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Statement of Environmental Effects

to accompany a development application for

Place of Public Worship

at

33 Nelson Road, Nelson



Prepared for
Shree Swaminarayan Temple Inc

February 2009

CONTENTS

1.	INTRODUCTION	3
2.	THE SITE AND THE SURROUNDING AREA	4
3.	THE PROPOSAL	10
4.	STATUTORY CONTROLS	15
5.	SECTION 79C MATTERS FOR CONSIDERATION	23
6.	CONCLUSION	38
	<u>ANNEXURES</u>	from page 39
	A. Plans and elevations prepared by Consulting Drafting Services	
	B. Photomontages prepared by Consulting Drafting Services	
	C. Schedule of colours and finishes prepared by Consulting Drafting Services (Board submitted separately)	
	D. Landscape plans prepared by Ecodesign	
	E. Tree Impact Assessment by Ecodesign	
	F. Flora and Fauna report prepared by Ambrose Ecological Services P/L	
	G. Traffic and parking report prepared by Varga Traffic Planning P/L	
	H. Acoustic report prepared by Koikas Acoustics P/L	
	J. Wastewater feasibility study prepared by Harvest Scientific Services	
	K. Drainage design prepared by Healey Castle & Associates	
	L. Building Code of Australia assessment prepared by Tom Miskovich & Associates P/L	
	M. Bushfire report prepared by Building Code and Bushfire Hazard Solutions.	

1. INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared to accompany a development application to Baulkham Hills Shire Council for a place of public worship development at 33 Nelson Road, Nelson.
- 1.2 This statement includes:
- A description of the site and surrounding area;
 - A detailed description of the proposed development;
 - A description of the statutory controls applicable to the site; and
 - An assessment of the proposal under Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*.

2. THE SITE AND THE SURROUNDING AREA

- 2.1 The subject site is within the locality of Nelson, approximately 36 kilometres north-west of the Sydney Central Business District, being within the rural area of Baulkham Hills Shire. The regional context of the subject site is shown in Figure 1 below and the location of the site relative to major roads in the locality is shown in Figure 2 below.

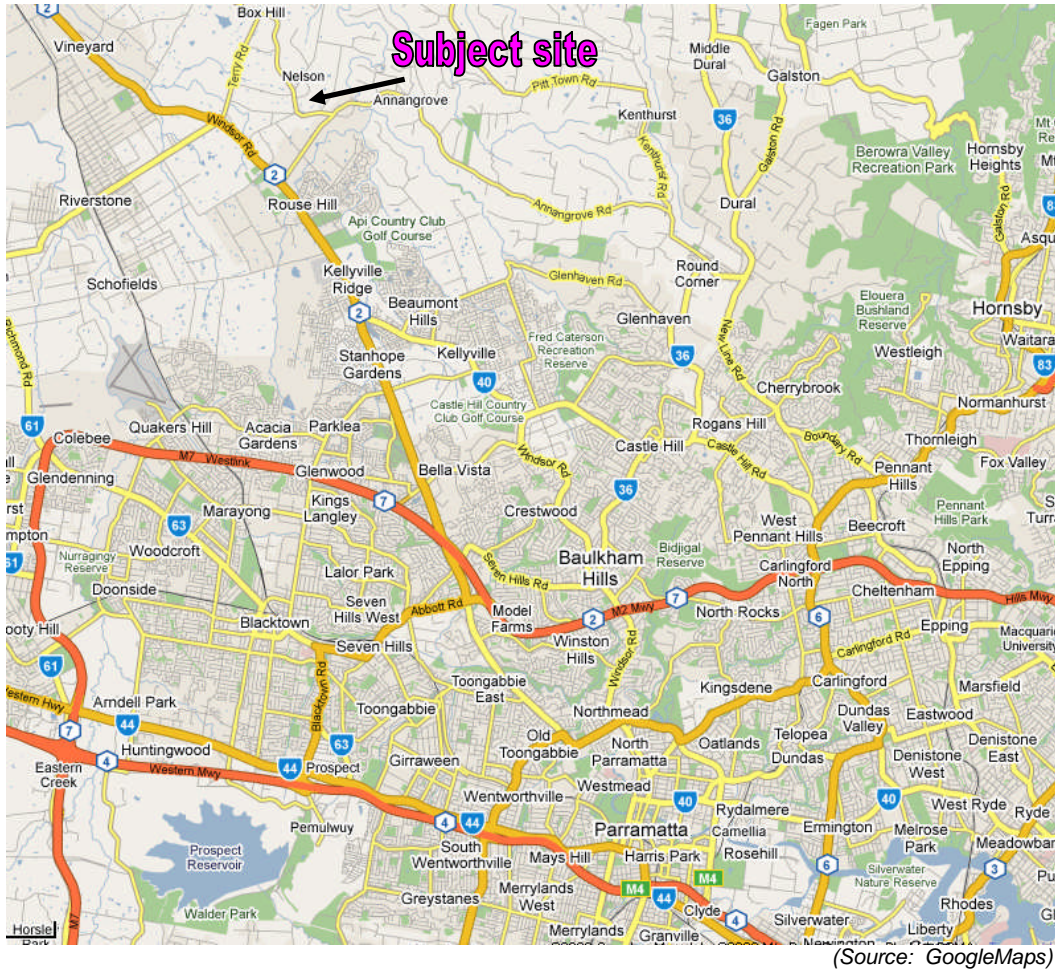
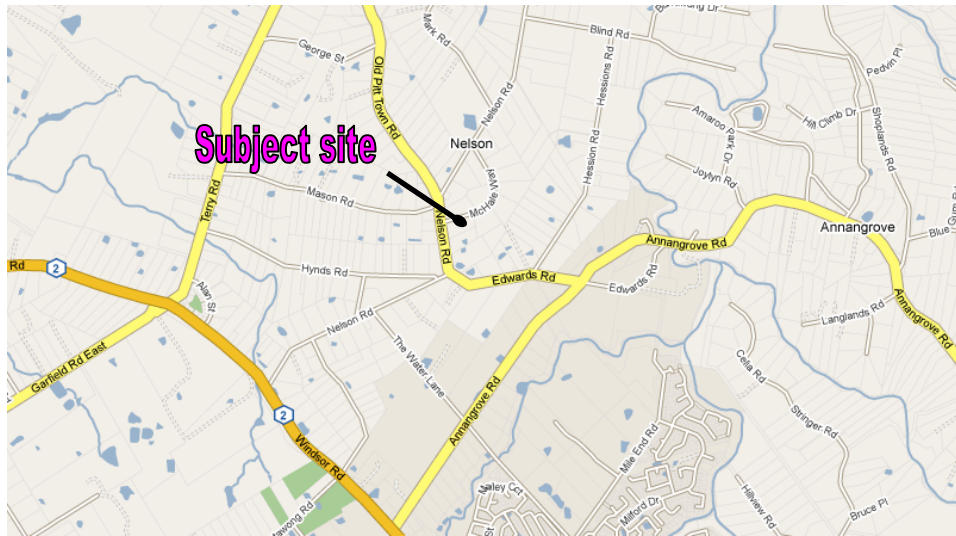


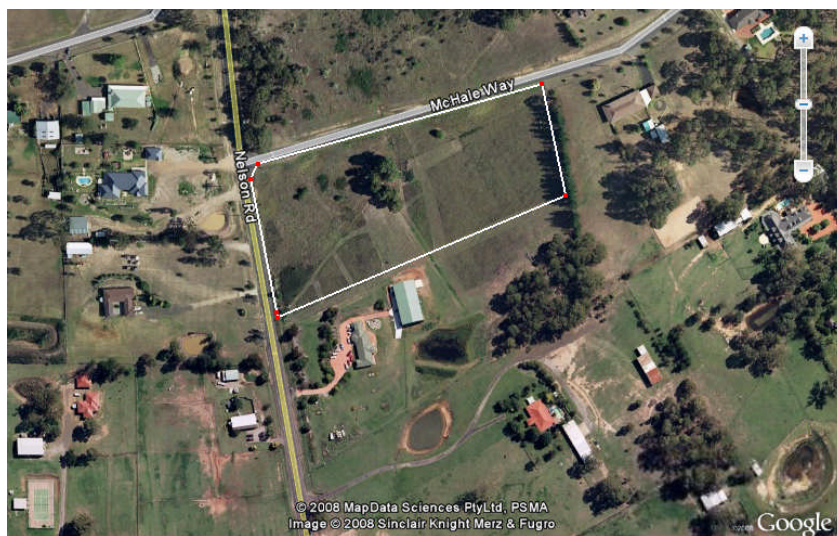
Figure 1: Subject site in its regional context



(Source: GoogleMaps)

Figure 2: Subject site in the context of the road network

- 2.2 The subject site is known as 33 Nelson Road, Nelson and comprises a single allotment of 2.027 hectares in area, identified as Lot 2, DP263960. The site is on the south-eastern corner of the intersection of Nelson Road, which forms the western boundary, and McHale Way, which forms the northern boundary, and has a distorted rectangular configuration. The northern boundary is of 212.6 metres, the western boundary is of 105.6 metres, the southern boundary is of 224.1 metres, and the eastern boundary is of 77.4 metres. There is a site falls towards the centre of the southern boundary, with the maximum fall being by 11.5 metres from the north-western corner. An aerial photograph of the site is provided in Figure 3.



Source: Google Earth

Figure 3: Aerial photo with site indicated by white boundaries

- 2.3 There are no buildings on the site. The site has been substantially cleared of trees and shrubs. However, there a group of trees in the approximate centre of the site and there are isolated shrubs elsewhere within the site.



Figure 4: Group of trees in the centre of the site viewed from McHale Way

- 2.4 The locality is semi-rural and is characterised by large scale dwellings on semi-rural sized holdings. There are two dwellings about 90 metres away on the opposite side of Nelson Road. There is a dwelling approximately 20 metres to the south and another dwelling approximately 40 metres to the east. (**Note** that distance is from the relevant boundary of the subject allotment, the distance from the proposed Temple is much greater). There are no dwellings directly opposite McHale Way but there is a dwelling approximately 50 metres to the north-east from the north east corner of the subject site. The site is approximately 1.6 kilometres from the nearest suburban residential area at Rouse Hill.



Figure 5: Dwellings across Nelson Road



Figure 6. Nelson Road looking North from McHales Way



Figure 7. Nelson Road looking South from McHales Way (the site is on the near left)



Figure 8. *The Residence on McHales Way NE of corner of the Site*



Figure 9. *Another Residence on McHales Way*



Figure 10. *Another Residence on McHales Way (Note the dome)*



Figure 11. *Another Residence on McHales Way*

3. THE PROPOSAL

- 3.1 The proposal is to construct a temple on the subject site for the Shree Swaminarayan Hindu faith community.
- 3.2 The need for the proposed development has arisen from the growth in recent years in the number of people of Swaminarayan Hindu faith within the Shire of Baulkham Hills. At present, people of Swaminarayan Hindu faith hold weekly congregations in premises hired from Council.
- 3.3 The proposed development involves:
- The clearing and excavation within the western area of the site but not including any of the trees within the group in approximately the centre of the site.
 - Construction of a temple building within the western area of the site, comprising one main level plus a mezzanine level. That work is described in architectural plans numbered DA02-07 dated 9 October 2008 prepared by Consulting Drafting Services (Annexure A). The proposal is illustrated in Montages shown on Annexure B. (The various dwellings shown in Figure 5 and Figures 8 – 11 above show a variety of dwelling sizes that in turn show that the proposed Temple will fit well into the locality).

The ground level would contain a prayer hall for men, a prayer hall for women, a dining hall and kitchen, amenities and ancillary storage areas. The mezzanine level would contain a library, an office, two meeting rooms, a single bed priest's apartment and amenities. There would be a lift as well as stairs between the ground and mezzanine levels.

The building is proposed to be constructed on a concrete slab with steel-framed construction and pre-cast concrete wall panels. The slab construction would involve about 2900mm of excavation at its north-western corner and about 800mm fill placement to its south-eastern corner.

The building is proposed to be set back 15 metres from Nelson Road and 15 metres from McHale Way. It would be of 30 metres width in presentation to Nelson Road and of 38.5 metres width in presentation to McHale Way. The building would have a shallow-pitching roof, with the roof ridge being 8.43 metres above the level of the proposed slab, 5.53 metres above the existing natural ground level at the north-western corner of the slab, and 9.88 metres above the existing natural

ground level at the south-eastern corner of the proposed slab. The height of the building from natural ground level to the Nelson Road frontage would be between 5.53 and 7.55 metres.

There would be a domed portico element adjacent to the eastern façade. The top of that dome would be at about or slightly above the main eave level.

The proposed external colours and finishes are listed in the schedule at Annexure C. A Board showing the colours and materials has been submitted. The external appearance of the proposed development is shown in the photomontages at Annexure B.

The gross floor area of the proposed development would be 1,292 square metres. The main level would have a gross floor area of 1,024 square metres and the mezzanine level would have a gross floor area of 268 square metres. The proposed development would have a floor space ratio of 0.065:1.

- Construction of a car-park, with access off McHale Way, adjacent to the eastern and southern sides of the proposed temple. The proposed car-park design is detailed within the architectural plans. It would contain 63 off-street car-parking spaces, including two spaces designed for people with a disability. The driveway entry to the car park would be around 53 metres to the east of the intersection of McHale Way and Nelson Road.
- Construction of a gravel driveway from the southern edge of the proposed car-park leading to a grassed area on the southern side of the proposed car-parking area that would be used for the parking of 30 cars when required for major events.
- Construction of a gravel driveway off McHale Way, around 45 metres to the east of the proposed main driveway, to a grassed area that would be used for the parking of a further 30 cars if required for festivals. Festival parking would be controlled by Marshalls.
- Installation of tanks to ensure rainwater reuse which would serve as a means of supplying water to the Temple. Another tank to facilitate on-site detention is located below the pavement level at the south-eastern corner of the proposed car-parking area. The design of the proposed stormwater management system is set out in hydraulic engineering plans prepared by Healey Castle & Associates P/L at Annexure K.
- Installation of an effluent treatment system for the proposed temple involving the irrigation of effluent at the eastern end of the site. The

design of the proposed effluent treatment system is set out in the wastewater feasibility report prepared by Harvest Scientific Services at Annexure J). This proposed design etc was referred to the Ecological Expert and was judged to be satisfactory by him.

- Carrying out of landscaping works including the planting of screening vegetation around the perimeter of the site and the planting of trees and shrubs within the car-parking area. Those works are detailed in landscape plans prepared by Ecodesign at Annexure D.

3.4 A storage container to the south-east of the proposed car-park has been approved under a separate development application (DA1462/2007). The container will be used for storage, including the equipment associated with the maintenance of the proposed landscaped areas.

3.5 The temple would be used for the following activities:

- Primary worship services

Primary worship services would involve men and women going into their respective areas for worship. There would be amplified speech, the playing of recorded music, and the playing of electronic keyboards and percussion instruments. On certain occasions there would be a dinner held in the dining area after the service.

- Daily worship services

As for the primary worship services, there would be amplified speech, the playing of recorded music and the playing of electronic keyboards and percussion instruments.

- Religious festivals

These would involve services as for primary worship services but would also involve dining over an extended period of time, with cultural activities. There would be amplified speech, the playing of recorded music, and the playing of electronic keyboards and percussion instruments.

- Wedding ceremonies

Wedding ceremonies would be conducted in the dining hall and would involve the service of refreshments, the use of amplified speech, the playing of recorded music, and the playing of electronic keyboards and percussion instruments.

- Seminars and meetings

These would be conducted within the mezzanine level office areas and would not involve the use of amplified speech or music.

- Library

Members of the faith community would be able to access the library by prior appointment for reading and research related to the Swaminarayan Hindu faith.

- Office use

There would be use of mezzanine level office areas for carrying out administrative functions related to the temple.

- Priest/caretaker's dwelling

A priest would reside within the proposed mezzanine level apartment. That person would also act as caretaker of the premises.

- 3.6 The estimated numbers of people and the times of activities would be in accordance with Table 1 below.

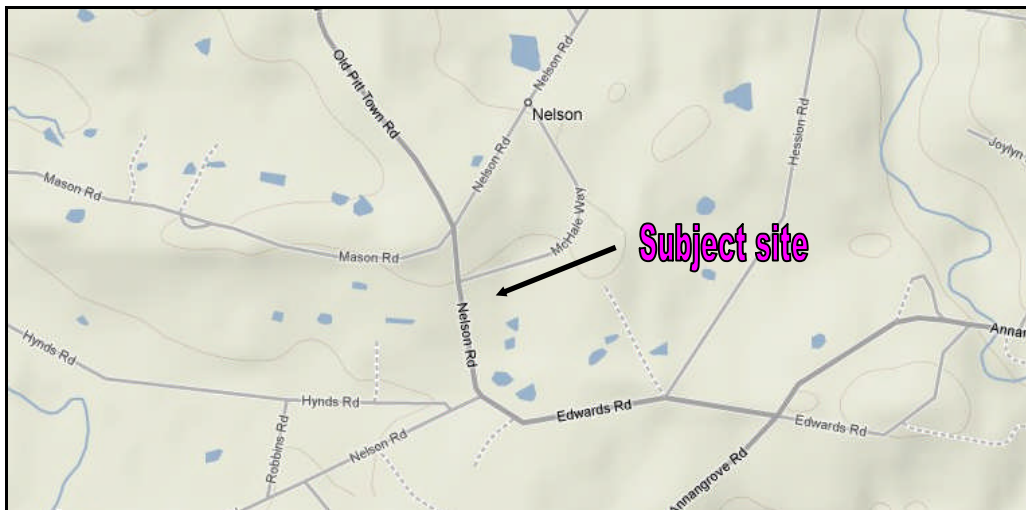
Table 1 – Proposed schedule of activities

Type of Activity	Maximum frequency	Maximum duration	Days	Within times of	Maximum Participants
<u>Primary worship services</u>	4 per week	4 hours	Saturdays and Sundays	7.00am – 11.00am 5.30pm - 9.30pm	Morning - 50 Evening -150 Morning - 50 Evening - 200
<u>Daily worship activities</u>	10 per week	3 - 4.0 hours	Mondays to Fridays	7.00am - 10.00am 5.30pm - 9.30pm	Morning - 30 Mon to Thurs evenings - 50 Friday evenings - 60
<u>Weddings</u>	1 per month	1.5 hours	Saturday or Sunday mornings	10.00am - 11.30am	100
<u>Festivals</u>	10 per year	13 hours	Various	8.00am - 9.30pm	300
<u>Seminars and meetings</u>	1 seminar per month Meetings as required	10 hours	Various but generally Monday to Fridays	8.00am – 6.00pm	50
<u>Library</u>	Continuous	As required	Various	between operational hours	10
<u>Ancillary office use</u>	Continuous	10 hours	Daily	8:00am to 6:00pm plus occasional use outside of those hours	10

4. STATUTORY CONTROLS

Baulkham Hills Local Environmental Plan 2005

- 4.1 The subject site is zoned Rural 1(a) under *Baulkham Hills Local Environmental Plan 2005* (“BHLEP2005”). Places of worship are permissible within that zone with the consent of Council.
- 4.2 Clause 13 of BHLEP2005, which includes zoning tables with objectives for each zone, requires that Council not grant consent to development unless it is satisfied that that development is consistent with at least one of the aims of BHLEP2005 and with any relevant objectives for development, as are set out in clause 2, and that the proposal is not contrary to achieving any of the relevant zone objectives. Consideration of the proposed development having regard to those aims and objectives is set out in Part 5 of this statement.
- 4.3 Division 3 of BHLEP2005 contains provisions relating to environmental protection. Clause 23 relates to flood liable land, in which regard the subject site is not affected. Clause 25 relates to the protection of riparian land and restricts development within 40 metres of a creek. In that regard, a topographic map inclusive of the subject site is shown in Figure 12 and that map does not show any creek within the subject site.



Source: Google Maps

Figure 12: Topographic map of the subject site

- 4.4 Clause 26 of BHLEP2005 relates to land subject to bushfire hazards. An extract from Council's Bushfire Prone Land Map is contained in Figure 13 below showing that a “vegetation buffer” zone extends to part of the eastern end of the subject site. Clause 26 requires consideration of specified matters related to bushfire protection. The application is

accompanied by a bushfire report from Building Code and Bushfire Hazard Solutions at Annexure M. That report recommends measures, which have been incorporated into the submitted architectural details, and advises that the proposed development is acceptable subject to the adoption of those measures. On that basis, the proposed development is considered to be acceptable having regard to clause 26 and having regard to the document *Planning for Bushfire Protection*.

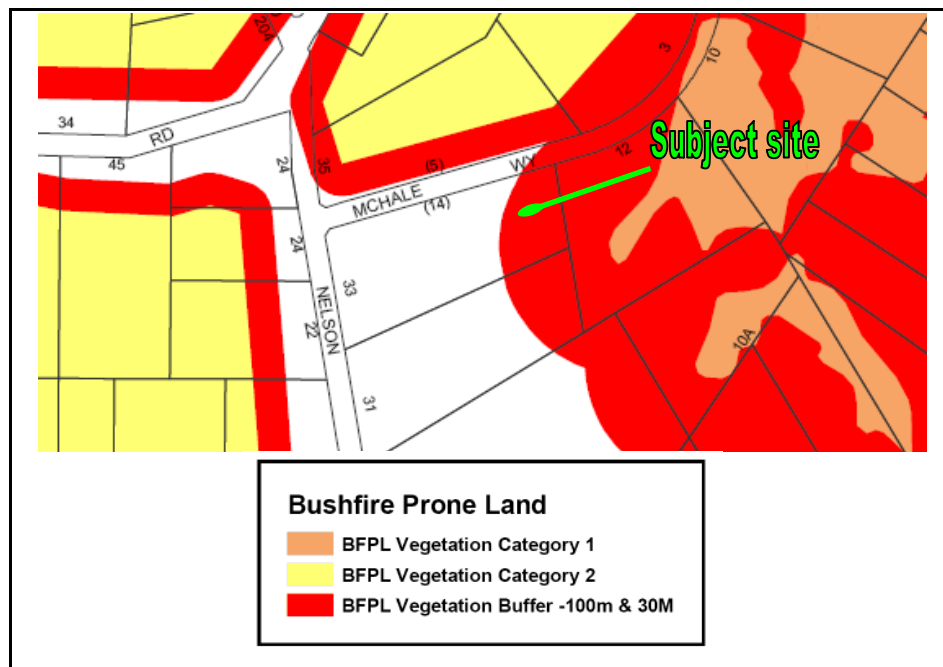


Figure 13: Extract from Baulkham Hills Shire Bushfire Prone Land Map, showing the subject site

- 4.5 Clause 27 of BHLEP2005 relates to tree and bushland management and requires consent for the removal of a tree except in certain circumstances. The application involves the removal of certain trees as identified in the submitted landscape plan. Consideration of tree impacts is addressed in the Report on Tree Impact Assessment by Ecodesign at Annexure E. This is further addressed in Part 5 of this Statement.
- 4.6 Clause 28 of BHLEP2005 requires consent for the clearing of bushland. The proposal does not involve the clearing of bushland.
- 4.7 Clause 29 relates to land affected by acid sulphate soils. The subject site is not identified as being affected by acid sulphate soils and is therefore unaffected by that clause.
- 4.8 Clause 30 relates to land affected by geotechnical hazards. The subject site is not identified as containing any geotechnical hazards and is therefore not affected by the provisions of that clause.

- 4.9 Clause 31 relates to advertising structures and advertisements. No advertising structures or advertisements are included as part of the present proposal.
- 4.10 Clause 34 relates to environmental management and monitoring and requires that the proposed development takes into account specified environmental features adequately and that those features will continue to be monitored. Those features, and comments on each, are set out in Part 5 of this statement.
- 4.11 Division 4 of BHLEP2005 relates to heritage conservation. The subject site does not contain any heritage item and is not in the vicinity of any heritage item. Therefore no considerations arise in relation to the proposed development under Division 4.
- 4.12 Division 5 of BHLEP2005 relates to the acquisition of land by public authorities. Those provisions are not relevant to the proposed development.
- 4.13 Division 6 of BHLEP2005 set out miscellaneous provisions. Clause 45 requires consideration of whether services in the locality are adequate to meet the requirements of the proposed development. In that regard, there are water, telephone and electricity services available to the proposed development and the proposed development is not likely to increase demand for those services to such a degree as will require their immediate augmentation. The traffic and parking report prepared by Varga Traffic Planning Pty Ltd (Annexure G) addresses the adequacy of the surrounding road network to cater for the proposed development and finds that the surrounding road network is adequate in that regard.
- 4.14 Clause 50 requires the consent of Council to the construction of a new road that accesses a public road. The proposal includes a sealed driveway and a gravel driveway that would each be accessed off McHale Way. The present application seeks consent for those works as part of the proposed development.
- 4.15 There are no other BHLEP2005 provisions of relevance to the proposed development. Having regard to the foregoing and to the further assessment of relevant provisions set out in Part 5 of this statement, it is considered that the proposed development is acceptable in relation to the provisions of BHLEP2005.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

- 4.16 Clause 4 of Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP20) requires that, in considering whether to grant consent to the proposed development, Council considers the general planning considerations set out in clause 5, and the specific planning strategies set out in clause 6, of the SREP.
- 4.17 The general planning considerations set out in clause 5 are:
- (a) the aim of the plan, and
 - (b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and
 - (c) whether there are any feasible alternatives to the development or other proposal concerned, and
 - (d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.

The aim of the plan is set out in clause 3 and is “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”.

- 4.18 The assessment of the proposed development set out elsewhere in this statement includes consideration of flora and fauna, bushfire and hydrological impacts (including sedimentation and erosion control). The proposed development is acceptable in those regards and is therefore in accordance with the overall aim of SREP20.
- 4.19 The Hawkesbury-Nepean Catchment Action Plan 2007-2016 has been reviewed. The principal relevant actions relate to the biodiversity program and the river health program. In relation to the biodiversity program, the subject site contains remnant Cumberland Plains Woodland. As set out in the Flora and Fauna report prepared by Ambrose Ecological Services P/L (Annexure F), and the Tree Impact Assessment by Ecodesign (Annexure E) the proposed development would not cause an unacceptable impact to that vegetation and would not cause any other unacceptable impacts to flora and fauna.
- 4.20 In relation to river health, the proposed development includes suitable sediment-erosion controls and would not result in unacceptable levels of pollution. That assessment is made having regard to the submitted hydraulic details prepared by Healey Castle & Associates (Annexure K)

which incorporate suitable on-site detention, and to the submitted on-site effluent irrigation report prepared by Harvest Scientific Services (Annexure J) which sets out how effluent associated with the proposed use would be suitably managed. The proposal is therefore considered to be acceptable having regard to the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy.

- 4.21 In relation to whether there are feasible alternatives to the proposed development, there would be such alternatives, such as the use of an alternative site. However, such alternatives do not need to be considered because the environmental impacts of the proposed development would be acceptable.
- 4.22 In relation to the different impacts of the proposed development on the environment, consideration of such impacts is set out elsewhere in this statement and those impacts would be acceptable.
- 4.23 There are no other considerations within SREP20 of particular relevance to the proposed development and the proposed development is therefore considered to be acceptable having regard to the provisions of SREP20.

State Environmental Planning Policies

- 4.24 There are no State Environmental Planning Policies that contain provisions that are of relevance to the present assessment.

Baulkham Hills Development Control Plan

- 4.25 Baulkham Hills Development Control Plan (BHDCP) is applicable to the proposed development. It contains five parts, being parts A to E. Part A sets out procedural considerations which do not have to be specifically addressed in this statement. Part A6 also sets out requirements relating to ecologically sustainable development (ESD) and, in particular, requires a summary of the actions associated with the proposed development to achieve each of nine ESD objectives. The actions that have been taken or that are proposed as part of the present application in relation to each of those ESD objectives are set out in Part 5 of this statement.
- 4.26 Part C of BHDCP relates to rural development. Provisions as are of relevance to the present assessment are within Part C.3. Part C.3.1 relates to subdivision and is not applicable.
- 4.27 Part C.3.2 relates to site coverage and establishes a maximum site coverage for sites of between 2 and 10 hectares, such as the subject site, of 15 percent of site area or 2,500 square metres, whichever is the lesser. The proposed development would result in 2,400 square metres of site

- coverage (11.8 percent), having regard to the BHDCP definition. That figure includes the proposed gravel driveway off McHale Way that would service one of the proposed overflow car-parks. However, it does not include the surface area of the proposed overflow car-parks because those areas are turfed and would be used minimally. As such, the proposed development complies with the BHDCP soft landscaping requirement.
- 4.28 Part C.3.3 relates to building setbacks and establishes a minimum setback from a non-classified road (noting that neither Nelson Road nor McHale Way are classified roads) of 10 metres. The proposed setbacks from Nelson Road and McHale Way are at least 15 metres and the proposed setback from the southern and western property boundaries is 53 and 160 metres respectively. The proposal therefore readily complies with the setback provisions.
- 4.29 Part C.3.7 relates to rural fencing. It is noted that no fencing is proposed other than the retention of existing boundary fencing.
- 4.30 Part C.3.10 relates to landscaping and requires use of fire-resistant species and encourages use of locally indigenous species where possible. The submitted landscape plan includes use of fire-resistant screening vegetation and is in accordance with that provision.
- 4.31 Part C.3.20 relates to filling of land. It states that filling of land shall only be permitted in association with a legitimate rural activity. It requires use of clean, suitably compacted and stabilised fill, as would be the case, and prohibits fill within five metres of the dripline of a protected tree. The proposed fill placement would be outside of the dripline of the nearest tree within the group of trees that form remnant Cumberland Plains Woodland. The proposal therefore complies with that requirement.
- 4.32 Part C.3.23 relates to the protection of biodiversity. The submitted flora and fauna assessment report in Annexure F addresses those requirements.
- 4.33 Part C.3.25 relates to development within areas affected by a bushfire hazard. The eastern area of the subject site is identified as a vegetation buffer area on Council's bushfire hazard map. The submitted bushfire report prepared by Building Code and Bushfire Hazard Solutions (Annexure M) concludes that the proposal is acceptable subject to the recommendations set out in that report which have been incorporated into the proposed development. The proposal is therefore acceptable having regard to Part C.3.25.

- 4.34 Part C.3.28 relates to sediment-erosion control and requires submission of an erosion and sediment control plan as part of the proposed development. The application is accompanied by such a plan and addresses those provisions.
- 4.35 Part C.3.29 relates to waste management. It contains provisions relevant to demolition of existing structures. In that regard, the only demolition proposed is the removal of certain trees and shrubs and the removal of soil. It is noted that the fill that is proposed to be removed would be used for proposed fill-placement. Vegetation to be removed would be taken to a green waste collection facility. The provisions refer to the need for a waste management plan. Such a plan is not provided because of the absence of significant or any building demolition works. Consideration of waste management is set out elsewhere in Part 5 of this statement in the context of ESD provisions.
- 4.36 Part C.3.30 relates to salinity. It is noted that the subject site is towards the top of a ridge and that the site is therefore not affected by salinity. The proposal involves extensive tree planting that may contribute to the general lowering of the water table such as to reduce the salinity impacts in lower lying areas.
- 4.37 Part D.1 relates to car-parking. It includes a requirement for the provision of one car-parking space for every five seats. The proposed place of worship does not include seats. The submitted traffic and parking report prepared by Varga Traffic Planning Pty Ltd (Annexure G) sets out the predicted demand for parking spaces that would be associated with the proposed development. Consideration of that assessment, and of the acceptability or otherwise of the proposed level of off-street car-parking provision, is set out in Part 5 of this statement.
- 4.38 Part D.1 includes a requirement that at least 3 percent of the total required parking spaces be designed to be suitable for people with a disability. Two of the proposed 64 spaces would be suitable for people with a disability and the proposal therefore complies with that requirement.
- 4.39 Part D.1 includes a requirement that at least two bicycle parking spaces as well as change and shower facilities be provided. The proposal includes change and shower facilities and a bicycle rack that may accommodate two bicycles would be provided. The proposal therefore complies with that requirement.
- 4.40 Part D.1 also sets out design requirements relating to car-parking areas, such as dimensions of car-spaces, turning areas and aisle widths. The proposal complies with those requirements, as set out in the traffic and parking report prepared by Varga Traffic Planning Pty Ltd (Annexure G).

- 4.41 Part D.3 relates to landscaping requirements. That part includes general criteria that have been considered in the preparation of the submitted landscape plan by Ecodesign (Annexure D). That landscape plan incorporates protection of existing significant vegetation; the provision of screen planting to screen the proposed development when viewed from Nelson Road and McHale Way as well as from surrounding properties; the use of species that are suitable for bushfire prone areas; and the provision of suitable amenity plantings to the proposed sealed car-parking area at the required rate of one planter-bay of at least two metres width for every ten car-spaces.
- 4.42 Part D.4 relates to on-site sewage treatment systems. The proposal includes an on-site sewage treatment system involving the irrigation of effluent within the eastern area of the site. That system is detailed in the wastewater feasibility study prepared by Harvest Scientific Services (Annexure J). The proposed system has been designed in accordance with the requirements of Part D.4.
- 4.43 There are no other provisions within BHDCP that are relevant to the proposed development.

5. SECTION 79C MATTERS FOR CONSIDERATION

Environmental Planning Instruments and Development Control Plans

5.1 Consideration of applicable Environmental Planning Instruments and Development Control Plans is set out in Part 4 of this statement. Matters arising from that consideration warranting a more detailed assessment in this part include:

- The aims of BHLEP2005 and its objectives for development, as set out in clause 2 of that plan;
- The objectives of the 1(a) zone within clause 13 of BHLEP2005;
- The environment management and monitoring provisions within clause 34 of BHLEP2005;
- The ecologically sustainable development requirements within Part A.6 of BHDCP; and
- The adequacy or otherwise of the proposed amount of off-street car-parking having regard to Part D.1 of BHDCP.

5.2 Consideration of the aims of BHLEP2005 and its objectives for development, as set out in clause 2 of that plan, is as follows:

Aim 1(a) – to conserve the natural and built environment of Baulkham Hills for future generations

Comment: The impacts of the proposal on the natural and built environment are set out further below and are considered to be acceptable. The proposal is therefore considered to be consistent with that aim.

Aim 1(b) – to encourage a strong sense of community identity and economic well-being throughout Baulkham Hills through the development of local communities that are safe, liveable and offer a diversity of land use and economic opportunity

Comment: The proposal would provide for one of the faith communities within the wider Baulkham Hills community and would therefore enhance the identity of Baulkham Hills as a diverse community that comprises people of varying faiths. The proposal is therefore considered to be consistent with that aim.

Aim 1(c) – to promote the efficient utilisation of land, services and support facilities in existing urban areas and to provide for the orderly growth of new urban areas that promote a high level of residential amenity.

Comment: The proposed development would service urban areas within the Baulkham Hills Shire, as is appropriate having regard to the permissibility of the use within the 1(a) – Rural zone.

Aim 1(d) – to create a broad framework of controls and allow the opportunity for more detailed provisions relating to matters of local significance to be contained within Development Control Plans

Comment: This aim relates to Council's strategic planning functions rather than being a consideration for specific development applications.

Objective 2(a) – with respect to the natural and built environment, development should:

(i) recognise principles of ecologically sustainable development;

Comment: The proposal is considered to be consistent with those principles as set out further below, in which regard the proposal is considered to be acceptable.

(ii) protect and enhance the area's biodiversity;

Comment: Consideration of flora and fauna impacts is set out below and in the attached flora and fauna report prepared by Ambrose Ecological Services P/L (Annexure F), in which regard the proposed development is considered to be acceptable.

(iii) ensure that environmentally sensitive areas are protected;

Comment: The site contains environmentally sensitive Cumberland Plains Woodland. The proposal would protect and conserve that vegetation, as set out in the attached flora and fauna report prepared by Ambrose Ecological Services (Annexure F) and the Tree Impact Assessment prepared by Ecodesign (Annexure E).

(iv) address all natural hazard concerns;

Comment: The site contains bushfire prone land. Consideration of the proposal having regard to that hazard is set out in the submitted bushfire hazard report prepared by Building Code and Bushfire Hazard Solutions (Annexure M), in which regard the proposal is considered to be acceptable.

(v) respect and integrate with the local character of the area in which it is carried out;

Comment: Consideration of the visual impacts of the proposed development is set out elsewhere in this statement, in which regard the proposed development is considered to be compatible with the larger dwellings in the area (see photos above) and acceptable.

(vi) rehabilitate the natural environment where the natural environment has been damaged by previous activities;

Comment: The proposal would introduce suitable additional landscaping which would contribute to the rehabilitation of the natural environment.

(vii) have regard to the land uses which form the rural and urban environment of the shire;

Comment: The proposed place of worship is a permissible use in the rural 1(a) zone.

(viii) minimise the use of non-renewable resources and maximise the use of renewable resources;

Comment: The proposal incorporates a solar energy system and to that extent promotes the use of renewable energy resources.

(ix) incorporate water and energy saving mechanisms;

Comment: The proposal would include energy and water efficient fixtures and fittings and a rainwater-reuse system.

(x) minimise waste and pollution;

Comment: As set out further below, the proposal would not cause unacceptable impacts to water quality and would include suitable waste management measures.

(xi) promote buildings designed for adaptive reuse;

Comment: There are no existing buildings on the subject site.

(xii) – (xiv) heritage considerations.

Comment: The site does not contain and is not near to any heritage items.

Objective 2(b) – With respect to the community, development should:
(i) integrate land use and improve access to facilities and services;

Comment: The proposal would provide a community service within a site that is on a bus-route and that has suitable road access.

(ii) reinforce the retail and commercial hierarchy;

Comment: Not applicable because the proposal is not for retail or commercial development.

(iii) provide for tourism and recreational development in suitable localities;

(iv) Provide for suitable home-based activities

Comment: Items (iii) and (iv) are not applicable to the proposed development.

(v) Maximise positive social impacts and minimise potentially detrimental social impacts;

Comment: The proposal would provide for worship needs of the faith community that it would serve without causing any particular detrimental social impact.

(vi) Provide informal surveillance of public spaces;

Comment: There is not a particular need for such informal surveillance in the locality.

(vii) optimise shared use of streets and parking facilities whilst improving pedestrian amenity;

Comment: This item is more relevant to an urban context than to the proposed development in a rural area.

Objective 2(c) – with respect to resources within the area, development should:

(i) protect localities from inappropriate development and ensure that local amenity is maintained and enhanced;

Comment: The principal potential amenity impact of the proposed development relates to acoustic impacts. Consideration of those impacts is set out in the acoustic report prepared by Koikas Acoustic Consulting

Pty Ltd (Annexure H), in which regard the proposed development is considered to be acceptable.

(ii) - (iii) regarding housing choice and design;

Comment: These items are not relevant to the proposal.

(iv) contribute to the synergy between land uses.

Comment: The proposal appropriately services urban areas in the wider locality.

5.3 Having regard to the foregoing, the proposal is considered to be either in accordance with, or not inconsistent with, all of the aims and objectives within clause 2 of BHLEP2005.

5.4 The objectives of the 2(a) zone are:

a. To ensure that existing or potentially productive agricultural land is not withdrawn prematurely from agricultural production;

Comment: The proposal is not contrary to that objective because the subject site is not used for agriculture and the proposed development will therefore not have the effect of withdrawing the land from production.

b. to ensure that development is carried out in a manner that minimises risks from natural hazards and does not unreasonably increase demand for public services and public facilities;

Comment: The submitted bushfire report concludes that the proposal is acceptable in terms of bushfire risk. There are no other risks from natural hazards associated with the proposal. The proposed development in itself provides a facility for a group within the community and does not involve excessive demand on public services and facilities.

c. to provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas;

Comment: The proposal is in accordance with that provision because it would provide a place of public worship to service the needs of people who predominantly live in the urban areas of the Shire of Baulkham Hills.

d. to ensure that development is designed and carried out having regard to adjoining land uses and the natural environment

Comment: As set out in the submitted acoustic report prepared by Koikas Acoustic Consulting (Annexure H), the proposed development would not cause unacceptable acoustic impacts to surrounding development. There are no other significant potential impacts arising from the proposed development in relation to the amenity of surrounding land uses. The proposal would not cause unacceptable impacts upon the natural environment, as set out further below.

- e. *to ensure that development is designed and carried out having regard to the rural and heritage character of the surrounding area.*

Comment: There are no heritage impacts associated with the proposed development. As discussed further below, the proposed development is considered to be visually acceptable. It is considered that the proposed development would not cause a significant impact upon the rural character of the locality as it is of a size compatible with the size of dwellings in the locality.

- f. *to ensure that development of land within the zone does not hinder the proper and orderly development of any future urban land.*

Comment: There are no features of the proposed development that would hinder the proper and orderly development of any future urban land, indeed its location would allow at least part the eastern half of the site could be used for future urban development once the services are provided.

5.5 Consideration of the environmental management and monitoring provisions within clause 34 of BHLEP2005 is as follows:

- a. Water quality

Comment: Hydraulic and effluent irrigation details form Annexures H and I of this statement and set out how stormwater and effluent will be appropriately managed so as not to cause unacceptable impacts to the quality of water draining from the site. Suitable sediment and erosion control measures will be provided during the construction phase of development, as detailed in the attached sediment and erosion control plan that forms part of the architectural plans. A suitable species of turf will be planted in the overflow parking areas and those areas will not be parked on with sufficient frequency to lead to significant erosion-related water-quality impacts.

- b. Soil erosion

Comment: Consideration of potential soil erosion is addressed under item (a) above.

c. Air quality

Comment: The only potential source of air pollution associated with the proposed development relates to the generation of vehicular traffic associated with the proposed development. It is not considered that that impact would be significant.

d. Noise

Comment: The submitted acoustic report prepared by Koikas Acoustic Consultants Pty Ltd (Annexure H) concludes that the proposed development would not cause unacceptable acoustic impacts to surrounding dwellings.

e. Salinity

Comment: The subject site is near to a ridgeline and is not within a low lying area, noting that it is low lying areas that are prone to salinity in the Nelson locality. As such, the proposed development would not be affected by salinity and would not contribute to salinity impacts on other properties. It is noted that the proposed development involves increasing the number of trees on the site and therefore may contribute to the management of salinity within the wider locality.

f. Bushfire hazards

Comment: The application is accompanied by a bushfire hazard report prepared by Building Code and Bushfire Hazard Solutions (Annexure M), which addresses bushfire hazard issues associated with the proposed development. The proposal is acceptable having regard to that report and having regard to bushfire hazards.

g. Flora and fauna

Comment: The site contains an area of remnant Cumberland Plains Woodland which requires protection. A flora and fauna report, addressing the requirements of the Act and assessing impacts upon the remnant Cumberland Plains Woodland, and which sets out a detailed assessment of flora and fauna impacts of the proposed development, has been carried out by Ambrose Ecological Services P/L (Annexure F) and the Tree Impact Assessment by Ecodesign (Annexure E). Those reports find that the proposed development is acceptable subject to implementation of the recommendations of those reports. Those recommendations have been incorporated into the proposed design for the development. The proposal is therefore considered to be acceptable in relation to flora and fauna-related impacts.

h. The continued monitoring of the above issues

Comment: The operator of the proposed place of worship will implement the recommendations of the relevant consultants that have addressed the

above issues as relate to the ongoing management of the site and of the proposed development.

Having regard to the foregoing, the proposed development is considered to be acceptable in relation to clause 34.

- 5.6 Consideration of the ecologically sustainable development requirements within Part A6 BHDCP and a setting out of the actions taken as part of the present proposal is as follows:

ESD 1 – To apply the precautionary principle where development is likely to cause short or long term irreversible or serious threats to the environment.

Actions taken: The potential impacts of the proposed development have been examined. The proposed development would not cause any long term irreversible or serious threats to the environment. The greatest potential impacts of the proposed development relate to impacts on the remnant Cumberland Woodland vegetation within the site; acoustic impacts; and impacts on water quality associated with the proposed effluent irrigation system. Those aspects of the proposed development are considered in the flora and fauna report, the hydraulic plans, the acoustic report and the effluent irrigation report prepared by various Consultants as noted above. Those reports and details set out how the potential impacts of the proposed development can be managed such that it will be acceptable.

ESD2 – To allow for broad community involvement in respect of issues of concern throughout the development process

Actions taken: The Applicant has examined the issues that emerged from community consultation associated with an earlier development proposal for the development of a place of worship on the subject site. Those issues have been responded to as part of the present application, which will itself be notified in accordance with BHDCP notification requirements.

ESD3 – To ensure during the design, construction and operation of the development, that water is used efficiently and that water leaving the site is of a quality and quantity comparable to that which is received.

Action taken: The submitted hydraulic details (Annexure K) include a rainwater-reuse system that would also serve as a means of on-site stormwater detention. The main and mostly only stormwater discharge from the site would be the runoff from the sealed car parking area that is retained in a tank at the south eastern corner of the car park. Even if there

is any overflow from the huge rainwater tanks the retention system for car car park runoff will ensure there is minimal potential for downstream impacts associated with excessive peak storm events.

The proposed effluent irrigation system, as detailed in the submitted report (Annexure J), demonstrates how the effluent irrigation area has suitable soil characteristics to accommodate the irrigated effluent on an ongoing basis without causing unacceptable impacts to downstream water quality.

Furthermore, the application includes sedimentation-erosion control details, the implementation of which will ensure that the proposed construction works do not lead to sedimentation-erosion impacts to water quality. A suitable species of turf has been identified for the proposed overflow parking areas such as to ensure that, on the infrequent occasions that those areas are used they do not lead to unacceptable sedimentation or erosion impacts upon downstream water quality.

ESD 4 – To ensure that biodiversity and the integrity of ecological processes are not compromised by the development.

Action taken: The proposed development has been designed such that it would not cause damage to remnant Cumberland Plain Woodland within the subject site. The Flora and Fauna report and the Tree Impact Assessment Report accompanying the application, demonstrate that the proposed development would not cause unacceptable impacts upon biodiversity. There are no significant impacts upon the integrity of ecological processes that would arise from the proposed development.

ESD 5 – To promote the following during the design, construction and operation of development:

- *the use of energy efficient materials and designs*
- *utilisation of renewable energy and materials; and*
- *energy efficient technology.*

Action taken: The proposal uses concrete panel cladding rather than masonry which would contain a higher amount of embodied energy. The proposed concrete cladding has good insulating properties so as to reduce the demand for energy associated with the proposed air-conditioning system. The proposal includes a solar hot-water system and as such utilises renewable energy. In relation to energy efficient technology, energy efficient appliances and light-fittings would be installed.

ESD 6 – To follow the principles of the ‘Waste Hierarchy’ (reduce, reuse, recycle) in the use of materials and the design of waste recovery and disposal systems throughout the development process.

Action taken: The proposal would not generate significant volumes of waste. Levels of waste would be commensurate with that generated by a large dwelling-house. The dining activities associated with the use would involve use of cutlery and crockery that is either reusable or which is made of plant-based material that can be composted. It is noted that the proposal includes a composting facility that would accommodate vegetable scraps and the like as well as handling materials associated with landscaped areas that are appropriate for composting. Normal sorting of paper, bottles and the like would be accommodated. As such, the proposal is considered to be acceptable in relation to the principles of the waste hierarchy.

ESD7 – To protect neighbourhood amenity and safety in the design and construction and operation of the development.

Comment: The main potential impact of the proposed development on neighbourhood amenity would be noise-related. Consideration of those impacts is set out in the acoustic report prepared by Koikas Acoustic Consultants Pty Ltd (Annexure H) which concludes that the proposed place of worship would not cause unacceptable acoustic impacts.

ESD8 – To encourage the long-term economic viability and health of the community in the development process.

Comment: The proposed development would provide for the worship needs of the faith community that would use the proposed place of worship and, in that regard, would promote the well being of the community. The proposed development would not interfere with the economic well-being of any businesses in the locality or with the health of the community.

ESD9 – To encourage the use of public transport, bicycles and pedestrian trips in the development and design process.

Comment: The subject site has been selected for the proposed place of worship having regard to its location on the route of the 746 bus-service, which provides access to Riverstone Station.

- 5.7 Having regard to the foregoing, it is considered that the proposed development includes suitable actions to implement the ESD objectives.
- 5.8 In relation to the car-parking requirements within Part D.1 of BHDCP, consideration of the acceptability or otherwise of the proposed level of car-parking is set out in the submitted traffic and parking report prepared by

- Varga Traffic Planning Pty Ltd. That report finds that the proposed level of off-street car-parking would accommodate the anticipated demand.
- 5.9 It is noted that the BHDCP parking requirement applicable to places of worship is for provision of one car-space for every five seats. No seats are included as part of the proposed place of worship. However, it is considered reasonable to conclude that the control contains the assumption that there would be one person occupying each seat and that if the number of attendees is known, a rate of one space for every five attendees should be applied.
- 5.10 The maximum number of people that would attend the site at any one time is 300. That would occur on ten occasions every year when there would be a religious festival.
- 5.11 It is appropriate for Council to consider whether the actual number of attendees would be greater than that which the application is based upon. In that regard, it is noted that the proposed temple includes 538 square metres of worship area, not including the proposed dining hall which would act as a gathering area prior to worship services and as a dining area for large groups on limited occasions. If there were 300 people within the worship area, there would be 1.8 square metres of floor space within the worship area per person. It is considered that that is not an unrealistic density. It is therefore considered that the maximum number of participants may be reasonably taken to be 300.
- 5.12 The proposed number of permanent and fully formed car-parking spaces is 63. When the proposed place of worship has the maximum number of attendees, there would be one off-street car-parking space provided for every 4.8 attendees. That is in consistent with the BHDCP requirement of one space per five seats, assuming that seats equate to attendees.
- 5.13 The proposal includes 60 overflow parking spaces in addition to the proposed 63 fully formed spaces. These spaces would cater for the larger festival events or other occasions upon which there may be a lesser vehicle occupancy rate than that upon which the BHDCP control is based. The objective is to avoid any on street parking by attendees to the Temple and will be suitably enforced by Marshalls at major events.
- 5.14 Having regard to the foregoing it is considered that the proposed amount of off-street car-parking to be provided would be sufficient to meet the anticipated demand for any event.

Impacts of the proposed development

- 5.15 The potential impacts of the proposed development include:

- Acoustic impacts to nearby dwellings;
- Visual impacts;
- Impacts upon water quality;
- Impacts upon biodiversity; and
- Traffic and parking-related impacts.

5.16 Acoustic impacts are considered in the acoustic report prepared by Koikas Acoustic Consulting Pty Ltd (Annexure H). Background noise levels for the subject site and typical noise levels for Hindu temples were measured in the course of preparation of that report. The key finding of that report is as follows:

- The results show that the noise at surrounding premises will not exceed the nominated noise criteria.

Having regard to those findings, and cautionary advice, it is considered that the acoustic impacts of the proposed development are acceptable.

5.17 In relation to visual impacts, consideration is warranted of whether the proposed development is consistent with the established scale of development in the locality. The visual impacts of the proposed development are depicted in the submitted photomontages prepared by Consulting Drafting Services Pty Ltd (Annexure B). A comparison of the scale of the proposed development to nearby dwellings (some of which are shown in Figure 5 and Figures 8-11 above) in the locality is as follows:

Address	Approximate width of building in presentation to roadway	Height
33 Nelson Road (Subject site)	30 metres to Nelson Road 38.5 metres to McHale Way	Two storeys (8.43 metres from slab to ridge)
31 Nelson Road (adjoining to the south)	Dwelling - 33 metres to Nelson Road Shed – 30 metres to	One storey One storey

	Nelson Road	
1 Hynds Road (indirectly opposite Nelson Road to the subject site – presents to Nelson Road)	11 metres	One storey
22 Nelson Road (opposite subject site)	21 metres	One storey
24 Nelson Road (opposite subject site)	18 metres	One storey
26 Nelson Road (indirectly opposite subject site – presents to Mason Road)	29 metres	One storey
12 McHale Way (adjoining to the east of the subject site)	42 metres	One storey
3 McHale Way (indirectly opposite the subject site)	28 metres	Part one / Part two storeys
10 McHale Way (One property removed to the east of the subject site)	39 metres	One storey
8 McHale Way (Two properties removed to the east of the subject site)	37 metres	Two storeys plus three storey element
6 McHale Way (Three properties removed to the north-east of the subject site)	26 metres	Two storeys

- 5.18 Having regard to the foregoing, it is evident that the proposed development would have a similar or greater bulk and scale in presentation to roadways than the other dwellings in the locality because, whilst the width of the proposed development in presentation to roadways is comparable to that of numerous other dwellings it would present as a part two storey scale. Most dwellings in the locality are single storey but of considerable width. However, the bulk and scale of the proposed development would not be inconsistent with that of the nearby dwelling at 8 McHale Way or selected other dwellings on McHale Way.

- 5.19 The visual bulk of the proposed development would be greatest in presentation to McHale Way. The proposed development would have a part single storey presentation to Nelson Road because it would be excavated below the natural ground level of the site at the boundary to Nelson Road.
- 5.20 The visual bulk and scale-related impacts of the proposed development would be mitigated through the planting of screening vegetation along the McHale Way and Nelson Road frontages of the site, as detailed in the landscape plan prepared by Ecodesign (Annexure D).
- 5.21 The submitted schedule of external colours and finishes (Annexure C) shows that the proposed development would have muted finishes that would not be visually outstanding.
- 5.22 Having regard to the foregoing, it is considered that the visual impacts of the proposed development are acceptable on the following grounds:
- The proposed development easily complies with applicable controls relating to gross floor area, site coverage and setbacks;
 - The bulk and scale of the proposed development is not inconsistent with that of a nearby dwelling (8 McHale Way) and some of the other dwellings on McHale Way;
 - Although the bulk and scale of the proposed development would be greater than that of most dwellings in the locality, it should be taken into consideration that the proposal is for a place of public worship rather than as a dwelling. It may be reasonably expected that a place of public worship will have a greater bulk and scale than that of residential development in the locality;
 - The visual bulk and scale-related impacts of the proposed development would be reduced by the proposed excavation of the building such that it would partially present a single storey scale to Nelson Road and McHale Way;
 - The visual bulk and scale-related impacts of the proposed development would be further reduced by the proposed use of screening vegetation; and
 - The proposed external colours and finishes are muted.
- 5.23 Consideration of the impacts of the proposed development on water quality is set out elsewhere in this statement. Those impacts are considered to be acceptable on the following grounds:

- The proposal would incorporate on-site stormwater retention and detention systems as set out in the hydraulic details (Annexure K). Those systems would assist in minimizing the rate of stormwater runoff from the subject site;
- The proposal would incorporate an effluent irrigation system, as detailed in the wastewater feasibility study (Annexure J). That study concludes that that proposed system would appropriately treat effluent on the site, thereby ensuring that there are no unacceptable impacts to water quality associated with the treatment of effluent on the site;
- The proposed landscape plan (Annexure D) incorporates use of a suitable species of turf for the proposed overflow parking areas such that the proposed infrequent use of those areas for overflow parking would not lead to sedimentation or soil erosion concerns; and
- There would be appropriate sedimentation-erosion control measures installed during the construction phase of the proposed development.

- 5.24 Consideration of the impacts of the proposed development on biodiversity is set out elsewhere in this statement. It is considered that those impacts are acceptable having regard to the Flora and Fauna Impact statement (Annexure F).
- 5.25 Consideration of the impacts of the proposed development on traffic and car-parking is set out elsewhere in this statement. It is considered that the amount of car-parking proposed to be provided is acceptable having regard to the traffic and parking report prepared by Varga Traffic Planning P/L (Annexure G). The proposed amount of fully formed parking to be provided would accommodate the maximum number of attendees, based on the parking rate that is derived from the BHDCP control. Furthermore, overflow parking areas would be provided in case there is a lower than anticipated vehicular occupancy rate when the proposal is at peak usage.
- 5.26 Having regard to the foregoing, and to the assessment of the proposed development set out elsewhere in this report, it is considered that the proposed development would have an acceptable impact upon the environment.

Suitability of the site for the proposed development

5.27 The proposed development has the following characteristics which render it suitable for the proposed development:

- The site is suitably zoned to permit a place of public worship;
- The site is large enough to accommodate the proposed development and the required parking, landscaping and effluent treatment area, in compliance with applicable controls, such as relating to density, site coverage and setbacks;
- The site is located on a bus-route;
- The site does not have any characteristics relating to soil types or geotechnical considerations that give rise to any concerns in relation to the proposed development;
- Although part of the site is identified as being affected by bushfire hazards, those hazards are able to be acceptably managed through suitable design features and landscaping measures;
- Although the site contains remnant Cumberland Plains Woodland vegetation, the proposed development would not cause impacts to that vegetation and would not cause any other significant impacts to flora and fauna; and
- The site is able to accommodate a sufficient separation of the proposed use areas from surrounding dwellings to ensure, in concert with other acoustic attenuation measures, that the proposed development would not cause unacceptable acoustic impacts to those surrounding dwellings.

6. CONCLUSION

6.1 The proposed place of public worship has been assessed under the provisions of Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*. Having regard to the assessment set out in this statement, it is considered that the proposed development is acceptable and that it should be approved.

ANNEXURES

<u>ANNEXURES</u>	from page	39
A. Plans and elevations prepared by Consulting Drafting Services		
B. Photomontages prepared by Consulting Drafting Services		
C. Schedule of colours and finishes prepared by Consulting Drafting Services (Board submitted separately)		
D. Landscape plans prepared by Ecodesign		
E. Tree Impact Assessment by Ecodesign		
F. Flora and Fauna report prepared by Ambrose Ecological Services P/L		
G. Traffic and parking report prepared by Varga Traffic Planning P/L		
H. Acoustic report prepared by Koikas Acoustics P/L		
J. Wastewater feasibility study prepared by Harvest Scientific Services		
K. Drainage design prepared by Healey Castle & Associates		
L. Building Code of Australia assessment prepared by Tom Miskovich & Associates P/L		
M. Bushfire report prepared by Building Code and Bushfire Hazard Solutions.		

