

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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**CONSTRUCTION OF A PLACE OF PUBLIC  
WORSHIP (SIKH TEMPLE)**

**53 & 57 SPITFIRE PLACE, RUTHERFORD,  
NSW, 2320  
(LOTS: 509 & 510 DP1270343)**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Sikh Sangat Charitable Association (the client) to prepare a Statement of Environmental Effects (SEE) for construction of a place of public worship being a Gurdwara (Sikh Temple) at 53 and 57 Spitfire Place, Rutherford, NSW, 2320 legally identified as Lot 509 and 510 in Deposited Plan 1270343 ('the site').

The characteristics of the development include:

1. Construction of Gurdwara with gross floor area measuring 991m<sup>2</sup>;
2. Construction of landscaped area measuring 611.4m<sup>2</sup>;
3. Construction of carparking area measuring 2593.9m<sup>2</sup>; consisting of 59 parking spaces;
4. Construction of amenities including toilets and kitchen areas; and
5. Installation of stormwater detention system.

The Gurdwara will be open seven days a week providing three worship sessions per day to the congregation. The worship times proposed are as follows:

- 4am – 6am
- 6am – 8am
- 6pm – 9pm

During worship times the congregation will range between 5 and 10 participants in the first morning session to 20 – 30 participants in the evening session. After each worship program, the congregation partakes in Langar (breakfast or dinner meal). The meals will be prepared on site in the kitchen facility. Outside of worship times, an onsite manager will take care of the facility to welcome community members and maintain the grounds.

The Sikh community engage in a number of events and festivals throughout the year which will see an increase in participants at the Gurdwara. These events include, but not limited to naming days, marriages, last rite of passage, Sikh new year and Sikh religion birthday.

The proposed development is consistent with the Maitland Local Environment Plan 2011 (MLEP) and Maitland Development Control Plan 2011 (MDCP). Where non-compliances exist, management or mitigation measures have been provided. From a qualitative perspective the development will not result in a significant adverse impact on the streetscape and is appropriately located to avoid adverse impacts on sensitive receivers. The development will have a substantial community benefit by providing a safe space for all people to visit and share in a free meal. Further the Sikh community volunteer to provide free meal and essential items to communities affected by natural disaster. The Sikh Sangat Charitable Association seeks to continue and grow their community support in the local and broader community.

The key factors as to why the proposed is should be considered acceptable includes;

- The site is appropriately zoned B5 Business Development which facilitates the construction of the proposed development;

- The proposed development is considered consistent with the existing character of the locality and will not result in a significant impact on local amenity;
- The development can suitably manage or mitigate environmental impacts; and
- The proposed development will have significant positive economic and social impact on the surrounding community and broader Local Government Area by creating short term construction jobs, and long term social support to the community.

The proposal has been analysed in terms of all relevant planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure optimal consideration has been afforded to the development of the site.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects
BAL	Bushfire Attack Level

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Certificate of title and DP	LRS
4	Dial Before You Dig Search	DBYD
5	Architectural Plans	Arc Innovations
6	Hunter Water Corporation Stamped Plan	Hunter Water Corporation
7	Bushfire Assessment Report	Perception Planning
8	Stormwater Management Plans	Contrive Consultants
9	AHIMs Search Results	Office of Environment and Heritage
10	Traffic Impact Assessment	SECA Solutions
11	Waste Minimisation Management Plan	Perception Planning
12	Operational Management Plan	Sikh Sangat Charitable Association
13	Flood Advice	Maitland City Council

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# 1 BACKGROUND

## 1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Sikh Sangat Charitable Association (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development can be managed to ensure environmental impacts are within suitable tolerance limits. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation, and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development, and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies, and guidelines.

## 1.2 SITE DETAILS

<b>Property Address</b>	53 & 57 Spitfire Place, Rutherford, NSW 2320
<b>Lot and DP</b>	Lot 509 & 510 DP 1270343
<b>Current Use</b>	Vacant
<b>Zoning</b>	B5 Business Development
<b>Size</b>	4,608 m <sup>2</sup>
<b>Site Constraints</b>	Acid Sulfate Soils – Class 5 Bushfire Prone Land – Vegetation – buffer Flood Prone Land
<b>Owner</b>	Owner's consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the Certificate of Title, DP or 88B, contained in <b>APPENDIX 3</b> , prohibits the proposed development.

## 1.3 SITE DESCRIPTION

The site consists of two allotments, Lot 510 is rectangular in shape, whereas Lot 509 is irregular in shape with the north boundary following the shape of the cul-de-sac. The total area of both allotments measures 4,608m<sup>2</sup>. The site in the surrounding locality is shown in **FIGURE 1**. The topography is relatively flat with the natural drainage expected to fall to the east boundary of the site. The site holds a north-south orientation.

The site is vacant land which has been established in a new subdivision. The site has been cleared of vegetation. There are no known waterways or waterbodies present on the site. A waterway is identified approximately 100m east of the site. It is seen from the aerial imagery that this waterway is used as a swale drain with stormwater being detained in the waterbody south-west of the site.

The site is located on the south side of Spitfire Place. The closest intersection is identified as Spitfire Place and Meteor Place, located approximately 35m to the east. The roads are identified as local government roads under the maintenance of Maitland City Council. Formal access to the site is gained via Spitfire Place however, no formalised crossover has been identified.

A Dial Before You Dig search was conducted on 5 August 2021, the results are contained in **APPENDIX 4**. The search determined:

- Underground reticulated electricity is available;

- Reticulated water and sewer are present. The water main is located within the Spitfire Place carriageway; the gravity fed sewer main is located along the south boundary;
- Natural gas is not present; and
- Telecommunications are available to the site.

The site is zoned B5 Business Development. Development in the locality is being established.

## **1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS**

The site is currently vacant and undeveloped, review of the Maitland City Council Development Application Tracker (05 August 2021) did not identify any recent approvals for the subject site.

No known compliance matters exist over the site which would pose issues for the proposed development.



Figure 1: Locality Map (SixMaps, 2021)

## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent the construction of a place of public worship being a Gurdwara (Sikh Temple) (the development). This development is enabled through Maitland Local Environmental Plan 2011 (MLEP) and Maitland Development Control Plan 2011 (MDCP).

The characteristics of the development include:

1. Construction of Gurdwara with gross floor area measuring 991m<sup>2</sup>;
2. Construction of landscaped area measuring 611.4m<sup>2</sup>;
3. Construction of carparking area measuring 2593.9m<sup>2</sup>; consisting of 59 parking spaces;
4. Construction of amenities including toilets and kitchen areas; and
5. Installation of stormwater detention system.

**FIGURES 2** and **3** shows the proposed site plan and isometric view of the development respectively. Detailed Architectural Plans are provided at **APPENDIX 5**.

The Gurdwara will be open seven days a week providing three worship sessions per day to the congregation. The worship times proposed are as follows:

4am – 6am

6am – 8am

6pm – 9pm

During worship times the congregation will range between 5 and 10 participants in the first morning session to 20 – 30 participants in the evening session. After each worship program, the congregation partakes in Langar (breakfast or dinner meal). The meals will be prepared on site in the kitchen facility. Outside of worship times, an onsite manager will take care of the facility to welcome community members and maintain the grounds.

The proposed development will provide a well-coordinated and sustainable development with no foreseeable impact on the character of the surrounding area. This DA is consistent with the planning framework and has the potential to deliver triple-bottom line outcomes as envisaged by Port Stephens Council.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal.

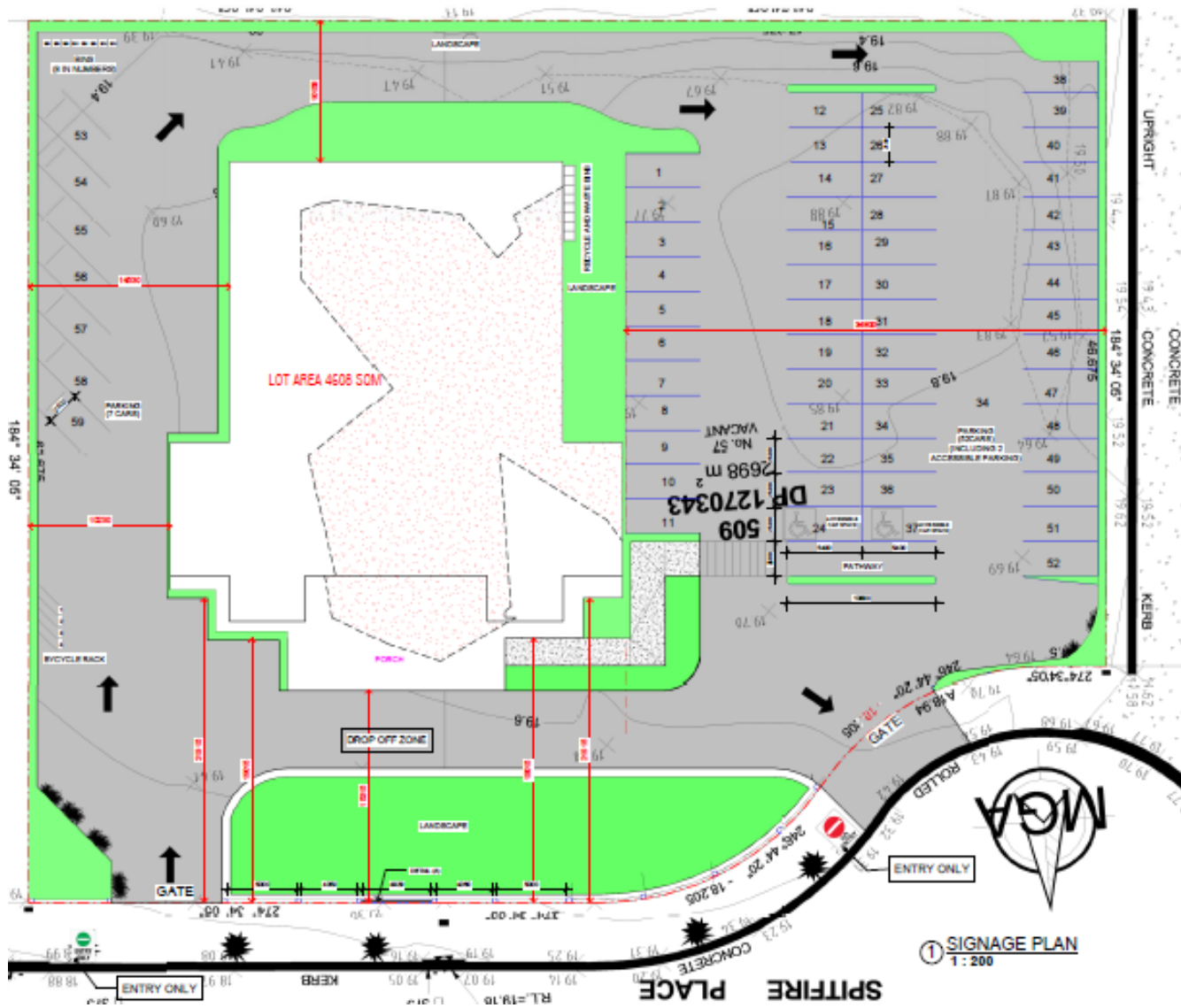


Figure 2: Site Plan (Arc Innovations, 2021)



**Figure 3:** Isometric View (Sorenson, 2021)

## 3 PLANNING CONTROLS

### 3.1 ACTS

All NSW Acts have been considered in the preparation of this SoEE. The following Acts are considered relevant to the proposed development and discussed in further detail below.

- *Environmental Planning and Assessment Act*
- *Hunter Water Act 1991*
- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Water Management Act 2000*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 1** below. The proposed development is not classified as integrated development.

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Maitland City Wide Section 94 Contributions Plan 2016 (CP).

#### 3.1.2 HUNTER WATER ACT

The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act. Stamped plans and Formal Notice of Requirements in accordance with Section 49 of the HW Act are provided as **APPENDIX 6** to this application.



### 3.1.3 RURAL FIRES ACT 1997

The property is identified as bushfire prone land vegetation category - buffer. The bushfire mapping is shown in **FIGURE 4**. In accordance with Section 100B of the Rural Fires Act 1997, the proposed development is not development that triggers referral to the RFS for assessment.

A bushfire assessment report (BAR) has been prepared to ascertain the bushfire risk level and the required construction level required to ensure risk to life is minimised. The BAR identifies that the site is classified BAL-Low and to this extent the building will be constructed to BAL12.5 in accordance with AS3959. A bushfire management plan will be prepared as part of the Construction Certificate documentation as per the recommendations outlined within the report. This plan will be prepared in accordance with the *'Planning for Bushfire Protection'* Guidelines and will be approved by RFS.



**Figure 4:** Bushfire mapping for the site and surrounding locality (ePlanning Spatial Viewer, 2021)

The BAR is contained in **APPENDIX 7**. It is considered that risk to life as a result of a bushfire event can be suitably managed within the prescribed tolerance limits of the relevant legislation.

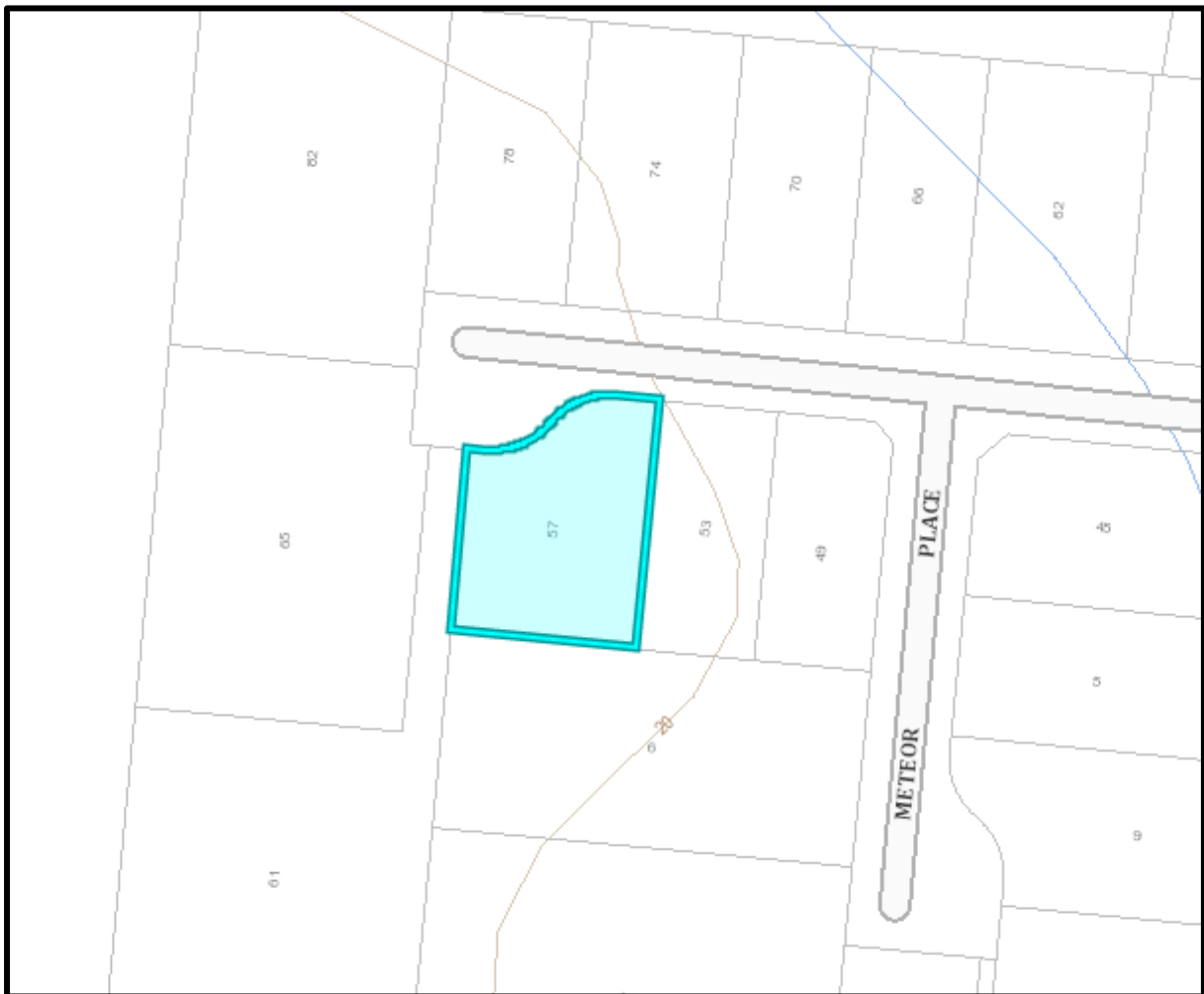
### 3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Applicants are to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting a development application to the consent authority.

The subject site is clear of vegetation and does not contain area identified on the Biodiversity Values Map as land with high biodiversity value and sensitive to impacts from development and clearing, shown in **FIGURE 5**.

Given no vegetation removal is required to facilitate the construction of the development, further consideration of the BC Act is no warranted.



**Figure 5:** Vegetation with mapped biodiversity values in the local area (Biodiversity Values Map and Threshold Tool, 2021)

### **3.1.5 ROADS ACT 1993**

The proposed development requires two driveway crossovers to Spitfire Place. The driveway crossovers are to facilitate single directional traffic movement through the car parking area. Direction of movement is identified on the architectural plans. The driveway access is subject to approval under *Section 138 of the Roads Act 1993*, which will occur prior to the issue of a construction certificate.

### **3.1.6 WATER MANAGEMENT ACT 2000**

The subject site is not located within a Drinking Water Catchment pursuant to the LEP Maps. No physical works will take place within 40m of any body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site. No further assessment of the Water Management Act is required.

Table 1: Integrated Development

Integrated development	Proposed Development	
<b>Fisheries Management Act 1994</b>	<ul style="list-style-type: none"> <li>▪ s 144</li> <li>▪ s 201</li> <li>▪ s 205</li> <li>▪ s 219</li> </ul>	N/A
<b>Heritage Act 1977</b>	<ul style="list-style-type: none"> <li>▪ s 58</li> </ul>	<p>N/A – The site is not identified as being a heritage item or located within a heritage conservation area.</p> <p>An AHIMS search conducted on 13 December 2021 (<b>APPENDIX 9</b>) did not identify any Aboriginal sites or places within a 50m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.</p>
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	N/A – The site is not located within a Mine Subsidence Area.
<b>Mining Act 1992</b>	<ul style="list-style-type: none"> <li>▪ s 63, 64</li> </ul>	N/A
<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	<ul style="list-style-type: none"> <li>▪ s 90</li> </ul>	N/A
<b>Protection of the Environment Operations Act 1997</b>	<ul style="list-style-type: none"> <li>▪ ss 43(a), 47, 55</li> <li>▪ ss 43(b), 48, 55</li> <li>▪ ss 43(d), 55, 122</li> </ul>	N/A
<b>Roads Act 1993</b>	<ul style="list-style-type: none"> <li>▪ s 138</li> </ul>	N/A – Whilst the new driveway crossovers must be approved under s138 of the Roads Act, Council is the authority for this process thus the development does not require referral to TfNSW as integrated development in this respect.
<b>Rural Fires Act 1997</b>	<ul style="list-style-type: none"> <li>▪ s 100B</li> </ul>	N/A – The subject site is identified as bushfire prone, however the development is not identified as being residential subdivision nor a special bushfire protection

		purpose. Therefore, the development is not considered to be 'integrated development' for the purposes of Section 100B of the Rural Fires Act 1997 and referral to the RFS is triggered. A Bushfire Assessment Report has been prepared and has identified the development can meet the Planning for Bushfire Protection Guidelines. The BAR is contained in <b>APPENDIX 7</b> .
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	N/A

## 3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *State Environmental Planning Policy No 64 – Advertising and Signage*

### 3.2.1 SEPP No. 55 – REMEDIATION OF LAND

This SEPP applies to the whole state. Under Clause 7, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for business purposes. Given that the allotment has been newly created and is currently vacant it is unlikely the site is considered contaminated. A review of the EPA register of contaminated land (14 December 2021) did not identify the site as being significantly contaminated. It is not expected or known that surrounding locality has the potential to be contaminated, therefore, the land is considered suitable for the proposed development. Further assessment of SEPP 55 is not warranted.

### 3.2.2 SEPP (INFRASTRUCTURE) 2007

The purpose of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of development.

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 66C. As described in Section 1.4, the subject site is connected to underground power. The proposed development is greater than 2m from the electricity infrastructure and therefore does not trigger referral to the electricity supply authority pursuant to Clause 45 (1) (b) (iii).

The development is not classified as traffic generating development in accordance with Schedule 3. As such referral to TfNSW is not triggered under Clause 104. A traffic impact assessment has been prepared and demonstrates that the development will not have any adverse impacts on the existing road network.

Further assessment against the Infrastructure SEPP is not required.

### 3.2.3 SEPP (KOALA HABITAT PROTECTION) 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 6 and

Schedule 1 of the SEPP identify the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The proposed development does not include vegetation removal and as such there is no impact identified on koala habitat and the free-living population. Further assessment of this Policy is not warranted.

### 3.2.4 SEPP No. 64 ADVERTISING AND SIGNAGE

The objective of the Policy is to ensure that signage is compatible with the desired amenity and visual character of the area, provides effective communication and is of high quality, design and finish.

The proposed building identification sign is consistent with the aims of SEPP 64 and is not identified to result in any amenity impacts. The sign on the front boundary will be of a high quality finish and clearly communicate the purpose of the building. The sign measure 1.5m high by 4.9m wide being a total area of 6m<sup>2</sup>. The signage consists of a rendered masonry wall with backlit brass lettering. To this extent, the proposed signage is considered appropriate to the business estate.

## 3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

Pursuant to the Maitland Local Environmental Plan 2013 (MLEP) Land Application Map (LAP\_001) the subject site is land to which the environmental plan applies. Accordingly, the MLEP is the appropriate EPI to assess the development proposal. The following assessment will demonstrate that the development proposal is compliant with the relevant clauses of the MLEP and permits approval by the Consent Authority.

- **Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is zoned B5 – Business Development. The proposed development includes the construction of a place of public worship being a Gurdwara (Sikh Temple). The development is defined by the land use dictionary as:

*place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.*

A place of public worship is not identified as a specified land use permitted with consent from the responsible authority, however the land use term is also not specifically prohibited. As

such, the land use falls under the open zone in which any land use not specified in Item 2 or 4 is permitted with consent. To this extent, a place of public worship is permissible within the B5 zone. The Land Use Table of the LEP identifies the following objectives for the B5 zone:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To minimise conflict between land uses within the zone and with adjoining zones.*

The proposed development establishes a Sikh Temple within the Hunter Region to service the existing Sikh community. As detailed in the operational management plan, **APPENDIX 12**, the local Sikh community must travel to Sydney to partake in formalised worship. This temple will service the immediate and broader community. Establishing the temple and the Sikh community within the Maitland LGA will have positive social impacts. The Sikh community services vulnerable communities or people in need of support through the provision of free food and essential items. The local community supported the flood affected people of Taree during 2021 and look to extend their services throughout the broader community. The proposal has not been identified to result in any adverse impacts on other land uses within the locality. The proposed development is sympathetic to the existing amenity and character of the Business Park and has been designed in a way to ensure it fits within its locality and surrounding area.

- **Clause 4.1 – Minimum lot size**

The objective of this clause is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that is consistent with relevant development controls. The subject site is not mapped with a minimum lot size (MLS). Furthermore, the development does not include subdivision. To this extent, Clause 4.1 has been assessed and deemed not applicable for this Development Application.

- **Clause 4.3 – Height of buildings**

The objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area.

The MLEP 2011 identifies the site not to be restricted by a maximum building height. The height of the development, as shown in the plans contained in **APPENDIX 5**. The floor to roof height measures 7.1m above natural ground level. The height of the building is compliant with the 12m height control under the Maitland Development Control Plan. To this extent, it is considered that the height of the development is appropriate for the locality.

- **Clause 5.10 – Heritage conservation**

An AHIMS search conducted on 13 December 2021 (**APPENDIX 9**) did not identify any Aboriginal sites or places within a 50m buffer of the site. Given the disturbed nature of the site, it is considered unlikely that the excavation for the detention system will unearth the object. However, should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.



The site is not identified as a heritage item, nor is it located within a heritage conservation area. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 7.2 – Earthworks**

Earthworks associated with the development of the site for the installation of services and drainage infrastructure, and establishment of the building foundation is proposed. The earthworks are ancillary to the development for the construction of a level foundation pad.

No adjoining allotments will be impacted by the earthworks. Retaining walls will be designed to ensure stability of the site. All water run-off will be managed by the proposed stormwater system or controlled with sediment control fencing during construction. It is not anticipated that the proposed development will cause ongoing nuisances to adjoining sites once construction is complete.

To this extent, the development complies with the requirements of this Clause.

- **Clause 5.21 – Flood Planning**

The site is identified on LEP Map FLD\_004A as being flood prone land. Flood advice was sought from the Maitland Council to determine the hazard present on site. The advice, contained in **ATTACHMENT 1**, identified the following:

*Subdivision works for these lots indicates that all lots to the west of Lot 520 (excluding) have been filled **above** the then applicable 100 year flood level. This means, on record, both Lots 509 and 510 has been filled. Based on these, Council is able to advise the following:*

*53-57 Spitfire Place (Lot 502 DP 1270343)*

*Council's pre-development flood mapping indicates that the 100 year flood level over this property varies between RL18.5-18.6. The approved subdivision works indicates that this property has been filled (the green colour hatched area in the second image) to a level between RL18.9-19.5. Consequently, subject to confirmation by survey, and for the purposes of Complying Development, the property is deemed **NOT** to be within **any of the following**:*

- (a) a flood storage area,*
- (b) a floodway area,*
- (c) a flow path,*
- (d) a high hazard area,*
- (e) a high risk area.*

Accordingly, the advice received from Council identifies that the site can suitably manage risk to life as a result of a 1 in 100 flood event.

- **Clause 6.3 – Development Control Plan**

The site is identified as being part of the Anambah Employment Area. As such the development should adhere to the relevant development control plan. An assessment of the development against the controls of Chapter F4 is provided in **APPENDIX 2**.

- **Clause 7.1 – Acid Sulfate Soils**

The site is identified to contain Class 5 acid sulfate soils (ASS). The development is not likely to lower the water table below 1m AHD on the Class 3 soils located in proximity of the site. An ASS management plan is not required for the proposed development.

### **3.4 DEVELOPMENT CONTROL PLAN (DCP)**

Consideration of compliance and/or consistency with the relevant provisions of the Maitland Development Control Plan 2011 is provided in the Table of Compliance provided at **APPENDIX 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

### **3.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2000* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

### **3.6 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS**

Section 4.15(1)(a)(ii) requires the consent authority to consider:

*Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or subject site; that should be considered as part of this development application.

## **4 LIKELY IMPACTS OF THE DEVELOPMENT**

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

## 4.1 BUILT ENVIRONMENT

### 4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The Gurdwara has been designed in a traditional style being a prominent building for the community to admire and respect. The large scale of the building represents to the community that there is space for all people to enter, pay their respect to the religion, and partake in Langar at the conclusion of the worship session.

The development is located within the business development area of the Anambah employment area. This locality promotes large scale business development such as warehouse and distribution centres, specialised retail premises and light industry development mixed with community services such as centre-based childcare facilities and places of public worship. The proposed development supports the context of the land use zone and scale of the development is not considered obtuse to the character of the locality. The design, whilst respectful to the religion is consistent with other large-scale development that would be found in the locality. The proposed landscaping surrounding the building softens the built form. The grassed areas allow for safe areas for worshipers to congregate and mingle before and after worship sessions. The proposed development is not considered to have a negative visual impact, conversely the building is unique to the LGA and will generate interest and activation in the locality.

To this extent the development is considered to be in character with the preferred context of the locality and is not identified to have any adverse visual impacts within the Anambah Employment Area.

### 4.1.2 ACCESS, TRANSPORT AND TRAFFIC

The site is located at the termination of a cul-de-sac with frontage to Spitfire Place. The proposed development is seeking two access crossovers to Spitfire Place to allow for one directional traffic flow. It is proposed that all driveways will be designed and constructed to AS2890.2.

A detailed Traffic Impact Assessment (TIA), contained in **APPENDIX 10**, identifies that the proposed access to the development is compliant with the relevant Australian Standards. As detailed in the report, suitable sightlines can be achieved and are compliant with AS2890. Given the proposed times for worship and attendee numbers, the assessment determined that there were no significant cumulative traffic impacts that would result in road conflict. The assessment states that Spitfire Place and the surrounding road network has sufficient capacity to manage the potential traffic generation.

The TIA assessed the parking requirements against the MDCP. As detailed in the TIA the required carparking rate under the MDCP controls for the complex is 48 parking space. This provision has been calculated based on the gross floor area for public worship, being parking rate of 1 space per 10m<sup>2</sup>. The development proposal provides 59 parking spaces. As such, the development has surplus parking when assessed against the development control. The TIA further discusses parking provision during festivals and special events. Given the surplus parking, the report concluded that these weekend events are not likely to

generate large on-street parking demand, nor will they conflict with the other business park users. To this extent, the proposal is compliant with the MDCP on-site parking provisions.

The development is not identified to trigger the need for any road or intersection upgrades.

To this extent, the development proposal is not identified to have any significant adverse impacts on access, transport or traffic safety.

#### **4.1.3 PUBLIC DOMAIN**

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvement in accordance with the Maitland City Council Development Contributions Framework.

#### **4.1.4 SERVICES**

The site is able to be connected to reticulated water, electricity, and sewer. The development identifies suitable amenities for worshippers. Connection to Hunter Water sewer asset will be completed in accordance with the Notice of Formal Requirements (NoFR). At the time of writing the report, the NoFR had not yet been issued. Connection to the essential services will be completed during construction.

The application demonstrates that stormwater drainage resulting from future roof and hard stand areas can be catered for in accordance with Council's requirements. Stormwater drainage is discussed further under Section 4.2.3 of this SEE.

#### **4.1.5 NOISE AND VIBRATION**

Construction noise will be as per normal construction times and processes and will cease once construction is completed. The anticipated ongoing noise generation is expected to be within the accepted tolerance limits for the business park estate and not result in adverse impacts to the residential estate located approximately 340m to the east of the site.

Worship within the Gurdwara will include moments of congregational prayer and at times amplified music. During worship the doors to the facility are closed which reduces any noise travel. Future development of the business park estate will reduce any potential noise impacts as a result of this development. Future built form is anticipated to break the sound travelling towards the residential estate.

Noise emission impacts can be considered on their potential to result in sleep disturbance, which is the most likely impact that would result in noise complaints from the surrounding community. Considering the proposed worship times, the session between 4am and 6am is the most likely to result in sleep disturbance. However, during this worship time, it is predicted that only 5-10 participants are likely to attend. Any cumulative noise as a result of joint prayer is unlikely to be at a level which would result in sleep disturbance to the closest residents within the residential estate. The amplified music also has the potential to result in sleep disturbance. It is anticipated that the noise would be contained within the building considering the doors will be closed during worship times. However, in the event that noise

complaints are made against the amplified music by the community, an acoustic report will be commissioned to identify noise attenuation measure to address the community concern.

Accordingly, no significant ongoing noise and vibration impacts anticipated as a result of the development that have not been considered or could be managed or mitigated in the future.

#### **4.1.6 SAFETY, SECURITY AND CRIME PREVENTION**

The proposed development has been assessed against the *Crime Prevention Through Environmental Design Principles* (CPTED). The proposed development is not considered to result in any increased crime activity within the locality. Alternatively, the development proposal results in additional traffic and pedestrian movement within the business park during the early morning and late evening which is likely to deter criminal behaviour. As such, it is considered that from a security and safety perspective, the proposed development is likely to lower the potential for crime due to the increased hours of activity within the business park. As detailed in the operational management plan, CCTV is proposed which will further combat potential crime on the site and within the locality. Whilst the development is located at the termination of a cul-de-sac which will limit passive surveillance of the Temple from the public domain, it is considered that there are suitable sightlines to and from the Temple which improves safety in the locality. The simple landscaping proposed is not identified to result in obscured hiding places to allow for surprised attacks. Any future landscaping should allow for suitable sightlines to be achieved towards Spitfire Place and the on-site parking areas.

Car parking is provided to the east and west of the Temple which avoids pedestrian movements at the rear of the Temple out of view from the public domain. Lighting will be installed to provide safe passage from the Temple to private vehicles after the evening worship session. The proposed fencing is slatted which allows for obscured views in front of and behind the fencing, reducing the ability for person to hide.

To this extent, it is considered that risk to life as a result of a criminal act is low and where possible the temple has been designed to minimize the risk of criminal activity.

## **4.2 NATURAL ENVIRONMENT**

### **4.2.1 ECOLOGICAL**

The proposed development does not result in the removal of vegetation, as such no ecological impacts have been identified. Impact on water quality is addressed under Section 4.2.3.

### **4.2.2 LANDSCAPING**

A landscaping plan has been prepared and contained within the architectural plans (**APPENDIX 5**). The provision of landscaping in this area will help the presentation of the building to the public domain. Landscaping is provided along all boundaries of the site. A range of turf and small shrubs will be utilised in these areas. Deep soil planting is proposed within the front set back of the site.

The landscaped plan is considered to be suitable for the locality and will have a positive impact on the presentation of the development to the public domain.

#### **4.2.3 STORMWATER**

A stormwater drainage plan has been prepared and contained in **APPENDIX 8**. All stormwater elements have been designed in accordance with the MDCP controls. It is considered that the system can ensure the post development flows will be equal to or less than predevelopment flows and stormwater can adequately manage stormwater on site.

#### **4.2.4 ACID SULFATE SOILS**

The site is identified as having Class 5 Acid Sulfate Soil (ASS) conditions. The construction of the proposed Temple is not likely to require penetration of the ground below 2m which is likely to result in the water table being lowered by 1m. As such, no ASS management plan is not required, and no resultant impacts identified.

#### **4.2.5 BUSHFIRE**

The property is identified as bushfire prone land vegetation buffer. A bushfire assessment report (BAR) has been prepared to ascertain the bushfire risk level and the required construction level required to ensure risk to life is minimised. The BAR identifies that the site is classified BAL-Low and to this extent the building will be constructed to BAL12.5 in accordance with AS3959. A bushfire management plan will be prepared as part of the Construction Certificate documentation as per the recommendations outlined within the report. This plan will be prepared in accordance with the *'Planning for Bushfire Protection'* Guidelines and will be approved by RFS.

It is considered that the development can successfully manage risk to life as a result of a bushfire event.

### **4.3 SOCIAL AND ECONOMIC**

#### **4.3.1 SOCIAL IMPACTS**

Sikhism originated in the Punjab region of the Indian subcontinent. Migration of people from the Indian subcontinent brought Sikhism to Australia. As migration grows, the need for dedicated places of worship for various religions is required to ensure all people have the ability to practice their religion.

Previously the Newcastle and broader Sikh community has had to travel to Sydney to engage in religious events. Sikh Sangat Charitable Association Newcastle was formed in November 2020 to address many issues faced by the Sikh community. It started by organising weekly events where Sikhs could come together and enjoy Sangat (a Sikh congregation). Since November 2020, the Sangat has grown to a level where the charitable organisation felt the need to have a designated place where it could continue its activities. Land was bought in Rutherford to construct a Gurdwara central to the Sikh community. The Gurdwara will serve the Newcastle and broader Sikh community by providing a place to practice Sikhism, celebrate their religious holidays locally, join as a community and engage in activities that support the broader population.

The religion is built upon service to the 'Father' and the community where the scriptures teach unity and equality of all humankind. The Sikh community is taught selflessness and devoted to providing physical, mental and material service in the form of labour, dedication to the service of others and provision of food and essential items to vulnerable community members.

The Sikh Sangat Charitable Association Newcastle partnered with Sikh Volunteers Australia during 2021 to provide services (two meals per day and essential items) to the people of Taree during the year's flood events. The Association seeks to collaborate further with Sikh Volunteers Australia to provide additional services to the needy and vulnerable people as a method of reaching equality throughout the community.

The Sikh community welcomes all people into the Gurdwara to partake in Langar. This service extends to the broader community and will support local people and families in time of need. The charitable activities that the Sikh Sangat Charitable Association Newcastle seek to extend in the future will have extensive positive social impacts across the LGA and the broader community. Not only will the Gurdwara and the Sikh community benefit the broader community, the Temple itself will provide a safe and welcoming place for the Sikh community to come together. The community can support each other during celebrations of life and hardship.

To this extent, it is believed that establishing the Gurdwara will have a number of positive impacts on key social determinants of health. These include but are not limited to:

- Social protection
- Education
- Food security
- Basic amenity security
- Social inclusion
- Equity and equality for people.

#### **4.3.2 ECONOMIC IMPACTS**

The proposed development will create short term construction jobs and monetary expenditure in the construction industry. Whilst on-going economic impacts are not specifically identified, tangible impacts include support of vulnerable people and communities during times of economic hardship.

## **5 SUITABILITY OF THE SITE**

The proposed development is a suitable use of the site. The application design includes all elements required under the relevant planning instruments and policies and there are negligible anticipated adverse impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE.

The proposed development is consistent with the surrounding business development of the estate and is not anticipated to have any adverse impacts on surrounding properties or amenity of the locality. The development is a permissible land use within the B5 Business

Development Zone. To this extent, the site is considered suitable for the proposed development.

## **6 ANY SUBMISSIONS AND CONSULTATION**

As part of the DA consideration process, it is envisaged Council may place the proposal on public exhibition and send neighbour notification letters to adjoining or adjacent properties. We welcome the opportunity to address any comments or concerns raised throughout the notification period.

## **7 PUBLIC INTEREST**

The subject site is located within an existing business estate. The site has access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

The proposal represents significant positive social impact for the Sikh community and the broader LGA. The proposal is considered to meet the diverse needs of the community. The proposed development is in the public interest.

## **8 CONCLUSION**

This SEE has shown that the development is within the public interest, from a social, economic, and environmental perspective. The proposed place of public worship is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key factors as to why the proposed is should be considered acceptable includes;

- The site is appropriately zoned B5 Business Development which facilitates the construction of the proposed development;
- The proposed development is considered consistent with the existing character of the locality and will not result in a significant impact on local amenity;
- The development can suitably manage or mitigate environmental impacts; and
- The proposed development will have significant positive economic and social impact on the surrounding community and broader Local Government Area by creating short term construction jobs, and long term social support to the community.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. Given the extensive positive social impact that this development can provide the Maitland LGA we are respectfully asking Council to consider this application for approval. We look forward to Council's determination of this matter. If we can provide any further information or clarity, please do not hesitate to contact us.





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