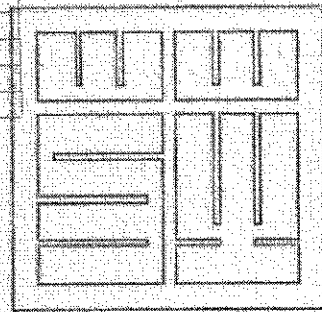


FAIRFIELD CITY COUNCIL

Our ref: 741-B1-130304-L01-PM
14th March 2013

19 MAR 2013

TO:	K. Kerzinger
FILE:	12/07/999
DOC ID:	
CRM:	
SCAN DATE:	21/3/13



Attention:

Mr. Klaus Kerzinger

Fairfield City Council
Administration Centre,
86 Avoca Road,
Wakeley,
NSW 2176

VT

ARCHITECTS PTY LTD
26 Bolivia Street
Cabramatta, NSW 2166
PO Box 8, Regents Park BC
NSW 2143 AUSTRALIA
T : (02) 9723 0999
F : (02) 9723 0990
E : info@vtarchitects.com.au
A.B.N. 24 083 968 183
Ncm. Architect: Vinh Trang 6275
www.vtarchitects.com.au

Re:

DA807.1/2012
Proposed demolition of existing
dwelling and construction of a
Buddhist Temple with Ground Floor
Carpark
47-51 Edensor Road
Cabramatta NSW 2166

Dear Klaus,

Further to our meeting on submission of additional shadow diagrams on 30th January 2013 and on behalf of our Client, The Australian Chinese Teo Chew Association Inc, we submit the following additional drawings and documents as required for Council's assessment:

1. 3 copies of revised Location & Site/Roof Plan, Ground Floor Plan, First Floor Plan, Sections, Elevation and Fencing and Driveway details prepared by VT Architects Pty Ltd.
2. 3 copies of revised Statement of Environmental Effects prepared by Essential Planning
3. 3 copies of revised Acoustic Report prepared by Day Design Pty Ltd
4. 3 copies of supplementary Traffic and Parking Assessment Report prepared by Winning Traffic Solutions Pty Ltd
5. 3 copies of revised Plan of Management prepared by VT Architects Pty Ltd
6. 3 copies of revised Stormwater Drainage and On site Detention Drainage Concept Plan (A1) prepared by Aztec Engineers Pty Ltd
7. 1 CD containing all submitted documents and drawings in electronic pdf format

With regards to the issues raised in Council's letters, please note the following:

1. Acoustic report – additional noise measurements for instruments used in Buddhist prayer and worship and Lion Dance have been included in the revised report as well as addressing all other comments from Council
2. Plan of Management – revised Plan of Management incorporates suggestions from Council and is aligned with the Acoustic Report and Traffic and Parking Assessment Report. Special event parking strategy and management is also outlined in the Plan of Management.

3. Function of Temples – is outlined in the Plan of Management
4. Parking Adequacy – parking rate of 1 car space for every 5sqm of worship area is an established parking rate within the Fairfield LGA and has been regularly applied in our submissions to Council for similar Temple developments or extensions at No. 2 Second Avenue, Canley Vale, 654 Cabramatta Road, Bonnyrigg, 155 The Boulevard, Fairfield Heights and 564 The Horsley Drive, Smithfield. The rate provides a consistent basis for the assessment and evaluation of parking requirements for Temple use.

Worship area consists of clear space within the Temple buildings which can be occupied by a worshipper to carry out prayers. A temple typically has large raised platforms displaying one or usually many statues of Buddha, his many incarnations or other deities along the walls of the temple. In front of the main statue, a large table is provided for offerings and joss sticks to be placed in front of the statue. Elsewhere, offerings and joss sticks can be placed on the table or platform holding the statue. The area shown hatched and noted as 'Worship Area' in the submitted Area Calculation drawings (Drawing Numbers 741/DA/058 & 741/DA/058) represents the worship area clear of the statues, platforms and tables which comes to 423.42sqm. We propose that this area represents the actual space able to be occupied by worshippers and therefore represents actual traffic generating area. The Kitchen and Dining area is proposed to be excluded from consideration as traffic generating area as the serving of free vegetarian food is offered as a service for visitors to the Temple on the 1st and 15th of the Lunar month only. Its use and area supports the main Temple use and does not on its own generate additional demand for parking. Similarly, the Store/Future Columbarium is a support facility for the storage of goods and prayer artifacts that does not contribute increased traffic generation.

Together with the caretaker's residence and the Office component of the Temple complex, the carpark requirement for the Temple complex as a whole is 92 car spaces. A total of 81 car spaces are provided on the Ground Floor of the Temple complex with space for another 27 car spaces in an area designated as Spillover Parking Area in the northern part of the site. The proposed carpark on Ground Floor was originally designed to accommodate up to 107 car parking spaces. However, this had to be reduced to 81 car spaces due to the northern part of the site being affected by the 20 year flood level. This area can accommodate up to 27 car spaces and it is proposed that this area be kept as a level turfed area and considered as spillover parking area when it is most required (on special event days, especially on the eve of Chinese New Year). With the spillover parking area, the overall on-site carpark provision is 108 car spaces. We request Council to consider this proposal favourably as 81 car spaces would more than adequately serve the needs of the Temple in all days except for the eve of Chinese New Year. The submitted Plan of Management has clear steps required to assess and manage the spillover parking area on special event days versus the risk of flooding at that portion of the site. Extended rainy periods which may increase risk of flooding on the site would also be a deterrent for worshippers to visit the site making the likelihood of cars trapped on the site due to flooding highly unlikely.

Alternatively, a full concrete paved carpark for 108 cars can be shown on the Ground Floor and the Plan of Management modified to have the area affected by the 20 year flood level closed off and used only on Special Event days under the direction and management of a Traffic and Parking Warden. Council's preference is sought on this matter.

5. Food sale and environmental health issues – no sale of food is proposed from the proposed Kitchen. The kitchen will be utilised for cooking and heating up of food and served for free to worshippers on designated days outlined in the Plan of Management. The drawings have been revised to incorporate a small bin enclosure off the access driveway to the site. No cooling towers are proposed for airconditioning. Standard split unit type outdoor condensing units are proposed and their positions nominated on the Ground Floor adjacent to staircases.

6. Engineering issues :

- a. The proposed carpark floor levels have been revised and updated to maintain existing ground levels so as not to affect the flood level through the site. By maintaining the existing levels, the existing flood levels are not affected and therefore a revised Flood Report has not been commissioned or submitted.
- b. Council's policy of not permitting car parking in areas affected by 1 in 20 year flooding mean that overall parking on the site is reduced to 81 spaces. We propose however that the provision of 81 car spaces is more than adequate to serve the needs of the Temple for all occasions except for Chinese New Year eve. This is further elaborated under point 4 above. On the eve of Chinese New Year, we propose that the area subject to the 20 year flooding be considered for spillover parking for a further 27 spaces and have been indicated on the submitted plans in dashed line. This area will be managed by Parking Wardens when open and its use only permitted when it has been assessed that there is no risk of flooding for the duration of its use as a car parking area (essentially a 3-6 hour period).
- c. The fence along the creek has been amended to remove the horizontal brick band between the brick piers. The brick piers have been retained to provide design continuity with the front fence design and provides a strong barrier against vehicles floating away from the site however unlikely this may be. The piers are an alternative to installing bollards for as recommended in the Flood Study.
- d. Stormwater drawings revised and updated to show the above and address OSD grate and light level issues

7. Burning of paper money – proposed burning of paper money to be done in an incinerator located on the Ground Floor by trained persons. Explanation and operational details included in the Plan of Management.

8. JRPP issues:

- a. Bulk and scale – the proposed Temple though large in scale when compared to a residential dwelling is in keeping with the bulk and scale of other Temple buildings in the area. The attached table in Appendix A provides a simple comparison of similar temples in the same Council area and one in the Bankstown area which VT Architects has been involved with. The proposed Temple is roughly two fifths the size of the Bonnyrigg Temple and is similar in area with the Kwan Yin Temple in Canley Vale. All these temples are located in residential areas and serve members who are largely resident locally.

The proposed Edensor Road Temple is raised on a podium which adds to its height. However, the tallest building is set far back from the street to mitigate its impact. Lower temple buildings are instead proposed at the front of the Temple complex facing the street, giving a two storey scale to the frontage with Edensor Road.

- b. Regional facility – the proposed Temple is proposed to serve members of the Australian Chinese Teo Chew Association whose members are of Chinese descent who speak the Teo Chew Chinese dialect. A large portion of their members are resident locally in the Fairfield/Cabramatta/Liverpool area. Their headquarters are located at No. 15 Park Road, Cabramatta just 4 kilometres away from the proposed Temple site. The proposed Temple serves the members of a distinct ethnic Chinese language group and is not a regional facility. A temple like the Bonnyrigg Temple at 654 Cabramatta Road, Bonnyrigg already serves as the larger temple with a broader membership and patronage.

- c. Columbarium use – Columbariums are an integral part of Temple buildings and all temple buildings listed in Appendix A have Columbariums in a separate building. The columbariums hold ashes of the deceased in niches along the wall as well as name tablets on altar tables. The worship of gods and ancestors are integral part of Chinese Buddhist worship.
9. Neighbour submissions / objections relating to noise, traffic and parking, smells and flooding are dealt with in the revised submission and the various reports and Plan of Management to mitigate the impact of the proposed Temple on the surrounding residents. Feedback regarding the incidence of accidents at the round-about from our Traffic Engineer is attached for your information and reference.

Please contact the undersigned should you require any clarification or further information.

Yours faithfully,



Peter Mak
For and on behalf of
VT Architects Pty. Ltd.

cc The Australian Chinese Teo Chew Association Inc.

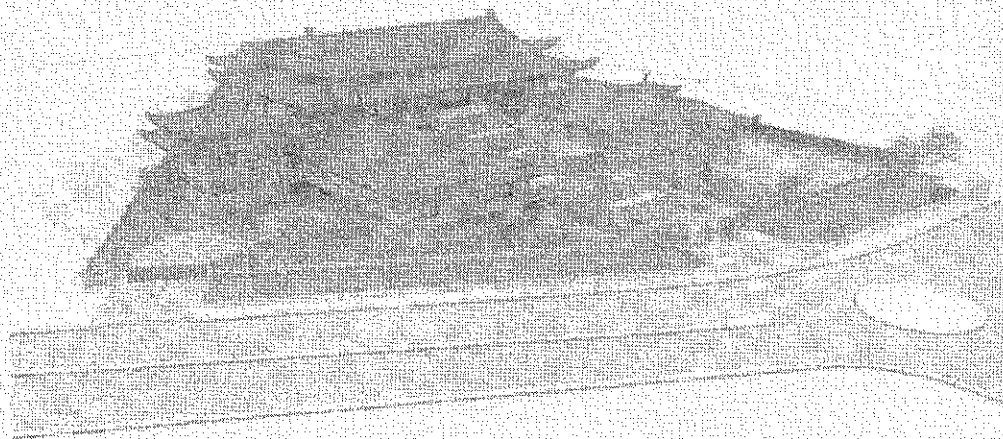


essential PLANNING

DEVELOPMENT APPLICATION 807/2012

STATEMENT OF ENVIRONMENTAL EFFECTS (AMENDED)

***DEMOLISH THE EXISTING DWELLING AND ERECT A
BHUDDIST TEMPLE/PLACE OF WORSHIP WITH OFFICE,
LIMITED USE DINING AREA AND CARETAKER RESIDENCE
WITH ASSOCIATED INTERNAL AND EXTERNAL SIGNAGE***



47 EDENSOR ROAD, CABRAMATTA

SUBMITTED TO

FAIRFIELD CITY COUNCIL

MARCH 2013

1.0 INTRODUCTION.



This amended Statement of Environmental Effects has been prepared to accompany supplementary and additional information for DA 807/2012 submitted to Fairfield Council.

Approval is being sought to demolish the dwelling and outbuildings currently occupying the site and erect a Buddhist temple consisting of 5 buildings used for worship, including two small temples on the eastern and western side, a main hall located towards the rear of the complex, a columbarium with second floor storage (with future possibility for columbarium worship use) at the rear of the built complex and a caretaker's residence adjacent to the eastern temple. 108 on site parking spaces will be provided, situated under the proposed temple complex as it is elevated 2.8m above ground level as well as behind and on the eastern boundary of the site. A new road opening is also proposed to provide for a double width driveway on the western side of the lot adjoining Edensor Road to replace the existing opening. The primary use of the site will be for prayer sessions and various intermittent special events.

Approval is also sought to erect 13 signs associated with the use. Three of the thirteen signs will be situated on the columns and over the entry to the rear columbarium, identifying the columbarium and bearing blessing messages. Three of the proposed signs will be over the doorway to the main hall and vertically on two columns on either side of the entry, and the remaining 7 signs will adorn the four parallel pillars and the top beams of the arches over the main site entry identifying the name of the temple and featuring blessing verses on the four vertical pillars and two horizontal beams over the smaller side arches. All signs will carry the same message both in English and Chinese.

This amended report will seek to address a number of issues relating to the proposal including a description of the subject site and surrounding development. The report also contains a detailed description of the proposal and the relevant planning controls and assessment of the proposal having regard to the relevant controls and policy, including;

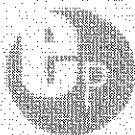
- Fairfield Local Environmental Plan 1994
- Fairfield Draft Local Environmental Plan 2011
- Fairfield City-Wide Development Control Plan 2006
- State Environmental Planning Policy 64 – Advertising and Signage

This report will also seek to make an assessment of the proposal having regard to the relevant heads of consideration pursuant to Section 79C(1) of the Environmental Planning & Assessment Act, 1979 and concludes that the proposed temple will be an acceptable development of the site, is consistent and compatible with the LEP, zone objectives and relevant flood management, car parking and acoustic guidelines and controls, will not result in any unreasonable increase in parking demand or adverse traffic levels, and is therefore worthy of approval.

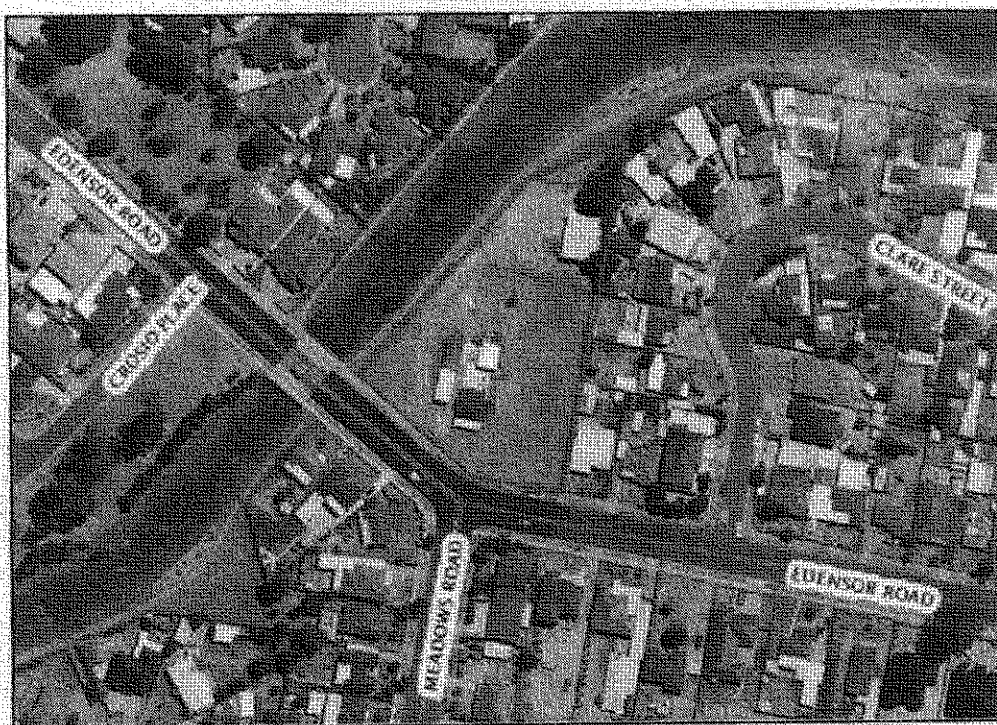
2.0 SITE DESCRIPTION & SURROUNDS

2.1 LOCATION

The subject site being No.47 Edensor Road, Cabramatta is located on the northern side of Edensor Road, west of its intersection with Claire Street and east of its intersection with Crosio Place. The site is also on the corner of the roundabout juncture of Meadows Road,



The subject site, being a splayed block opposite the roundabout joining Edensor Road with Meadows Road.



The subject site is currently occupied by a single dwelling with attached single garage and rear detached garage.
Source: SIX Viewer (Department of Lands)

2.2 SITE DESCRIPTION

Described as Lot 137 in DP 16877, the subject site is an irregular shaped allotment having a combined 80.72m frontage to Edensor Road, side boundary depths of 85.45m and 121.92m, a rear boundary length of approximately 39m and a total site area of 5310m². The site is currently occupied by a single storey fibro dwelling with attached single garage and rear detached garage.

2.3 SURROUNDING DEVELOPMENT



essential

47 EDENSOR ROAD, CABRAMATTA
DA 807/2012

The site is located within a predominantly residential area containing a mix of one and two storey dwellings of various ages and styles. To the immediate east, the site is adjoined by a single storey fibro and tile dwelling known as No.45 Edensor Road, and to the west the subject site borders Green Valley Creek. The creek also meanders around the northern rear point of the lot.



Neighbouring dwelling at 45 Edensor Road.



Green Valley Creek to the west.

3.0 THE PROPOSAL

Approval is being sought to erect a Buddhist temple with 108 parking spaces situated on ground level below, behind and to the east of the elevated development, as well as a new road opening to provide for a double wide driveway on the western side of the Edensor Road frontage. This access point will facilitate the easterly direction of vehicles entering and leaving the property and will also replace the existing driveway opening further to the east.

The temple will be comprised of 5 main buildings in addition to the main entry archway on the Edensor Road frontage, being used as two prayer rooms on the eastern and western sides of the main courtyard, the temple's main office/dining area with second floor main hall and prayer room, a caretakers residence on the north-eastern side of the development and a columbarium at the rear with second floor storage (and possible future columbarium worship use) also used for prayer and ceremonial purposes. The three temple spaces will be used for the purpose of prayer and worship and the rear columbarium will also be used for prayer and worship ceremonies, with the second floor of the aforementioned columbarium being used for the storage of the ashes of followers who have passed on. The use will not involve any amplified music, nor will it be used or hired for private functions.

Approval is also sought for the placement of 13 signs located within the temple complex and on the entry arch on the main frontage. The internal signs will be located on top of the main entry to the main hall as well as two vertical signs on two columns on either side of the main hall entry, and will be used to identify the building and display blessing messages. The rear columbarium will include an identification sign over the main entry as well as blessing messages on columns beside the doorway. External signage will be situated on the entry



essential services

47 EDENSOR ROAD, CABRAMATTA
DA 307/2012

arch on the main frontage, located vertically on the 4 pillars, horizontally on the beams on top of the pillars and on the top-most section of the arch, and will be used to identify the name of the temple, being 'Lin Shan Temple' with the vertical pillar signs and horizontal side signs being blessing messages. The messages on all of the proposed signage will be in both English and Chinese.

The temple will be open to members or general visitors between 9am and 5pm Mondays to Sundays, with the average visiting duration being 30 minutes to an hour and an average of 50 people per day with an expected 20 at any given time. Approval is sought for the normal operating hours of 9:00am to 5:00pm which also allows for special events including the 1st and 15th day of every lunar month, Buddha's birthday celebrations on the 8th of April, and Ullambana celebrations on the 9th and 15th of July or August, depending on where the 7th lunar month falls on any given year. During the 1st and 15th of every lunar month, prayer sessions will be organised for 2 hours from 10am to 12 noon as well as 2pm to 4pm involving a maximum of 50 people. During the 1st and 15th day of every lunar month as well as festivals, approval is also sought for the use of a dining hall located on the first floor of the temple below the main temple entry and beside the proposed office, which will serve food to attendees. This dining area use will simply be used to supplement normal prayer activity on the aforementioned dates, and will not be operating on normal days. Normal operations and fluctuation of visitors will still take place during these times.

A detailed Plan of Management dated 5 March 2013 has been prepared by VT Architects in consultation with the Australian Chinese Teo Chew Association outlining amongst other matters, the Temple layout and features, details of the intended operations and activities on significant dates in the Buddhist calendar.

4.0 PLANNING CONTROLS

4.1 FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994

ZONING

The subject land is part zoned **2(a) Residential A** under Fairfield Local Environmental Plan 1994. The proposed development would constitute a **place of worship** meaning "a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group".

Clause 8 of LEP 1994 does not list places of worship as a use which would be otherwise prohibited in the 2(a) zone, nor does it identify the use as development that does not require consent. Accordingly, the development would therefore be permissible under Clause 8 of the LEP subject to the consent of Council and consistency with one or more of the stated zone objectives.

The objectives of this zone are:

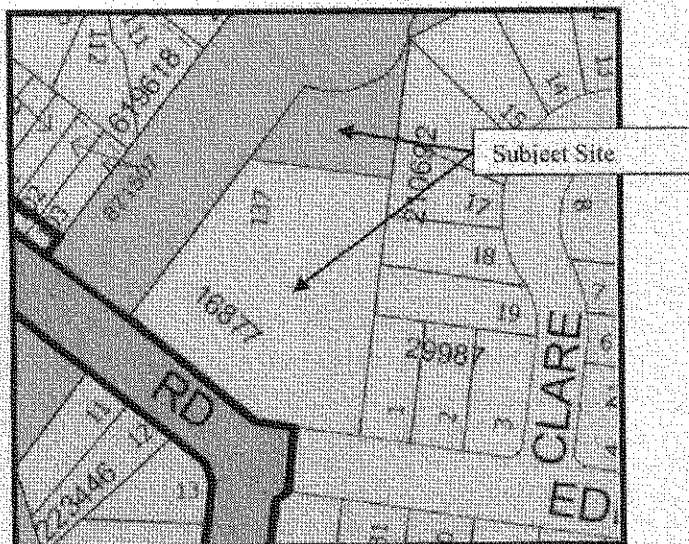
- (a) to set aside land primarily for the purposes of housing and associated facilities,
- (b) to provide for the orderly development of detached housing, essentially domestic in scale and character,



essential

47 EDENSOR ROAD, CABRAMATTA
DA 807/2012

- (c) to achieve attractive high quality residential development,
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and
- (e) to allow a range of non-residential uses that:
 - (i) are capable of integration with the immediate locality,
 - (ii) serve the demands of the surrounding population, and
 - (iii) do not place demands on services beyond the level reasonably required for residential use.
- (f) to reinforce the economic viability, vitality and security of commercial centres.



LEP 1994 ZONING MAP EXTRACT

As a non residential use, the only applicable 2(a) zone Objectives would be Objective (e) and (f). In terms of integration with the immediate locality, the intensity of use and minimal impacts envisaged would certainly make the use compatible with its residential neighbours and the locality. The proposed open hours for the majority of the foreseen events held at the temple coincide with business hours, therefore minimising the impact of the site's use on the acoustic amenity and shared traffic use of the immediate locality. The revised Plan of Management by VT Architects accompanying this application also states that the majority of the temple's patrons will be arriving by bus, with a bus stop located on the eastern side of the Edensor Road frontage. This will ensure that the development will have minimal impact on the existing road system. It is also intended to provide a shuttle bus service with pick up from and drop off at Cabramatta Station on the 1st and 15th of every Lunar month between 11am to 2pm with 4 trips per hour.

The temple will serve the needs of the surrounding population without actually conflicting or being inconsistent with any of the zone objectives. The revised Plan of Management attached states that the majority of the temple's patrons will be elderly citizens from surrounding suburbs, highlighting the local benefit of the development.



essential

47 EDENSOR ROAD, CABRAMATTA
DA 807/2012

In terms of demand and services, the use will not place demands on local services beyond the level reasonably expected in surrounding residential use.

A small part on the northern side of the subject site is also zoned **6(a) Existing & Proposed Recreation** under the same LEP. The proposed development on that part of the site would constitute a **carpark** meaning "a building or place used for parking vehicles (other than in conjunction with another purpose) whether or not operated for gain, and includes any associated access and manoeuvring space".

Clause 8 of LEP 1994 lists a carpark as a permissible use subject to consent from council.

The objectives of this zone are:

- (a) to provide public open space to meet the existing and future recreation and leisure needs of residents,
- (b) to provide opportunities to enhance the environmental quality of the City of Fairfield, and
- (c) to identify land that is required for future open space purposes.

Clause 11 of the LEP states that Council must not consent to the erection of a building on flood liable land unless the development has taken into consideration the provisions of Council's Flood Management Policy. Under subclause (2) Council may refuse consent to an application to carry out any development which in its opinion will:

- (a) adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands,
- (b) increase the flood hazard or flood damage to property,
- (c) cause erosion, siltation or destruction of riverbank vegetation in the locality,
- (d) affect the water table on any adjoining land,
- (e) affect riverbank stability,
- (f) affect the safety of the proposed development in time of flood,
- (g) restrict the capacity of the floodway,
- (h) require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding, or
- (i) increase the risk to life and personal safety of emergency services and rescue personnel.

Comments: The site has been identified as being subject to flood controls within the Fairfield City-wide DCP 2006, as well as being partly within a medium flood risk and partly within a low flood risk precinct. As such, the proposed development has followed the advice given within the Flood Risk Management Study conducted by Kozarovski and Partners. In relation to the listed heads of consideration in Clause 11, the Kozarovski report advises that the development will not have any impact on flood behaviour anywhere in the system. The development has been designed having regard to potential impacts from flood events and in fact will increase flood storage and conveyance of the right overbank area. The development site does not contain any of the riverbank vegetation and will not impact on such vegetation which is located adjacent to the site. As the proposal does not involve substantial



excavation, it will not impact on the water table. Similarly, there will be no impact on the stability of the riverbank. The Kozarovski report adequately addresses issues relating to safety of the development in time of flood. As mentioned the report advises that the development increases flood storage rather than restrict the capacity of the floodway, that the evacuation of the development can be considered safe even during extreme flood events.

Clause 12 of LEP 1994 states that;

- (1) A person must not erect any structure within 20 metres of the top of the bank or mean high water mark of any creek or waterway within the City of Fairfield except with the consent of the Council.*
- (2) The Council must not grant a consent referred to in sub clause (1) unless it has made an assessment of the effect which the carrying out of the proposed development will have on ecological systems, the stability of banks, water quality and the needs of existing and potential users of water from those creeks and waterways.*
- (3) A person must not carry out development on any land to which this plan applies:*
 - (a) below high water mark, or*
 - (b) forming part of the bed or banks or within 20 metres of the top of the bank of a river, creek, lake, bay, lagoon or other natural watercourse, or*
 - (c) which has been reclaimed,**without the consent of the Council.*

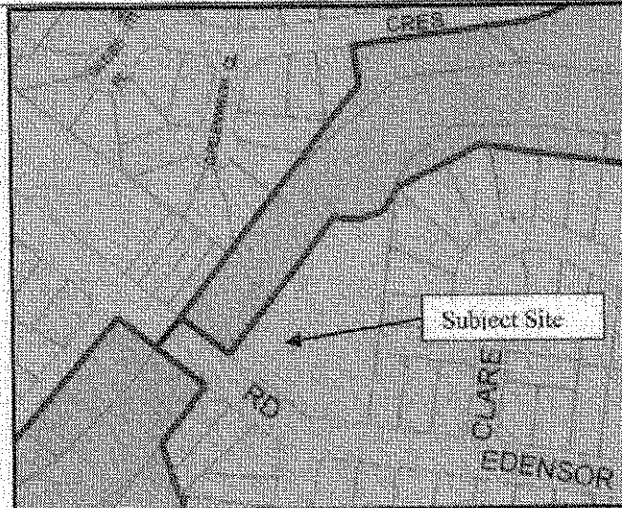
Comment: This application seeks the consent required by Clause 12(1). In relation to subclause (2), the site is elevated above the waterway and has no impact any existing ecological system. The proposed development will be structurally certified and constructed to ensure it has no impact on the stability of the adjoining bank. It is not expected to have any impacts on the water quality as all stormwater and run off will be collected and disposed off in accordance with Councils requirements. As a private development site, it will not impact on existing or potential users of water from the waterway.

Clause 13 of LEP 1994 states that (1) land within the City of Fairfield must not be cleared or filled for any purpose except with the consent of the Council. It is not proposed to carry out filling of the land.

4.2 FAIRFIELD DRAFT LOCAL ENVIRONMENTAL PLAN 2011

ZONING

The whole of the subject land is proposed to be zoned **R2 Low Density Residential (Sheet 12)** under Fairfield Draft Local Environmental Plan 2011. The proposed development would constitute a **place of public worship** meaning "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 LEP zoning table featured in Part 2 of the DLEP states that places of public worship are permissible in the zone subject to consent of council.



The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed temple complies with the second objective of the zone, being a land use other than that of residential housing which meets the needs of local residents. The temple provides a place of worship to Buddhist followers in surrounding suburbs and Sydney in general while having minimal impact on the residential amenity, demand on services or traffic in the immediate locality.

Clause 4.3 states that the height of buildings is not to exceed the height indicated on that lot on the Height of Buildings map accompanying the DLEP. The subject site is labelled 'J' on the height of buildings map, indicating that the maximum building height is 9m. With a height of 17.12m, the proposed height does not comply with the DLEP standard.

Although the building height is above the maximum allowed in the R2 zone, we choose to use the savings provision given in clause 1.8A to have height only considered in the existing LEP. As the existing LEP has no height restrictions, this control will mainly be imposed within the City Wide DCP 2006. Nevertheless the proposed height is hampered in part by the raised level of the complex in order to negate any flood impacts on the site and to provide parking in accordance with the DCP parking requirement.

Clause 4.5 states that the floor space ratio is not to exceed the height indicated on that lot on the Floor Space Ratio map adjoining the DLEP. The subject site is labelled 'C' on the height of buildings map, indicating that the maximum floor space area is 0.45:1m. With a gross floor area of 1725.52m² and a floor space ratio of 0.32:1, the proposed FSR complies with the DLEP standard.