

Proposal: The proposal is for the construction of a place of public worship involving a Buddhist Monastery and Temple with associated meditation college, dining hall and kitchen, administration building, car parking and landscaping.

Location: Lot: 231B DP: 17288, No. 353-371 Delaware Road, Horsley Park

Owner: Australian Buddhist Foundation Pty. Ltd.

Proponent: Thanh Hung Le

Capital Investment Value: \$8,329,575

File No: DA 429.1/2015

Author: Karl Berzins, Consultant Planner
Fairfield City Council

RECOMMENDATION

That the application proposing the construction of a place of public worship involving a Buddhist Monastery and Temple with associated meditation college, dining hall with kitchen, administration building, car parking and landscaping be approved subject to conditions as outlined in Attachment I of this report.

SUPPORTING DOCUMENTS

AT-A	Development Plans
AT B	Plan of Management
AT C	Rural Fire Service of NSW Comments
AT D	Department of Primary Industry (Water) Comments
AT E	Riparian land and waterways overlay and bushfire prone land
AT F	Letter of Objection
AT G	Acoustic Assessment
AT H	Traffic and Parking Assessment
AT I	Landscape Plans
AT J	Statement of Environmental Effects
AT K	Conditions of Development Consent

EXECUTIVE SUMMARY

Pursuant to Schedule 4A of the Environmental Planning & Assessment Act 1979 the proposal has been referred to the JRPP because the proposed development falls within the category of *private Infrastructure and community facilities over \$5 million*.

The proposed place of worship development will involve the demolition of the existing dwelling house and associated outbuildings. The proposed buildings on the site will consist of the following:

- Temple
- Meditation training building
- Library and administration building
- Monastery residence for up to 12 Nuns
- Monastery residence for up to 12 Monks
- Dining hall and kitchen
- Public toilet block
- Office and administration building
- 2 x art gallery buildings

A parking area for 120 vehicles is proposed to be located on the southern side of the site. A bus bay has also been provided. All ingress and egress from the site is via a centrally located driveway on the Delaware Road frontage.

The site will be landscaped with water features. The site will also contain an on-site waste water treatment system.

The manner in which the place of worship is proposed to operate is detailed within a Plan of Management (dated 30 November 2015).

The hours of operation are as follows:

Monday to Friday	7.00am and 9.00pm
Saturday to Sunday.	7.00am and 5.00pm

Within these operating hours, visitors are welcome to the site and engage in personal meditation. The resident monk will conduct formal meditation ceremonies to his worshippers during the above opening hours. It is anticipated that a maximum of 30 people will attend the site at any one time during the normal operation phase.

During the special event days, members of the faith come to the site throughout the day from 7.00am to 9.00pm to pray and pay respect to Buddha and the resident monk. The maximum number of people anticipated to attend the site at any one time is 70. These days are as follows:

- Chinese New Year - first new moon of the Year
- Buddha's Birthday - (The Vesak Celebration) - 8 April
- Abhidhamma Day - (Devotion to Buddha's Mother) - Full moon in October

Under the provisions of Fairfield Local Environmental Plan 2013 (FLEP2013) the development is considered to be characterised as a place of public worship which is defined in the Dictionary to FLEP2013 as:

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.

A place of public worship is a permissible land use with Council consent within the zone. The residential accommodation (monastery) for 24 monks and nuns, whilst not separately defined in the LEP, is considered to be ancillary to the predominant use of the site which is for a place of public worship and is therefore also permissible. The monks and nuns do not pay for their accommodation, rather they perform caretaker duties within the buildings and the landscaped surrounds to compensate for their lodgings. A condition of consent can be imposed to ensure that the residential component does not function as an independent use and is solely to be used by monks and nuns undergoing religious instruction on the subject site.

The development application was advertised in accordance with the notification provisions contained within Fairfield City-Wide DCP 2013. In response one letter objecting to the development was received. The grounds of objection may be summarised as objections relating to noise and traffic. The objections raised have been considered and are not significant enough to warrant refusal of the application. Conditions of development consent will address the noise and traffic issues raised.

This report considers the key issues and impacts associated with this development application. The application is assessed in accordance with the Environmental Planning and Assessment Act 1979, FLEP 2013 and Fairfield City Wide Development Control Plan 2006.

The site is located with 40 metres of the creek bank and the applicant has nominated the development as integrated development under the provisions of s91A of the Environmental Planning and Assessment Act 1979. The General Terms of Approval for a controlled activity approval, under the Water Management Act 2000, have been obtained from the Department of Primary Industry (Water).

The major assessment issues of concern relate to noise control, parking provision for special events and water pollution. These issues have been assessed and can be addressed through conditions of development consent.

The assessment has considered all relevant requirements of Section 79C of the Environmental Planning & Assessment Act (1979) and finds that there will be no significant adverse or unreasonable impacts associated with the development.

Based on an assessment of the application, it is recommended that the application be approved subject to conditions.

SITE DESCRIPTION AND LOCALITY

The site is situated approximately 1.5km from the Horsley Park Village. It is located at 353-357 Delaware Road, Horsley Park, on the western side of Delaware Road, between Horsley Road and Burley Road, approximately 700m from the intersection of Burley Road and Delaware Road. It is an irregular shaped allotment with a street frontage of 152m to Delaware Road, a rear boundary of 115m and side boundaries of 293m to 411m. The site has an area of approximately 41,900m² (4.19ha). Access to the site is via Delaware Road, which is a two lane local road with unformed shoulders.

The area is predominated by low density detached dwellings, sheds and agricultural related outbuildings. These structures are located on large parcels of land typical of a rural-residential locality. An extractive industry being a shale quarry and brick making plant is located approximately 500metres to the west of the site.

The property presently contains a single storey dwelling. The site also contains Cumberland Plain vegetation that is generally located in the western end of the site. The site is identified as being bush fire prone. It is affected by a 100m buffer zone for a category 1 bushfire zone.

There is a waterway running through the western portion of the site, being Reedy Creek and the site is identified as affected by "Medium Risk & "Low Risk" Flood Area. There is an 8m cross-fall from the south-east to the north-west corner of the site.

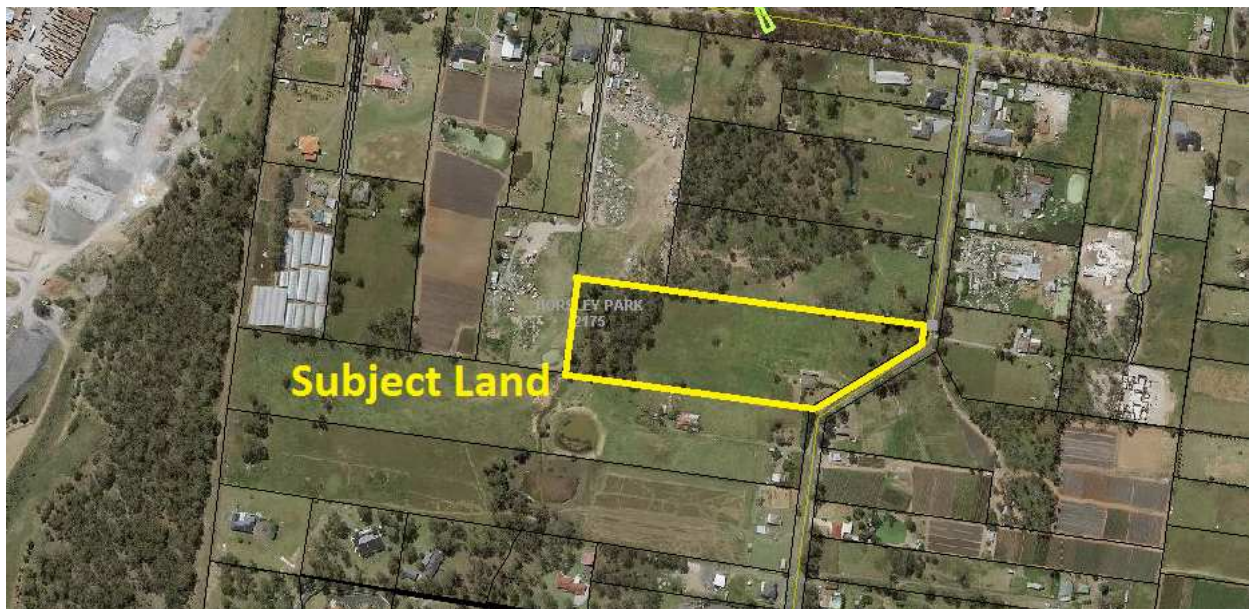


Figure 1 Site Location

The subject land has been used for rural residential purposes for decades.

An extractive industry and brick making facilities are located on Lot 1, DP 106143 which is located approximately 400 metres to the west of the subject land.

PROPOSAL

It is proposed to demolish the existing dwelling house and associated outbuildings on the site and construct a Buddhist monastery & temple with meditation rooms, and residential accommodation for 24 monks.

The proposed buildings on the site will consist of the following:

- Temple
- Meditation training building
- Library and administration building
- Monastery residence for up to 12 Nuns
- Monastery residence for up to 12 Monks
- Dining hall and kitchen
- Public toilet block
- Office and administration building
- 2 x art gallery buildings

A parking area for 120 vehicles is proposed to be located on the southern side of the site. A bus bay has also been provided. All ingress and egress from the site is via a centrally located driveway on the Delaware Road frontage.

The site will also be landscaped with water features.

The site will also contain an on-site waste water treatment system.

The Temple will only be used for religious ceremonies. The Plan of Management submitted in support of the application provides details of the operation of the proposed Buddhist Monastery and Temple. The proposed Temple building will accommodate all members of the congregation for both normal activities and special events. The main assembly area has an area of 144m² and accommodates a maximum of 72 people.

The Monastery component comprises private meditation rooms and residential accommodation for 24 Monks & Nuns. These are located away from the temple towards the rear of the site and will be clearly marked “no public access”. The residences comprise 2 free standing blocks, each with 12 single room studios. These have communal living and dining areas and are designed for use by the Master and Monks or any visiting monks on a study tour. The monks and nuns do not pay for their accommodation rather they perform caretaker duties within the buildings and the landscaped surrounds to compensate for their lodgings.

Visitors to the temple can also view Buddhism inspired art at the 2 gallery pavilions on the grounds.

A dining hall is located near the temple, adjacent to the Temple Administration block. This will be used during the 3 special events (Chinese New Year, Buddha’s Birthday and devotion to Buddha’s Mother), where typically worshipers are invited to stay for a quick meal after the main service. No food is prepared on the premises as worshipers

bring pre-prepared food. There are facilities on site for the safe storage of the pre-prepared food, which is re-heated and cooled, as required.

The grounds will be appropriately landscaped as detailed in the landscape plan that accompanies the development application.

The hours of operation are as follows:

Monday to Friday	7.00am and 9.00pm
Saturday to Sunday.	7.00am and 5.00pm

Within these operating hours, visitors are welcome to the site and engage in personal meditation. The resident monk will conduct formal meditation ceremonies to his worshippers during the above opening hours. It is anticipated that a maximum of 30 people will attend the site at any one time during the normal operation phase.

The activities conducted within the meditation hall include reading of scriptures and silent meditation and the noise relating to the meditation ceremonies involves that of one person speaking. No ceremonial drums are used on site. Only a gong will be used 3 times at the conclusion of each meditation session.

During the special event days, members of the faith come to the site throughout the day from 7.00am to 9.00pm to pray and pay respect to Buddha and the resident monk. The maximum number of people anticipated to attend the site at any one time is 70. These days are as follows:

- Chinese New Year - first new moon of the Year
- Buddha's Birthday - (The Vesak Celebration) - 8 April
- Abhidhamma Day - (Devotion to Buddha's Mother) - Full moon in October

Parking demand during special events would be higher than normal operation. Overflow parking if any, is proposed on the road verge on Delaware Road.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. State Environmental Planning Policy No 55 (Remediation of Land)

SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to any development. Council must be satisfied that any necessary remediation has occurred before use of the land is permitted.

An Environmental Site Assessment report has been prepared and accompanies the development application. The report indicates that the site was most likely used for pig and / or poultry farming in the 1960's. The sheds that housed the livestock have been removed many years ago.

Soil testing has been undertaken on the site with the result that the quality of the soils on the site do not restrict residential use of the land.

Asbestos contamination was found in some recently dumped fill in the north-eastern corner of the site. This contamination can be remediated in accordance with the recommendations of the Environmental Site Assessment prepared by EBG Consulting and dated January 2016. This issue can be addressed by a condition of development consent.

2. Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)

The subject land is located 400 metres to the east of Lot 1, DP 106143. This parcel of land (Lot 1) is identified in Schedule 1 of the SREP as being a clay/shale extraction area of regional significance.

Clause 14 of the SREP requires the consent authority to consult with the owner of land identified in Schedule 1 if in the council's opinion, a development proposal is likely to have the effect of restricting the obtaining of deposits of extractive materials from a parcel of land described in Division 1, 4, 6, 7, 8 or 9 of Schedule 1 of the SREP.

Council wrote to the owner of Lot 1, DP 106143 advising the owner of the nature of the Development Application No. 429.1/2016. No submission has been received from the owner of Lot 1, DP 106143. Accordingly, Council has met its statutory obligations and the consent authority is unfettered in its decision making process with regard to this aspect.

3. Fairfield Local Environmental Plan 2013

Under the provisions of FLEP2013 the development is considered to be characterised as a place of public worship which is defined in the Dictionary to FLEP2013 as:

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.

A place of public worship is a permissible land use with Council consent within the zone. The residential accommodation (monastery) for 24 monks and nuns, whilst not separately defined in the LEP, is considered to be ancillary to the predominant use of the site which is a place of public worship and is also permissible.

The Monastery component comprises private meditation rooms and residential accommodation for 24 monks & nuns. These are located away from the temple towards the rear of the site and will be clearly marked "no public access". The residences comprise 2 free standing blocks, each with 12 single room studios. These have communal living and dining areas and are for the sole use of the Master, monks and nuns.

Signage and fencing will demarcate the public temple areas and the private residential areas and spaces that are not accessible to the congregation/public. There will be no fee for the monks and nuns to reside on the premises.

A condition of consent can be imposed to ensure that the residential component does not function as an independent use and is solely to be used by monks and nuns undergoing religious instruction on the subject site.

The table below provides details of the consideration of various clauses of relevance to the development contained within FLEP2013.

FLEP2013 Clauses Considered	
Clause No.	Comment
Clause 2.3 (2) Zone Objectives The consent authority must have regard to the objectives for development in a zone when determining a development application in respect to land within a zone.	The zone objectives for the RU4 zone are: <ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that development is sympathetic to the rural environment and minimises risks from natural and man-made hazards. The proposed development is considered to be characterised as a place of public worship under the provisions of the LEP. The proposal is consistent with the fourth zone objective.
Clause 4.3 Height of buildings	This clause requires the height of the building not to exceed the height shown on the building height map. Building Height is defined but in this case would include the height of the building to the top of the roof ridge. The building height specified on the building height map for this site is 9 metres. The height of all buildings on the site is less than 9 metres above ground level apart from the main temple which at its highest point is approximately 10.65 metres above existing ground level. The proposed development does not comply with this clause. Refer to commentary in clause 5.6 Architectural roof features, below.
Clause 4.4(2) Floor space ratio	The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map nominates that there is no floor space ratio applicable to this site.
Clause 5.6 Architectural roof features	This clause provides a mechanism to consider variations to the maximum building height limit where the height is exceeded due to an architectural roof feature. In such cases the architectural roof feature must: <ul style="list-style-type: none"> • Comprise a decorative element on the

	<ul style="list-style-type: none"> uppermost portion of a building, and • Not be an advertising structure, and • Cause minimal overshadowing. <p>The height of the proposed development is shown in Attachment A.</p> <p>The non-compliance with the height standard is principally due to the height of the central ridge line of the temple building. The temple building has a high level of symmetry and the roof ridge is an essential component of the development in that it forms part of the traditional design of Buddhist temples.</p> <p>The proposal does not overshadow adjoining development. The proposal is well set back from Delaware Road and the non-compliance with the 9 metre development standard will not be discernible to passers-by or adjoining neighbours (the closest residence is located over 100 metres from the temple building).</p> <p>The proposal complies with Clause 5.6. Accordingly the variation to the height standard is supported in the circumstances of this case.</p>
6.1 Riparian land and Waterways	<p>The site is affected by the riparian land and waterways overlay which extends approximately 45 metres into the site from the site's eastern most boundary as well as affecting an 80 metre wide sector of the land near the western boundary as shown in Attachment E.</p> <p>The consent authority must take into consideration the following matters when assessing a development application on land affected by the overlay:</p> <ul style="list-style-type: none"> <i>i. water quality within the watercourse,</i> <i>ii. aquatic and riparian habitats and ecosystems,</i> <i>iii. stability of the bed, shore and banks of the watercourse, and</i> <i>iv. free passage of fish and other aquatic organisms within and along the watercourse.</i> <p>Before granting consent the consent authority must be satisfied that:</p> <ul style="list-style-type: none"> <i>(a) the development is sited, designed and managed to avoid potential adverse environmental impacts, or</i> <i>(b) where impacts cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development</i>

	<p><i>will mitigate and minimise those impacts to a satisfactory extent.</i></p> <p>In respect to the matters for consideration the following comments are made:</p> <ul style="list-style-type: none"> i) Water Quality – Stormwater from hard surfaces on the site will be piped to a proposed OSD system on the site which complies with Council's Rural Area OSD Handbook. The on-site effluent disposal system will utilise nine pressure dosed Evapotranspiration Absorption Beds. These beds have been located to be setback more than 100 metres from Reedy Creek the western most riparian zone. Both the location of the evapotranspiration beds and the soil quality on the site will enable nutrients to be retained within the beds or the site and not cause a decrease in water quality in any nearby watercourses. The development is likely to have a neutral effect on water quality as the use is one that does not give rise to potential polluting discharges. ii) Aquatic and riparian habitats – The development's impact on these is limited to the discharge from the OSD system and the on-site waste water system. Both these potential sources of pollution to aquatic and riparian habitats have been addressed through conditions imposed by the Department of Primary Industry GTAs. (see Attachment D). It is considered that the development will have a neutral effect on aquatic and riparian habitats. iii) Free passage of fish etc. – The development will not impact the free passage of fish and other aquatic organisms.
<p>6.3 Flood Planning</p>	<p>The development is subject to the provisions of clause 6.3 – Flood Planning which specifies that:</p> <p><i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</i></p> <ul style="list-style-type: none"> <i>(a) is compatible with the flood hazard of the land, and</i> <i>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i> <i>(c) incorporates appropriate measures to manage</i>

	<p><i>risk to life from flood, and</i> <i>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i> <i>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p><u>Main Stream Flooding</u> : The subject site is identified as being partly within a High Flood Risk Precinct, partly within a Medium Flood Risk Precinct , partly within a Low Flood Risk Precinct and partly not affected as a result of mainstream flooding and partly not affected by mainstream flooding as described in flood information sheet issued by Council dated 03 November 2015. Review of flood extent map indicates that the location where the buildings are to be located is not affected by flooding.</p> <table border="1"> <thead> <tr> <th>Size of Flood</th><th>Flood Level (mAHD)</th></tr> </thead> <tbody> <tr> <td>PMF</td><td>68.2 – 72.7</td></tr> <tr> <td>100 Year ARI</td><td>66.9 – 71.7</td></tr> <tr> <td>50 Year ARI</td><td>66.8 – 71.7</td></tr> <tr> <td>20 Year ARI</td><td>66.8 – 71.7</td></tr> </tbody> </table>	Size of Flood	Flood Level (mAHD)	PMF	68.2 – 72.7	100 Year ARI	66.9 – 71.7	50 Year ARI	66.8 – 71.7	20 Year ARI	66.8 – 71.7
Size of Flood	Flood Level (mAHD)										
PMF	68.2 – 72.7										
100 Year ARI	66.9 – 71.7										
50 Year ARI	66.8 – 71.7										
20 Year ARI	66.8 – 71.7										
6.9 Essential services	<p>The development is subject to clause 6.9 which provides that: <i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i> <i>(a) the supply of water,</i> <i>(b) the supply of electricity,</i> <i>(c) the disposal and management of sewage,</i> <i>(d) stormwater drainage or on-site conservation,</i> <i>(e) suitable vehicular access.</i></p> <p>Comment: Water and electricity services are available to service the proposed development. Adequate arrangements for stormwater drainage and on-site effluent disposal have been made in the design of the development</p>										

5. Fairfield City Wide Development Control Plan - Chapter 10 – Miscellaneous Development and Chapter 12 –Car parking, Vehicle access and management

The proposal has been assessed against the controls contained within Fairfield City Wide DCP, 2006: Chapter 10 – Miscellaneous Development and Chapter 12 Car Parking, Vehicle and Access Management. The table below provides a brief assessment summary against the relevant controls within the DCP.

CRITERIA	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
10.1.1 Parking Provisions	All off-street parking and access and vehicle management should refer to Chapter 12 – Car Parking, Vehicle and Access Management.	See comments following this table	See comments following this table
10.1.6 Building Design	<p>a) The height of the building is to be limited to two storeys above ground level in order to maintain the established character</p> <p>b) Any new building adjoining residential development should be designed:</p> <ul style="list-style-type: none"> • To allow a daily minimum of 4 hours of direct sunlight to adjoining windows and open spaces at mid-winter • To protect adjoining windows and open spaces from overlooking and unreasonable transmissions of noise 	<p>The proposal contains no two storey buildings. The main temple exceeds the height limit of 9 metres for the locality but this is justified in architectural terms. The setback of the temple from the public road and adjoining residences will ensure that the bulk of the building is not excessive when compared to the local character.</p> <p>No adverse shadow impacts arise as a consequence of the proposed development having regard to the setbacks proposed to higher building elements. The requirement for 4 hours of sunlight will not be compromised by the development.</p> <p>The proposal has been design to eliminate these concerns.</p> <p>Noise impacts have been assessed and found to be satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
10.1.7 Fencing and Screening	a) Boundary fences to public roads are to be visually acceptable and in character with other development in the locality.	The applicant is proposing 1.8 metre high “hebel” panel fencing for the majority of the boundary of the site. Such fencing is not in character with the fencing found in the locality which is much more	Considered unsatisfactory but can be addressed as a condition of development consent.

CRITERIA	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
	<p>open in nature. The proposed fencing is not in keeping with the rural residential nature of the locality. This aspect of the development can be conditioned so that the fencing to be erected is more open in nature (i.e. post and wire fencing). It should be noted that the 1.8 metre high “hebel” panel fencing is required to be erected on the southern boundary adjoining the car parking area to minimise noise impacts as per the applicant’s acoustic report.</p> <p>d) Where there is the potential for a development to cause nuisance to adjoining residences such as by traffic movement, parking, headlight glare or security lighting, adequate protective screening must be provided, comprising screen fencing and/or landscaping to Council's satisfaction.</p> <p>g) The following criteria applies to front boundary fences: - Maximum height is 1.5 metres generally along front boundaries provided that they are a high quality design, and - Constructed from lightweight materials such as timber, lattice, metal pickets etc.</p> <p>h) The following criteria applies for side and rear boundary fences: - Maximum height is 2.0 metres generally. - Council may consider a height of up to 2.2 metres on sites where it can be demonstrated that a significant security risk exists. - An overall maximum height of 2.4 metres may be considered if the site is sloping and the fence incorporates a retaining wall.</p>	<p>Proposed car parking separated from the southern boundary by a landscaped strip having a width of approx. 2 metres and containing a screen of Australian native groundcovers, shrub and trees. The “hebel” fence will also be located in this location.</p> <p>Fencing detail to be covered as a condition of development consent as previously discussed.</p> <p>Fencing detail to be covered as a condition of development consent as previously discussed.</p>	<p>Yes.</p> <p>Considered satisfactory</p> <p>Considered satisfactory</p>
10.1.8 Landscaping	a) To reduce the visual intrusiveness of non-residential development, the landscaping measures detailed will be required for any new development or for more intensive use of any existing operations/activities.	A detailed landscape plan has been submitted with the DA which has been assessed by Council staff and found to be satisfactory.	Considered satisfactory

CRITERIA	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
	b) As a general rule, non-residential development in residential zones will be considered on their merits and judged against the requirements of a comparable activity.		

Carparking

The applicant's traffic consultant has provided the following parking analysis with respect to the proposed place of public worship. In accordance with Chapter 12 of the Fairfield City-Wide Development Control Plan (DCP) 2013, car parking for a place of worship is required to be provided at the following rate:

Type of use	Parking rate	Parking rate proposed	Parking spaces required/proposed
Place of public worship (Temple)	1 space per 6 seats or 1 space per 5m ² of gross leasable area, whichever is greater	1 space per 5m ² of gross leasable area	51 parking spaces (based on a leasable area of 255.6m ² with seatings provided)
Meditation tuition classes (Educational)	1 space per 40m ² of gross leasable area (for coaching classes)	1 space per 40m ² of gross leasable area	16 parking spaces (based on a gross leasable classes area of 633.2m ²)
Admin Office building	1 space per 40m ² of gross leasable area	1 space per 40m ² of office leasable space	9 parking spaces (based on a gross leasable office area of 347.6m ²)
Residential building for Monks & Nuns	0.2 parking space for each room (treated as a boarding house for the monks & nuns only) as per SEPP (Affordable Rental Housing) 2009	0.2 parking space for each room (given that Buddhist monks & nuns do not normally drive a vehicle and remain on monastery site at most times)	5 spaces for the monks/nuns residence (based on 24 rooms)
Total number of car parking spaces required			81
Total number of car parking spaces provided			120

The above parking assessment is considered to be satisfactory and the proposal complies with the DCP requirements.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	Satisfactory to conditions.
Traffic Engineering	Satisfactory to conditions.
Development Engineering	Satisfactory to conditions.
Environmental Management Branch (EMB)	Satisfactory to conditions.
Landscape Plans	The landscape plan has been examined and found to be satisfactory.

EXTERNAL REFERRALS

The proposed place of worship is located on land through which Reedy Creek flows. The applicant has nominated the development as Integrated Development pursuant to s91A of the Environmental Planning and Assessment Act 1979. The application was referred to the Department of Primary Industries (Water) who have issued their General Terms of Approval. A copy of the General terms of approval and letter from the Office of Water forms Annexure D to this report.

Since the site is identified as being bush fire prone land (see Attachment E), Council wrote to the NSW Rural Fire Service and requested advice regarding the imposition of conditions of development consent. The NSW Rural Fire Service have not objected to the development but have provided a number of conditions (see Attachment C) to be incorporated into a development consent if issued.

PUBLIC NOTIFICATION

In accordance with the Fairfield City-Wide Development Control Plan 2013, the application was notified to adjoining and surrounding owners and occupiers for a period of thirty days and a notice was placed in the Fairfield Champion Newspaper. In response one letter of objection has been received. The following provides a summary of the grounds of objection together with comments thereto:

1. Noise problems

Comment:

The application was supported by a detailed Acoustic Report prepared by Dukane Pty Ltd (See Attachment G). The conclusions and summary of recommendations from that report are as follows:

- Noise from air conditioning is unlikely to exceed established night noise criteria. A review of noise levels at detailed design stage is recommended when plant selection and location is known.
- When group chanting in the Temple occurs then the doors and windows to the southern side of the temple will need to be closed in the evening.
- Special events in the Temple that are to occur up to several times a year are likely to exceed noise criteria with doors / windows open. Therefore doors and windows should be closed during these activities and cease at 9 pm. An effective management, as detailed in the Plan of Management, is required for these events. These measures will address amplified noise associated with loudspeakers in the temple.
- Noise from traffic is unlikely to adversely impact on surrounding residences.
- In the case of car park activities it is recommended that a 1.8 metre acoustic fence be constructed between the car park and the southern residence. This fence will provide improved visual and acoustic amenity to this residence.
- A review of the draft: Western Sydney Airport EIS ANEC noise contours indicates that the site is outside all ANEC 20 contours for each operational period.
- Deemed to comply constructions are to be adopted on accommodation to

meet the requirements of Aircraft Noise Attenuation in accordance with Fairfield City Wide DCP 2013.

- Sufficient distance from extractive industries and treatment of residential areas for aircraft: noise will ensure that the acoustic amenity of future occupants will be satisfactory.

It is considered that noise related impacts have been adequately addressed by the applicant's Consulting Acoustic Engineer. Specific acoustic requirements have been reflected in the recommended conditions of consent.

2. Traffic problems

Comment:

During normal operating times the traffic generated by the operation of the place of public worship is unlikely to cause traffic problems on the local road network as demonstrated in the applicant's Traffic and Parking Assessment (Attachment H).

However during special worship days, the expected maximum attendance at the proposed temple site is likely to be in the order of 150 worshippers. The applicant's traffic consultant has advised that the parking demand during special events can be accommodated within the proposed on-site car park within the subject site on the proviso that the following recommendations are followed:

- *The temple site is to provide members of its congregation with an educational flyer advising of safe parking and traffic practices during special events and that all vehicles are to be parked within the dedicated spaces on the subject site.*
- *Staff members in high visibility gear will be present on site to regulate traffic movements into and out of the site and to manage on-site parking, to ensure that no vehicles are illegally parked and are not obstructing driveways or pedestrian paths.*
- *The Temple site is to operate a mini bus shuttle service for local in the surrounding area, when required.*

Council's traffic engineer concurs with these recommendations and that they be incorporated as conditions of development consent.

SECTION 79C CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) *Any environmental planning instrument*

This report has demonstrated that the proposed development is permissible within the RU4 – Primary Production Small Lots zone applicable under the provisions of FLEP2013.

Consideration of the development under the provisions of SEPP 55 – Remediation of Land has been found to be satisfactory.

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There is currently no draft environmental planning instrument of relevance that affects this site.

(iii) *any development control plan*

The proposed development complies with the manner in which car parking has been assessed for places of worship under the provisions of Fairfield City Wide Development Control Plan 2013 - Chapter 12 – Car parking, Vehicle access and Management.

The development complies in the main and is justifiably inconsistent with the two (2) storey height limit for non residential development in residential zones contained with Chapter 10 – Miscellaneous Development of the City Wide DCP.

(iiia) *any 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, and*

Not applicable

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by the Regulations that apply to this development.

(b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Water Pollution

The application is supported by an On-site Wastewater Management Report which recommends the construction of nine (9) pressure dosed evapotranspiration absorption beds with a combined surface area of

675m². The design and location of the wastewater management system, including setbacks to adjoining properties and watercourses, complies with AS1547:2012 and as such is acceptable in terms of environmental impact. A condition of consent will require the applicant to lodge a separate application pursuant to Section 68 of the Local Government Act (1993) to install and operate the on-site wastewater treatment system.

The onsite stormwater detention system has been designed to comply with Council's rural standards and as such will not cause significant turbidity in receiving waters.

Noise Pollution

The applicant's acoustic consultant has made certain recommendations to minimise noise impacts as discussed in a previous section. These recommendations will be incorporated as conditions of development consent.

Council's Environmental Management Branch has reviewed the acoustic report and have recommended approval subject to a number of conditions. In summary, conditions of consent can be imposed to control noise pollution.

Air Pollution

There are no proposed activities on the site that will lead to air pollution.

Traffic Impact

During normal operating times the traffic generated by the operation of the place of public worship will not cause traffic problems on the local road network as demonstrated in the applicant's Traffic and Parking Assessment (Attachment H).

However during special worship days, the expected maximum attendance at the proposed temple site is likely to be in the order of 150 worshippers. The applicant's traffic consultant has advised that the parking demand during special events can be accommodated within the proposed on-site car park within the subject site on the proviso that the following recommendations are followed:

- *The temple site is to provide members of its congregation with an educational flyer advising of safe parking and traffic practices during special events and that all vehicles are to be parked within the dedicated spaces on the subject site.*
- *Staff members in high visibility gear will be present on site to regulate traffic movements into and out of the site and to manage on-site parking, to ensure that no vehicles are illegally parked and are not obstructing driveways or pedestrian paths.*
- *The Temple site is to operate a mini bus shuttle service for local in the surrounding area, when required.*

Council's traffic engineer concurs with these recommendations and that they be incorporated as conditions of development consent.

Amenity

The proposed development is separated from other land uses and will not result in overshadowing, loss of privacy to neighbours or have an adverse impact on the streetscape.

Social and Economic Impacts

The social outcomes of the proposal are positive. The proposed temple will provide a social benefit to a significant percentage of the City's residents.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

Submissions made to the development by way of objection have been considered and do not raise issues of such magnitude as would warrant the refusal of this development proposal.

(e) the public interest

Having regard to this assessment the proposed development is considered to be in the public interest and warrants approval.

SECTION 94 AND SECTION 94A

The proposed development has an estimated construction cost of \$8,329,575. In accordance with Fairfield City Councils adopted s94A contribution plan this requires payment of a development contribution of \$83,296. A condition of development consent has been imposed which specifies this amount is payable.

CONCLUSION

The assessment of the application has resulted in the following conclusions:

- The proposed place of public worship – Buddhist Monastery and Temple is permissible with consent within RU4 Small Production Small Lots under Fairfield Local Environmental Plan 2013,
- The environmental, social and economic impacts have been managed by design of the development or by the imposition of appropriate conditions' and
- The proposal satisfactorily responds to the constraints of the site and the siting of the buildings ensure that there will be minimal impact upon the neighbouring allotments.

The development application when publically notified resulted in one submission objecting to the development. The various objections raised have been considered and are not significant enough to warrant refusal of the application. Conditions of development consent will address the noise and traffic issues raised.

This assessment has considered all relevant requirements of Section 79C of the Act and finds that there will be no significant adverse or unreasonable impacts associated with the development.

The application is recommended for approval.

RECOMMENDATION

1. That development application No. 429.1/2015 for the construction of a place of public worship involving a Buddhist Monastery and Temple with associated meditation college, dining hall with kitchen, administration building, car parking and landscaping be approved subject to conditions as outlined in Attachment K of this report.