environmentally significant land and vegetation;
 - The drinking water catchment;
 - Heritage conservation, noting that there is a landscaped separation distance which obscures views between the proposed development, and the St Mary the Virgin Church and Cemetery Group (a heritage item under Schedule 5 of LLEP 2008);
 - The local road network, car access to the site, and demand for parking;
 - The amenity of adjoining lots including in relation to privacy, noise or and vehicular movement impacts; and
 - The character of the existing rural landscape when viewed from public roadways or its surrounding context.
4. In consideration of the above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report, with the following amendments, to address neighbour concerns as expressed in public submissions and at the public meeting.

Changes to the Landscape Master Plan

A new condition 15 (a) to be inserted, to require that the Landscape Master Plan and any relevant site and landscape plans lodged with the Construction Certificate application are to be amended to require:

- Ground in-set or mini bollard lighting for outside areas, the carpark and the Office building and driveway (or wherever lighting outside is required). Ideally 240mm bollards would be the maximum height in, but a limited number (10% of all lighting) could be 600mm max height.
- Bollard lighting is to be directional and oriented away from the southern and western boundaries of the property and away from neighbouring houses.
- Lighting is to be turned off at 9pm.
- No spotlights are allowed.
- Screen planting is to be provided along bollard lines to the south and west of the bollard line. The maturity of planting is to be able to reach a height higher than the bollard within 6 months.
- All approved canopy tree screen planting proposed on the southern side of the site that is installed to form part of a vegetated buffer to screen views of proposed building works and car parking areas from view from adjoining residential properties on Church Road is to be established from tree stock that has a minimum pot/bag size of 75 litres.
- Prior to planting, the consulting arborist is to certify that the trees are not pot bound. Where required the consulting arborist is to undertake root pruning to encourage new growth and ensure the trees are established appropriately."

Changes to the Film Management Plan

A new condition 14(d) is to be inserted specifying:

The Film Management Plan is to be amended to require that:

- Type C filming can occur for a maximum of 3 days in any calendar month

A new condition 14(e) is to be inserted specifying:

- Filming is not to occur on Sundays, and is to cease at 2pm on Saturdays

Changes to the operation of the car park:

A new condition 14 (f) is to be inserted specifying:

- No vehicle is to exit the car park after 6pm.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic impacts and carparking, including the location of the carpark
- The visual impact of the development, and the need for variations in landscaping to screen this impact
- Lightspill
- Permissibility of the proposed use

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

The panel further notes that in addressing issues raised during the assessment of the proposed development: the applicant has provided a legal opinion in relation to permissibility of the proposed filming activity as an ancillary use consistent with religious instruction or training; that the traffic impacts were assessed as part of the development; and that appropriate conditions, including amended conditions, have been imposed to:

- limit the operational hours of the filming activity and operation of the carpark;
- address potential lightspill from the car park through landscaping requirements; and
- increase visual screening via appropriate plantings.

PANEL MEMBERS	
 Nicole Gurran (Acting Chair)	 Louise Camenzuli
 Noni Ruker	 Wendy Waller
 Nathan Hagerty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-51 - Liverpool City Council – DA-505/2019
2	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).
3	STREET ADDRESS	12-14 Zouch Road, Denham Court
4	APPLICANT/OWNER	International Bible Students Association
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ 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 • Draft environmental planning instruments: Nil • Development control plans: ○ Liverpool City Council Development Control Plan 2008 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 9 March 2020 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: ○ In support – Nil ○ In objection – Julie Prociuk, Eva FrKetic, Dr Pawel M Prociuk and Colin Harrington ○ Council assessment officer – Peter Nelson ○ On behalf of the applicant – John Cole, Andrew Martin, Nicolas Simitzis and Rachel Hamnett
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: Monday, 10th February 2020 ○ <u>Panel members</u>: Nicole Gurran (Acting Chair), Susan Budd, Noni Ruker and Peter Harle ○ <u>Council assessment staff</u>: Peter Nelson and Nelson Mu • Final briefing to discuss council's recommendation, Monday, 23rd March 2020, 3:30pm. Attendees: ○ <u>Panel members</u>: Nicole Gurran (Acting Chair), Louise Camenzuli, Noni Ruker, Wendy Waller and Nathan Hagerty ○ <u>Council assessment staff</u>: Peter Nelson

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report