



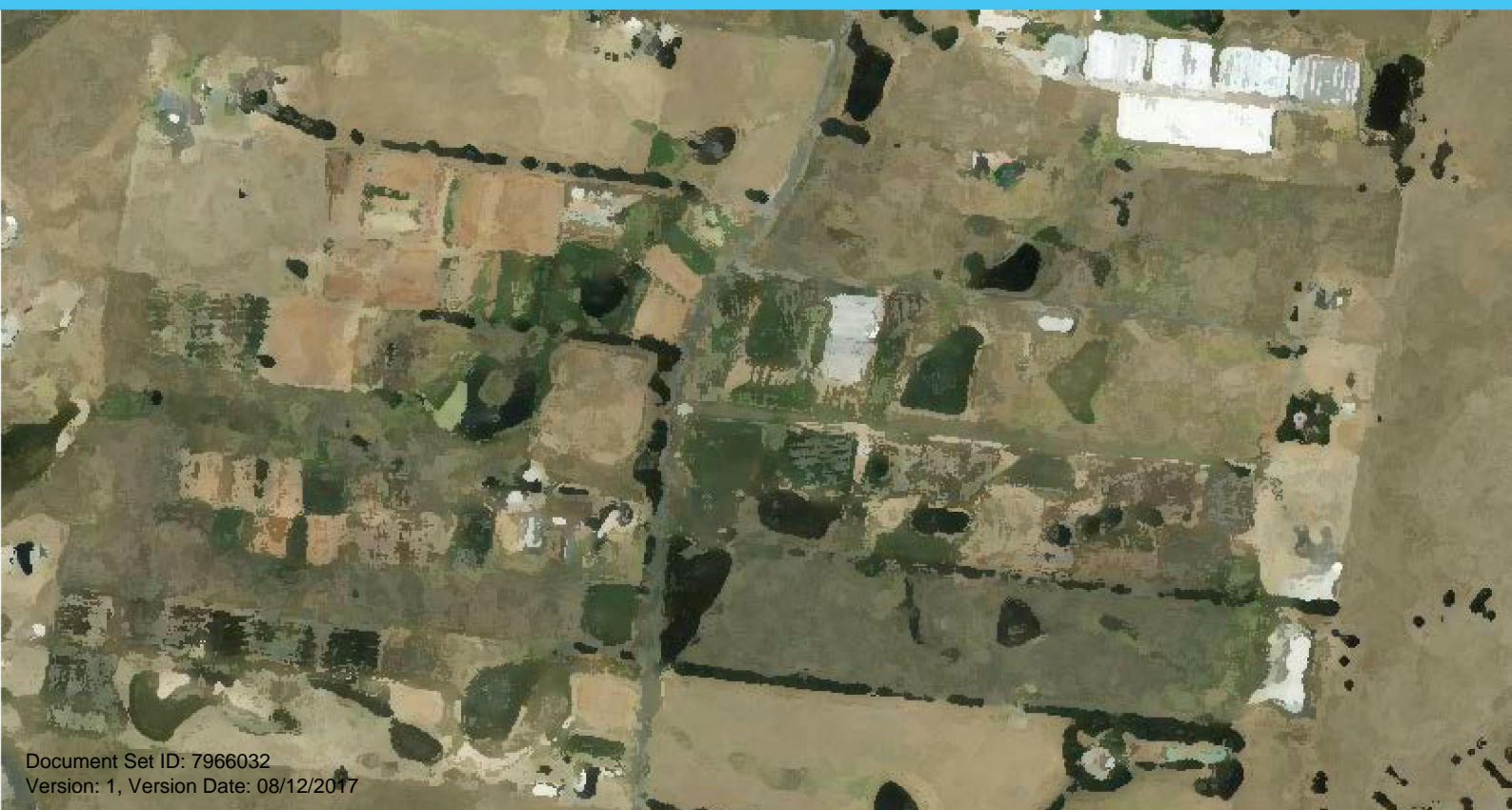
# Statement of Environmental Effects

Proposed Place of Public Worship (BAPS Hindu Temple)

230-242 Aldington Road, Kemps Creek

November 2017

BAPS Swaminarayan Santha



## Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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Name: Warwick Stimson  
Qualification: Bachelor of Arts (Geography and Planning) (UNE)  
Address: Stimson & Baker Planning  
Suite 5  
488 High Street  
Penrith NSW 2750

### Client and Land Details

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Client: BAPS Swaminarayan Santha  
Rosehill NSW  
Subject Site: Lot 18 DP 253503, 230-242 Aldington Road, Kemps Creek  
Proposal: Proposed Place of Public Worship (BAPS Hindu Temple)



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**Warwick Stimson** MPiA CPP  
Director



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# 1 Project Summary

The following table summarises the proposed development.

Project Element	Summary of Project
Site Description	Lot 18 DP 253503, 230-242 Aldington Road, Kemps Creek
Project Site Area	10 hectares (approximately)
Proposed Land Uses	Place of Public Worship
Integrated Development	The proposal is integrated development requiring referrals to the NSW Office of Water and the Rural Fire Service NSW
Maximum Height of Structures	Central Facilities, North Building A – 15.8m Central Facilities, South Building B – 14.9m Mandir Ridgeline – 9.446m Mandir Spire – 22.930m Monks Residence – 8.267m
Minimum Building Setbacks	Northern – 12.13m Southern – 13.95m Front – 251.53m Rear – 50.73m
Parking Spaces	301
Hours of Opening	7am to 9pm, 7 days per week
Construction Hours	7am – 5pm Mon - Sat
Congregation Size	Sunday, 4.30pm-6.30pm – 600 people (800 expected on special occasions) Daily, 7.00am-11.30am and 4.00pm-7.00pm – approx. 50 people
Waste Management	Commercial collection from basement level of Building A
Capital Investment	\$41.3 Million

## 2 Introduction

### 2.1 Project Overview

Stimson & Baker Planning has been engaged by BAPS Swaminarayan Santha to prepare a Statement of Environmental Effects in relation to a proposed place of public worship on the property known as 230-242 Aldington Road, Kemps Creek.

The proposed development includes the demolition of all structures on the site, earthworks, and the construction of a place of public worship and associated stormwater and landscaping works.

The site is zoned *RU2 Rural Landscape* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained.

The site is traversed by a mapped watercourse and the proposed works trigger the integrated development provisions of the Act. A referral to the NSW Office of Water will be required and the application will not be able to be determined until General Terms of Approval have been received from them.

The site is also mapped as being bushfire prone and the proposed land use therefore triggers the integrated provisions for a referral to the Rural Fire Service NSW. General Terms of Approval will need to be obtained from them as well.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C(1) of the EPA Act.

### 2.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Project Summary – provides a high-level summary of the proposal.
- Section 2: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 3: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 4: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 5: Strategic and Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 6: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

## 2.3 Introduction to Client

### 2.3.1 Hinduism in Sydney

Hinduism is the fastest growing religion in Greater Sydney.

- At 3.5% of the population, Hinduism is the 5th most common religion in Greater Sydney, after Catholicism, Anglican, Islam and Buddhism.
- Hinduism grew by 56,827 people from the 2011 census, or a 50% increase making it the fastest growing religion in Greater Sydney by number of followers and third fastest growing religion after “Other Eastern Catholic” (+81%) and “Other Protestant” (+67%) by percentage increase.

Penrith City Council has the second fastest growing Hindu population by percentage increase (+61% between 2011 and 2016).

### 2.3.2 What is BAPS

Bochanwasi Shri Aksharapurushottam Swaminarayan Sanstha, or BAPS, is a spiritual and humanitarian organization dedicated to serving humanity by caring for individuals, families and society. It began with its founder Bhagwan Swaminarayan and was formally established in 1907 by Shastriji Maharaj. The basic tenants of The BAPS philosophy are consonant with the fundamental universal beliefs of all Hindus. The five most basic practices include satya (truth), daya (compassion), ahimsa (non-violence), brahmacharya (celibacy), and asteya (non-stealing). A dedicated force of over 55,000 volunteers offers over 12 million volunteer hours every year to serve the community through various health, education, disaster relief, and environmental protection programs. As a result of these activities, BAPS is an internationally recognized non-governmental organization in consultative status with the Economic and Social Counsel of the United Nations.

Currently there are over one million followers and 800 learned sadhus. Members of the faith read two main scriptures: the Vachanamrut (discourses given by Bhagwan Swaminarayan) and the Shikshapatri (a detailed code of conduct written by Bhagwan Swaminarayan). Member perform prayers every morning called a “puja” and attain weekly spiritual discourses to gain insight and knowledge into the Swaminarayan faith.

### 2.3.3 The Mandir

#### 2.3.3.1 Origins

For thousands of millennia, the Hindus have been worshipping the deities of nature through prayers and sacrifices (yagnas). The early devotees started to build shelters, made from clay or timber to cover the vedis (sacrificial platforms) while performing these yagnas to minimize the effects of the weather to the yagna fires. By the end of the Vedic period, the artists also began to make visual representations of the deities (murtis) and would install them in the garbha-gruha (inner sanctum) of the mandir. Over time, these shelters developed into mandirs carved out of rocks, bricks and finally, the intricate stone mandirs that we see today.

The mandir, sometimes referred as “devaalaya” or “praasaada”, means “the house of God” and “a king’s palace” respectively. In the term “mandir”, “man” means mind, and “dir” means still. Therefore, the essence of the term signifies the mandir to be a place of worship where one comes to find a peace of mind.

### 2.3.3.2 Architecture

The text dealing with the science of mandir building were written in Shilpashastras, that date back to 5000 years. The rishis of India prescribed specific rules for the construction of the mandir as each building step has a meaning and every component of the mandir has a function. The shapes and sizes of the mandir have been prescribed by so that they are in harmony with nature and the universe.

There are 5 main shikhars (pinnacles) that represent the upward aspiration of a devotee. There are 3 dominant styles of mandir architecture in India, and are determined by the shapes of these shikhars. The golden kalash (golden pot) on top of the shikars symbolizes the sun, thus representing the ultimate state of illumination for a devotee. The dhaja (flag) symbolizes the victory of good over evil. The small gummats (domes) represent the sky. Lastly, the gavakshas (opaque windows), represent God radiating his divinity inside the mandir without letting the darkness of the world into the mandir. The mandir also has chokis (balconies) and carved stoned murtis inside and around the perimeter of the mandir.

### 2.3.3.3 Representation

The structure of the mandir is the embodiment of God. Each component of the mandir, relate to a particular part of God’s body. Starting from the bottom of the mandir, the kurma shila (foundation) symbolizes God’s feet, the jagati (side wall) his thighs, sthambas (pillars) his knees and the garbha-gruha (inner sanctum) his stomach. In the garbha-gruha, there is a pithika (base of the ornate outside wall) his heart, sinhasana (throne) his seat and the murti (sacred image of God) his soul. The deepa (lamp) his life-breath, deppa-prakaasha (flame of the lamps) his eyes, ghantha (Bell) his tongue are also located inside the mandir.

Continuing in an upward direction towards the flags, the shikars (pinnacles) represent his shoulders, the shukanasa (the main shikar) his nose, the gavaakshas (windows) his ears, the aamalsaro (stone ring) his neck, the kalash (golden pot) his head and finally the dhaja (flag) the tuft of his hair. The plaster that covers the mandir represents his skin. In this way, the rishis of ancient India conceived the mandir to be sacred representations of God himself.

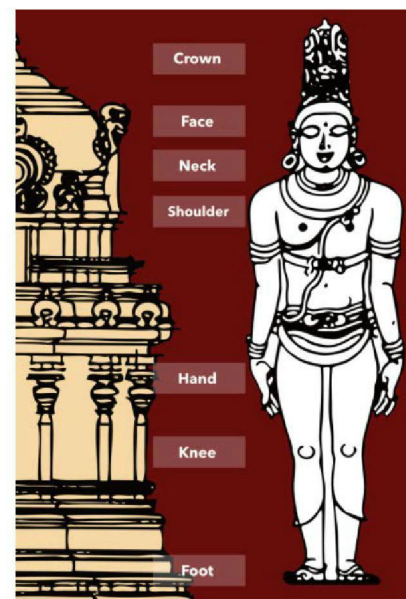


Figure 1 Representation of a Mandir



## 2.4 History of the Application

Consultation has been undertaken with both Penrith City Council and the NSW Office of Water throughout the design phase.

### 2.4.1 NSW Office of Water

Discussions were undertaken with the NSW Office of Water in relation to the mapped watercourse that traverses the site. Confirmation was provided by the Office of Water that the application is integrated development, and that a referral to them was needed.

### 2.4.2 Urban Design Review Panel Meeting

Discussions were undertaken with Council's Urban Design Review Panel Meeting, and the following has been considered.

Key Issue	Consideration
The concept provides 2 x driveway access points and a centralised pedestrian pathway. The provision of 3 x separate access arrangements is not suitable given the rural context of the site. A singular access point should be considered which maintains and embellishes the rural landscape setting within the front setback zone. The extent of hard stand surfaces resulting from the access arrangements is still not an appropriate response to the sites character.	<p>The proposal retains the three entry points although it is noted that they will not always be used together all the time. The main driveway access point will provide everyday access to the site. At this point a gatehouse is situated providing a controlled access point. The secondary vehicular access will only be utilised during peak demand periods and is desirable to provide improved traffic flow around the site. The pedestrian access point is not considered to present any detrimental impacts, and is consistent with many properties that have both vehicular and pedestrian access.</p> <p>The evolving nature of the locality is also noted and discussed in detail later in this report and other supporting consultant reports. The locality seen today will not be the same in the future, and all strategic documentation suggests the area will ultimately be dominated by employment uses. The proposed access arrangements to the site at that time will likely cause no impacts.</p>
Car parking sleeves the access driveways within the front setback area without a clear understanding of its purpose or connection to facilities. The spaces indicated are segregated from the main parking areas and do not provide readily accessible (separate) paths to the facilities. The consolidation and centralisation of parking integrated with the landscape setting should be further considered or a clear design intent outlined for each parking area and its corresponding function / use.	<p>The function and spatial arrangement of parking are justified in the accompanying traffic impact assessment. The site proposes a number of 'zones' and the car parking is designed to provide maximum 'coverage' around the entire site.</p> <p>Naturally, parking in peak times will utilise spaces towards the exterior of the site with spaces towards the inside of the site being utilised first.</p>
The landscape design internally presents as a fairly urbanised setting with grassed planter squares and impervious surfaces around and between buildings. A more naturalised landscape design is encouraged which responds to the topography of the site, the endemic vegetation of the site and the intended use of each of the open space / landscape areas of the site	The formal nature of the landscaping is consistent with other Mandirs throughout the world. Landscaping is an important element within the design of the site, both aesthetically and functionally. It is noted though that the zone straddling the watercourse will be designed as a more 'natural' element, subject to the ultimate requirements of the NSW Office of Water.
The water body needs further explanation. Its provision and the spatial arrangement of open space, pedestrian paths and roadways around it is not clear in the concept plan. Given this seems to be a natural site feature, it should be incorporated into the landscape design with respect to planting and access.	The current landscape design clarifies this matter.
The presentation of structures to adjoining properties will be critical and requires careful consideration of boundary planting, amenity and privacy impacts. This includes the indications of dining and multipurpose hall buildings which have greater side setbacks however the internal floor layouts and access arrangements will be critical in considering the suitability of these structures and the pedestrian network within and around the facilities.	The visual presentation of the buildings and the potential impacts on the locality have been considered in the design. A comprehensive Visual Impact Assessment also accompanies the application. This assessment has considered the significant amount of vegetation proposed to be installed on the site.

Key Issue	Consideration
In addition to these comments, considerations of permissibility and zone objectives, integration with the rural character and strategic intent of the locality, noise generation and amenity, effluent management, biodiversity, traffic and parking and landscape design will require detailed discussion through pre-lodgement meetings when / if a more developed concept is progressed.	These matters have been considered throughout this report.

### 2.4.3 Pre-Lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held with the relevant officers at Penrith City Council on 20 December 2016 where a range of issues were discussed. This Statement of Environmental Effects and accompanying information addresses the technical and planning compliance issues raised in that meeting and in summary include:

Key Issue	Requirement for Consideration
<b>PLANNING REQUIREMENTS</b>	
<b>Urban design and character of the area</b> It is recommended that the application be presented to the Urban Design Review Panel to provide comments on the design and compatibility of the proposal with the surrounding rural area.	Comments received from the UDRP have been considered above.
<b>Services</b> The site does not appear to be connected to Sydney Water sewer. As such, on-site sewage management is required in accordance with the advice provided below under "Environmental Management Requirements".	A comprehensive OSSM report accompanies the application. This demonstrates that the site is suitable in this regard and can support the development proposed.
<b>Bushfire</b> A report addressing "Planning for Bushfire Protection 2006" is to be submitted with the application.	A Bushfire Impact Assessment accompanies the application. The application is integrated development and will require referral to the Rural Fire Service NSW.
<b>Mapped watercourses</b> There is a mapped watercourse traversing the site. You are encouraged to contact the Office of Water for preliminary advice on their requirements for the proposed development. The application will formally be referred to the Office of Water as an integrated development application under the Water Management Act 2000 seeking their general terms of approval given the proposed development is within 40 metres of a mapped watercourse.	Noted. Discussions have already been undertaken with the NSW Office of Water in this context.
<b>Heritage</b> There are heritage items in the vicinity of the proposed development site. These include, though are not limited to, Gateposts to Colesbrook at 269 Mamre Road (item no.105 in LEP 2010) and a brick farmhouse at 282 Aldington Road (item no. 106 in LEP 2010), Kemps Creek. Your Statement of Environmental Effects is to address the likely impact of the proposed development upon items of heritage significance.	Noted. These items have been considered within this report.
<b>Social impact assessment</b> Appendix F3 'Submission requirements' of DCP 2014 for Social Impact Assessment are to be addressed.	A comprehensive Social Impact Assessment accompanies the application responding to this item.
<b>Draft policies</b> The Western Sydney Employment Area (WSEA) Draft Structure Plan applies to the site.	Noted. This Draft Plan has been considered in this assessment.

Key Issue	Requirement for Consideration
<b>ENVIRONMENTAL MANAGEMENT REQUIREMENTS</b>	
<b>Noise Impacts</b> An Acoustic Report is required to be submitted as a part of the development application to demonstrate that the proposed development will not have an impact on adjoining premises, and that the required internal noise levels can be achieved. This report is to be prepared by a suitably qualified acoustic consultant.	A comprehensive Acoustic Impact Assessment is accompanying this report. The site and locality are considered suitable for the proposed use.
<b>On-Site Sewage Management</b> A Wastewater Assessment Report is required to be submitted with the application to demonstrate that the site can effectively manage all wastewater produced. Whilst it is noted that the site may eventually be serviced by Sydney Water's sewerage system, this development will likely occur before any such system is delivered. In turn, all facilities will be required to be connected to an on-site sewage management system.	A comprehensive OSSM report accompanies the application. This demonstrates that the site is suitable in this regard and can support the development proposed.
<b>Contamination (SEPP 55)</b> The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. Should remediation be required this will require development consent. The application is to demonstrate that the land is suitable for the proposed purpose.	A full detailed site investigation has been undertaken on the site. These reports demonstrate that the site is suitable for the proposed use.
<b>Waste Management</b> A Waste Management Plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development. It should address waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed.	A Waste Management Plan has been provided in the application.
<b>General Construction Impacts</b> The environmental impacts associated with the construction phase of the development will also need to be addressed, such as water quality, noise, dust, and sediment and erosion control.	These matters have been considered throughout this report.
<b>ENGINEERING REQUIREMENTS</b>	
<b>General</b> <ul style="list-style-type: none"> <li>Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link:  <a href="http://www.penrithcity.nsw.gov.au/Our-Services/Planning-and-Development/Engineering-Requirements-for-Subdivisions-and-Developments/">http://www.penrithcity.nsw.gov.au/Our-Services/Planning-and-Development/Engineering-Requirements-for-Subdivisions-and-Developments/</a></li> <li>All engineering works must be designed and constructed in accordance with Council's Guidelines for Engineering Works for Subdivisions and Developments - Part 1- Design and Council's Engineering Construction Specification for Civil Works.</li> </ul>	The detailed design around these Policies will be further refined during the construction certificate stage, but have been considered throughout the design.
<b>Stormwater</b> <ul style="list-style-type: none"> <li>Stormwater drainage for the site must be in accordance with the following: <ul style="list-style-type: none"> <li>Council's Development Control Plan,</li> <li>Stormwater Drainage for Building Developments (Working Draft) policy, and</li> <li>Water Sensitive Urban Design Policy and Technical Guidelines.</li> </ul> </li> <li>A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application</li> <li>A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.</li> </ul>	A comprehensive stormwater assessment has been undertaken across the site in the context of the proposed development. This includes consideration of Council's WSUD requirements.



Key Issue	Requirement for Consideration
<b>Local Overland Flows</b> <ul style="list-style-type: none"> <li>The site is affected by local overland flows.</li> <li>All plans for the site shall have levels and details to AHD.</li> <li>The application must demonstrate that the development proposal is consistent with Council's Development Control Plan for Flood Liable Land.</li> <li>Overland flow report must be submitted with Development application</li> </ul>	A specific overland flow assessment has been undertaken and is appended to this report.
<b>Traffic</b> <ul style="list-style-type: none"> <li>The application must demonstrate that access, car parking, and manoeuvring details comply with Australian Standard (AS) 2890, Parts 1, 2 &amp; 6 and Council's Development Control Plan.</li> <li>The proposed development shall be designed to be serviced by a Medium Rigid Vehicle.</li> </ul>	A traffic impact assessment has been undertaken and is appended to this report. The site and surrounding road network can support the proposed development.
<b>Earthworks</b> <ul style="list-style-type: none"> <li>No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.</li> <li>Earthworks and retaining walls must comply with Council's Development Control Plan.</li> <li>Proposed fill material must comply with Council's Development Control Plan.</li> </ul>	Earthworks required to facilitate the development have been identified in the suite of plans accompanying the application.
<b>BUILDING REQUIREMENTS</b> <ul style="list-style-type: none"> <li>On site hydrant protection is required</li> <li>Disabled access to entire site including footpaths needs to be demonstrated</li> <li>Accessible car spaces are required</li> <li>Lift access is required to the temple</li> <li>The proposed place of public worship is a Class 9b building</li> <li>The application will be referred to Council's Access Committee</li> <li>Fire brigade access to buildings is required</li> </ul>	A BCA report has been provided addressing these matters.
<b>TRAFFIC REQUIREMENTS</b> <p>You are encouraged to contact the Roads and Maritime Service (RMS) for preliminary advice prior to preparing the development application. Given the proposed development triggers referral to the RMS for 'traffic generating development' purposes under the Infrastructure SEPP, it is recommended to seek their comments as soon as possible to inform the proposal.</p>	Matters relating to potential traffic impacts have been considered in the accompanying traffic impact assessment.

## 2.5 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Survey	CitiSurv Pty Ltd
Architectural Drawings	DDC
Hydraulic Report/Stormwater Plans	Inline Hydraulic Services
Landscape Plan	Nicholas Bray Landscapes
Traffic Impact Assessment	Traffix
Noise Impact Assessment	Acoustic Logic
Access Report	MGAC
Waste Management Plan	BAPS



Documentation	Prepared by
OSSM	Harris Environmental Consulting
Bushfire Impact Assessment	Harris Environmental Consulting
Visual Impact Assessment	Cloustons
Social Impact Assessment	CRED Consulting

## 2.6 Legislation, Environmental Planning Instruments and Policies to be considered

- *Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No. 2 - 1997)*
- *State Environmental Planning Policy. No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Western Sydney Employment Area (WSEA) Draft Structure Plan*

## 2.7 Consent Authority

The consent authority for this application is the Sydney West Planning Panel.

## 3 The Site and Surrounds

### 3.1 The Subject Site

The site is situated on the eastern side of Aldington Road between Bakers Lane and Abbots Road. It is located approximately 16.8km north of Leppington Railway Station and approximately 50km west of the Sydney CBD. The site is located approximately 7.7km south of the intersection of the M4 with Mamre Road.

The site is rectangular in configuration with a total site area of approximately 101,328m<sup>2</sup>. It currently accommodates a single dwelling house and has a northern, southern and eastern boundary to adjoining residential properties and a western frontage to Aldington Street. The northern and southern property boundaries are approximately 142 metres in length. The northern and southern property boundaries are approximately 720 metres in length.

The site is legally described as Lot 18 DP 253503.



Figure 2 Subject site

Vehicular access is currently provided via a driveway crossing onto Aldington Road. The driveway is located on the most northern end of the property. The driveway is approximately 7.5 metres wide at the site boundary and provides car parking spaces in a tandem configuration.

### 3.2 Surrounding Land Uses and Development

Surrounding land uses are currently predominantly rural in nature. Although it is noted that the Erskine Business Park is located to the north of the area. The evolving nature of the locality is discussed later in this report.



Figure 3 Site context

### 3.3 Topography

The site rises from Aldington Road to the rear of the site by approximately 25-30m, although the actual surface of the site undulates across its length.

### 3.4 Vegetation

Historically the site has been used for agriculture and as such, there are few examples of any significant vegetation.

## 4 Project Description

### 4.1 Overview

The proposal is for a Mandir (Hindu Temple) with landscaping including playgrounds, assembly hall, dining hall, and monk's residence, in the Hindu architectural tradition:

- The Mandir is expected to be used for meditation and prayer between 7am to 11:30am and 4pm to 7pm weekdays.
- The assembly hall is anticipated to be used for congregations on Sundays between 4:30pm to 6:30pm.
- The community kitchen and dining hall is anticipated to be used for gatherings in conjunction with congregations in the assembly hall. The hall will also be used for programs e.g. recreation programs for young people, yoga, children's programs.
- The landscaping area includes play spaces, a large grassed area, seating and planting. The total usable landscaped area is approx. 45,000m<sup>2</sup>.

Associated stormwater infrastructure is also proposed as part of this application.

### 4.2 The Proposed Use of the Site

The site is proposed to be used as a place of public worship. This is the most appropriate land use definition given it is the primary purpose for the development of the site.

The site comprises the following precincts:

- The "Landscape Precinct" – the western third of the site.
- The "Central Precinct" – the central third of the site.
- The "Mandir and Monks Residence Precinct" – the eastern third of the site.

Primary elements and uses of the three precincts are as follows:

- The Landscape Precinct:
  - This consists primarily of a garden area and provides pedestrian and vehicular access to the site.
  - There are 96 passenger vehicle parking spaces in this area.
- The Central Precinct:
  - This area has two primary buildings:
    - A kitchen and multiuse building.
    - The Sabha Hall and Youth Centre (and includes two activity halls and a number of study rooms/offices within it).
    - The Sabha Hall is used to house the Sunday congregation of 600 people between 4.30pm and 6.30pm (congregation arriving individually or small groups) and special event congregation of approximately 800 people.
    - Both buildings have external roof terraces, however these are not accessible to the public.
  - The Central Precinct also contains two outdoor play areas.



- There are approximately 149 passenger vehicle parking spaces available.
- Monks Residences and Mandir/Temple (Block F):
  - Within the Mandir - individual meditation and prayer between 7.00am and 11.30am and 4.00pm to 7.00pm daily (individual/ritual chanting, with approximately 50 congregation members and typically arriving/leaving separately through the 3 hour period).
  - The Monk's residence does not have group activities or musical performances and would not generate significant noise.
  - There are approximately 56 passenger vehicle parking spaces available.

## 4.3 Built Form

As described above, there are a number of built elements on the site.

### ***Buildings in the Central Precinct***

Two main buildings are located within this precinct. These are between 14.9m and 15.8m above natural ground level. The northern building has some 10,083.3sqm of gross floor area, and the southern building some 9,115.9sqm. These buildings are setback from the side boundaries by some 12.13m-13.95m (minimum). The front setback is some 251.53m.

### ***Buildings in the Mandir/Monks Residence Precinct***

The Mandir is situated within this precinct as well as a building that will accommodate the Monks.

The ridgeline of the Mandir building is 9.446m, however there are 5 spires that rise to a maximum of 22.93m in height. The gross floor area of the Mandir is 1,221.6sqm. The Monks residence is some 8.267m in height, with a gross floor area of 2,170.3sqm.

## 4.4 Vehicular Elements

The proposal allows for some 301 car parking spaces and these are distributed across the three precincts. It is expected that the spaces would be utilised the most during the short period of the Sunday congregation. At other times there will be a significant excess of parking.

There are two vehicular access points to the site meeting Aldington Road. The northern access point provides the primary access to the site, allowing two-way movements past a gatehouse that is proposed to be manned during opening hours. The secondary access along the southern part of the site will provide an alternative access or egress point when a more comprehensive management of vehicles might be required.

In terms of deliveries, it is expected that no vehicles exceeding the size of a medium rigid truck would need to access the site. Deliveries will largely be made by small rigid vehicles.

## 4.5 Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes. The landscaping has been designed to not only be formal and ornamental within the site, but to also function as screening when viewed from outside of the site.

## 4.6 Congregation Size

The main congregation visits the site on a Sunday afternoon and the number of people present is expected to be approximately 600 people. Some special occasions will see up to 800 people visit the site.

It is expected that up to 50 people would attend each daily prayer sessions (morning and evening).

## 4.7 Hours of Operation and Volunteer Numbers

The hours of operation for the overall facility will be 7am to 9pm seven days per week. Throughout this time there is expected to be up to 10 volunteers across the site, as well as up to 5 monks.

Daily prayer sessions are held between 7am and 11.30am, and again between 4pm and 7pm daily.

## 4.8 Signage

No advertising signage is proposed. However, entry signage is proposed adjacent to the gatehouse, as well as wayfinding signage within the site. All signage is proposed to be sympathetic to the site and its design.

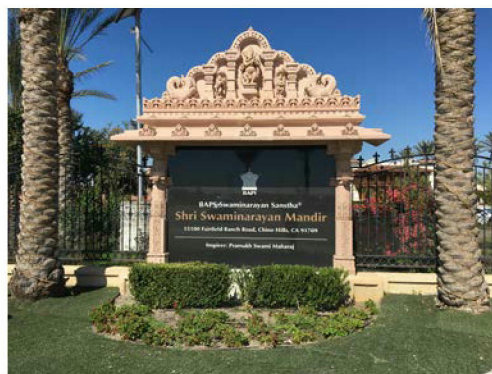


Figure 4 Example of Entry Signage



Figure 5 Example of Wayfinding Signage

## 4.9 Stormwater Drainage

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Further information is appended to this report in regard to the stormwater management on the site. MUSIC modelling has been carried out and accompanies the application.

#### **4.10 Utilities**

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

#### **4.11 Civil Works**

Some minor civil engineering works are required, and these are detailed in the accompanying plans.

#### **4.12 Waste Management Strategy**

Waste bins will be provided for each of the tenancies in dedicated waste storage areas at ground level and at the rear of the property. Waste will be collected by commercial contractors and organised through the owners/managers of the building or the body corporate if subject to strata subdivision in the future.

#### **4.13 Contamination**

The location of the proposed buildings is proposed on currently cleared land and open paddocks. Then property has been this way for a significant number of years. There is unlikely to be contamination on the site given its previous use. SEPP 55 is addressed below.

#### **4.14 National Construction Code Compliance**

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

#### **4.15 Tree removal**

Some trees are proposed to be removed however a visual inspection shows they are damaged from termite activity or dead.

#### **4.16 Staging**

The project is to be staged and the staging is indicated on the accompanying Staging Plan. It is important to note though that perimeter planting of the entire site forms part of the initial stage. The construction of the Mandir and Monks house will be completed in Stage 2 which is expected to commence in approximately 5 years.



## 5 Strategic and Statutory Context

### 5.1 Strategic Context

#### 5.1.1 Western Sydney Employment Area and Draft Structure Plan

The New South Wales Government established the Western Sydney Employment Area to provide businesses in the region with land for industry and employment, including transport and logistics, warehousing and office space. The Western Sydney Employment Area will give these businesses access to roads and utility services and is close to the planned new airport at Badgerys Creek.

The proposed development is located to the south of the Western Sydney Employment Area.

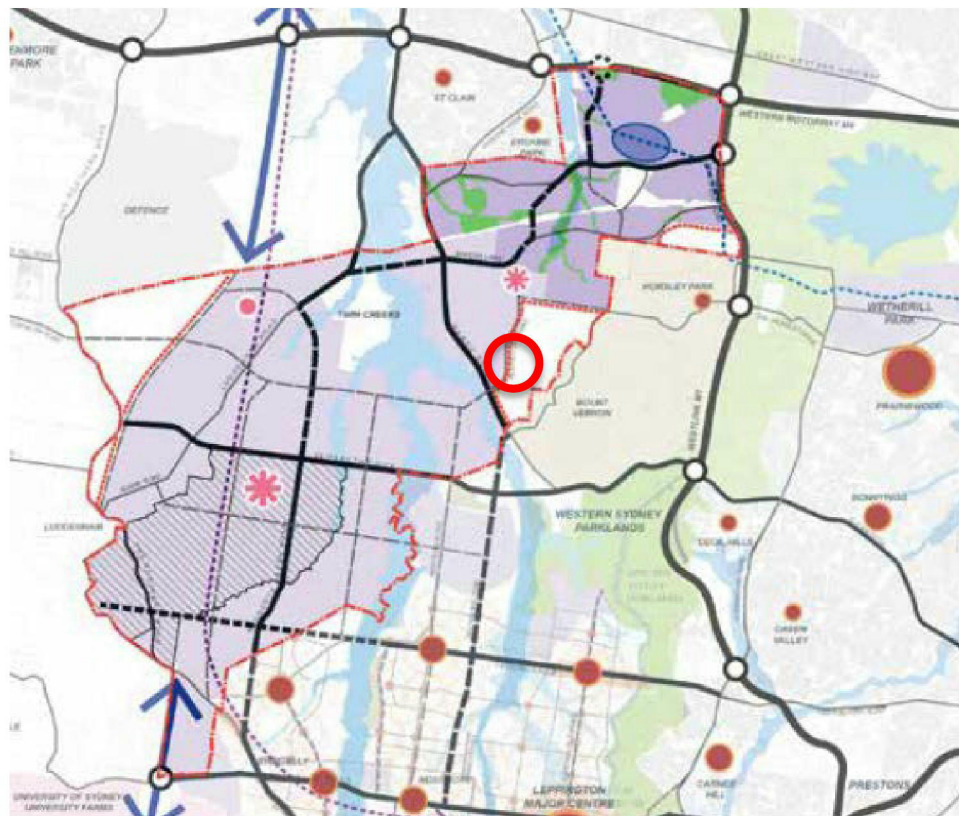


Figure 6 Draft Western Sydney Employment Area Structure Plan

The plan would see much of the surrounding lands be rezoned to employment uses. Accordingly, it is reasonable to expect development on those lands to ultimately be comparable in form to that which is found in Erskine Business Park.



The figure below shows the envisaged land uses across the wider area. It is clear the intention is to 'link' Erskine Business Park with areas to the north of the proposed airport.

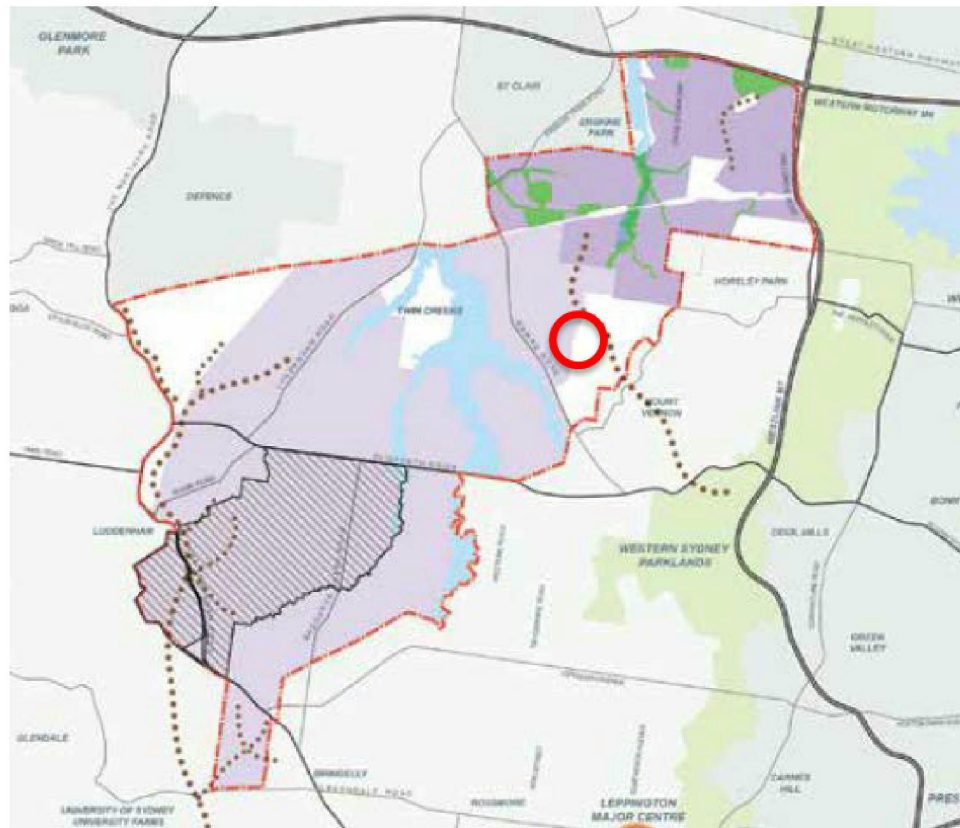


Figure 7 Envisaged land uses over the wider area

The figure below shows the proposed road network under the Plan. It is expected that Aldington Road would eventually be upgraded.



Figure 8 Envisaged road network across the precinct

The plan shows that the area around the subject site is expected to change, likely dramatically. Whilst planning controls of a finer nature will follow, the proposed development would unlikely look out of place in such an environment, noting the potential upgrade of Aldington Road in the long term.

### 5.1.2 Western Sydney Priority Growth Area

The Western Sydney Priority Growth Area will guide new infrastructure investment, identify new homes and jobs close to transport, and coordinate services in the area. The Department is currently working with Liverpool City Council and Penrith City Council to prepare a draft Land Use and Infrastructure Strategy. This will guide new infrastructure investment, identify new homes and jobs close to transport, and coordinate services in the area. In particular, the study will look at how to better connect new suburbs with the planned second Sydney airport and the regional cities of Penrith and Liverpool. It will also include planning and funding of essential infrastructure and services.

The proposed development is located within the Western Sydney Priority Growth Area. It is considered that the proposal is not inconsistent with this strategic work.

### 5.1.3 Draft Western City District Plan

The recently released Draft Western City District Plan reinforces the planning around the airport precinct and the expectation for employment uses to its north. The site is not inconsistent with the Draft District Plan.

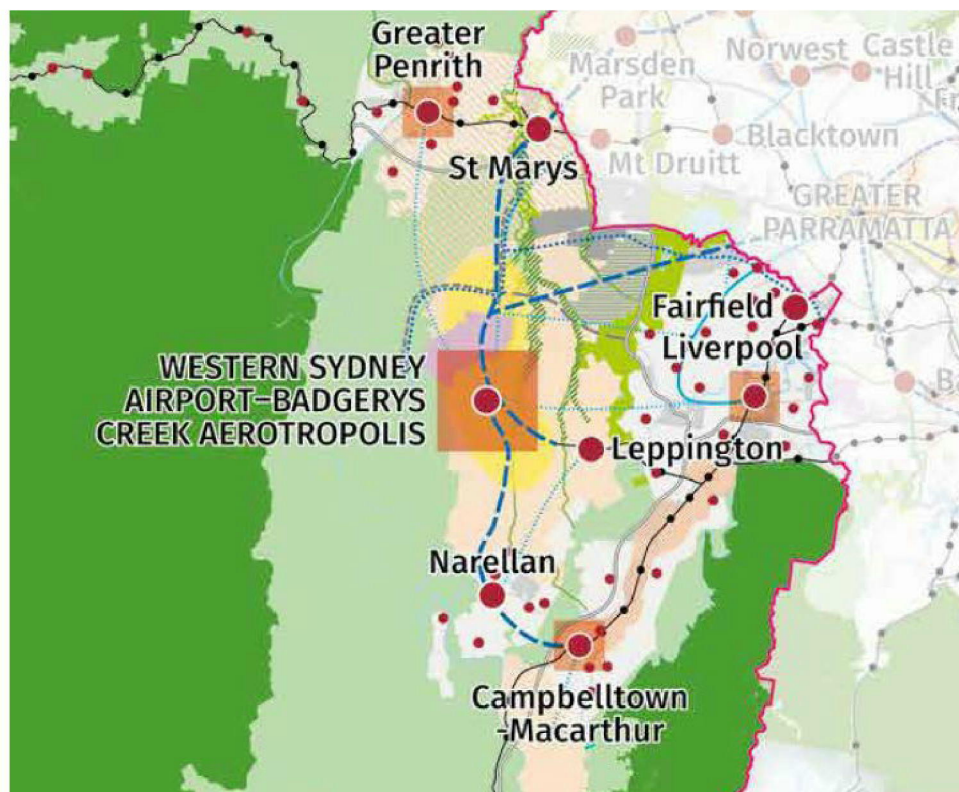


Figure 9 Extract from the Draft Western City District Plan

### 5.1.4 Penrith City Council Community Plan - 2017

The Community Plan outlines a community vision for Penrith, and strategies and measures for Council and the community to work towards, in 7 outcome areas identified as important to the local community. Under the outcome area “We are Healthy and Share Strong Community Spirit” two strategies are particularly relevant to this SIA:

#### Strategy 6.2. “Help building resilient, inclusive communities”

- Council will support community organisations providing direct services or support to the different groups in our community
- (Council will) Run events and festivals that provide people with a chance to meet and strengthen social connections.

#### Strategy 6.3. “Enhance the cultural vitality of the City”

- (Council will) continue to run and encourage events that showcase the different cultures of Penrith and the skills of our residents.

The proposal is considered to be consistent with these strategies.



## 5.2 Statutory Context

### 5.2.1 Summary Table

The following table summarised the range of other statutory considerations relating to this proposed development.

Regulatory Requirements	Considerations
SREP No. 20 – Hawkesbury Nepean River (No. 2 - 1997)	Potential Impacts on the Hawkesbury Nepean River System
SEPP. No. 55 – Remediation of Land	Requires consideration of potential contamination.
SEPP (Infrastructure) 2007	Nominate certain development for referral to the RMS for comment
Penrith LEP 2010	The LEP details the Council statutory planning controls. Primarily that of land use permissibility.
Penrith DCP 2014	DCP's contain finer grain development controls, in this case, matters relating to setbacks, OSSM and parking are considered relevant

### 5.2.2 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

### 5.2.3 SEPP 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. A Detailed Site Investigation has been undertaken that concluded the following:

- *Additional herbicide analysis was undertaken, after potential contamination was identified onsite. Results indicated that no contamination was present on site.*
- *No asbestos fibres were detected in any sample collected and analysed from the site.*
- *Overall, widespread contamination was not identified as part of the DSI and previously known data gaps based on the potential contamination sources, have largely been addressed.*

Recommendations have been made in progressing the proposal and once adopted, the site is considered suitable for the proposed development. The proposal is considered to have satisfied the SEPP.

### 5.2.4 State Environmental Planning Policy (Infrastructure) 2007

The proposal is considered to be Traffic Generating as nominated in Schedule 3 of the SEPP. A referral to RMS will be required for their comment.

### 5.2.5 Penrith Local Environmental Plan 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *RU2 Rural Landscape* with the following zone objectives applying to that zone.

- *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 minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*

The following comments are made in respect of the zoning objectives.

- The zoning and therefore range of land uses in the locality is expected to change dramatically in the future. The proposal however, is sympathetic to the current

planning controls and zoning, by maximizing the landscaped screening when the site is viewed from the public domain and surrounding properties.

As the development of the site progresses, the landscaping will mature, screening those largest elements on the site. Concurrently, zoning changes are anticipated that will change the built environment significantly. At that time, the proposal would not present as a negative visual element within the environment.

- The proposal represents an additional built element in what is currently a rural landscape. The landscape is expected to change dramatically. It is also noted that the construction of the proposed development spans over many years. The proposal however is sympathetic to the existing landscape and responds to it through a comprehensive landscape strategy. This will greatly reduce the potential visual impact, and this is demonstrated and confirmed in the accompanying visual impact assessment.
- The proposed use is permissible with consent, in the zone.
- Whilst the area has historically been used for agricultural pursuits, we understand this is less so today.
- The design of the development ensures there are no environmental impacts on adjoining properties.
- The accompanying studies and consultant reports demonstrate that the proposal is compatible with the capabilities of the land and that there is very little demand for public services or facilities.

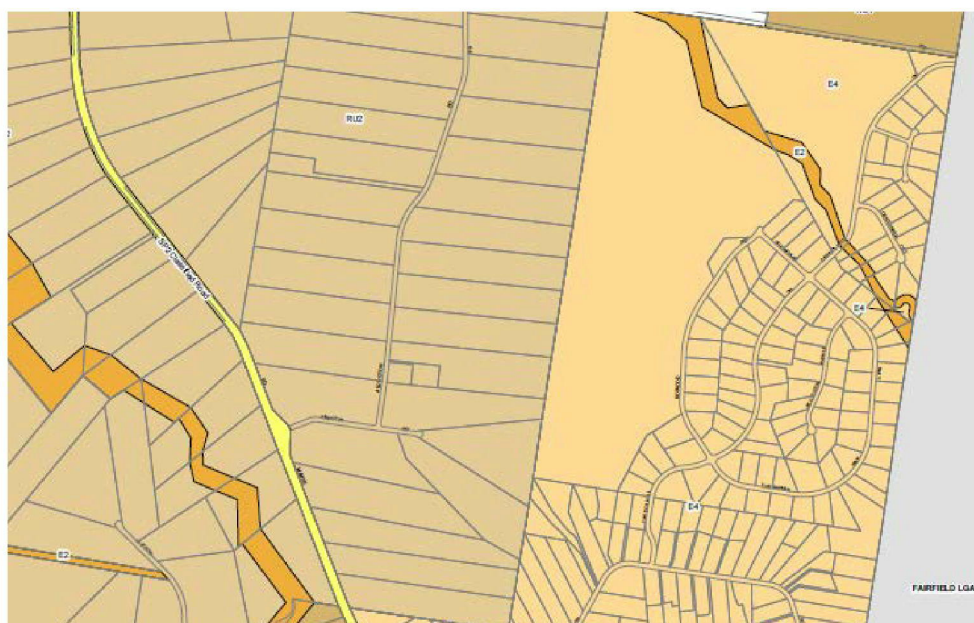


Figure 10 Land use zoning map – Penrith LEP 2010

The Land Use Table of the LEP nominates *place of public worship* as a permissible form of development in the zone. The Dictionary definition is:



**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.

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:				
Standard		Permitted	Proposed	Comment
4.1	Minimum subdivision lot size:	N/A	N/A	
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	N/A	N/A	
4.1AA	Minimum subdivision lot size for community title schemes	N/A	N/A	
4.1AB	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A	N/A	
4.2	Rural Subdivision:	N/A	N/A	
4.2A	Residential development and subdivision prohibited in certain rural, residential and environment protection zones	N/A	N/A	
4.3	Height of Buildings:	N/A	N/A	
4.4	Floor Space Ratio	N/A	N/A	

Part 5 Miscellaneous Provisions		
Provision		Comment
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Development within the coastal zone	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Repealed	N/A
5.9AA	Repealed	N/A
5.10	Heritage conservation	Refer to discussion below.
5.11	Bush fire hazard reduction	N/A

5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A

#### Part 6 Urban release areas

Provision	Comment
6.1 Arrangements for designated State public infrastructure	N/A
6.2 Public utility infrastructure	N/A
6.3 Development control plan	N/A
6.4 Relationship between Part and remainder of Plan	N/A
6.5–6.19 (Repealed)	N/A

#### Part 7 Additional Local Provisions

Provision	Comment
7.1 Earthworks	<p>The proposal does require some major earthworks, and this will result in some fill being taken off the site. The majority of works proposed includes the re-contouring of the land, retaining and excavation, and will basically see movement of fill within the site. In the context of the LEP clause, the following is noted:</p> <ul style="list-style-type: none"> <li>• Drainage patterns will not be negatively impacted on. Indeed, the proposed works will manage stormwater from and through the site in an acceptable manner.</li> <li>• Adjoining properties will not be negatively impacted as a result of the earthworks.</li> <li>• No adverse impacts will arise on waterways, drinking catchments or environmentally sensitive land.</li> </ul> <p>We submit that the proposal satisfies the LEP clause.</p>
7.2 Flood planning	N/A
7.3 Development on natural resources sensitive land	N/A
7.4 Sustainable Development	N/A
7.5 Protection of scenic character and landscape values	Refer to the discussion below. A comprehensive Visual Impact Assessment accompanies this submission. Its assessment and recommendation are discussed elsewhere in this report. However, we submit that the proposal satisfies this clause.
7.6 Salinity	Unlikely to be a concern
7.7 Servicing	The proposal can be adequately serviced.
7.8 Active street frontages	N/A
7.9 Development of land in flight path of proposed Second Sydney Airport	N/A
7.10 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11 Penrith Health and Education Precinct	N/A
7.12 Maximum gross floor area of commercial premises	N/A
7.13 Exhibition homes limited to 2 years	N/A

7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside Corporate	N/A
7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A
7.25	Warehouses and distribution centres on land zoned B7 Business Park	N/A

#### 5.2.5.1 Clause 5.10 Heritage Conservation

At the pre-DA meeting, Council officers indicated that Clause 5.10 needed to be addressed in the context of nearby heritage items.

Items 105 (Gateposts at 269 Mamre Rd) and 106 (brick farmhouse at 289 Aldington Rd) are listed in the LEP as local items of environmental heritage.



Figure 11 Nearby heritage items and the subject site



The objectives of Clause 5.10 include:

**(1) Objectives**

*The objectives of this clause are as follows:*

- (a) to conserve the environmental heritage of Penrith,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Subclause (4) requires the consent authority to consider the potential effects of the proposal on nearby heritage items, regardless of whether a heritage management document is required to be prepared.

The two items, items 105 and 106, are a minimum 300m from the subject site. It is considered the separation between the sites will ensure there is no perceptible impact arising from the proposed development. Accordingly, it is also considered that there is no need for a heritage management document (subclause (5)) in relation to this proposal and the heritage items.

It is submitted there will be no impacts in the context of the LEP provision.

#### **5.2.5.2 Clause 7.5 – Protection of scenic character and landscape values**

The site is located within an area mapped as having scenic character and landscape values.

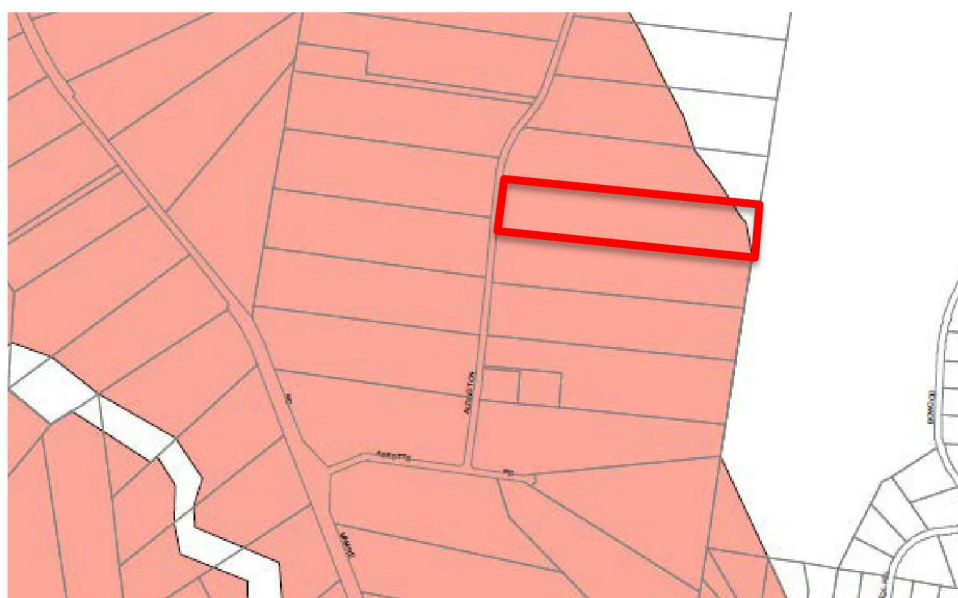


Figure 12 Mapped areas of scenic character and landscape value

The objectives of Clause 7.5 include:

**(1) The objectives of this clause are as follows:**

- (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*
- (b) to ensure development in these areas is located and designed to minimise its visual impact.*

Subclause (3) states the following:

(3) *Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.*

A comprehensive Visual Impact Assessment has been undertaken and is appended to this report. It is obvious that there will be some visual impacts arising from the development, however the following is noted in this regard:

- The proposed use is a permissible land use within the zone and the objectives of the zone can be satisfied.
- Perimeter planting is proposed to be installed as part of Stage 1 to ensure it matures and is well advanced by the time Stage 2 is developed.
- The project is a long term one, anticipated to be completed over a 10 year period. Stage 1 will be developed over years 1 to 5, with Stage 2 following over years 6 to 10.
- By the time the site is fully developed, landscaping would have been established for 10 years, and would be providing substantial perimeter screening.
- The site is significantly large and as such, the proposed buildings do not result in significant scale or bulk. The site coverage of proposed structures is quite minimal and boundary setbacks are generous.
- Section 5.1 of this report details the changing nature of the locality. The area will be transformed into a denser form of development and built outcomes, dominated by employment land uses. Roads will be upgraded, and the infrastructure constructed will likely change the landform to a large extent. The scenery will change dramatically as a result and the LEP provisions relating to scenic character and landscape values will likely be redundant. Consequently, the proposed development will not look out of place within such an environment. As an example, the following montage has been created showing potential development within the locality of a scale and density not dissimilar to that found in Erskine Business Park.



In addressing the LEP provisions specifically requiring the consent authority to be satisfied that satisfactory measures will be taken to ameliorate potential visual impacts, the following is noted:

- Buildings are situated centrally within the site.
- Generous setbacks are proposed.

- The two main buildings forming Stage 1 are simplistic in design with gentle colours proposed.
- Substantial planting is proposed to be planted as part of Stage 1, including perimeter planting. This will have been in place for 5 years before the Mandir and Monks residence will be constructed and will be well advanced.

In our opinion, the proposed development includes appropriate measures that will be taken to minimise any potential visual impact when viewed 'from major roads and other public places'. The Visual Impact Assessment supports this position.

### 5.2.5.3 Summary of LEP Assessment

It is submitted that the proposal satisfies the objectives of the LEP, the zone, and is consistent with the relevant provisions. The proposal can be supported in the context of the LEP.

### 5.2.6 Penrith Development Control Plan 2014

The DCP contains finer grain controls to be considered in the context of the proposed development. The following relevant provisions have been considered against the proposal.

C - City-wide Provisions	
Provision	Comment
<b>C1 Site Planning and Design Principles</b> <i>General Objectives</i> <ul style="list-style-type: none"> <li>a) To improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;</li> <li>b) To ensure that developments address the key principles of site planning, urban design and design excellence by: <ul style="list-style-type: none"> <li>i) responding to the natural topography and landform of the site;</li> <li>ii) protecting areas of scenic or visual importance in the City of Penrith;</li> <li>iii) adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact;</li> <li>iv) incorporating safety and security measures in its design;</li> <li>v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and</li> <li>vi) incorporating the principles of universal design to maximise accessibility for all people.</li> </ul> </li> <li>c) To ensure that non-residential buildings (and their future uses) are designed to incorporate design and sustainable excellence by: <ul style="list-style-type: none"> <li>i) being accredited under the Australian Buildings Greenhouse Ratings certification system, now part of the National Australian Built Environment Rating System (NABERS) and/or Green Star certification system, whichever is applicable; and</li> <li>ii) ensuring that energy and water consumption is minimised.</li> </ul> </li> </ul>	<p>The proposal has been meticulously designed to account for the site characteristics, and the scale of the project. Whilst there is benching proposed, it responds to the site. Landscaping proposed will provide considerable screening. All buildings on the site have designed with energy and water efficiency measures.</p>



## C2 Vegetation Management

### General Objectives

- a) To adopt the principles of ecologically sustainable development (ESD) in protecting and enhancing Penrith's native vegetation;
- b) To preserve existing trees and vegetation for the benefits they provide;
- c) To preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal to Council;
- d) To protect and enhance native vegetation and biodiversity in the Penrith Local Government Area, including habitat for threatened species, populations and ecological communities and corridors for flora and fauna;
- e) To retain native vegetation in parcels of a size and configuration which will enable existing plant and animal communities to survive in the long term;
- f) To protect and enhance the landscape character and scenic qualities of the Penrith Local Government Area; and
- g) To manage the conflict between protecting and removing vegetation to address natural hazards such as bushfires.

Very few good examples of vegetation exist on the site. This is possibly because of the historical agricultural uses that would have been on the site.

A comprehensive Landscaping Strategy will result in a site vastly improved on the current situation.

## C3 Water Management

### General Objectives

- a) To adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources;
- b) To promote sustainable practices in relation to the use of water resources for human activities;
- c) To minimise water consumption for human uses by using best practice site planning, design and water efficient appliances;
- d) To address water resources in terms of the entire water catchment;
- e) To protect water catchments and environmental systems from development pressures and potential pollution sources;
- f) To protect and enhance natural watercourses, riparian corridors, wetlands and groundwater dependent ecosystems;
- g) To protect, conserve and enhance surface and groundwater resources;
- h) To integrate water management with stormwater, drainage and flood conveyance requirements; and
- i) To utilise principles of Water Sensitive Urban Design in designing new developments or infill development in existing areas.

The collection, storage and use of water has been a major consideration through the design. Large storage is proposed, and it is noted that the mapped watercourse traversing the site will be enhanced and embellished as a result of this application.

## C4 Land Management

### General Objectives

- a) To promote sustainable land use practices for all land use types;
- b) To minimise land degradation in the Penrith LGA and promote restoration of degraded lands;
- c) To control erosion, sedimentation and dust to maintain soil and water quality and protect amenity;

Erosion and sediment control measures will be installed on the site throughout the construction phase.

## C5 Waste Management

### General Objectives

- a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;
- b) To manage waste in accordance with the 'Waste Hierarchy' to:
  - i) Avoid producing waste in the first place;
  - ii) Minimise the amount of waste produced;
  - iii) Re-use items as many times as possible to minimise waste;
  - iv) Recycle once re-use options have been exhausted; and
  - v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;
- c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;
- d) To minimise the overall environmental impacts of waste by:
  - i) Encouraging development that facilitates ongoing waste avoidance and complements waste services offered by both Council and/or private contractors;
  - ii) Requiring on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and/or the private sector;
  - iii) Encouraging building designs and construction techniques that minimise waste generation;
  - iv) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and
  - v) Reducing the demand for waste disposal.

A waste room is present within the basement of the northern building. At this location, waste will be sorted and stored for collection by a commercial contractor.

Recycling will play a major role in the operation of the site.

## C6 Landscape Design

### Objectives

- a) To promote landscape design and planning as part of a fully integrated approach to site development;
- b) To ensure landscape design takes into account the site's context, landscape and visual character, existing landscape features and amenity, both at the local and regional scale;
- c) To encourage the development of quality landscape design associated with new development that is consistent with industry best-practice;
- d) To encourage the retention of existing trees and vegetation to enhance landscape character;
- e) To ensure landscape design adequately complements the proposed built form and minimises the impacts of scale, mass and bulk of the development in its context;
- f) To encourage landscape design that can be effectively maintained to a high standard for the life of that development; and
- g) To establish a framework for allowing "Controlled Private Certification" of the landscape design components of new developments.

A comprehensive landscape design is proposed for the site. The landscaping is intended to provide private and communal formalised spaces for the enjoyment of visitors. Moreover, dense perimeter planting is proposed that will assist with screening of site buildings.

<b>C7 Culture and Heritage</b>	There are no heritage items that will be negatively impacted.
<b>C8 Public Domain</b>	The proposed development will not create a negative impact on the public domain.
<b>C9 Advertising and Signage</b>	No advertising signage is proposed. An entrance sign is proposed at the front gate, as well as smaller way finding signage within the site. The proposal is not inconsistent with these provisions.
<b>C10 Transport, Access and Parking</b> <i>General Objectives</i> a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems; b) To minimise the impacts of traffic generating developments and manage road safety issues; c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems; d) To provide appropriate parking for all development whilst promoting more sustainable transport use; e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety; f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and g) To ensure that access is provided for all people with diverse abilities.	A traffic impact assessment accompanies this submission addressing all DCP requirements. It concludes that the proposal can be supported.
<b>C11 Subdivision</b>	Not applicable
<b>C12 Noise and Vibration</b> <i>General Objectives</i> The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.	An acoustic impact assessment accompanies the application. It concludes the proposal can be supported.
<b>C13 Infrastructure and Services</b>	The supporting consultant reports demonstrate that the site is suitable for the proposal and that it can be adequately serviced.



## D5 Other Land Uses

### 5.6. Places of Public Worship

Provision	Comment
<b>1. Location and Design</b> <p>a) A place of public worship with a capacity of more than 100 persons must locate on a road with sufficient capacity to accommodate likely traffic generation.</p> <p>b) Where a place of public worship will be visible from a designated road, information must be submitted with the development application to demonstrate how the visual impact of the building will be minimised.</p> <p>c) Places of public worship in rural or environmental zones must be designed to complement the character of the surrounding area.</p> <p>d) Places of public worship must be located on sites of sufficient size to accommodate all proposed buildings, parking areas, outdoor areas, etc.</p> <p>e) Where a place of public worship is to be located immediately adjacent to a property used primarily for residential purposes (including rural living or seniors living), a buffer zone of a minimum 10m in rural or environmental zones or 5m in all other zones must be provided to the side and rear boundaries. This buffer zone shall be landscaped and shall not be used for parking areas or the like.</p> <p>f) Buffer zones should also be considered to minimise the impact of places of public worship on agricultural uses in rural areas.</p>	<p>The following is noted:</p> <ul style="list-style-type: none"> <li>• The accompanying traffic report supports the location in the context of traffic generation.</li> <li>• A visual impact assessment is provided and shows how potential impacts will be minimised.</li> <li>• The proposal has been designed to integrate as best as possible within the locality, noting the evolving nature of development in the area.</li> <li>• The site is of a suitable size to accommodate the proposal.</li> <li>• Appropriate buffer zones are proposed from adjoining properties.</li> </ul>
<b>2. Servicing</b> <p>a) A place of public worship with a capacity of more than 100 persons must be connected to all services, including power, reticulated sewer and reticulated water.</p>	<p>The following is noted:</p> <ul style="list-style-type: none"> <li>• Power upgrades, if required, will be confirmed with the power authority prior to construction.</li> <li>• The proposal will be able to cater for OSSM that satisfies Council controls.</li> <li>• The site has access to reticulated water.</li> </ul>
<b>3. Transport, Access and Parking</b> <p>a) A place of public worship with a capacity of more than 100 persons must demonstrate how sustainable modes of transport will be encouraged. This may include location close to public transport, provision of transport for worshipers (mini bus or similar) or some other means to reduce the reliance on transport by private vehicle.</p> <p>b) A traffic impact assessment may be required for the development of a place of public worship.</p> <p>c) Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.</p>	<p>A comprehensive traffic impact assessment accompanies the application that addresses these provisions.</p>
<b>4. Noise</b> <p>a) A noise impact assessment may be required for the development of a place of public worship and, if required, should address the provisions of the Noise and Vibration section of this Plan.</p>	<p>An acoustic impact assessment accompanies the application that addresses these provisions.</p>

## 6 Section 79C Assessment

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An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

### 6.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 6.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

### 6.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

### 6.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

### 6.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

### 6.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

#### 6.6.1 Flora and Fauna

Some trees are proposed to be removed as part of this application however these are observed to be either dying or having been impacted by termites. A significant amount of additional landscaping is proposed to embellish the overall landscape presentation of the development.

There are no negative impacts expected from the proposed development.

### 6.6.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting. Overland flow into and out of the site has been maintained at the current locations and flow rates, in addition to the embellishment of the mapped watercourse which is expected to be required by the NSW Office of Water.

### 6.6.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

### 6.6.4 Traffic Generation and Parking

A traffic impact assessment has been undertaken and provided as part of the application. It concludes that:

*The car parking assessment for the development was generated using a 'first principles' approach. Application of these rates results in a requirement for a total of 267 car parking spaces. In response, the development proposes to provide 301 car parking spaces. Provision of these within the car park will ensure that all parking will be accommodate on-site.*

*The traffic generation arising from the proposed community centre development has been assessed as a net increase over and above existing traffic conditions. The increase is 100 veh/hr and 100 veh/hr, during the AM and PM peak periods respectively. These trips will be split into both directions and can be readily accommodated, with minimal impacts on the surrounding road system;*

*The proposed development will create minimal traffic impacts that can be readily accommodated on the surrounding road network;*

*The proposed car park generally complies with the requirements of both AS 2890.1 and AS 2890.6. The car park has also been assessed using the computer program Auto Track, as permitted by AS 2890.1 (2004) and operates safely and efficiently. Any minor adjustments to ramp swept paths can be made at construction certificate stage;*

*It is therefore concluded that the proposed development is supportable on traffic planning grounds and will operate satisfactorily.*

The report concludes there will be no unacceptable impacts on the locality in traffic or parking terms arising as a result of the proposal. The application is satisfactory in a traffic and parking context.

### 6.6.5 Noise Impacts

An acoustic impact assessment has been undertaken and is appended to this report. The assessment provides the following recommendations in relation to the proposed development.

*Mandir – windows to the Mandir should be kept closed during chorus chanting.*

*Sabha Hall/Youth Centre/Multi-Use Hall – windows to these buildings are to be kept closed during or presentation using PA systems in the evening time or a music performance at any time.*



*Detailed acoustic review of all external plant items should be undertaken following equipment selection and duct layout design. Initial analysis indicates that with acoustic treatment, all plant items will be capable of meeting noise emission requirements.*

Based on the recommendations, the proposed development is suitable in the context of potential acoustic impacts.

### 6.6.6 Heritage Issues

Potential impacts on nearby heritage items has been considered earlier in this report. No impacts are expected to arise as a result of the proposal.

### 6.6.7 Visual Impact

Potential visual impacts have been considered earlier in this report and in the accompanying Visual Impact Analysis. It is considered that the LEP provisions relating to scenic character can be satisfied.

### 6.6.8 Services

The application demonstrates that the proposal can be adequately serviced without demand on public infrastructure.

### 6.6.9 Social and Economic

There are no negative economic or social impacts considered relevant to the proposal. A comprehensive Social Impact Assessment is appended to this report that concludes the following:

*The proposed development provides a number of positive social impacts for the Penrith City LGA community and will support Council in meeting identified needs including for cultural events and festivals, and improved access to recreation and cultural programs for people from CALD backgrounds. Key positive social impacts resulting from the proposed development are: improved access to religious and cultural facilities for the growing and underserved Hindu population in the Penrith City LGA and surrounding areas; a new community facility providing a meeting place and programs for people from culturally and linguistically diverse groups; and a large new landscaped area. Case studies of similar facilities suggest that the proposed development can also encourage cross-cultural education and understanding, and support community development through volunteering programs. There are opportunities to support these positive social impacts through:*

- Working with local schools to promote the facility as an education resource*
  - Providing tours of the facility and a visitor information, and working with Council to promote the facility as a tourist attraction, and*
- Promoting major events and festivals to the general community.*

The proposed development is considered to be acceptable in this regard.

### 6.6.10 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the “*Crime Prevention and Assessment of Development Application Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*” published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

#### **Surveillance**

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- A gatehouse will monitor those entering and exiting the site.
- Entries are located in highly visible locations.
- Active communal areas around the site are well positioned.
- Clear visual pathways within landscape areas.
- Areas of entrapment are limited due to multiple exit points from around the development.
- CCTV will be utilised at various points in the site.

#### **Access Control**

Access control to public, semi public and private areas of the development is considered to be well managed and effective via the proposed gatehouse. Access control to the building can be effectively managed through lockable entry doors. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points. Access to the basement level will be via lockable roller door.

Overall access to the building will be managed by the entry gatehouse.

#### ***Territorial Reinforcement***

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

#### ***Space Management***

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, the on-site volunteers will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

### **6.6.11 Waste Management**

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements and a commercial contractor will be engaged for the collection of waste.

## **6.7 Section 79C(1)(c) – The Suitability of the Site**

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the development would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

## **6.8 Section 79C(1)(d) – Any Submission Made**

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

## **6.9 Section 79C(1)(e) – The Public Interest**

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.



## 7 Conclusion and Recommendation

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The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed place of public worship would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with the evolving nature of the locality.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.