

1.0 DESCRIPTION OF PROPOSAL

The proposal is for alterations and adaptive re-use of an existing building previously used by the National Acoustic Laboratory (NAL) for the purposes of ecclesiastical management, theological studies and church activities. Associated works/uses include: demolition of a dwelling; construction of a pedestrian bridge, bus layover, covered passenger waiting area, new lift and enclosure; and, use of an adjoining dwelling as a caretaker's cottage.

The primary functions include use of the existing building as an administrative centre for a maximum of 290 staff and a place of public worship, theological teachings and studies, counselling and a chapel for up to 170 parishioners. The proposed uses come within the definition of an '*office premises*' and '*place of public worship*' under the provisions of WLEP 2012.

The SEE states that the subject site is intended to replace the Church's existing facility in Glebe. The SEE also states that the Church has a large but separate campus which provides residential accommodation for many Church staff. This campus is located in Dundas and the proposal is to transport the majority of staff from the Dundas campus via a private bus service to the proposed new site.

The proposed hours of operation are 8.30am to 9.30pm, seven day a week. 136 car parking spaces are available in the existing two storey car parking area. There are 6 additional car parking spaces located adjacent to the main entry. All vehicular access is via Greville St.

The proposal involves the removal of 13 trees to accommodate the proposed works on 25 Millwood Ave and trees within the APZ around the existing building. A number of other dead or dying trees around the periphery of the site are to be removed in accordance with the Arboricultural Impact Assessment Report.

The capital investment value exceeds \$5 million for a 'place of public worship' and therefore the Joint Regional Planning Panel (JRPP) is the consent authority pursuant to Clause 23(G)(2A) and Schedule 4A of the Environmental Planning & Assessment Act 1979.

2.0 CONTROLS

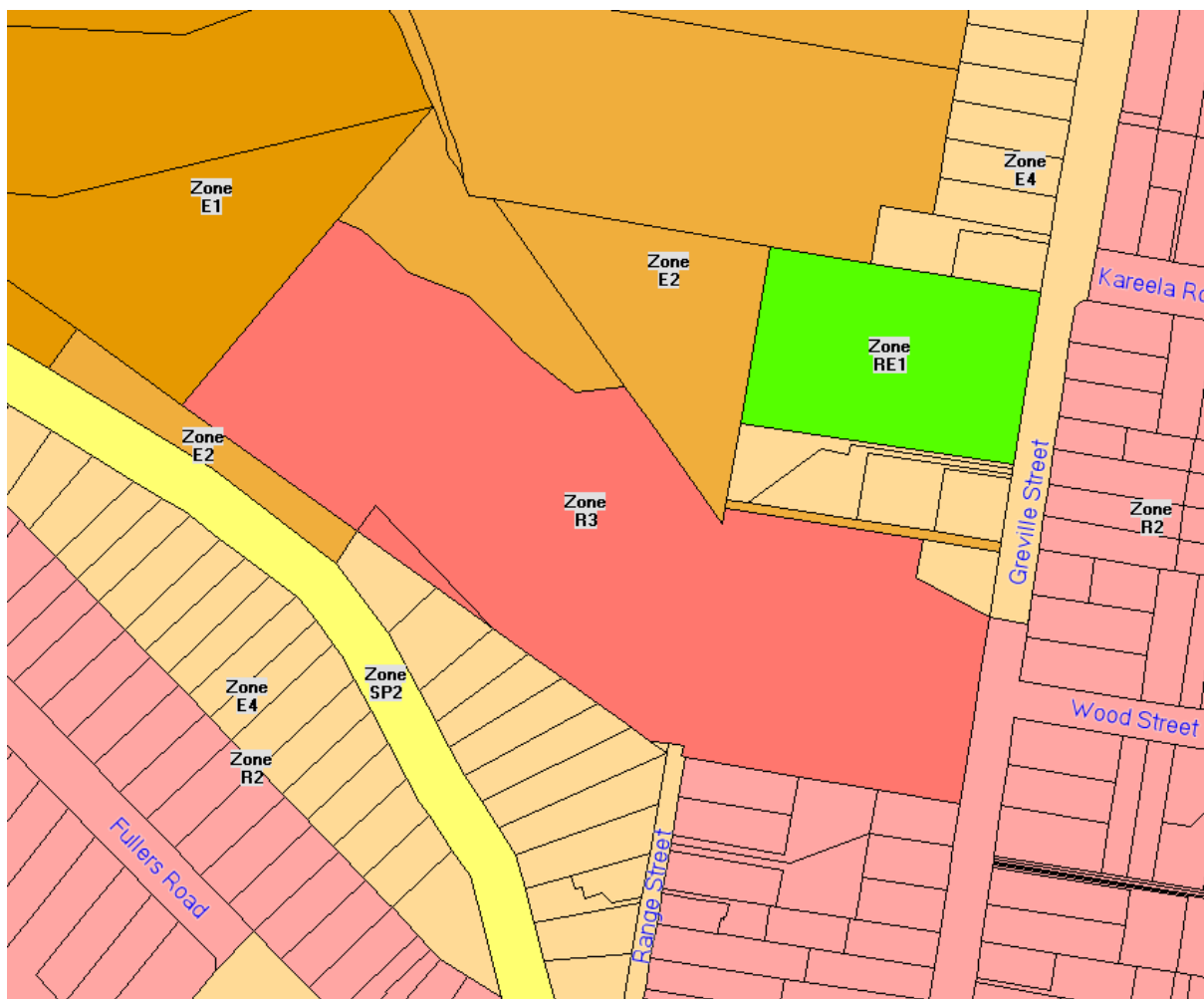
- a) WLEP 2012
 - i) Zoning: R3 Medium Density Residential, E4 Environmental Living & E2 Environmental Conservation.
 - ii) Schedule 1- Additional permitted uses: Item 21 (Use of certain land at 126 Granville Street, Chatswood).
- b) Willoughby Development Control Plan
 - Part D.2.16.21 provides specific objectives and controls for the development of land described as 126 Greville Street, Chatswood and Part 25 Millwood Avenue, Chatswood West (Lot 1 DP 532353 and Lot 1 DP 408490)
- c) SEPPs & REPs:
 - i) SEPP 55 – Remediation of Land
 - i) SEPP (Infrastructure) 2007
 - ii) SREP (Sydney Harbour Catchment) 2005 and associated DCP
- d) Developer's Contribution Plans: S94A
 - i) Applicable rate (%): 1%
 - ii) The cost of development: \$18,847,651.00
 - iii) Date of accepted cost of development: 9/10/14

- iv) The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement): \$188,476.50

The proposed uses of the existing building on 126 Greville Street are permissible in the R3 Medium Density Residential Zone and in accordance with Item 21 of Schedule 1 (Additional permitted uses) under WLEP 2012. Part of the northern portion of the site is zoned E2 Environment Conservation under WLEP 2012. This part of the site will remain in its current vegetated state.

The proposed use of an existing dwelling at 23 Millwood Avenue as a caretaker's residence (dwelling house) and demolition of the other dwelling at 25 Millwood Avenue to construct a covered passenger waiting area and associated works are permissible in the E4 Environmental Living Zone under WLEP 2012.

Figure 1: WLEP 2012 zoning map



3.0 SITE, EXISTING BUILDINGS & DEVELOPMENT CONTEXT

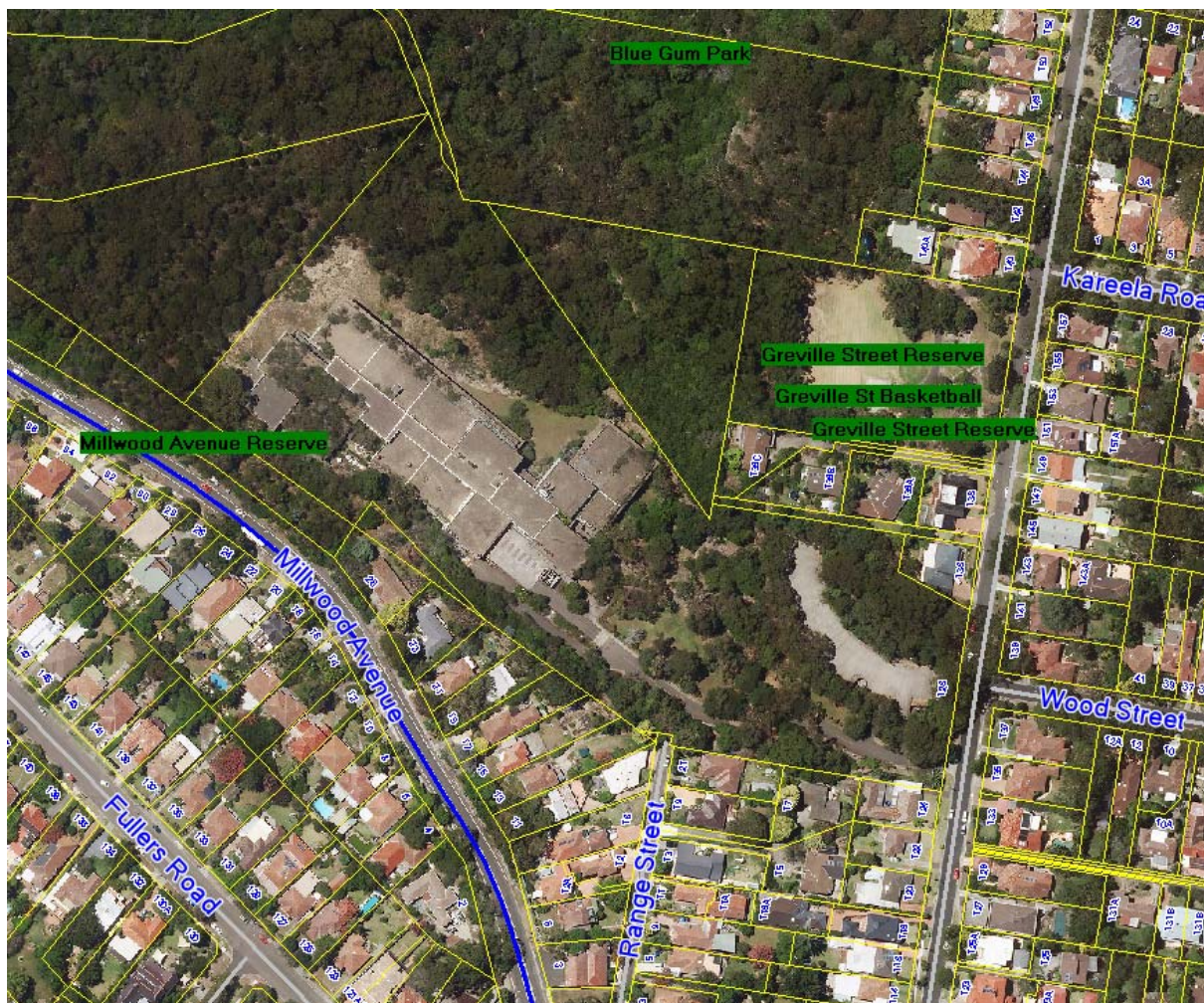
The proposed development relates to the following 3 properties:

1. Lot 1 DP 532353 & Lot 1 408490 (126 Greville St)

These lots, which make up the primary land parcel, have areas of 34,354.02m² and 398.36m² (total area of 3.475 hectares). The site has street frontages to Greville St

and Range Street. Vehicular and pedestrian access is available via Greville St, and pedestrian access only is available via Range St. This site is occupied by the former National Acoustic Laboratory building comprising four levels and associated two storey car parking area. The proposal involves internal alterations and construction of sunshades above the external glazed areas. Apart from the sunshades, a new enclosure and lift from the proposed pedestrian bridge are the only new additions to the existing building. The car parking structure will remain unchanged. The existing building and car parking structure are set within a bush/park land setting. No works are proposed to the building surrounds. The only other external works are the provision of acoustic fences adjacent to several residential properties.

Figure 2: Aerial photo



1. Lot 138 DP 14799 (25 Millwood Ave)

This lot has an area of 752.46m². It is occupied by a single storey dwelling having frontage to Millwood Ave. It is proposed to demolish the existing house and construct a new bus layover along the street frontage. The proposed works on this property include construction of stairs and a ramp from the new bus stop area to a covered passenger waiting area. The proposal includes construction of a new pedestrian bridge from this property to the building located on 126 Greville St.

2. Lot 137 DP 14799 (23 Millwood Ave)

This lot has an area of 853.63m². It is occupied by a single storey dwelling having frontage to Millwood Ave. It is proposed to retain the house and use it as a caretaker's residence.

4.0 BACKGROUND

The following is a synopsis of the previous uses and zoning of the primary site at 126 Greville St:

- i) From 1915 until recently the site was owned by the Commonwealth Government and initially formed part of an army rifle range. In 1970 the site was zoned Special Use – Defence, under Willoughby Planning Scheme Ordinance 1970.
- ii) In 1986 construction of the NAL building was completed and subsequently zoned 5(a) Special Uses – Acoustic Laboratory under WLEP 1995.
- iii) In May 2007 a rezoning application was lodged with Council to zone the land R3 Medium Density Residential under Draft WLEP 2009 and allow 250 dwelling units (amended to 230 units). Council refused the application in December 2008.
- iv) In 2010 a further planning proposal comprising 220 apartments was lodged with Council. This planning proposal was also refused by Council.
- v) An amended planning proposal was lodged with the Department of Planning. The Minister appointed the JRPP as the relevant planning authority to determine the application. The planning proposal was to rezone the subject land to R3 Medium Density Residential and E2 Environmental Conservation, and allow up to 60 dwellings.
- vi) In 2013 the NAL vacated the site.
- vii) WLEP 2012 came into force on 31 January 2013. The land was zoned E4 Environmental Living and E2 Environmental Conservation.
- viii) In 2013 the JRPP recommended that the Minister make the LEP and the land was rezoned R3 Medium Density Residential and E2 Environmental Conservation under WLEP 2012 in accordance with Amendment No 1 dated 13 June 2014.
- ix) In 2014 the site was sold to the Church of Scientology Australia.

Following a preliminary assessment, the applicant was requested to provide additional information to clarify the following matters:

- *More specific details of the hours of operation of the various functions relating to; church services in the chapel, theological studies, office administration, café, etc.*
- *The proportion/number of people that will be transported by bus to the site from the Dundas residential accommodation and the number of people in the broader community who will make their own way to the site.*
- *The likely number of people and regular times the bus will be arriving and departing from Dundas.*

The applicant provided, inter alia, the following advice:

- *These Church functions will take place throughout the day. Generally there is a 'peak' of arrivals for staff around 9am. Parishioners will be coming and going from the site throughout the day, however 'peak' arrival times are between 8:30am and 9:30am. Departure peaks are as follows:*

6:45 pm – approximately 50 staff depart (95+% by Church bus).

*8.00 pm – Approximately 40 staff depart (95+% by Church bus).
9.30pm -9.50 pm the remaining staff depart (95+% by Church bus).*

The Sunday Church service commences at 9:30am and concludes at noon. People attending this service will be those already on site at that time (i.e. not a special trip specifically for the service).

- Only staff will be living and traveling to the site from Dundas (and using the Church bus). Parishioners will be traveling from other areas of Sydney. The main difference will be they will depart 30 minutes earlier in the evening to assure all church attendees are off site before 10pm.*
- The church buses have a 48 person capacity. Only Staff will reside at Dundas (less than 5% of Church staff reside elsewhere). Parishioners will be travelling from other areas of Sydney (non-church owned accommodation).*

Having regard to the above it appears that the majority (95%) of staff will be travelling to and from the site via the proposed private bus service. Therefore, approximately 185 people will be travelling to and from the site via another mode, such as private motor vehicle, walking, cycling or public transport.

5.0 NEIGHBOUR NOTIFICATION

The application was notified in accordance with Part B (Category C) of Willoughby Development Control Plan (WDCP). The notification period commenced on 15 October 2014 and closed on 13 November 2014. Council received 12 submissions. The following is a précis of the issues raised in each submission:

1. 150 Greville St (Mr Alan & Dr Asha Yourell):

The residents of this property advised that they strongly object to the redevelopment of the property due to: increased traffic; impact on the local streets; and, noise during building and later from occupants coming and going. They also raised concern about rare native fauna in the nearby bushland. They consider that the neighbourhood should remain quiet and private.

2. 149 Greville St (Judith Wheeler)

The resident states that whilst she welcomes the adaptive reuse of 126 Greville St, she still has concerns regarding: increased traffic, impact on local street/traffic conditions; and hours of operation. It was suggested that the hours of operation should be reduced.

3. 14 Millwood Ave (Claude Joseph)

This submission was provided by the son on behalf of his elderly mother residing at this property. Concern was raised about the location of the proposed bus bay and the take up of on street parking spaces. The submission states that he disagrees (with the statement in the SEE) that *'Greville St is relatively narrow and cannot easily accommodate large vehicles.'*

4. 27 Kooba Ave (Kenneth Brown)

The resident of this property advised that he strongly objects to the proposed development because the large number of people using the site would disturb the quiet nature of this residential area. Concern was also raised about: increased traffic; location of the bus layover is inappropriate; unlikely to use the bus service and therefore the car parking area will be inadequate; and, the Church of Scientology have in the past attracted violent protests and

vandalism due to extremely negative perception (refers to a speech by Senator Nick Xenophon).

5. No address (Terry Fogarty)

This submission raised concern about traffic impacts and suggested alternative traffic works/measures to take additional traffic off Greville St.

6. 120 Greville St (Seen Ang)

The resident of this property raised a number of issues relating to: overflow parking and traffic in Greville St; long hours of operation will result in additional noise and traffic impacts; and, concern about any future expansion.

7. 16 Millwood Ave (Kate & Simon Pereira)

The residents of this property were primarily concerned about the proposed bus layover. Concern was raised about: the look and size of the bus layover and impact on existing trees; noise from people late at night waiting for a bus; impact of light spillage; any changes to the traffic conditions along Millwood Ave; and, impact on the bus stop on the opposite side of the road.

8. 17 Range St (Helen & John Cook)

This submission sought clarification about the location and type of proposed acoustic fence adjacent to their property.

9. No address (Anthony and Diana Szeto)

The residents advised that they live in the vicinity of the proposed development and they do not support the proposed alterations and additions for the proposed uses because the proposal is not in keeping with the residential character of the area. Concerns were raised about the number of people using the site and the proposed hours of operation. The submission also raised issue about public access and the presence of security staff and surveillance cameras which '*has the potential to cause physical and social divisions to the existing established community nearby*' and '*act as a gated community through physical security measures*'.

10. No address (Mat - surname not provided)

This submission essentially questions the compatibility of the proposed development in a residential area. The submission also raises concerns about: demolition of the house and construction of the bus layover; traffic impacts; the need for security; and, the hours of operation;

11. 117 Fullers Rd (Nini Zhang & Nailin Wang)

The residents of this property state that they would like the area to remain as it is. They have raised concerns about: construction of the bus layover; noise impacts; traffic impacts; and, decrease in property values.

12. No address (Jessica Turi)

This submission questions the sale of the property to the church and suggests that the site would be more suitable for residential development.

6.0 EXTERNAL REFERRALS

6.1 Roads & Maritime Services (R&MS):

The R&MS advised Council by letter dated 25 November 2014 that it would provide its concurrence to allow the proposed bus bay to be constructed under Section 138 of the *Roads Act 1993*, subject to a number of conditions relating to stormwater and access off Millwood Ave. These conditions are included in the attached 'Schedule of Conditions'.

6.2 State Transit Authority (STA):

The applicant provided the following written advice from STA, via email dated 19 September 2014:

'Sydney Buses have no problem with the bus stop being moved to outside number 23 from outside number 19 Millwood Drive Chatswood West subject to the DA being approved as discussed. Once the DA is approved by Council and we receive agreement from them for the movement of the bus stop we will put in the necessary paperwork to Transport for NSW for movement of the bus stop.'

6.3 Rural Fire Service (RFS):

The RFS by letter dated 20 February 2015 provided its requirements in accordance with Section 79BA of the EP&A Act 1979. The RFS requirements are included in the attached 'Schedule of Conditions'.

6.4 NSW Police Service (NSWPS):

In accordance with the 'Safer-by Design Protocol', the application was referred to the Crime Prevention Officer at the North Shore Local Area Command of the NSW Police Service (NSWPS) and no response was received. If NSWPS wish to comment on a development application, such comments are required to be provided to Council within 14 day; otherwise it is accepted that NSWPS have no issues or requirements regarding the proposed development.

7.0 INTERNAL REFERRALS

7.1 Building:

Council's Building Surveyor provided standard building conditions which are included in the attached 'Schedule of Conditions'.

7.2 Engineering:

Council's Development Engineer provided standard engineering conditions which are included in the attached 'Schedule of Conditions'.

7.3 Open Space/Landscaping:

Council's Open Space Officer advised there is no objection to the proposal subject to several conditions relating to; tree protection, tree maintenance; completion of landscape works; and, weed removal. These conditions are included in the attached 'Schedule of Conditions'.

7.4 Traffic:

Council's Traffic Engineer provided the following advice:

The Traffic Report from GTA has based the likely traffic generation for the site on surveys from the Glebe site. The traffic report shows that a relatively low proportion of parishioners drive or are driven to the church at the Glebe site. This low figure is likely to be a result of Glebe being an inner city suburb with good public transport, good access for pedestrians and cyclists, and medium to high density housing.

Given its location it would be expected that the Chatswood site would have a significantly higher proportion of parishioners driving to and from the site than the Glebe site. This is due to the relative isolation of the site, the challenging topography for pedestrians and limited public transport options.

Therefore it would be expected that the traffic generated by the site would be greater than the figures shown in the traffic report. Therefore there would be a noticeable increase in traffic on Greville Street as a result of the development. However it is probable that traffic volumes for Greville Street would remain well within the environmental capacity for a local road. It is also probable that the intersection of Fullers Road and Greville Street would still function at an acceptable level.

7.5 Sustainable Environment:

Council's Environmental Health Officer advised there is no objection to the proposal subject to several conditions relating to; removal of hazardous building materials; contaminated soils; and, noise mitigation measures. These conditions are included in the attached 'Schedule of Conditions'.

8.0 MATTERS FOR CONSIDERATION UNDER S79C EP&A ACT

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	✓
	Local Environmental Plans (LEP)	✓
	Comment: The proposed uses are permissible in accordance with the R3 Medium Density Zone, Schedule 1 (Additional permitted uses) and E4 Environmental Living Zone, of WLEP 2012. The proposed development satisfies the provisions of all relevant SEPPs, including SREP (Sydney Harbour Catchment), which is a deemed SEPP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	Draft State Environmental Planning Policies (SEPP)	N/A
	Draft Regional Environmental Plans (REP)	N/A
	Draft Local Environmental Plans (LEP)	✓
	Comment: There are no draft planning instruments that apply to the subject land.	
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	✓
	Comment: Part C.4 (Transport Requirements for Development) of WDCP deals with the car parking requirements for the proposed development. Also relevant is Part D.2.16.21 of WDCP. This part deals with development on 126 Greville Street and Part 25 Millwood Avenue (Lot 1 DP 532353 & Lot 1 DP 408490). The car parking requirements and the special provisions relating to the subject site are discussed in the 'assessment' section of this	

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	report.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition	✓
	Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: The proposal involves a change of use and demolition of an existing dwelling; therefore, appropriate conditions are included in the attached 'Schedule of Conditions' to ensure compliance with the fire safety and demolition provisions of the Regulations.	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	N/A
	Privacy	✓
	Views	N/A
	Solar Access	N/A
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards (bush fire)	✓
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓
	Comment: Subject to appropriate conditions, it is considered that the proposed development will not have an adverse impact on the public domain or unreasonable impacts on adjoining and nearby residents.	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	Comment: The site attributes and the existing buildings are suitable for the proposed uses and, the operation is compatible with the residential character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	✓
	Submissions from public authorities	✓
	Comment: The proposal was referred to R&MS, RFS and NSWPS. The R&MS and RFS requirements are included in the attached 'Schedule of Conditions'. No comments were provided by NSWPS. As a result of the notification to adjoining and nearby residents, 12 submission were received. The issues raised in the public submissions are addressed in the 'assessment' and 'neighbour notification issues' sections of this report.	

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(e)	The public interest	
	Federal, State and Local Government interests and Community interests	✓
	Comment: The proposed development does not compromise the residential character or the natural and scenic qualities of the locality and therefore the proposed development is in the public interest.	

9.0 ASSESSMENT

9.1 Willoughby Local Environmental Plan (WLEP) 2012

The proposed use of the former NAL building as a *'place of public worship'* is permissible under the R3 zone of WLEP 2012. A *'place of public worship'* means:

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

The proposed use as *'office premises'* is consistent with the additional permitted uses of the land in accordance with Schedule 1 (Item 21) of WLEP 2012.

The proposed use of the existing dwelling at No 23 Millwood Avenue as a caretakers residence (dwelling) is permissible in the E4 Environmental Living Zone.

The proposal to demolish the existing dwelling at No 25 Millwood Avenue and construct a covered passenger waiting area and pedestrian access is permissible in the E4 zone. In this regard the applicant provided legal advice to demonstrate that demolition of the existing house and construction of a footpath, ramp, stairs and a bus shelter on the site that is zoned E4 is permissible. The proposed works allow pedestrian access to the Greville Street site from the proposed new bus layover, which will be constructed within the Millwood Avenue road reserve. Council staff are satisfied that the proposed works are permissible.

No part of the proposed development will impact on that part of the land zoned E2 Environmental Conservation.

9.2 Willoughby Development Control Plan (WDCP)

The applicant has addressed all the relevant controls and guidelines under the provisions of WDCP, the most relevant being car parking and the specific controls relating to the subject land.

9.2.1 Part C.4.2 Car Parking requirements:

This part of WDCP states that parking requirements are neither maximum nor minimum; however, applicants must demonstrate the justification for any departure from the specified parking rates. The existing site makes provision for a total of 142 car parking spaces.

The SEE states that 2 of the 136 car spaces in the two storey car parking area will be converted to make provision for 6 motorcycle parking bays and the 6 car parking spaces in the forecourt area will be converted into 4 accessibility compliant parking spaces.

The total number of car parking spaces for the proposed development is 138, including 4 disabled car parking spaces and 6 motorcycle parking bays.

In accordance with the schedule for parking requirements, car parking is calculated at the following rate for the proposed development:

- i) Office/Business premises: 1/60m².
- ii) Place of public worship: 1 space/10 seats or 1 space/10m² of area where no permanent seating is provided, plus 1 space/2 employees.

WDCP also requires 1 motorcycle space per 25 car spaces, and 1 bicycle locker and 1 bicycle rail/rack per 600m² and 2500m² of office/business space, respectively.

The Traffic Impact Assessment Report states that the proposed ecclesiastical management facility (office/business premises) comprises 5,200m² for which 87 spaces are required at the rate of 1 space/60m².

For the purpose of determining traffic generation, the traffic assessment report based car parking for the theological studies areas and the chapel in accordance with the car parking requirement for an 'educational establishment' at the rate of 1 space/10 seats. The traffic report describes these areas as a 'church/theology college'. The car parking requirements for an 'educational establishment' is the same as the requirements for a 'place of public worship' under WDCP. The theological studies areas and the chapel have a 170 seat capacity for which 17 spaces are required. This calculation excludes the requirement for additional parking to be provided at the rate of 1 space/2 staff. In this regard the Traffic Impact Assessment Report states:

'In addition, it is assumed that staff from the proposed church/theology college would be drawn from the staff working in the ecclesiastical management facility as such additional parking for staff due to the proposed church/theology college would not be required.'

Based on the traffic assessment, the proposal only requires 104 car parking spaces. It is accepted that staff and parishioners will use other facilities such as the café, video and meeting rooms, and therefore appropriate to exclude these areas for the purpose of calculating car parking. It is also accepted that many staff will use the theological studies areas and the chapel; however, it is considered that at least half the staff should be included in the calculation for car parking. Therefore, the proposal would require another 72 spaces; a total of 176 parking spaces. If car parking is based on these calculations, the proposed development would be deficient by 38 car parking spaces.

Notwithstanding the above, any deficient car parking would be off-set by the proposal to include a private bus service to transport employees to and from the site. This involves construction of a new bus layover within the road reserve outside No 25 Millwood Avenue. In this regard the SEE states:

'The bus layover design has the capacity to accommodate both a private Church bus in the inner lane, and a STA bus in the outer lane, with the STA bus being able to enter and exit independently of the presence of a Church bus. This concept design has been endorsed in principle by both the RMS and the STA and would result in the relocation of the existing bus stop located outside of 19 Millwood Avenue further to the west.'

Appropriate conditions are included in the attached 'Schedule of Conditions' to ensure that the proposed bus layover is constructed in accordance with the R&MS requirements, and the time of arrivals and departures of the private bus service does not interfere with the operation of the STA public bus service.

The SEE submitted with the DA states that the transport access strategy involves the following key aspects:

- *The construction of a bus drop off and pick up point on the Millwood Avenue frontage for use by both public (State Transit Authority (STA)) buses and private (Church) buses.*
- *The construction of a pedestrian connection between the bus stop and the existing building.*
- *A significant reduction in the reliance and expected use of private motor vehicles to the site owing to the Church's private bus arrangement transporting staff to and from the site.*
- *The retention of the Greville Street vehicle entry for all cars and service vehicles.*
- *The retention of the two level car park near the Greville Street frontage for use by the Church's executive staff and parishioners.*

The proposed private bus service will transport approximately 275 people. The car parking area and other modes of transport will cater for up to 185 people.

Given that the majority of employees are expected to be transported to and from the site via a private bus service, it is considered that the proposed number of car parking spaces and motorcycle bays are adequate to accommodate the proposed development.

No provision has been made for any bicycle lockers or bicycle rails/racks. Based on the requirements for office/business premises comprising 5,200m, the proposal would require 8 bicycle lockers and 2 bicycle rail/racks. A condition to reflect these requirements is included in the attached 'Schedule of Conditions'.

9.2.2 Part D.2.16.21 126 Greville Street, Chatswood and Part 25 Millwood Avenue, Chatswood West (Lot 1 DP 532353 and Lot 1 DP 408490):

This part of the DCP was developed in conjunction with rezoning of the subject land from E4 Environmental Living and E2 Environmental Conservation to R3 Medium Density Residential and E2 Environmental Conservation and Schedule 1 (Additional permitted uses) under WLEP 2012 in accordance with Amendment No 1 dated 13 June 2014.

The amendment to WLEP 2012 allowed the development of the site for 60 dwellings or adaptive reuse of the existing building previously occupied by NAL. The objectives of WDCP in respect to the subject land are:

9.2.2(a) Objectives

The objectives of this part of WDCP are:

- 1 To ensure that development:*
 - a) does not adversely impact on bushland within the portion of the site in Zone E2 or on adjoining land in Blue Gum Park, Greville Street Reserve or the Lane Cove National Park (by loss of natural vegetation and of significant geological features);*
 - b) includes rehabilitation of native species vegetation along the creek; and*
 - c) does not disrupt drainage patterns, alter water tables or increase bushfire hazard.*
- 2 To minimise adverse impacts on surrounding residential properties, including during the construction period.*

- 3 *To ensure that potential site contamination from previous uses on the site is considered prior to any redevelopment.*
- 4 *To ensure that the site is planned and developed holistically.*

Comment:

Except for the proposed works on 25 Millwood Avenue and bushfire management, the proposal does not involve the clearing of any vegetation, and the existing water patterns and the riparian buffer will be maintained. The proposal involves demolition of an existing dwelling and relatively minor alterations and additions to allow pedestrian access to the Greville Street site from the Millwood Avenue Road street frontage. These works are unlikely to impact on surrounding residential properties during the construction phase. The likely impact of the proposed use on surrounding residential properties is further discussed in the 'neighbour notification issues' section of this report. Appropriate conditions are included in the attached 'Schedule of Conditions' to address any site contamination from previous uses on the site.

9.2.2(b) *Controls*

The site specific controls under WDCP are primarily intended to mitigate any adverse environmental impacts as a result of any future residential development. Notwithstanding, there are some common controls that also applicable to any adaptive reuse of the existing building, including the following:

- i) *Threatened Species Management Plan and a Bushfire Management Plan are to be submitted with the DA. The E2 Zone and riparian corridor around the creek is to be protected and restored in accordance with the Vegetation Management Plan.*

Comment:

The landscape design statement and landscape plans address vegetation management and maintenance of the riparian corridor. The bushfire report and the RFS requirements address the management of bushfire on the site. Appropriate conditions are included in the attached 'Schedule of Conditions' to ensure appropriate measures are put in place to protect and manage vegetation, the riparian corridor and bushfire on the site.

- ii) *An ecological report that identifies all threatened and endangered species and ways to maintain them is to be submitted with the DA.*

Comment:

An ecological report would be required for any redevelopment of the site; however, apart from bushfire hazard reduction works, which are permissible in any zone authorised by the *Rural Fires Act 1997*, existing habitat on the site will be retained. An appropriate condition is included in the attached 'Schedule of Conditions' to ensure that no unnecessary clearing of native vegetation is carried out.

- iii) *An arborist report identifying all trees to be removed and retained under the redevelopment of the site is to be submitted with the DA.*

Comment:

An Arboricultural Impact Assessment Report was submitted with the DA and appropriate conditions are included in the attached 'Schedule of Conditions' to ensure that tree

protection and replacement tree planting is carried out in accordance with Council's requirements.

iv) Vehicular traffic access via Millwood Ave is not supported.

Comment:

All vehicular access will be from Greville Street.

v) Range Road is only to be used for emergency vehicle access and evacuation.

The existing pedestrian and emergency vehicular access from Range Road will be retained.

vi) Public access is to be provided through the site, and is to connect where possible with bushland trails in Blue Gum Reserve and Greville Street Reserve.

Comment:

The SEE states that the 'existing points of public access will be maintained'. This matter is further discussed in the 'neighbour notification issues' section of this report.

vii) The development is to comply with the Planning for Bushfire Protection and AS 3959 - 2009 Construction of Buildings in Bushfire Prone Areas.

Comment:

The RFS requirements to ensure compliance are included in the attached 'Schedule of Conditions'

viii) A Bushfire Emergency Evacuation Plan is to be submitted with the DA, in accordance with the NSW Rural Fire Service document Guide for Developing a Bush Fire Emergency Evacuation Plan.

Comment:

A copy of the Bushfire Emergency Evacuation Plan, provided in the Operational Plan of Management submitted with the DA, was referred to the RFS.

10.0 NEIGHBOUR NOTIFICATION ISSUES:

It should be noted that the applicant undertook a comprehensive community consultation program prior to lodging the application for the proposed development. The consultation included a dedicated web site, distribution of 950 newsletters to local homes and business, stakeholder meetings and a community information session. A copy of the Community Consultation Summary report was submitted with the DA. The SEE states:

'Feedback indicates the community is very supportive of the proposed adaptive re-use of the site by the Church and strongly favour this proposal over previous residential redevelopment proposals.'

The community consultation program probably accounts for the relatively small number of submissions received by Council.

The submissions raised a number of concerns and issues relating to:

- i) Increased traffic and impact on the local road network.
- ii) Hours of operation, number of people using the site and noise impacts from the coming and going of people and cars.
- iii) Noise impact during construction.
- iv) Location of the proposed bus layover and take up of on street parking.
- v) Impact on the bus stop on the opposite side of the street.
- vi) Inadequate car parking.
- vii) Impact on flora and fauna in the nearby bushland.
- viii) Light spillage from the proposed covered passenger waiting area.
- ix) Social impacts relating to protests and vandalism.
- x) Public access and the need for security and surveillance cameras.
- xi) Concern about future expansion.
- xii) Not in keeping with the residential character of the area.
- xiii) Effect on property values.

Comment:

It is considered that the main issues relate to the proposed hours of operation, traffic impacts on the local road network, and noise associated with the coming and going of pedestrians using the bus shelter and private bus service, and vehicles using the car parking area, particularly outside of normal business hours.

- i) It is understood that at its peak the NAL employed up to 470 staff. This is similar to the proposal for up to 460 people on site at any one time; therefore, it would be expected that the previous and proposed uses would have similar traffic impacts. The provision of a private bus service will help mitigate traffic impacts of the proposed development. Notwithstanding, Council's Traffic Engineer advised that the traffic generated by the proposed development is *'well within the environmental capacity for a local road'*.
- ii) It is considered that the size of the building and access arrangements can facilitate up to 460 people on the site at any one time. The proposal is to operate from 8.30am to 9.30pm, 7 days a week. The SEE states that staff and parishioners will leave the site no later than 10.00pm. In this regard the applicant provided the following advice:

'Measures have been put in place to ensure the amenity of the local residents is protected. An Acoustic Impact Report has been prepared and submitted. This report indicates the expected noise levels within these hours of operation will be within acceptable levels. As an added level of caution, acoustic fences have been proposed at sensitive interfaces (boundaries between the entry, car park and bus layover area, and the adjoining properties). Managerial measurements will also be put in place to ensure those attending the site have vacated before 10pm.'

To mitigate the anticipated noise impacts from pedestrians accessing the private bus service, the proposal includes construction of an acoustic fence between No 23 Millwood Avenue and the northern adjoining residence. The acoustic fence and the retention of the dwelling on No 23 Millwood Avenue will provide sufficient acoustic measures and separation to limit noise impacts from the coming and going of pedestrians and the use of the proposed bus shelter.

The northern adjoining residents at 136 Greville Street may be affected by the coming and going of vehicles using the existing two storey car parking area. To limit any likely noise impacts the proposal includes an acoustic fence between this dwelling and the car parking area.

The southern adjoining residents at 124 Greville Street and 17 Range Street may be affected by the coming and going of vehicles using the existing two storey car parking area. These properties may also be affected by car headlights. In this regard the applicant provided the following advice:

'Following further consultation with 124 Greville Street and 17 Range Road regarding the acoustic fencing near the Greville Street entry, the location and extent of the fencing has been amended. The residents of 124 Greville Street supported the installation of a fence beside the driveway at a height of 2m in a concrete material. According to Acoustic Logic, it makes no difference if the fence is lapped and capped timber or concrete from an acoustic point of view. As such, lapped and capped timber is a preferred material from an aesthetic point of view.'

'The residents at 17 Range Road stated they would prefer no fencing in front of their property. As such, once the fence extends an adequate distance passed the line of the car park exit to block car headlights, the fencing will stop so as to appease the wishes of No.17.'

It is evident that the applicants have consulted the neighbours and agreed to put in place appropriate measures to address their concerns. A condition to reflect the location and type of fencing is included in the attached 'Schedule of Conditions'.

Notwithstanding the above, the applicant advised that approximately 190 staff will be using the private bus service to leave the premises between 9.30pm – 9.50pm. This will require approximately 4 bus services between these times. Other staff and parishioners will be leaving from the car parking area and are required to be off the site by 10.00pm. Whilst adequate measures have been put in place to ensure the operation and coming and going of people and vehicles will not generally result in unreasonable impacts on adjoining and nearby residents, it is considered that the congregation of a significant number of people in the passenger waiting area and vehicles leaving the site via Greville Street may cause unreasonable noise impacts after 9.00pm. It is therefore considered that the hours of operation should be limited to 8.30pm, with all staff and parishioners required to be off the premises by 9.00pm.

A condition to limit the hours of operation is included in the attached 'Schedule of Conditions'.

- iii) The extent of construction works is relatively minor and unlikely to have a significant impact on adjoining or nearby residents. Notwithstanding there are appropriate conditions included in the attached 'Schedule of Conditions' to mitigate any likely impacts during the construction phase of the development.
- iv) About 3 on-street parking spaces will be taken up by the proposed bus layover; however, this is off-set by a convenient and safer location for the proposed new bus stop.
- v) The proposed development will not impact on the location of the existing bus stop on the other side of Millwood Avenue.
- vi) Assessment of the application demonstrated that adequate parking is available for the proposed development.
- vii) There will be some limited tree removal; however, the existing bushland setting and riparian zone will be retained. There will be little, if any adverse impact on native flora and fauna.

- viii) It is considered that there is sufficient separation between nearby residents and the pedestrian waiting area at 25 Millwood Avenue to ensure light spillage does not create any unreasonable impacts.
- ix) It is unlikely that the proposed development will cause any adverse social impacts; however, appropriate security measures will be put in place to protect the property from vandalism.
- x) The SEE states that *'existing points of public access will be maintained'*. With respect to the need for security and surveillance cameras, the applicant provided the following advice:

'Public access to the site will continue to be available. Security measures are to ensure safety of the site and surrounding area and discourage vandalism and any antisocial behaviour, not to discourage the local community who may wish to access the site to walk their dog for example.'

The proposal does not include residential accommodation, other than the caretakers' residence; therefore, it could not be regarded as a 'gated community'. Notwithstanding, it is considered appropriate to install security measures to protect private property from theft and vandalism, particularly as public access to the garden surrounds and bushland areas will be available for local residents.

- xi) The figures provided in the application are the likely maximum number of people on the site at any one time. Any future expansion such as additions to the existing building would require further development approval.
- xii) The proposed use is permissible and compatible with the residential character of the area.
- xiii) There is no evidence to substantiate the claim that the proposal will affect property values.

11.0 CONCLUSION

The application has been assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development has significant benefits, not the least of which is the retention of a significant building structure and maintenance of the existing bushland environment. It is also considered that the proposed development is compatible and in keeping with the residential character of the locality.

12.0 RECOMMENDATION

That the JRPP approve the proposed development subject to the conditions included in the attached 'Schedule of Conditions'.