

**Proposal:** The construction of a building for the purpose of a place of public worship and an assembly hall for church based activities. The development application includes the demolition of the existing two (2) metal outbuildings and the retention of an existing dwelling house on the Horsley Drive frontage.

**Location:** Lot 90A, DP17288, No 1650 The Horsley Drive, Horsley Park

**Owner:** Bethel Mar Thoma Church Sydney Inc.

**Proponent:** George Paniker, Trustee (Bethel Mar Thoma Church Sydney Inc.)

**Capital Investment Value:** \$11,000,000

**File No:** DA 643.1/2015

**Author:** Karl Berzins, Consultant Planner  
Fairfield City Council

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## **RECOMMENDATION**

That the application proposing the construction of a building for the purpose of a place of public worship and an assembly hall for church based activities in two stages be approved subject to conditions as outlined in Attachment M of this report.

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## **SUPPORTING DOCUMENTS**

<b>AT-A</b>	Development Plans
<b>AT B</b>	Statement of Environmental Effects
<b>AT C</b>	Plan of Management
<b>AT D</b>	Roads and Maritime Services (RMS) Comments
<b>AT E</b>	Flora and Fauna Assessment
<b>AT F</b>	Bushfire Hazard Assessment Report
<b>AT G</b>	Waste Water Report
<b>AT H</b>	Acoustic Assessment
<b>AT I</b>	Traffic and Parking Assessment
<b>AT J</b>	Stage 1 Preliminary Site Investigation
<b>AT K</b>	Landscape Plans
<b>AT L</b>	Submissions
<b>AT M</b>	Conditions of Development Consent

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<b>EXECUTIVE SUMMARY</b>
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Pursuant to Schedule 4A of the Environmental Planning & Assessment Act 1979 the proposal has been referred to the SSWRPP because the proposed development falls within the category of *private infrastructure and community facilities over \$5 million*.

The applicant proposes the construction of a building for the purpose of a place of public worship and an assembly hall for church based activities. The development application includes the demolition of the existing two (2) metal outbuildings and the retention of an existing dwelling house on the Horsley Drive frontage.

The place of public worship (church) and the assembly hall components will be located under the one roof. Both portions of the building will be internally linked by multiple doors, foyer and access ways. The proposed building is single storey. The plan of the building is irregular in shape with an approximate floor space of 2400m<sup>2</sup>. The seating capacity of the proposed place of public worship is 400 people.

The new building will be a freestanding structure of masonry construction with the church building having a skillion roof design and the assembly hall having a flat roof design. The maximum height of the building is 9 metres. The development will be undertaken in two stages with the second stage being the assembly hall.

It is proposed to provide 102 formal car parking spaces behind the proposed building. Provision has also been made for overflow parking for 55 cars on porous pavers that abut the proposed formal car parking area.

The entry driveway will be preceded by a deceleration lane as requested by the RMS. The deceleration lane will extend to the eastern boundary of the site and will have a length of 70m. The deceleration lane will be contained entirely within the site frontage and will have no effect on the adjacent service station's existing vehicular access driveway. A median strip is also proposed to be built in the Horsley Drive to limit vehicle turning movements from the driveway servicing the site to left in and left out only.

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

A landscaping plan has also been provided

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 development application was advertised in accordance with the notification provisions contained within Fairfield City-Wide DCP 2013. In response, two letters objecting to the development were 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 major assessment issues of concern relate to land contamination, noise control, parking provision 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 subject site is described as Lot 90A, DP 17288, The Horsley Drive, Horsley Park. The site has frontage of 96.45 metres to The Horsley Drive and a depth of 304 metres. The area of the land is 2.92 hectares. The location of the land is shown in Figure 1.

The subject land contains a single storey, fibro clad dwelling house located in the north-east corner of the site. There are also two metal clad outbuildings located behind the dwelling house.

On its eastern boundary, the site adjoins a service station, convenience store and liquor shop. The service station operates 24 hours per day. A golf driving range and restaurant is located on the opposite side of the Horsley Drive approximately 100 metres to the east of the site.

The remaining, surrounding lands are used for rural residential purposes with one and two storey homes with outbuildings being located on acreage. The M7 motorway is located approximately 500 metres to the west of the site.

The vegetation on the south western boundary of the site has been identified as Shale Hills Woodland (SHW), a part of the Critically Endangered Ecological Community of the Cumberland Plain Woodland (CPW). The majority of the site is considered to be environmentally degraded to the extent that, the vegetation is not considered to form habitat of the CPW listed community. There is a lack of structural and species diversity within this area and the vegetation consists almost entirely of exotic species. A small dam is located on the western boundary.

The southern part of the subject land is designated as a bushfire buffer zone on Council's bushfire prone lands map.

The site slopes downwards from RL 86.04 in the southeast corner of the site to RL 76.20 in the northwest corner.



**Figure 1 Site Location**

## PROPOSAL

The Applicant proposes the construction of a building for the purpose of a place of public worship and an assembly hall for church based activities. The development application includes the demolition of the existing two (2) metal outbuildings and the retention of an existing dwelling house on the Horsley Drive frontage.

The place of public worship (church) and the assembly hall components will be located under the one roof. Both portions of the building will be internally linked by multiple doors, foyer and access ways. The proposed building is single storey. The plan of the building is irregular in shape with an approximate floor space of 2400m<sup>2</sup>.

The new building will be a freestanding structure of masonry construction with the church building having a skillion roof design and the assembly hall having a flat roof design. The maximum height of the building is 9 metres.

The church component of the building contains the following:

- Foyer
- Pulpit
- Seating for 400 members
- Meeting Rooms
- Administration Area
- Covered Area
- Amenities ( Male, Female and Disabled Persons)

The assembly hall component of the building contains the following:

- Porch
- Foyer
- Storage Rooms
- Kitchen and store rooms.

- Amenities ( Male, Female and Disabled Persons)

The proposal will be constructed in two stages with the first stage comprising the church component described above as well as the kitchen and associated store rooms.

The building will be constructed of the following materials:

- Selected rendered brickwork and masonry split face block work.
- Selected Ac cladding.
- Selected colourbond awnings, fascia and downpipes.
- Selected windows and doors ( natural anodized).
- Flat roof – colourbond.
- Skillion roof – concrete tile.

The seating capacity of the proposed place of public worship is 400 people. The proposed hours of operation are as follows:

### Regular Activities

ACTIVITY	NUMBER OF PARTICIPANTS	DAY	TIME
Church Service	250-300	Sunday	9.00am – 12.00pm
Sunday School	100-125	Sunday	12.30pm – 2.00pm
Kid's craft sessions	20-30	Sunday	12.30pm – 1.30pm
Language classes	50-100	Sunday	2.00pm – 3.00pm
Women's bible studies	25-50	Sunday	12.30pm – 2.00pm
Youth bible studies	25-30	Sunday	12.30pm – 2.00pm
Committee meetings	20	Any day	varies

### Recurring and Special Occasions Activities

ACTIVITY	NUMBER OF PARTICIPANTS	FREQUENCY (AVERAGE)	TIME
Vacation Bible School (Bible classes, talks, food, music, craft, games)	150-200	3 days (weeks days) during one School holiday in a year	10.00am – 2.30pm
Harvest Festival – outdoor (food stalls, sale of produce & craft, games)	200-250	Sunday (once a year)	11.30am – 2.30pm
Young couples fellowship	80-120	One or two Saturdays per year	9.00am – 3.00pm
Parish Mission Convention (Talks and seminars)	60-120	Friday evening and Saturday. Once a year.	7.30pm – 9.00pm 9.00am – 1.00pm
Weddings	150-250	2-3 per week. (Usually on a	Various (one to one and a half

		Saturday)	hours long)
Baptisms	50-100	4-6 per week. (Usually on a Saturday)	Various (half an hour to one hour long)
Funerals	200-250		One hour
Good Friday Service	250-350	Good Friday	9.00am – 3.00pm
Passion Week Service	50-80	Monday to Thursday	7.30pm – 9.00pm
Carol Service	250-300	Two or three days prior to Christmas	6.00pm – 9.00pm
New Year's Service	100-120	One	10.30pm – 12.30am

Most of the above activities will be undertaken in the church component of the building with the minority occurring in the assembly hall. It should be noted that the assembly hall will not be in use at the same time as Church Services are in progress. In addition, the church proposes to conduct two church services per day on Sundays: a smaller service at 7:00am which is typically attended by 60 to 80 people, and a larger service at 9:00am which is typically attended by approximately 150 people. A special Sunday church service is held at 9:00am once per month which is typically attended by 300 people (i.e. which all family members attend).

It is proposed to provide 102 formal car parking spaces behind the proposed building. Provision has also been made for overflow parking for 55 cars on porous pavers that abut the proposed formal car parking area.

The entry driveway will be preceded by a deceleration lane as requested by the RMS. The deceleration lane will extend to the eastern boundary of the site and will have a length of 70m. The deceleration lane will be contained entirely within the site frontage and will have no effect on the adjacent service station's existing vehicular access driveway. A median strip is also proposed to be built in the Horsley Drive to limit vehicle turning movements from the driveway servicing the site to left in and left out only.

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

A landscaping plan has also been provided.

Stage 1 of the project will be the construction of the new church building plus the car parking area.

Stage 2 of the project will be the construction of the new church hall area and kitchen. The church hall will be used by the congregations for a variety of church program activities, primarily on Sunday afternoons after the church service. The applicant has advised that the church hall will not be used during church services and will not attract additional patronage over and above the abovementioned expected number of church participants.

## 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. Accordingly the site can be made available for the proposed development. This issue can be addressed by a condition of development consent.

### 2. State Environmental Planning Policy (Infrastructure) 2007

The Horsely Drive is a classified road and is managed by Roads & Maritime Services.

Pursuant to Clause 104 of the SEPP the development application was referred to RMS for their comment. The RMS required the applicant to redesign the proposal to provide a slip lane along the frontage of the subject land. The applicant has complied with the RMS request and the RMS has not objected to the revised plans prepared by the applicant.

The RMS has provided conditions of development consent in the event that the application is approved.

### 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 subject site is zoned RU2 Rural Landscape pursuant to the provisions of Fairfield Local Environmental Plan 2013. The objectives of the RU2 Rural Landscape Zone are set out as follows:

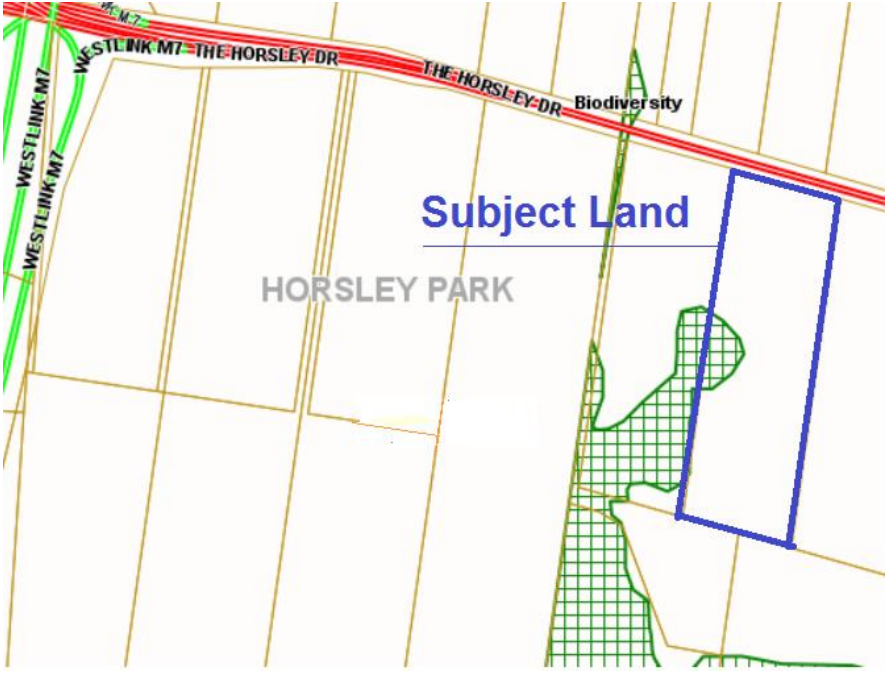
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development is sympathetic to the environment and minimises risks from natural and man-made hazards.*
- *To encourage a diverse range of recreation, entertainment and tourism related land uses that are supportive of the facilities and services provided by the surrounding Western Sydney Parklands.*

The proposal is not inconsistent with zone objectives in that it is considered to be compatible with surrounding land uses occurring within the zone.

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

<b>FLEP2013 Clauses Considered</b>	
<b>Clause No.</b>	<b>Comment</b>
<b>Clause 4.3 Height of buildings</b>	<p>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 roof height of all buildings on the site is less than 9 metres above ground level apart from the church spire (cross) which is 10.6 metres above natural ground level. Technically, the proposed development does not comply with this clause. Refer to commentary in clause 5.6 Architectural roof features, below.</p>
<b>Clause 4.4(2) Floor space ratio</b>	<p>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.</p>
<b>Clause 5.6 Architectural roof features</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Comprise a decorative element on the uppermost portion of a building, and</li> <li>• Not be an advertising structure, and</li> <li>• Cause minimal overshadowing.</li> </ul> <p>The non-compliance with the height standard is due to the height of the cross which denotes the function of the building and could be described as a decorative element.</p> <p>The proposal does not overshadow adjoining development.</p> <p>The proposal is well set back (35 metres) from The Horsley Drive and the non-compliance with the 9 metre development</p>



	<p>standard will not be discernible to passers-by or adjoining neighbours ( the closest residence is located over 70 metres from the place of public worship).</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>
<p><b>6.5 Terrestrial Biodiversity</b></p>	<p>The development is subject to the provisions of Clause 6.5 – Terrestrial Biodiversity which specifies that:</p> <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <p><i>(a) whether the development is likely to have:</i></p> <p><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</i></p> <p>The LEP map, shown below, identifies that a small part of the subject land on the western boundary has ecological significance.</p>  <p>The applicant has provided a flora and fauna assessment of the site (see Attachment E). The conclusions of the report are</p>

	<p>as follows:</p> <p><i>1 The proposed development ensures that any disturbance or modification to the environment will occur in an area that is already significantly ecologically degraded.</i></p> <p><i>2 The “7 part test” undertaken has concluded that there would be no significant impact on the critically endangered ecological community and threatened species, therefore no further investigation is required, ie a Species Impact Statement is not required.</i></p> <p><i>3 Assessment under EPBS Act found that the proposed development is unlikely to have a significant impact on the critically endangered ecological community of Shale Plains Woodland and the threatened species of Meridolum corneovirens. A referral of this action to the minister is not required.</i></p> <p>The findings of the applicant’s Flora and Fauna Assessment are supported. The documentation submitted has been reviewed and it has been found that the proposal will not significantly affect threatened species or endangered ecological communities {Section 5AA of the Environmental Planning &amp; Assessment Act (1979)}.</p> <p>The pocket of remnant vegetation will not be significantly affected by the development and impacts such as physical damage, pollution, and sedimentation arising from construction works can be covered using standard conditions of development consent.</p>
<p><b>6.9 Essential services</b></p>	<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></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable vehicular access.</i></p> <p><b>Comment:</b></p> <p>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.

<b>CRITERIA</b>	<b>PERMITTED/REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
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"> <li>• To allow a daily minimum of 4 hours of direct sunlight to adjoining windows and open spaces at mid-winter</li> </ul> <p>• To protect adjoining windows</p>	<p>The proposal contains no two storey buildings. The proposed building conforms to the height limit of 9 metres for the locality. The cross signifying that the building is a Christian church reaches a height of 10.6 metres above the main building but this is justified in architectural terms. The setback of the church buildings 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. The requirement for 4 hours of sunlight will not be compromised by the development.</p> <p>The proposal has been design to eliminate</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

CRITERIA	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
	and open spaces from overlooking and unreasonable transmissions of noise	these concerns.  Noise impacts have been assessed and found to be satisfactory	
10.1.7 Fencing and Screening	<p>a) Boundary fences to public roads are to be visually acceptable and in character with other development in the locality.</p> <p>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:</p> <ul style="list-style-type: none"> <li>- Maximum height is 1.5 metres generally along front boundaries provided that they are a high quality design, and</li> <li>- Constructed from lightweight materials such as timber, lattice, metal pickets etc.</li> </ul> <p>h) The following criteria applies for side and rear boundary fences:</p> <ul style="list-style-type: none"> <li>- Maximum height is 2.0 metres generally.</li> <li>- Council may consider a height of up to 2.2 metres on sites where it can be demonstrated that a significant security risk exists.</li> </ul>	<p>No fencing is proposed on any boundaryThe applicant has provided no details in regard to fencing on the Horsley Drive frontage.. The DCP indicates that post and rail or post and wire fencing is acceptable in the rural zones.</p> <p>The applicant is proposing a 1.8 metre high solid fence on the western boundary as well as associated landscaping.</p> <p>No fencing is proposed on any boundaryThe applicant has provided no details in regard to fencing on the Horsley Drive frontage.. The DCP indicates that post and rail or post and wire fencing is acceptable in the rural zones.</p> <p>The applicant is proposing a 1.8 metre high solid fence on the western boundary as well as associated landscaping.</p> <p>In order to protect remnant vegetation of the site, the 1.8 metre</p>	<p>Considered unsatisfactory but can be addressed as a condition of development consent.</p> <p>Considered satisfactory to minimise headlight glare and other nuisances.</p> <p>Considered unsatisfactory but can be addressed as a condition of development consent.</p> <p>Considered satisfactory.</p>

CRITERIA	PERMITTED/REQUIRED	PROPOSED	COMPLIANCE
	- An overall maximum height of 2.4 metres may be considered if the site is sloping and the fence incorporates a retaining wall.	acoustic fence will extend only from the front boundary to the start of the remnant vegetation on the western boundary.	
10.1.8 Landscaping	<p>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.</p> <p>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.</p>	A detailed landscape plan has been submitted with the DA which has been assessed by Council staff and found to be satisfactory. .	Considered satisfactory

### Car parking

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 rate of 1 space per 6 seats or 1 space per 5m<sup>2</sup> of gross leasable area whichever is the greater. The plans for the place of worship show 400 seats which is equivalent to 67 car parking spaces however the floor space rate is applicable in this circumstance as shown below:

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 <sup>2</sup> of gross leasable area, whichever is greater	1 space per 5m <sup>2</sup> of gross leasable area	128 parking spaces based on a gross leasable area of 608m <sup>2</sup>
Admin Offices meeting rooms and kitchen	1 space per 40m <sup>2</sup> of gross leasable area	1 space per 40m <sup>2</sup> of office leasable space	6 parking spaces (based on a gross leasable office area of 215m <sup>2</sup> )
<b>Total number of car parking spaces required</b>	<b>134</b>		
<b>Total number of car parking spaces provided</b>	<b>157</b>		

It should be noted that the assembly hall floor space is not included because it is not proposed to use the hall independently of the church use. In other words the hall will be used after the church service for community activities.

The above parking assessment is considered to be satisfactory and the proposal provides more car parking spaces than required by the DCP. The traffic and parking report accompanying the application (Attachment I) also confirms that the parking to be provided on site is satisfactory.

The applicant's traffic consultant has advised that the church hall will be ancillary in nature and will not be used during church services. This space will be used primarily on Sundays after the morning church service, by church members who will already be on site, and will therefore not require any additional parking. This undertaking is accepted and can be enforced as a condition of development consent.

#### **INTERNAL REFERRALS**

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

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

#### **EXTERNAL REFERRALS**

Pursuant to Clause 104 of the SEPP the development application was referred to RMS for their comment. The RMS required the applicant to redesign the proposal to provide a slip lane along the frontage of the subject land. The applicant has complied with the RMS request and the RMS has not objected to the revised plans prepared by the applicant.

The RMS has provided conditions of development consent in the event that the application is approved.

Pursuant to Clause 104 of the SEPP the development application was referred to RMS for their comment. The RMS required the applicant to redesign the proposal to provide a slip lane along the frontage of the subject land. The RMS has not objected to the revised plans prepared by the applicant.

The RMS has provided conditions of development consent in the event that the application is approved.

#### **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 twenty one days and a notice was placed in the Fairfield Champion Newspaper. In

response two letters of objection have been received. The following provides a summary of the grounds of objection together with comments thereto:

Issue	Comment
<p>Is the use is permissible in the zone and does the proposal meet the zone objectives? Please make us aware if the proposal does not meet any of the relevant development standards applicable to the proposal and if it seeks to rely on clause 4.6 of the FLEP.</p>	<p>The proposal is permissible and is consistent with the zone objectives. The proposal complies with all development standards in the LEP and the proposal does not rely on clause 4.6 of the LEP.</p>
<p>We object to the proposal based on the potential to degrade our residential amenity. We are concerned about noise and traffic impacts associated with the use of the hall for sporting events, children's activities, weddings, funerals and any other the events.</p> <p>We are also concerned that once the consent is issued it is difficult for activities to be scaled back and therefore there is no better time than in the consent to have conditions attached that require on going monitoring program at the applicants expense by an independent firm.</p>	<p>The applicant has revised the proposal by deleting the indoor recreation component of the development and is now undertaking to only use the hall in association with church services. The applicant has provided a revised acoustic report that makes recommendations so that the impact of the proposal on the amenity of the adjoining owners is minimised. The recommendations include the construction of a 1.8 m high acoustic barrier on the western boundary, glazing specifications and roof/ceiling construction requirements. The noise consultant's recommendations are endorsed and can be enforced as conditions of development consent. The proposal complies with the NSW Industrial Noise Policy.</p> <p>A condition will be imposed requiring monitoring of noise impacts when the church is operational (usually three months after the issue of a occupation certificate). Similarly there will be a condition imposed regarding the control of sound amplification on the site.</p>
<p>In relation to traffic we object because there will be a significant concentration of vehicles coming to the site and this will cause traffic and safety issues for the use of our site.</p>	<p>The proposal has been referred to the RMS who have required a deceleration lane be provided along the frontage of the subject land. Also the RMS have required a traffic island be installed at the applicant's expense in the Horsley Drive along the frontage of the subject land thereby preventing vehicles entering or leaving the site and crossing The Horsley Drive. The traffic report prepared by the applicant's expert has been reviewed and found to be satisfactory. The traffic impacts associated with the development will be managed by the approved RMS design and it is unlikely that adjoining</p>

	properties will be subjected to traffic or safety issues.
The proposed use and approval must have a detailed Plan of Management in place.	The applicant has provided an updated plan of management which is considered to be satisfactory. The plan of management will be cross referenced in the development consent.
Council must ensure that a detailed landscape plan is approved with appropriate trees on the boundary to assist in screening and buffering but the applicant cannot rely on trees for acoustic reasons.	An appropriate landscape plan has been provided and the applicant does not rely on vegetation for acoustic purposes.
The proposal needs to be visually and acoustically screened from the rural residential property to the south.	The landscape plans have provided a vegetation screen to the property to the south. The acoustic report provides recommendations so that noise emissions comply with the NSW Industrial Noise policy. The acoustic report's recommendations will be covered as conditions of development consent. Also a condition of consent has been imposed to ensure illumination of the site complies with the relevant Australian Standard.

## 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 RU2 - Rural Landscape 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. The ESA concludes that the site is suitable for the intended land use and that land contamination is not a significant issue.



This issue can be addressed by a condition of development consent.

In conclusion, the appropriate documentation has been submitted to Council to comply with the requirements of Clause 7 of SEPP 55. The required reports confirm that the land is suitable for the proposed use.

- (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 with all other development controls applicable to the proposal apart from fencing which can be covered as a condition of development consent.

- (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 675m<sup>2</sup>. 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 I).

In summary, the proposed parking facilities and vehicular access arrangements satisfy the requirements in Council's DCP (Chapter 12) and Austroads requirements and therefore the proposal will not result in unacceptable parking and traffic impacts.

The major traffic impacts associated with the proposal will be on weekends when the traffic flows on The Horsley Drive are the lightest.

### **Bushfire Hazard**

The southern part of the subject land is designated as a bushfire buffer zone on Council's bushfire prone lands map. The Bushfire Hazard Assessment Report lodged with development application concludes that the proposal buildings have a bushfire attack level (BAL) of 12.5 (ember attack) on the western and southern sides of the building. A condition of consent has been imposed to ensure that the building is designed to contain the appropriate protection against bushfires.

### **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 place of worship will provide a social benefit to the congregation and associated members of the community.

#### *(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 \$11,000,000. In accordance with Fairfield City Councils adopted s94A contribution plan this requires payment of a development contribution of \$110,000. 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 is permissible with consent within RU2 Rural Landscape zone 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 two submissions 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. 643.1/2015 for the construction of a place of public worship be approved subject to conditions as outlined in Attachment M of this report.