

SYDNEY WEST CENTRAL PLANNING PANEL

| | |
|---|--|
| Panel Reference Number | JRPP No. 2016SYW238 |
| DA Number | DA 2016/392 |
| Local Government Area | Cumberland |
| Proposed Development | Consolidation of 5 lots into 1 lot, part demolition of existing structures, new access driveway off Belinda Place, construction of a part 2, part 3 storey community facility over 3 levels of basement car parking accommodating 197 parking spaces, a dining hall and an auditorium (meeting hall) accommodating a maximum of 800 patrons, multi purpose halls to be used in association with an existing place of public worship. |
| Street Address | 217 Great Western Highway and 3 – 9 Belinda Place, Mays Hill |
| Applicant/Owner | The Saiva Manram |
| Number of Submissions | Three (3) |
| Regional Development Criteria (Schedule 4A of the Act) | Capital Investment Value \$15,688,915.00 (>\$5 million) |
| List of All Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013) • Section 92 of the EP&A Regulation |
| Recommendation | Approval, subject to conditions |
| Report by | Paul Anzellotti, Senior Development Planner, Cumberland Council |
| Meeting date | 13 September 2017 |



Figure 1 – Perspective from Belinda Place looking into the TSM site (Source: Roberts Day 2017)

TABLE OF CONTENTS

| | | |
|----|--------------------------------|----|
| 1 | Executive Summary | 1 |
| 2 | Site and Context | 2 |
| 3 | Background..... | 5 |
| 4 | The Proposal..... | 7 |
| 5 | Planning Controls..... | 10 |
| 6 | Key Issues | 12 |
| 7 | External Referrals | 27 |
| 8 | Internal Referrals | 27 |
| 9 | Public Comment..... | 27 |
| 10 | Section 79C Consideration..... | 31 |
| 11 | Conclusion | 32 |
| 12 | Recommendation | 33 |

TABLE OF FIGURES

| | |
|--|----|
| Figure 1 – Perspective from Belinda Place looking into the TSM site (Source: Roberts Day 2017) | 1 |
| Figure 2 – Location Map (Source: Cumberland Council, 2017)..... | 3 |
| Figure 3 – Zoning Map (Source: Cumberland Council, 2017) | 4 |
| Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)..... | 4 |
| Figure 5 –Height of Buildings Map (Source: Holroyd LEP, 2013)..... | 12 |
| Figure 6 –15m Height Plane Overlay (Source: Roberts Day 2017) | 13 |

ATTACHMENTS

- Attachment 1 – Development Application Plans
- Attachment 2 – Applicant's clause 4.6 request for variations
- Attachment 3 – Proposed Conditions of Consent
- Attachment 4 – Assessment of compliance with Holroyd LEP 2013
- Attachment 5 – Assessment of compliance with Holroyd DCP 2013

1 Executive Summary

- 1.1 This development proposes consolidation of 5 lots into 1 lot, part demolition of existing structures, new access driveway off Belinda Place, construction of a part 2, part 3 storey community facility over 3 levels of basement car parking accommodating 197 parking spaces, a dining hall and an auditorium (meeting hall) accommodating a maximum of 800 patrons and multi purpose halls to be used in association with an existing place of public worship. A copy of the proposed Development Application (DA) plans is provided as **Attachment 1** to this report.
- 1.2 The proposed development, as it is for a community facility with a capital investment value of more than 5 million dollars, requires referral to the Sydney West Central Planning Panel (the Panel). While Council is responsible for the assessment of the DA, the Panel is the consent authority.
- 1.3 This report summarises the key issues associated with the DA and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Holroyd Local Environmental Plan 2013 (HLEP 2013) and Holroyd Development Control Plan 2013 (HDCP 2013).
- 1.4 The original application was placed on public exhibition for 21 days from 28 September to 19 October, 2016. During this period two (2) submissions were received. It was noted that the application was incorrectly notified as it was not advised that the JRPP will be the consent authority as it is for a community facility with a capital investment value of more than 5 million dollars, requires referral to the Sydney West Central Planning Panel (the Panel). Accordingly, the application was renotified from 16 November, 2016 to 7 December, 2016. During this period one (1) new submission was received.
- 1.5 It is noted that sites on the western side of Belinda Place are zoned B6 Enterprise Corridor while the eastern side of Belinda Place are zoned R4 High Density Residential.
- 1.6 The proposal has provided for a number of amendments from the original design which are considered to improve the overall presentation and impact of the use upon its surrounding residential premises. These modifications have included the demolition of the existing dwelling at No. 3 Belinda Place and inclusion of this lot within the proposed lot consolidation scheme, removal of a main public entry from the eastern façade fronting Belinda Place, reduction in width of an eastern facing colonnade to the lower ground level and provision of stepped planter boxes to this elevation to soften the visual impact of the proposal.
- 1.7 The development complies with the development standards contained within HLEP 2013 with the exception of height of buildings.
- 1.8 The maximum permissible height of buildings on the site is 15 metres. The proposed building is provided with an overall height of between 15.76m to 16.34m via the provision of an elevated gable roof form above the ground level auditorium (Meeting Hall). The proposed building height is varied by up to a maximum of 1.34 metres, or 8.9%, over the 15 metre limit.
- 1.9 The applicant has lodged a request under Clause 4.6 of HLEP 2013 seeking a variation to the development standard. A copy of the Clause 4.6 request is provided at **Attachment 2** to this report. This variation is supported as the objectives of the

standard are achieved and the proposal results in an acceptable outcome for the site with no adverse streetscape, overshadowing or amenity impacts.

- 1.10 The application includes consolidation of the existing 5 lots legally described as Lot 220, 221 and 222 in DP 12899 and Lot 0 in SP 52225 (known as 3-9 Belinda Place, Mays Hill) and Lot 1, DP 870186 (known as 217 Great Western Highway, Mays Hill).
- 1.11 The development is generally consistent with the requirements of the HDCP 2013 with the exception of the retaining wall heights, provision of multiple cores, awning provision, lot amalgamation variation and front building setback variation. The proposed variations are considered acceptable as the proposal is an appropriate response to the site, providing a supporting use for the existing temple operations.
- 1.12 The DA was referred to the Roads and Maritime Services (RMS) and NSW Police for comments which have both raised no objection to the proposal subject to conditions of consent.
- 1.13 The application is considered to provide for an acceptable car parking rate in regard to the operation of the existing temple and proposed community facility. It is noted that Council planning controls do not maintain a minimum parking rate for a community facility and in this regard, the applicant and Council's Traffic Engineers have provided for an agreed parking rate for the overall sites operations based upon an average vehicle occupancy of 3.3 persons. The proposal has also been accompanied by documentation indicating that the expected cumulative vehicle trip per hour from the proposed use and surrounding residential flat buildings along Belinda Place is within specified road capacities as provided by Roads and Maritime guidelines.
- 1.14 The operation of the community facility is considered to create an acceptable amenity impact in regard to noise generation to surrounding residential developments with the inclusion of recommendations from the accompanying Acoustic Report and Operational Management Plan as Conditions of Consent with any Development Consent Granted.
- 1.15 The operation of the Community Facility is to be restricted to a maximum number of 800 persons at any one time.
- 1.16 The proposed development is considered satisfactory with regard to key issues such as siting and design, bulk and scale, privacy, overshadowing, access, traffic impacts, parking, noise generation and control, site contamination, stormwater drainage and social and economic impacts. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979 including the suitability of the site for the development and the public interest, and is considered satisfactory subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.17 In light of the above, it is recommended that the Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 3** to this Report.

2 Site and Context

- 2.1 The subject site comprises Lot 220, 221 and 222 in DP 12899 and Lot 0 in SP 52225 (known as 3-9 Belinda Place, Mays Hill) and Lot 1, DP 870186 (known as 217 Great

Western Highway, Mays Hill). The site is illustrated in Figure 2 below with the portion of the site of the proposed community centre hatched in red:



Figure 2 – Location Map (Source: Cumberland Council, 2017)

- 2.2 The subject site is located on the western side of Belinda Place. Directly adjoining to the south is vacant/landscaped land abutting the M4 Motorway. Directly adjoining the north of the site and along the opposite side of Belinda Place are residential dwellings.
- 2.3 The subject lots currently contain a number of detached dwellings. The subject site provides for an overall frontage of 85m to Belinda Place. Directly to the rear of the subject site is the Hindu Tamil Saiva temple and associated open car parking.
- 2.4 The subject site is zoned B6 Enterprise Corridor pursuant to HLEP 2013 as shown in Figure 3 below:



2.5 It is noted that the properties within Belinda Place and the intersection of the Great Western Highway have been subject to a number of recent development applications for new residential developments reflecting the high density provisions of the surrounding B6 – Enterprise Corridor or R4 – High Density Residential zonings. Applications for sites in the vicinity of the subject site are as follows;

2-4 Belinda Place; Demolition of existing structures, construction of a 4 storey residential flat building accommodating 28 residential units over basement car parking accommodating 33 car parking spaces; approved subject to Deferred Commencement 22 September, 2014.

12-14 Belinda Place; Demolition of existing structures, consolidation of 2 lots into 1, construction of a 5 storey Residential Flat Building comprising 21 residential units over basement parking accommodating 26 car parking spaces; approved under Deferred Commencement 8 May, 2015.

189 Great Western Highway; Demolition of existing structures and construction of a part 4 part 7 storey mixed use development over two levels of basement parking accommodating 18 units and 30 car parking spaces under Affordable Rental Housing SEPP 2009; approved under Deferred Commencement 27 July, 2017.

6-10 Belinda Place & 10 Peggy Street; Demolition of existing structures, construction of one (1) x five (5) storey and one (1) x three (3) storey residential flat building comprising 28 units and 35 car parking spaces; currently under assessment.

3 Background

3.1 The proposal was subject to a Pre-Development Application meeting between applicants for the proposal and Council representatives on the 15 July, 2015. Specific concerns were raised with the concept design with the following conclusion provided in formal correspondence dated 25 August, 2015;

The proposed development is not considered an acceptable response to the subject site zoning's noting that the development is not a permissible use under the Holroyd Local Environmental Plan's land use table.

Concern is also raised in regard to the proposed built form and activities to be conducted within the function hall. The use of a facility of this size and capacity is considered will create a negligible impact upon the amenity of surrounding residents within Belinda Place. Specific points of contention include the increased traffic congestion and vehicle movement generation that the use would create as well as acoustic and privacy impacts upon the R4 residential zoning on the eastern side of Belinda Place opposite the subject site, which as noted by the nature of recent application received by Council will provide for a high density residential use.

Noting the above, the operation of a function hall in this location is therefore considered to create a multitude of amenity concerns for surrounding residents, highlighted by the prohibition of 'entertainment facilities' under the subject sites zoning.

3.2 Following the receipt of the above correspondence, the applicant subsequently provided Council with legal advice in response to the permissibility of a future use which provided in part for the following response;

(a) *TSM is a not-for-profit, charitable foundation established to promote and facilitate the Saivite way of life, its community, the Tamil language and culture generally. The development of a Cultural Hall on the Site is both expressly provided for in the Saiva Manram's constitution and is intended to facilitate and form part of TSM's religious, cultural and social functions.*

(b) *In our view, the Cultural Hall cannot be characterised as an 'entertainment facility', which is a prohibited use in the B6 Zone, because:*

(i) *the definition of 'entertainment facility' in the HLEP refers to a series of sub-uses including theatre, cinema, music hall, concert hall, dance hall and the like;*

(ii) *the definition seeks to establish a genus of sub-uses that exhibit similar characteristics. In our view, the relevant characteristics of that genus are:*

- *a facility hosting dance, musical, film or theatrical type activities for entertainment purposes; and*
- *open and advertised to the general public; and*
- *usually, for profit.*

(iii) *In applying the above genus characteristics and having regard to the particular facts and circumstances of the proposed uses:*

- *any dance or musical type activities to be conducted at the Cultural Hall are proposed for an educational, cultural and spiritual purpose. They are not for entertainment purposes;*
- *the dance and musical type activities are only part of the other activities taking place in the Cultural Hall, including weddings, meetings, functions, cultural teachings, etc. Accordingly, even if part of the use of the Cultural Hall could be characterised as an 'entertainment facility', that could never be the complete answer; and*
- *the activities to be undertaken within the Cultural Hall are only for the Saivite community and not the general public; and*
- *there is no profit motive in the activities and events.*

(c) *The Cultural Hall could not be characterised as any other prohibited use under the B6 Zone.*

(d) *The B6 Zone is an "open zone" and accordingly, any development not listed as prohibited is permissible with consent, including those listed in the table.*

(e) *We consider that the proposed Cultural Hall development could be characterised for dual uses under the HLEP, being:*

(i) *a community facility to cover the spiritual discourses and lectures, the cultural programs, educational teachings including Sunday school and administrative meetings; and*

(ii) *a function centre to cover the weddings, memorial services and the annual ticketed functions such as the annual dinner and music evening.*

3.3 Following the receipt of this documentation, Council also obtained legal advice advising that agreeance was provided with the applicants advice and that the proposal is permissible, having a dual character of 'community facility' and 'function centre'.

3.4 In addition, should any application be approved, it is considered critical that conditions of consent be imposed which restrict any development from operating as an independent 'entertainment facility'.

4 The Proposal

4.1 The application as amended provides for the following development;

- Demolition of existing dwellings on Lots 220, 221 and 222 in DP 12899 and Lot 0 in SP 52225.
- Amalgamation of four (4) existing Lots being lot 0 in SP 52225 (No. 9 Belinda), Lot 220 in DP 12899 (No. 7 Belinda), Lot 221 in DP 12899 (No. 5 Belinda) and Lot 222 in DP 12899 (No. 3 Belinda) into existing Lot 1, DP 870186 (No. 217 Great Western Highway). The total area of the consolidation of the above five (5) lots is 14,374.74m².
- New access driveway from Belinda Place at the southern end of the proposed built form envelope.
- Modifications to the existing at grade car parking currently accessed from the Great Western Highway on existing lands owned by TSM in association with the use of the temple and existing facilities. The parking spaces will be reduced from an existing 114 spaces to 107 spaces.
- Removal of a number of existing trees within and surrounding the proposed building footprint.
- Construction of a new part two (2), part three (3) storey cultural hall and associated facilities including the following;
 - Three levels of basement carparking for 197 vehicles, to be accessed from the southern side of the new built form.
 - A cultural hall on the ground floor with seating for up to 800 persons. The ground floor also provides for toilet facilities, prop and furniture storage, foyer east (fronting Belinda Place) and a main north facing foyer. The main foyer is accessed via a northern podium which is provided with north facing stairs and an access ramp from the existing at grade carparking associated with the existing temple. In addition, a western podium is provided accessed by the proposed ramp allowing for entry to the main northern foyer.
 - A dining hall on the lower ground floor with a seating capacity for up to 800 persons. The lower ground floor also provides for four (4) multi purpose rooms, toilet facilities, food server, eastern colonnade (facing Belinda Place), northern colonnade and western colonnade. Landscaping and low level open metal fencing and gates are provided to the full extent of the Belinda Place frontage.
- The gross floor area of the additions has been calculated at 3,497m².
- Stair and lift access is proposed from the car parking basement levels to the lower ground floor and ground floor.

The following definition is provided for a basement under the HLEP 2013;

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

It is noted that the proposed building is provided with an elevated basement to its south eastern corner which is therefore included as a storey. As a consequence the proposal is defined as a part two (2), part three (3) storey building.

- 4.2 The following description of the proposed use and operations of the community facility is provided by the 'Preliminary Operational Management Plan';

3.0 OPERATIONAL DETAILS

3.1 OCCUPANCY

3.1.1 Current occupancy

The maximum number of persons accommodated within the Existing Temple is currently 200 persons at anyone time. The maximum number of persons accommodated within the existing Cultural Hall is currently 220 persons. The current maximum occupancy across the Temple Complex, therefore, is 420 persons at any one time noting that the existing Cultural Hall does not have events concurrently during peak periods for the temple such as the Festival days.

3.1.2 Proposed occupancy

The Existing Temple has a maximum capacity of 200 persons. The proposed new Cultural Hall has a maximum capacity of 800 persons. The proposed alternations and additions to the Temple Complex, therefore, will expand its potential capacity to a maximum of 1000 persons. The number of patrons shall not exceed this amount. The Secretary is responsible for ensuring that this requirement is complied with.

Notwithstanding the above, not all areas within the Temple Complex will operate at full capacity at the same time and as demonstrated below, the maximum number of people within the Temple Complex is anticipated to be well below the potential maximum capacity on a day-to-day basis.

3.2 HOURS OF OPERATION

3.2.1 Existing Temple

Standard Operation:

The opening hours of the Existing Temple within the Temple Complex are as follows:

- Monday to Thursday: 7.00 am to 8.30 pm
- Fridays: 7.00 am to 9.30 pm
- Saturday and Sunday: 7.00 am to 8.30 pm

There are five prayer sessions daily between 10am and 5pm. Three (3) of the five (5) sessions run for approximately 45 minutes. The remaining two (2) sessions run for approximately 30 minutes.

The maximum number of persons occupying the Existing Temple during peak times is as follows:

- Monday to Thursday: 7.00 pm to 8.30 pm peaks at about 150 persons
- Friday: 7.00 pm to 9.00 pm peaks at about 200 persons
- Saturday: 6.00 pm to 8.30pm peaks at about 200 persons
- Sunday: 6.00 pm to 8.30 pm peaks at about 100 persons

A maximum of 50 to 60 persons occupy the Temple during non-peak times.

Minor Religious Days:

The Existing Temple hosts approximately 30 minor religious days per annum.

Peak occupation on a minor religious day occurs during 6.00 pm to 8.30 pm as follows:

- Weekdays: Peak of approximately 150 persons
- Weekend/Public Holiday: Peak of approximately 200 persons

Festival Days:

The Existing Temple hosts approximately 10-14 festival days per annum.

The Annual Festival occurs during the month of March/ April and runs for ten days. This event attracts an estimated 400 to 700 persons per day. A peak of approximately 700 persons occurs on Chariot Festival Day between 10.00am to 1.00pm.

THE OPERATION OF OTHER FUNCTIONS CONCURRENT WITH FESTIVAL DAY ACTIVITIES SHALL NOT BE PERMITTED.

THE NEW CULTURAL HALL SHALL NOT BE OPERATIONAL DURING FESTIVAL DAYS.

3.2.2 New Cultural Hall

The opening hours of the new Cultural Hall within the Temple Complex are proposed as follows:

- Saturday and Sunday: 8.00 am to 9.00 pm

The maximum number of persons occupying the new Cultural Hall is **800 persons**.

The average attendance of TSM events currently conducted at off-site venues is approximately 600 persons. This is based on TSM use of external venues such as Bowman Hall, Blacktown, for events that cannot be accommodated at the existing Hall. It is estimated that the peak capacity of 800 persons would only be reached approximately 10% of the time.

| TABLE 1: SUMMARY OF CULTURAL HALL USES | | |
|---|----------|------------------|
| ACTIVITY | DURATION | DAY/TIME |
| (a) Spiritual discourses and lectures: approximately 15 per year that will be conducted in the Cultural Hall so as to | 3 hrs | Monday to Sunday |

| | | |
|---|--------------|---|
| <i>enhance spiritual and cultural principles of the faith.</i> | | |
| <i>(b) Weddings: approximately 35 per year and intended only to be used by members of the TSM, devotees and not the general public.</i> | <i>4 hrs</i> | <i>Saturday - Sunday 8:00AM - 9:00PM, or on weekdays on limited occasions</i> |
| <i>(c) Cultural programs: approximately 15 per year and focused on spiritually and educationally oriented devotional singing, drama and cultural dance programs.</i> | <i>4 hrs</i> | <i>Monday to Sunday 8:00AM - 9:00PM</i> |
| <i>(d) Ticketed annual events: a charitable annual dinner and musical event are held once per year and members are charged a fee to attend but only to raise funds for the charitable institution and to cover costs;</i> | <i>4 hrs</i> | <i>Saturday / Sunday 5:00PM - 9:00PM</i> |
| <i>(e) Educational Sunday Saiva schools: approximately 40 per year</i> | <i>2 hrs</i> | <i>Sundays 2.00PM to 4.00PM</i> |
| <i>(f) Memorial Services: approximately 30 per year and the Cultural Hall is intended to be used to conduct memorial services for the deceased. The Cultural Hall is intended only to be hired for memorial services by members of TSM, devotees and not the general public. Approximate attendance 150-200 people per service.</i> | <i>3 hrs</i> | <i>Saturday/Sunday 11:00AM - 2:00PM, or on weekdays on limited occasions</i> |
| <i>(g) Annual and special general meetings of the Saiva Manram: approximately 1 each per year.</i> | <i>5 hrs</i> | <i>Sundays (AGM) Saturday / Sunday (SGM) 9.00AM to 2.00PM</i> |

Note:

- *Weddings and cultural programs shall not be booked for the same time period.*
- *On rare occasions, weddings may take place on a weekday.*
- *The new Cultural Hall facility shall not be operational during festival days*

In Summary

- *The Existing Temple has a maximum capacity of 200 persons at anyone time;*
- *The new Cultural Hall will have a maximum capacity of 800 persons;*
- *The maximum population across the whole of the Temple Complex is 1,000 persons;*
- *The new Cultural Hall will not operate concurrent with the temple on Festival Days;*
- *As such, the maximum 1,000 persons across the site is highly unlikely to ever be reached.*

5 Planning Controls

5.1 The planning controls that relate to the proposed development are as follows:

- a. State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the RMS in accordance with Clause 101 of the SEPP (Infrastructure) 2007. The RMS's comments are outlined in Section 8 of this Report.

b. State Environmental Planning Policy No. 55 Remediation of Land

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

The subject site is currently used for residential purposes and has been for many years. There is no evidence to suggest that the land has been used for any of the uses listed in Table 1 of the *Managing Land Contamination: Planning Guidelines* or that it has otherwise been contaminated in any way. The following comments were provided by Council's Senior Environmental Health Officer;

A Stage 1 Environmental Site Investigation (with limited soil sampling) was prepared by Network Geotechnics (Ref G09-2184-A) dated 7 June 2016. The report has been prepared in accordance with the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites" and the NEMP (2013 Amendment).

Based on those investigations the author of the report has made the following conclusions:

- *Based on aerial photographs and title records, the subject site was used for agricultural purposes during the early 1900s when the site was owned by a grazier. Aerial photographs indicate that between 1951 and 1965 houses were constructed at no 5 & 7. The subject site has been used for residential purposes since this time.*
- *There was no visual indication of asbestos or hydrocarbon contamination of the soils.*
- *The laboratory test results indicate that the concentration of contaminants tested was below the relevant HIL and EILs in all soil samples.*

Based on the above, it is assessed that the subject site is suitable for the proposed cultural centre.

c. Holroyd Local Environmental Plan (HLEP) 2013

HLEP 2013 applies to the site. The development is generally consistent with the provisions of the LEP with the exception of the height of buildings development standard. The applicant has submitted a written request justifying the contravention of the development standard and considers that strict compliance is unreasonable and unnecessary in the circumstances of the case. The variations are discussed in further detail in Section 6 of this Report. A detailed assessment against the provisions of the HLEP is provided at **Attachment 4** to this Report.

d. Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 applies to the site. The development is generally consistent with the provisions of the DCP with the exception of the height of retaining walls, desired site consolidation, provision of multiple cores, provision of an awning

The gable roof above the meeting hall is surrounded by flat roof forms to the adjoining main foyer and eastern foyer and to its south where toilet facilities and internal amenity room associated with the use of the building are located. The provision of an elevated roof form surrounded by flat roofs, while having the effect of creating a distinct architectural roof feature for the proposed building will not create any additional floor space.

The extent of the proposed non compliance to the maximum building height is illustrated in the following overlay diagram;



Figure 6 – 15m Height Plane Overlay (Source: Roberts Day 2017)

The Applicant has indicated that the variation proposed is created by a design which is keeping with the Dravidian-style architecture of the building and is to serve as a cultural reference point for the use of the wider TSM site.

The Applicant has provided the following environmental planning grounds in response to the HLEP 2013 height of building objectives to justify the proposed variation:

(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

The proposal has deliberately been sited and designed to mitigate against visual impacts to the high density residential area (in current transition and transformation) to the east of the site.

The cultural hall is proposed on the low side of the lot, with the height breach only occurring on part of the proposed second storey roof. The roof itself has been designed in keeping with the Dravidian-styled architecture of the building and cultural reference point of the use of the wider TSM site.

The building itself sits not only at the lowest part of the site but at the cul-de-sac termination of Belinda Place, beyond which at some height itself atop an embankment is the M4 Motorway. In the context of the termination of the street,

the grade change to the M4 and overall impacts it is considered that this breach will result in an inconsequential visual impact to neighbouring properties to the east (noting that no other aspect will be impacted).

Moreover, solar access testing has shown zero impact upon adjoining properties

Further, in terms of privacy, the revised proposal has removed the colonnade and entrance from the Belinda Place elevation, and as such any potential privacy or noise intrusion impacts have been mitigated.

(b) to ensure development is consistent with the landform,

The proposed development has taken into account the topography of the site. The architectural design is considered to be site-responsive with the access road proposed on the low side of the building, noting also the dramatic increase in grade at the end of Belinda Place with the placement of an embankment to provide for the M4 Motorway some 5m above Belinda Place.

(c) to provide appropriate scales and intensities of development through height controls.

The proposal is considered to be an appropriate and desirable land use at the transition point between the B6 (Enterprise Corridor) and R4 (High Density Residential) zones noting that the following land uses are also permitted with consent in the B6 zone:

- bulky goods premises;*
- food and drink premises;*
- light industries;*
- timber yards; and*
- warehouse or distribution centres.*

It is important to note that Community facilities are permissible with consent in both the B6 and R4 zones.

The bulk, scale and intensity of the proposed built form is consistent with current/future residential flat buildings completed/proposed in Belinda Place (to the same 15m height limit), and the desired future character of the area which is in significant transformation. The TSM development would not be out of character in its current or future context particularly in its proposed location.

As discussed, the proposed height variation is predominately attributable to the desire to create an elevated central roof form to allow for a Dravidian styled architectural feature in keeping with the existing architectural style of the temple and operations of the subject site. Both the eastern and western gable ends are envisaged to be provided with a decorative wall relief, while the elevated wall heights to the ground level meeting hall also allow for the provision of high level windows for light and ventilation to this area.

The additional roof non compliance is not spread over the whole of the building footprint but rather to the ridge line traversing the building from east to west. Taking into consideration the position of the building along Belinda Place, this level of building height non compliance is not considered to create any additional amenity concerns for surrounding residential properties to the eastern side of Belinda Place in the form of overlooking or overshadowing.

In this regard, the proposed 4.6 variation is considered well founded and is supported in this instance.

6.2 Variations to HDCP 2013 development controls

As previously noted, **Attachment 5** provides a table that outlines the proposal's compliance with HDCP. The development is generally consistent with the requirements of the DCP with the exception of the provision of retaining walls, provision of a single lift core, lot amalgamation variation, failure to provide an awning and front building setback controls as discussed under the respective headings below. In addition, discussion is provided in regard to minimum parking spaces to be provided, visual presentation, movement of vehicles and potential noise impacts of the proposed use to surrounding residential properties.

a. Minimum Parking Spaces:

HDCP does not provide for a minimum car parking rate for the provision of a community facility. Notwithstanding the above, the application was accompanied by supporting documentation indicating that the results of an 'occupancy' survey of vehicles visiting the site during a function indicate an average vehicle occupancy of 3.3 persons.

Following discussions between the applicant and Council representatives with respect to car parking calculations it was subsequently agreed that:

- The net additional parking required of the new cultural hall shall have regard for the occupancy associated with the existing cultural hall including the parking demand resultant to its subsequent use.
- The nature and operations of the new hall shall be taken into consideration and a pragmatic and adjusted gross floor area (GFA) adopted during the interpretation of their respective functions and hence parking generation.

The following commentary has been provided in part by a supplementary Parking Assessment accompanying the application prepared by Transport and Traffic Planning Associates dated 6 June, 2017 as follows;

Existing Hall

The existing hall has a GFA of 395m² and it is understood that it has a peak capacity of 220 persons. This is equivalent to a density of some 0.56 persons per m² being the agreed 'density rate' from which future theoretical capacity would be based upon.

Existing Hall Car Parking Demand

Application of the established vehicle occupancy rate of 3.3 ppv would indicate a car parking demand of 67 spaces which is associated with the existing hall.

Future Car Parking Demand of Existing Hall

It is understood that the existing hall would be used as an area for the TSM to store their community supplies such as papers, chairs, electrical/audio equipment and heaters etc. The use of this area will be entirely independent of

traffic/parking generation and while a minimum provision rate of 1 space per 140m² GFA is indicated in the DCP for 'storage facilities' this criterion is in fact categorised under Industrial uses which is not applicable in this context. Notwithstanding, if this was to be applied then the parking requirement associated with this use is 3 spaces.

Proposed Cultural Hall

The proposed cultural hall has a total gross GFA of 3,497 m², however it should be acknowledged that only specific elements within the facility are accountable with respect to 'occupancy' being:

| level | Defined Areas | Function | Occupancy | GFA |
|--------------|---|--|-------------------------------|---|
| Ground | Main foyer Meeting hall(with 800 seats) Storage/toilet etc. | Pre-event social Event Storage/toilet | No Yes No | 550 m ² |
| Lower Ground | Lower Foyer Dining Hall Multi-purpose rooms Food servery Storage/toilet etc | Pre-meal social Meals Meetings Food prep Storage/toilet | No Yes Yes Yes No | 588 m ² 285 m ² 80 m ² |
| Basement | Carpark | Carpark | No | |
| | Total Functional GFA | | | 1,503 m ² |

The actual function and flow of each of the above areas which stemmed from better understanding of how the premises operate are articulated in the following:

1. Main Foyer - The main foyer is an area designated for guests to 'mingle' prior to the commencement of the event. This 'mingling' area is necessary because unlike typical function centres, the proposed Meeting Hall has a fixed seating layout which prevents easy social conversations between guests.
2. Meeting Hall - The hall is where the main event takes place, and when it begins, guests are invited to resume their seating from the main foyer. The procedure is somewhat similar to those of a symphony orchestra concert where guests mingle in the main foyer during the intermission and resume seating once the second session commences.
3. Storage/toilet - Storage areas are used in the same manner as that expected for the existing hall. As previously iterated, this use is non-traffic/parking generative and as such would not result in increased/decreased occupancy by guest number. Toilets are self-explanatory.
4. Lower Foyer and Dining Hall - The 2 areas operate in a same manner as the Main Foyer and Meeting Hall. It is noted that the Cultural Hall and Dining Hall areas are not concurrently used, rather in a sequential manner because a typical TSM function is comprised of performances in the Meeting Hall and subsequently guests are invited to the Dining Hall for meals. Prior to this, guests are given a brief period to again, mingle at the Lower Foyer before being invited into the Dining Hall for meals.

5. *Multi-purpose Room* - These rooms are used for meetings outside of event periods and can also be used as areas where performers prepare/change during events. While the meeting activities are likely to be traffic/parking generative they are not concurrent with the events and will also be much lesser in scale compared to the peak events. The make up/dressing uses are ancillary to the main events and is not expected to generate any parking demands. As such, it is not anticipated that this area would affect the premises' occupancy.
6. *Food Servery* - This is the area where volunteers of the TSM assist with the preparation of meals for guests that has been cooked at the existing kitchen. Additional information is provided in the Food Safety Management Plan.

As apparent from the above the accountable GFA for the new Hall, which is significantly more spacious (as is the intention and reason for upgrade), is used in a more structured manner and this should be taken into consideration during the deductions of its parking demands. The average occupancy of events currently conducted at off-site venues is about 600 persons. This is based on TSM use of external venues such as Bowman Hall, Blacktown for event that cannot be accommodated at the existing Hall. It is estimated that the peak capacity of 800 persons would only be reached about 10% of the time.

Proposed Cultural Hall Car Parking Demand

If the adjusted GFA of 1,503m² is applied to the derived density then the equivalent theoretical capacity of the new hall would be 842 persons. As such, the net additional person capacity of the new hall is equivalent to

842 - 220 persons = 622 persons

Application of the established vehicle occupancy rate of 3.3 ppv to the now derived hall capacity indicates a net additional car parking demand of 189 spaces. Because the existing hall's storage uses has an associated demand of 3 spaces, then the eventual demand will be 192 spaces.

Car Parking Supply

As indicated on the above, the proposed basement carpark, which will have a capacity of 197 spaces, will be able to accommodate the envisaged net additional parking demand of 192 spaces. Notwithstanding, the theoretical capacity of 842 persons is in fact some 5% higher than that proposed at the hall (800 persons) and which is expected to be conditioned as the maximum operating capacity and to which TSM will be legally bound. Additional information is provided in the Operational Management Plan which sets out a range of policies and procedures for managing the entire site including car parking to ensure it is a well-managed community facility offering a high quality of service to its congregation and visitors.

Summary

Based on the above, the assessment which represents a somewhat conservative assessment concludes that the proposed car parking arrangement will:

- *have regard for the capacity of the existing hall*
- *have regard for the functional areas of the new and enhanced hall*
- *have regard for the theoretical capacity of the new hall which is some 5% higher*
- *than the actual imposed legal limit*
- *have regard for the derived car parking demands*
- *not likely impact on the surrounding street parking*

Council's Traffic Engineering Department have indicated that the provided traffic report has addressed the traffic implications resulting from the proposed development and as such, the proposal is considered acceptable in terms of traffic and parking.

b. Retaining Walls variation:

The proposed development will provide for a colonnade area to the lower ground floor which is provided to the western, northern and eastern elevations. Engineering details are required for retaining walls exceeding 1m in height under Section 6, Part A, HDCP. An assessment of the provided plans has indicated retaining walls to be provided to the north eastern corner up to a height of 1.65m taking into consideration the existing contours of the subject site and the amount of cut provided for this part of the colonnade. The information provided on engineering plans is considered appropriate while it is also noted the no objection has been raised by Council's Engineering Department in regard to any retaining walls restricting the movement or inappropriately redirecting ground water, details to be provided prior to the issue of any Construction Certificate.

c. Multiple Cores variation:

HDCP requires multiple cores which access above ground uses are to be provided where the site frontage is over 30m. It is noted that the subject site is provided with a frontage of 85m onto Belinda Place. The following commentary has been provided by the applicant in regard to the provision of a single lift from the basement level to the lower ground floor and ground floor;

It is noted that the lift number and sizing/capacity and the stair and egress widths have been designed for up to the 800 capacity in accordance with the provisions of the BCA. In addition to the lift, alternative vertical circulation routes comprising eastern and northern stairwells are available.

It is also noted that the daily operation of the new Cultural Hall is anticipated to reach a peak occupancy of between 300 and 400 persons.

*This average peak occupancy will be exceeded during special occasions and events when the new Cultural Hall is expected to operate closer to its full designed capacity. However, as detailed in the Supplementary Traffic and Parking Report prepared by Transport & Traffic Planning Associates (**Appendix E**), arrivals and departures associated with these events are also necessarily staggered.*

| Arrivals | | |
|-----------------|--------------|-------|
| 3-4pm | 5% (caters) | 10 vt |
| 4-5pm | 10% (caters) | 20 vt |
| 5-6pm | 20% | 39 vt |

| | | |
|-------|-----|--------|
| 6-7pm | 60% | 118 vt |
| 7-8pm | 5% | 10 vt |

| Departures | | |
|-------------------|--------------|--------|
| 9-10pm | 80% | 157 vt |
| 10-10.30pm | 5% | 10 vt |
| 10.30pm later | 15% (caters) | 30 vt |

Given the average peak capacity is well below 800, the staggered nature of arrivals and departures during larger events and the alternative circulation routes available, the addition of a second lift is considered unnecessary in this case., given its BCA compliance.

It is noted that the provision of a second core does primarily relate to the provision of access to residential levels located above a commercial ground floor level as is typical with shop top housing or mixed used developments. In this instance, consideration is primarily given to the movement of persons associated with functions or events within the community facility. In addition, a reasonable portion of the frontage will facilitate the provision of a new driveway off Belinda Place as well as a detention basin. As the proposal will provide for accessibility via a lift and an access ramp from the existing at grade car park, the movements of persons via a single core in this instance is considered acceptable.

d. Awnings variation:

As the proposed development is located within a commercial zoning, new built forms are generally required to provide for an awning with a minimum depth of 3m to provide a public presence and interface with the public domain. In this instance, the provision of an awning is not considered necessary noting that the proposal will not provide for a commercial use and no entry point is provided to the building directly off Belinda Place.

e. Lot Amalgamation variation:

The location of the subject site does require the amalgamation of No's. 1 to 9 Belinda Place in accordance with the requirements of Clause 1.1 – Site Consolidation and Frontage, Part N (Transitway Station Precinct Controls) under the HDCP. The subject sites are encapsulated in part within the Mays Hill Transit Precinct as a result of its lot frontages onto Belinda Place. It is noted under Part N and also Part C of the HDCP that the following Development Controls are applicable;

- *In instances where amalgamation cannot be achieved, the following information must be submitted with any development application:*
 - *Two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute, and*
 - *Evidence that a reasonable offer has been made to the owners(s) of the affected sites to purchase and valuation reports.*
- *Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, will still be able to achieve the development outcome prescribed in this DCP,*

including achieving the required vehicular access, basement parking and built form.

While it is acknowledged that the proposal will landlock No. 1 Belinda Place as it is not in accordance with the desired amalgamation pattern, no concern is raised in this instance as No. 1 Belinda Place is also under the ownership of The Saiva Manram. In this regard, the requirement of valuations and evidence of a reasonable offer is also not applicable. It is also noted that only 1 lot (No. 199 Great Western) is currently not under the ownership of The Saiva Manram either along the western side of Belinda Place or fronting the Great Western Highway which is considered to allow for greater scope for an orderly redevelopment of these lots at a future date.

f. Front Building Setback variation:

Under Part N of the HDCP, a minimum front building setback of 4m is required. Plans originally accompanying the application provided for a nil setback with the location of the eastern colonnade to the lower ground floor positioned directly on the eastern site boundary facing Belinda Place. Amended plans received by Council have provided for a significant reduction in the width of this colonnade from 6m to 2.6m with the remaining setback between the colonnade and the Belinda Place site boundary to be treated in stepped planter boxes maintaining a mixture of shrubs and trees. It is noted that the accompanying landscape plans have indicated that these trees, when mature in age will reach a height of 8m.

Therefore, while planter boxes are located within the 4m setbacks area, the proposed vegetation is considered to soften the visual presentation of the new building and is considered an acceptable response to the higher density residential buildings opposite the site and along Belinda Place.

6.3 Environmental Management - Salinity

The Salinity Potential in Western Sydney map prepared by the former DIPNR, indicates the Site and the Mays Hill area generally is within a region of moderate salinity potential. Suitable conditions of any consent will be imposed requiring the detailed design of the development to incorporate measures to mitigate the impacts of, and on, salinity as a part of the development.

6.4 Movement of vehicles along Belinda Place

An assessment of the original application and subsequent deferral provided to the applicant raised concerns in relation to the traffic impact and the cumulative traffic generation created from the subject site upon Belinda Place. The following response was provided via the accompanying Supplementary Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates dated 31 March, 2017 which reads in part as follows;

As indicated on Table 1 the hall is expected to be operating near/at capacity between 7pm and 9.30pm during special events/occasions. It is understood that arrivals at the hall will have typically begun occurring a few hours prior to the beginning of any major functions. These early arrivals entail volunteers/committees (i.e. caterers) of the TSM who are assisting with the preparation works. Majority of the attendees typically arrive between 5 and 7pm while some arrive later. While the two carparks are interconnected it is reasonable to assume that Belinda Place will be used to

access the Belinda Place carpark and vice versa. An assessment of the TSM traffic movements to/from the Belinda Place carpark (of 197 spaces) can therefore be based on the following distribution and flows:

| Arrivals | | |
|-----------------|--------------|--------|
| 3-4pm | 5% (caters) | 10 vt |
| 4-5pm | 10% (caters) | 20 vt |
| 5-6pm | 20% | 39 vt |
| 6-7pm | 60% | 118 vt |
| 7-8pm | 5% | 10 vt |

| Departures | | |
|-------------------|--------------|--------|
| 9-10pm | 80% | 157 vt |
| 10-10.30pm | 5% | 10 vt |
| 10.30pm later | 15% (caters) | 30 vt |

It is apparent that the projected TSM traffic generation and distribution has some overlap with the surveyed PM peak (4.45pm to 5.45pm) traffic flows which indicate 12 vtph. Therefore the 18 vtph associated with the approved developments plus say 12 vtph of other background traffic together with the 39 vtph from the TSM hall would equate some 69 vtph during the peak hour. Between 6 and 7pm when arrival rates are highest it is anticipated that Belinda Place would carry some 118 vtph plus say 20 vtph of background traffic, thus a total of 138 vtph. Between 9 and 10pm when departure rates are highest it is anticipated that some 157 vehicles would leave the premises. This together with background traffic of say 15 vtph would equate 172 vtph. In summary, the assessment indicates the following peak traffic circumstances at Belinda Place:

| | | |
|--------|--------------------|----------|
| 5-6pm | PM peak | 69vtph |
| 6-7pm | TSM arrival peak | 138 vtph |
| 9-10pm | TSM departure peak | 172vtph |

The RMS Guideline for Traffic Generating Developments specifies a desired environment goal of 200 vtph and a maximum environmental capacity of 300 vtph for local residential streets. It is apparent from the above that the cumulative peak hour traffic impact resultant to the TSM as well as the surrounding residential apartments will be well within the specified road capacities.

Commentary provided from Council's Traffic Engineering Department have indicated that the provided traffic report has addressed the traffic implications resulting from the proposed development and as such, the proposal is considered acceptable in terms of traffic and parking.

6.5 Visual Presentation fronting Belinda Place

The original application as provided to Council was considered to create a number of visual concerns in particular via its presentation and interface with its surrounds along Belinda Place, especially No. 3 Belinda Place.

Of particular concern was that the original presentation of the building was considered to provide for two main, rather than one entry point, to the eastern elevation along the lower ground floor (dining room) from Belinda Place and to the ground floor (Auditorium) to the northern elevation. Concern was raised that persons may approach the Community Centre from several directions rather than a design

which allows for one focal entry point in relation to the congregation and movement of persons.

Concern was also raised in regard to a 6m wide eastern facing colonnade to the lower ground level located directly along the subject sites boundary with Belinda Place and potential noise concerns created via its use. In addition, the location of the building was not considered to allow for an appropriate relationship with No. 3 Belinda Place, positioned directly adjoining this property and generally considered to create a significant impact upon its amenity.

The above concerns were relayed to the applicant who in turn provided for the following design changes with amended plans received;

- A redesign and reduction in width in the eastern building entrance to provide for only an emergency exit.
- The provision of stepped planter boxes to the Belinda Place frontage,
- Reduction in width to the lower ground floor colonnade by 3.4m from 6m to 2.6m, and
- The demolition of the dwelling on No. 3 Belinda Place and the incorporation of this Lot (being Lot 222 of DP 12899) to the overall amalgamation of the temple complex (Lot 1, DP 870186) and remaining sites being 5-9 Belinda Place (Lots 220 and 221 in DP 12899 and Lot 0 in SP 52225).

The demolition of the existing dwelling at No. 3 Belinda Place (also under the ownership of The Saiva Manram) and incorporation of this lot into the landscape plan for the proposed development is considered to allow for an improved streetscape presentation to Belinda Place. The additional setback provides for a more appropriate transition to the existing residential properties located to the north of the subject site. The additional setback now proposed to the lot maintaining No's. 1A and 1B is considered to provide for an appropriate visual streetscape scale and side setback.

The addition of landscaping to this area fronting Belinda Place is considered to soften the appearance of the proposal as well as the provision of landscaping to the adjoining boundary with No's 1A and 1B Belinda Place. The location of a pedestrian path adjacent to this landscaping strip with the northern residential property will allow for pedestrian access to Belinda Place. Pedestrian access in this area is considered acceptable and will facilitate the movement of persons north along Belinda Place towards the Great Western Highway.

The revised treatment of the eastern elevation is viewed as an improved response to the subject sites surrounds. The provision of planter boxes and reduction of the colonnade width is considered to soften the impact of the built form to the high density developments opposite. The eastern colonnade is also considered to be of a width not to serve for the gathering of persons but rather provide for horizontal articulation to this eastern elevation. The removal altogether of a public entry/exit point directly to the building's elevation is also considered an appropriate measure to direct persons to the main northern entry area and foyer.

Noting the above, the building is considered to have provided for appropriate responses to concerns originally raised during the assessment process. The architectural design of the building is to be provided with traditional Dravidian architecture with balcony areas and the colonnade serving as appropriate relief to the building elevations.

Taking into consideration the existing temple operation of the subject site, it is considered that the expectation that this land be redeveloped in association with this use was likely to occur when the Holroyd Local Environmental Plan was amended to provide for the current B6 Enterprise Corridor zoning as compared to the previous low density Residential 2A zoning. In this regard, the proposed presentation is considered an acceptable presentation when consideration is given to alternate uses permissible under the subject sites zoning such as Bulky Goods Premises, Light Industries, Passenger Transport facilities or Timber Yards for instance.

6.6 Maximum Number of Persons to use the Community Facility

It is noted that the proposed community facility will provide for an auditorium and a dining hall each with a capacity of 800 persons. In this regard, while the application has advised that a maximum total of 800 persons will be on site at any one time concern was raised during the assessment process that the potential may exist for the use of both the lower ground floor (dining room) and ground floor (auditorium) simultaneously creating an excessive number of persons within the centre at any one time with the number and nature of activities proposed. Clarification of these concerns was requested from the applicant who in return has provided for the following response;

*As stated by the Applicant at the time of lodgement, the maximum capacity of the cultural hall is **800 persons** at any one time. The dining room and hall will not be separately used or operational to separate events or users. The capacity of the dining room area is up to 800 persons, and will not cater to all 800 users at any given time.*

This is reiterated in the revised Preliminary Operational Plan of management.....which requires the Secretary take responsibility for ensuring that this is complied with.

The Applicant is content to accept a condition of consent from Council mandating an 800 person capacity.

It is noted that the accompanying Operational Management Plan has indicated that the proposed new Cultural hall is to be provided with a maximum capacity of 800 persons. Discussions has also been provided advising that Annual Festivals held during the month of March/April will run for 10 days and attract an estimate 400 to 700 persons per day.

Noting the above and as provided by the Proposed Conditions of Consent in **Attachment 3**, a condition is included in regard to the use of the building restricting the number of persons to 800 at any one time.

6.7 Noise Impact of Proposed Use

Concern was originally raised in the assessment of the application in regard to the potential impact upon the amenity of surrounding built forms via the proposed operation of the community facility. In response to these concerns the application has been amended to provide for the following modifications;

- Indication has been given that no congregation of persons is to be provided to the eastern colonnade at lower ground level and the eastern balcony at ground level

- The eastern façade fronting Belinda Place has been amended to provide for only emergency access doors on the ground level, only to be used in the event of an emergency
- The width of the eastern colonnade is reduced from 6m to 2.6m.
- Entry to the eastern balcony on the ground level has been removed
- It is considered that the majority of persons will be entering the community hall internally from within the site noting the location and presence of the main northern entry.

An amended Acoustic Report was provided for Council's assessment which was reviewed by Council's Environmental Health Unit and considered acceptable. This Acoustic Report prepared by *Resonate Acoustics* has identified specific glass to be provided to the Multi-purpose Room 1, Green Rooms and Hall to control noise intrusion. This Acoustic Report is included as part of **Attachment 3 – Proposed Conditions of Consent**. The following summary was provided by this amended Acoustic Report in relation to Operational, Traffic and Cumulative noise impacts created by the proposal;

Operational noise

An intrusiveness background +5 dB(A) noise assessment was conducted for operational noise in accordance with the Noise Guideline for Local Government.

Operational noise levels were assessed to the nearest residential receivers on Belinda Place. Noise levels were predicted during both operation of the cultural hall and use of the entrance area during arrivals, departures and intermissions.

A cumulative of operational noise from the existing and proposed buildings has been assessed.

Operational noise was found to be below the intrusive noise criteria in all cases.

Traffic noise

Traffic noise was assessed in accordance with the relevant procedures in the NSW Road Noise Policy.

Noise levels during a worst-case 1 hour peak flow were found to be 68 dB LAeq 1 hour at the nearest residential facades on Belinda Place. Noise levels are predicted to exceed NSW RNP guidelines for existing residences affected by additional traffic on existing local roads, however residential receivers are already acutely noise affected by road traffic noise levels of 67.5 dB LAeq 1 hour day and 64.5 dB LAeq 1 hour night from the nearby M4 Motorway and the Great Western Highway.

The worst-case 68 dB LAeq 1 hour represents an overall 0.5 dB increase to existing traffic noise levels during the day and a 0.2 dB increase during the night. The NSW RNP provides guidance on feasible and reasonable noise mitigation measures as a result of road traffic noise increases that exceed criteria. The NSW RNP states 'In assessing feasible mitigation measures, an increase of up to 2 dB represents a minor impact that is considered barely perceptible to the average person'.

Cumulative noise impacts

Cumulative noise impacts from different types of noise emission have been considered. It is unlikely that cumulative impacts pose any additional acoustical outcomes to that of which was provided within each respective assessment.

The following additional noise management points have accompanied the proposal via the preliminary Operational Management Plan dated June 2017;

Restrictions on Use of Outdoor Areas

Use of external balconies is permitted during daylight hours when no events or functions are scheduled and after hours for the purposes of maintenance and cleaning. Signage will be placed on the balcony doors requesting users respect the amenity of surrounding neighbours by ensuring noise is minimised.

The use of the external balconies during events is not permitted. The Secretary is to ensure access to the balconies is restricted by ensuring doors are locked.

Live Music Restrictions

No amplified music involving live bands with drums and bass guitars is played inside or outside the new Cultural Hall at any time. Acceptable live music is not to occur in areas outside of the meeting hall during the evening hours. Live or amplified music shall not be played on the external balcony areas at any time.

Doors and windows are to remain closed during the performance of live or amplified music.

The playing of amplified or live music shall cease by 9.00pm.

Exit Procedure

At closing, all service ceases and remaining devotees and visitors are to be politely directed vacate the premises one group at a time. Each group is to be accompanied out in an orderly manner where they are to be politely reminded to say their good byes prior to leaving and to disperse quickly and quietly from Temple Complex.

Use of the eastern door to the Cultural Hall (Belinda Place frontage) as an exit is not permitted except in case of emergency. This door shall be locked prior to closure of the hall to ensure devotees and visitors exit via the northern door.

The Secretary is responsible for ensuring patrons leave in an orderly manner. The Secretary is to co-ordinate with other staff to ensure there is a sufficient number of staff directing and liaising with devotees and visitors as they exit. The Secretary is to ensure that large numbers of people do not leave at once.

Signs are to be displayed at exits requesting devotees and visitors leave the premises quietly.

When larger events are held, TSM is to liaise with person(s) organising the function to prepare a departure plan. This will include liaising with event/function organiser in relation to the following matters:

- *The number of people attending the function/meeting;*

- *Finishing time for the function/meeting;*
- *Requirements for taxi pick-up; and*
- *Requirements for courtesy bus services.*

In Summary

- *The use of external balconies in the evening hours or during events is not permitted;*
- *The playing of amplified or live music is not permitted in outdoor areas and shall cease by 9.00pm.*
- *Use of the eastern door to the hall is not permitted except in case of emergency.*
- *When larger events are held, T5M is to liaise with person(s) organising the function to prepare a departure plan.*

The details proposed by the Operational Management Plan and Acoustic Report are considered to provide for appropriate mitigation measures to minimise the potential impact upon surrounding residential premises.

It is noted that activities to the proposed building are restricted generally to either Saturday or Sunday with the latest ending time of an event or function to be at 9pm. Hours of operation are not considered excessive for the operation of the community facility also noting that standard hours of operation for a B6 Enterprise Corridor zoning in this location as provided by Part C of the HDCA is identified as between 6.00am to 10.00pm.

The Operational Plan of Management has indicated occasions where weddings or memorial services may be conducted on weekdays. As weddings have been provided with a 9.00pm finishing time, it is considered that the potential may exist to impact the surrounding residential amenities during the working week which is not considered an appropriate response to the surrounding residential uses. In this regard, it is considered appropriate to restrict weddings to weekends only. Daytime Memorial services, Spiritual Discourse activities and lectures as well as Cultural Programs proposed from Monday to Sunday are considered to create less interference to surrounding residents, would be less infrequent and are considered an appropriate weekday activity.

In addition, movement of persons is considered to be primarily restricted to within the subject site noting the lack of any main entry along Belinda Place and exit location proposed from the new basement levels. While disabled access is provided as well as a separate path from the existing footpath from Belinda Place, this is considered necessary to maintain appropriate access requirements.

The impact of noise within the site is also considered mitigated by the ownership of all but one property (No. 199 Great Western Highway) by The Saiva Manram. While an internal pedestrian path is provided from the existing temple to the community facility to the south west of this residential premises, the impact of the movement of persons on the amenity of No. 199 Great Western Highway is not considered significant as it is to the rear of the site, in the vicinity of a garage rather than the residential premises. The impact of the movement of persons to the rear of No. 1b Belinda Place is not considered founded as this premises is under the ownership of The Saiva Manram and generally accommodates persons associated with the operation of the temple on the subject site.

Taking the above points into consideration, it is considered appropriate to include the recommendations of the Operational Management Plan (except for weekday

weddings) and Acoustic Report as part of **Attachment 3 – Proposed Conditions of Consent.**

7 External Referrals

- 7.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

| Referral Agency | Comment |
|-----------------------------------|--------------------------------------|
| Roads and Maritime Services | No objection |
| Holroyd Police Local Area Command | No objection, subject to conditions. |

8 Internal Referrals

- 8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

| Referral | Comment |
|---------------------------------|--|
| Development Engineering Section | No objection, subject to conditions. |
| Landscaping Section | No objection, subject to conditions. |
| Traffic Section | No objection. |
| Environmental Health Unit | No objection, subject to conditions. |
| Waste Management Section | No objection. |
| Strategic Planning Section | The applicant has requested an exemption from Section 94 contributions. Not for profit organisations are not listed as an exempt development type. In this regard, comments provided have advised that Section 94 Development Contributions are payable for the development. |

9 Public Comment

- 9.1 In accordance with the Holroyd Development Control Plan 2013, the original application was notified to adjoining and surrounding owners and occupiers for a period of 21 days from the 28 September, 2016 to 19 October, 2016. During this time, 2 submissions were received.
- 9.2 It was noted that the application was incorrectly notified as it was not advised that the JRPP will be the consent authority as the proposal is for a community facility with a capital investment value of more than 5 million. In this regard the application was renotified from 16 November, 2016 to 7 December, 2016. During this period one (1) new submission was received.
- 9.3 The concerns raised in the three submissions are addressed below:

Issue: Concern that proposal will create an additional heavy traffic flow in and out of Belinda Place with the proposed additional car spaces

Comment: It is noted that the Holroyd Development Control Plan 2013. does not provide a minimum car parking rate for a community facility. While so, the application was accompanied by a Traffic and Parking Survey which identified that a combination

of all proposed uses on the subject site (i.e, temple and community facility activity) would generate demand for a minimum of 303 spaces.

The application is provided with a total of 304 car parking spaces overall for the subject site (including a total of 3 new basement levels providing for 197 parking spaces) which was reviewed by Council's Traffic Engineering Section and considered satisfactory. In addition, the proposal as amended was accompanied by a Traffic and Parking Assessment which has provided discussion in relation to the amount of vehicle trips per hour from approved residential flat buildings and the proposed use with the following results;

It is apparent that the projected TSM traffic generation and distribution has some overlap with the surveyed PM peak (4.45pm to 5.45pm) traffic flows which indicate 12 vtph. Therefore the 18 vtph associated with the approved developments plus say 12 vtph of other background traffic together with the 39 vtph from the TSM hall would equate some 69 vtph during the peak hour. Between 6 and 7pm when arrival rates are highest it is anticipated that Belinda Place would carry some 118 vtph plus say 20 vtph of background traffic, thus a total of 138 vtph. Between 9 and 10pm when departure rates are highest it is anticipated that some 157 vehicles would leave the premises. This together with background traffic of say 15 vtph would equate 172 vtph. In summary, the assessment indicates the following peak traffic circumstances at Belinda Place:

5-6pm PM peak 69 vtph
6-7pm TSM arrival peak 138 vtph
9-10pm TSM departure peak 172 vtph

The RMS Guideline for Traffic Generating Developments specifies a desired environment goal of 200 vtph and a maximum environmental capacity of 300 vtph for local residential streets. It is apparent from the above that the cumulative peak hour traffic impact resultant to the TSM as well as the surrounding residential apartments will be well within the specified road capacities.

Taking into consideration the above data and noting that this report is considered acceptable by Council's Traffic Engineer as well as compliance with an agreed minimum number of parking spaces to be provided on the subject site, the additional movement of vehicles along Belinda Place as a consequence of the proposal is considered acceptable.

Issue: View that as the proposed community centre is to be used in conjunction with the existing temple that it would be more appropriate for all access to be via the existing point of access off the Great Western Highway

Comment: The plans and documentation as amended has been accompanied by correspondence from the RMS (facilitated on behalf of the applicant responding to a deferral point raised by Council) advising that '*current practice is to limit the number of vehicular conflict points along the arterial road network to maintain network efficiency and road safety. This current practice is reflected in Section 6.2.1 of Roads and Maritime current publication of the Guide to Traffic Generating Developments, which states 'access across the boundary with a major road is to be avoided wherever possible'. Friction along arterial roads is reduced by limiting the number of*

driveways and intersections and minimising number of vehicles directly accessing from State road to minimise conflict. Great western Highway is an arterial road which carries a high volume of traffic, where transport efficiency of through traffic is of great importance.

Hence, Roads and Maritime does not support direct access from Great Western Highway to the proposed car park'.

Noting the above and given that the subject site benefits from a secondary frontage to Belinda Place, the retention of all access from the Great Western Highway is not considered an acceptable planning solution.

Issue: Concern that proposal does not address the current concerns with the existing movement of vehicles and traffic on the site.

Comment: The proposal provides for a total of 304 car parking spaces for the subject site (including a total of 3 new basement levels providing for 197 parking spaces) which was reviewed by Council's Traffic Engineering Section and considered satisfactory. In this regard, as no parking rate for a community facility is provided by the applicable Holroyd Development Control Plan and agreed vehicle occupancy rate of 3.3 persons per vehicle has been identified for the current use. As the maximum capacity of the subject site will be a total of 1000 persons via the use of the existing temple and proposed community facility, this will create a peak parking demand of 303 parking spaces.

Taking into consideration the agreed parking generation rate for the proposed uses, the amended Traffic and Parking Assessment was provided to Council's Traffic Engineering Section who have accepted the findings provided. In this regard, the number of spaces proposed is considered acceptable. As to be discussed within this section, the accompanying documentation has also considered the movement of vehicles along Belinda Place and considered the traffic generated which has also been considered an acceptable impact by Council's Traffic Engineering Department.

Issue: Proposed parking and traffic assessment does not highlight the cumulative impact of all the development being proposed in the area

Comment: Council was in receipt of a Supplementary Traffic and Parking Assessment which has provided for the following discussion in part in regard to the Cumulative Traffic Assessment of the proposal;

Details of the approved development schemes which will be accessed via Belinda Place are provided by Council and summarised as follows:

*2-4 Belinda Place (DA 2014/40) - 28 residential apartments
6-10 Belinda Place (DA 2015/376) - 28 residential apartments
12-14 Belinda Place (DA 2014/281) - 21 residential apartments
Total 77 apartments*

The RMS Guidelines for Traffic Generating Developments specify a peak (i.e. PM) traffic generation rate for high density residential apartments (i.e. a complex

*comprising 20 units or more) of 0.29 vehicle trips per hour (vtp). Application of this criteria to the approved development schemes indicate a peak traffic generation of 22 vtp. The same Guidelines also indicate a traffic generation rate of 0.85 vtp for each single residential dwelling and application of this to the existing 5 dwellings (which are to be demolished to make way for the apartments) would indicate an existing peak hour traffic flow of 4 vtp. It is therefore apparent that the approved schemes once constructed and occupied would result in a net additional traffic generation of some **18 vtp** at Belinda Place during the peak hours.*

Noting the above, it is considered that the application has considered the cumulative impact of traffic along Belinda Place in the impact of the proposal overall. This supplementary traffic and parking assessment report was reviewed by Council's Traffic Engineering Department and considered acceptable.

Issue: The traffic report is considered deficient as it has not considered the existence of Penny Lane and its current use to feed traffic east and also west in and out of Belinda Place

Comment: The Traffic Report and subsequent amendments has considered the existing and future circumstances of motor vehicle movements along Belinda Place

Issue: The design of the building is not considered appropriate

Comment: The proposal as amended is considered to provide for an acceptable design solution for this use along Belinda Place. The lower ground floor has been modified to include planter boxes to soften the impact of the built form along the eastern elevation. In addition, the retention of the ground floor balcony is considered to provide for an appropriate symmetry to the built form. The design has taken into consideration traditional building features in relation to the overall use of the site which are considered to allow for an original and individualistic approach to the proposed built form which in this instance is an acceptable design solution. The presentation onto Belinda Place is also provided with a number of wall openings which are considered to allow for an improved symmetry between horizontal forms.

It is noted that the subject site does maintain a B6 Enterprise Corridor zoning as compared to the R4 High Density Residential zoning provided opposite the subject site along the eastern side of Belinda Place. In this regard, the built form presentation results are considered to generate different solutions and an architectural approach as compared for instance to the provision of a residential flat building. The community facility is not considered an intrusive addition to the streetscape of Belinda Place noting its dead end nature, its position within the thoroughfare and its surrounds directly adjoining the M4 motorway along its southern boundary.

Issue: Concern that current proposal is contrary to previous approvals granted on the subject site advising that no pedestrian or vehicular access is to be via Belinda Place.

Comment: The concerns raised by this submission is in relation to previous approvals granted solely for the property No. 217 Great Western Highway in regard to the original construction of the existing temple, associated car parking accessed

from the Great Western Highway and other works. The current application is not restricted by previous approvals granted, also noting that it includes the additional properties being 3 – 9 Belinda Place. In this regard, as part of the assessment process, consideration has been given to the acceptability and impact of the proposed vehicle and pedestrian access to the subject site from Belinda Place.

Issue: Concern that construction of the proposal will create noise and dust concerns for surrounding residents as well as continuous damage of Belinda Place during the construction phase.

Comment: Conditions in regard to the construction of new developments are to be included with any determination granted as part of **Attachment 3 – Proposed Conditions of Consent**. Conditions are included to maintain the amenity of the surrounding area in regard to demolition, prior to works commencing and during construction. Conditions also include bonds to cover any damage which may be created to Council assets or roads.

It is also noted that each approval granted for new residential flat buildings opposite the subject site along the eastern side of Belinda Place have conditions of this nature.

Issue: An anonymous submission was received raising concerns in regard to the operation, management and financial viability of the existing Temple Council

Comment: The concerns raised by this submission are not considered to be applicable to the proposed use noting the discussions raised in relation the history of the subject site and operations of the Saiva Manram Committee rather than specific issues in regard to the operation or presentation of the proposed use, and in this regard consideration cannot be given under Section 79C of the Environmental Planning and Assessment Act 1979.

- 9.4 The grounds of objection raised in the submissions have been satisfactorily addressed as a part of the DA and are not considered sufficient to warrant refusal of the DA.

10 Section 79C Consideration

- 10.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

| Head of Consideration | Comment | Comply |
|---|---|--------|
| a. the provisions of: | | |
| (i) any environmental planning instrument (EPI) | The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in Section 5 of this Report and have been satisfactorily addressed in Section 6. | Yes |
| (ii) any draft environmental | Not applicable | |

| Head of Consideration | Comment | Comply |
|--|---|--------|
| planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations | <p>The proposal is considered is generally consistent with the provisions of the DCP</p> <p>There are no existing or proposed planning agreements that relate to the DA.</p> | |
| b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality | An assessment of key issues relating to the proposed development is provided in Section 6 of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, noise generation, stormwater quality, waste management, soil and groundwater quality and the like have been satisfactorily addressed. | Yes |
| c. the suitability of the site for the development | The subject site is zoned B6 Enterprise Corridor pursuant to Holroyd LEP 2013. Site and environmental constraints relating to site contamination, salinity, stormwater drainage and the like have been satisfactorily addressed as a part of the DA. The location of the proposed community facility and operation in association with the existing temple on the subject site alongside the implementation of the Operational Management Plan and Acoustic Report recommendations is considered to allow for an acceptable relationship with the surrounding land uses rendering the site suitable for the proposed development. | Yes |
| d. any submissions made in accordance with this Act or the regulations | The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers in accordance with the Regulations and the Holroyd DCP 2013. Submission have been addressed in Section 9 of this Report. | Yes |
| e. the public interest | The proposed development is for the purpose of a community facility under Holroyd LEP that subject to appropriate conditions and operation will not pose any significant impacts on the amenity of adjoining properties and the locality. Accordingly, it is considered that the proposal is in the public interest. | Yes |

11 Conclusion

- 11.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the site is suitable for

the proposed development, the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

- 11.2 The proposal as amended is considered to provide for an acceptable built form presentation and relationship with existing detached dwellings directly to the north of the site. The height of the building, while marginally non-compliant with the maximum height for the subject site is not considered to create any overlooking or overshadowing concerns for surrounding residential premises.
- 11.3 The application is considered to provide for an acceptable car parking rate in regard to the operation of the existing temple and proposed community facility. The proposal has also been accompanied by documentation indicating that the expected cumulative vehicle trip per hour from the proposed use and surrounding residential flat buildings along Belinda Place is within specified road capacities as provided by Roads and Maritime guidelines.
- 11.4 The operation of the community facility is considered to create an acceptable amenity impact in regard to noise generation to surrounding residential developments with the inclusion of recommendations from the accompanying Acoustic Report and Operational Management Plan as **Conditions of Consent** with any Development Consent Granted.

12 Recommendation

- 12.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions provided at **Attachment 3**.
- 12.2 The applicant and objectors be advised of the Sydney West Central Planning Panel's decision.

