

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Fairfield City Council** on **Wednesday 13 July 2016 at 10.30 am**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher, Cllr Ninos Khoshaba and Eber Butron

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW154 – Fairfield City Council, DA429.1/2015, 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, Lot 2318 DP 17288, No. 353-371 Delaware Road, Horsley Park.

Date of determination: 13 July 2016

Panel Decision: Approval.

The Panel unanimously approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

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

Reasons for Panel Decision:

1. The proposed Buddhist Monastery and Temple will add to the cultural amenity of the South West Metropolitan Sub Region and the Fairfield local government by providing a place of worship for the Buddhist community.
2. The proposed development subject to the conditions applied adequately satisfies the relevant State legislation and State Environmental Planning Policies including, the Water Management Act 2000, SEPP 55 – Remediation of Land and SREP No. 9 – Extractive Industry.
3. The proposal adequately satisfies the provisions and objectives of Fairfield LEP 2013 and Fairfield City-Wide DCP 2013.
4. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including impacts on nearby residential developments, the operation of local road network, the performance of the local drainage system or the local ecology.
5. In consideration of the conclusions 1-4 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 amendments to Conditions 1A and 36. Two (2) new conditions (69 and 70) are added in regards to Traffic and Plan of Management.:

1.A Modifications to development plans

- a. The proposed acoustic (hebel) wall adjacent to the southern side of the carpark shall be erected a minimum of four (4) metres inside the common property boundary.

- b. An intensively landscaped area shall be provided, between the relocated hebel wall and the boundary with full details to be provided to and approved by Council's Manager of Development Planning in a landscape plan.
- c. The perimeter open style boundary fencing shall be erected along the full boundary perimeter including the boundary between the relocated hebel acoustic wall.
- d. An amended car parking layout shall be submitted to and approved by Council's Manager of Development Planning, prior to the issue of a Construction Certificate, showing ninety four (94) formal spaces and sixteen (16), informal, overflow spaces on a grassed area in the south-eastern corner of the site.

1. Car parking - General

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

- a. One-hundred and ten (110) off-street car parking spaces for staff and visitors; and
- b. Four (4) off-street car parking spaces for disabled persons (minimum width 3.8m).

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

N.B. Sixteen of the abovementioned spaces shall be provided as informal, overflow spaces on a grassed area in the south-eastern corner of the site.

69. Traffic Management

- a. The temple 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.
- b. 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 persons engaged to operate the traffic management on site shall be suitably trained with appropriate traffic management qualifications
- c. The Temple shall operate a mini bus shuttle service for locals in the surrounding area, when required, during special events.

70. Plan of Management






The Plan of Management for An Khong Buddhist Monastery & Temple, dated 30 November 2015

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shall be modified by:

- a. deleting the name Thanh Hung Le after the term "Temple Master" wherever it occurs in the Plan of Management.
- b. requiring the Temple Master to provide Council with a copy of the Complaint Register on a yearly basis commencing on the first anniversary of the occupation of the temple complex. Where a complaint cannot be resolved through the processes outlined in the Plan of Management, the Temple Master shall notify Council in writing of the complaint, including the contact details of the complainant.

Panel members:

		
Mary-Lynne Taylor	Bruce McDonald	Lindsay Fletcher
		
Ninos Khoshaba	Eber Butron	

SCHEDULE 1

1	JRPP Reference – 2015SYW154, LGA – Fairfield City Council, DA429.1/2015
2	Proposed development: 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.
3	Street address: Lot 2318 DP 17288, No. 353-371 Delaware Road, Horsley Park.
4	Applicant/Owner: Australian Buddhist Foundation Pty Ltd.
5	Type of Regional development: Capital Investment Value >\$5 million - Private infrastructure and community facilities
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan No. 9 – Extractive Industry ○ Fairfield Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Fairfield City-Wide DCP 2013 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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.

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	<ul style="list-style-type: none"> Any submissions made in accordance with the EPA Act or EPA Regulation. The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council assessment report, recommended conditions of consent and copy of submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Dennis Courtis on behalf of the applicant.
8	Meetings and site inspections by the Panel: 13 July 2016 – Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval