

9 March 2015

Ms Lisa Foley
Project Assistant
NSW Government Joint Regional Planning Panels
23-33 Bridge Street
SYDNEY NSW 2001

Dear Ms Foley,

JRPP No 2014SYE135, DA 2014/430, Willoughby LGA - Operating Hours

We act on behalf of the Church of Scientology, the applicant in respect to the above application.

We thank you for your letter dated 25 February 2015 notifying us of the upcoming Sydney East JRPP meeting to consider the development application for an adaptive reuse of the former National Acoustics Laboratory and Ultrasonic Institute building at 126 Greville Street and 23 & 25 Millwood Ave, Chatswood West.

We have viewed the business papers for this meeting, including the meeting agenda, proposed Conditions of Consent, and Council Assessment Report. The Church of Scientology supports the Council's assessment and recommendation, with one significant exception.

We wish to notify the panel of our intention to address proposed condition of consent number 69 – Hours of operation.

This condition reads:

69. Hours of Operation

The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to 8.30pm, 7 days a week. Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than 9.30pm. Any variation to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

This draft condition has the effect of reducing the requested operating times by one hour (from 9.30pm to 8.30pm).

This is not a condition that the Church is able to accept given the impact of this proposed restriction on their intended use of the building and specifically their evening class schedule. **Attachment A** to this submission, prepared by the Church, briefly outlines the need for the hours of operation as requested in the application.

Background

The existing building on the site has been substantially vacant for many years. Despite the desires of Council to retain the building, no suitable user could be found for its adaptive reuse and accordingly an amendment was made to the WLEP facilitate its redevelopment for residential use.

The Church identified the site and existing building as being ideal for its operations and thereby meeting Council objectives and also those of the community that were strongly in favour of keeping the existing building. In its decision to purchase the site, one of the key matters identified was the ability to operate the use over an extended period into the early evening period (9.30pm) in order to run its evening class programs. It was recognised that the activities associated with the hours of operation would need to be carefully managed given the location of the site within a residential context.

Accordingly, early engagement with Council was undertaken to ensure the importance of the operating hours was understood and agreed strategies were developed to manage the potential for any impacts. The most notable strategy to manage impacts is the construction of a new bus stop on Millwood Ave to ensure that the majority of activity is orientated to this location which carries higher volumes of traffic.

It is therefore disappointing that a recommendation has been made to limit the operating hours. This has a material impact on the ability of the Church to use the site for the intended purpose.

We submit that the application has been very carefully prepared (including extensive community consultation) to manage the impacts of the proposal, thus allowing the Church to run its programs without adverse impact on the nearby residential community. Notwithstanding, the Church is open to consider further management measures to provide greater comfort to Council and the Panel that the amenity of the area can be maintained while preserving the critical core operating hours requested.

Attachment B to this submission includes a proposed addendum to the Plan of Management that would accompany any development consent issued.

Additional management measures

It is maintained that up until 10pm (the time by which all staff and parishioners will have vacated the site), the predicted noise levels from vehicles departing the site, individuals congregating for the private bus service, and vehicle noise from the bus, are below the 'Amenity' criteria set out by the EPA and Willoughby DCP for Noise Emissions. Based on compliance with the EPA criteria, the predicted noise levels are not considered to cause unacceptable acoustic impacts on the surrounding residences.

Regardless, in an effort to ensure that the potential for adverse impacts are managed, the following operational management measures as outlined in **Attachment B** are proposed to be adopted:

- Staff and parishioners departing the site after 9pm will remain within the building until the private bus service is sighted by reception using CCTV. Individuals will then be instructed to exit the building in a quiet manner and board the bus.
- Acoustic screening is proposed around the bus shelter structure to further reduce the potential for noise disturbance.
- Signs will be erected at key exit points to the property requesting noise be kept to a minimum in evenings

It is submitted that these additional measures will further minimise the potential for acoustic impact from staff and parishioners departing the site in the evening. It is noted that there have only been 12 objections to the DA, and therefore limited concern over potential noise. Therefore, we submit that this is a matter that should be allowed to be addressed through good management rather than something that is imposed as a blank prohibition on operating after 8:30pm.

Vehicles leaving the site via Greville Street

Council has identified that vehicles departing the site via Greville Street after 9pm may cause unreasonable noise impacts.

Acoustic Logic assessed the expected noise levels from vehicles departing the site via Greville Street and driving into/within the car park from the most impacted residences adjoining the site. The maximum predicted noise level at these locations is 42dB(A)Leq(15min)m while the Intrusiveness and Amenity Noise Emission Objectives are 43 and 45 dB(A) Leq(Period) respectively for evenings (6pm to 10pm).

Additionally, given most people departing the site at this time will be staff, and the majority of staff travel by bus (according to the survey on staff and parishioner travel modes carried out over two days in 2014), few cars are actually expected to depart the site after 9pm.

As an added level of residential amenity protection, acoustic fencing will also be provided between the existing car parking area and No 136 Greville Street, and opposite the car parking area adjacent to No 124 Greville Street and No 17 Range Road. The fencing will be between 1.8 - 2.1m high and constructed with lapped and capped timber.

Proposed Condition

For reasons discussed above, we propose draft condition no. 69 is amended to the following:

69. Hours of Operation

The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to 9.30pm, 7 days a week. Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than 10pm. Any variation to these hours is to be subject to the prior consent of Council.

We also invite the Panel to incorporate the proposed plan of management (as amended by Attachment B) to form a condition of the development consent.

We trust the panel finds this correspondence of assistance in preparation for this draft Condition of Consent being addressed at the upcoming meeting.

Yours sincerely



Tim Blythe
Regional Director

Appendix A – Letter from the Church of Scientology



CHURCH OF SCIENTOLOGY

Australia, New Zealand and Oceania

6 March 2015

To Whom it May Concern,

Importance of the Church's hours of operation

A standard instructional period is 2.5 hours and is structured this way so as to enable the parishioners sufficient time each period to make progress through their studies and to get through their study of the scriptures. There are 4 periods per day, with the last period being from 7pm to 9:30pm.

Some of the local parishioners who work during the day come to the Church to participate in Church studies after their work finishes (typically around 6pm), arriving for the 7pm - 9.30pm period. If the hours of operation were reduced by an hour, it would drastically impact upon the courses for the locals and the way the course is structured would not be practical. It would also likely prevent some local parishioners from attending at all.

Finally, the staff administration portion of the site also works until 9.30pm and there are substantial reports from the Churches in Australia and overseas that come in after 7pm that need to be dealt with before the next morning. Plus we have staff who specifically cover this shift to deliver the religious studies at this particular time or time block.

Regards,

Vicki Dunstan
Director

Appendix B - Addendum to the Operational Plan of Management



CHURCH OF SCIENTOLOGY

Australia, New Zealand and Oceania

6 March 2015

To Whom it May Concern,

Operational Plan of Management – Addendum

In addition to the Operational Plan of Management submitted with the DA, the Church of Scientology Australia propose the following additional management measures:

1. After 9pm, all staff on site who will be departing by private bus service are to be required to wait in the reception area within the building until the bus is sighted by reception (via CCTV).
2. At this point, an appropriate number of staff (being no more than the capacity of the waiting bus(es)) shall be instructed to quietly depart from the building and board the bus at the bus lay-over area.
3. This process is to be managed every evening by an adequate number of trained staff whose responsibility will be to ensure that all other staff adhere to this requirement, and do not leave the waiting area prematurely.
4. Familiarisation with the Operational Plan of Management will form part of the mandatory induction process for all staff and parishioners, to ensure all individuals on site are informed of the importance of minimising noise disturbance.

In addition to the operational measures outlined above, the Church will also carry out and maintain the following permanent physical works to assist in ongoing noise mitigation by parishioners and staff:

- erect a sign within the property at the bus shelter requesting noise be kept to a minimum after 9pm.

- erect signs at the bridge and major exit points of the property requesting noise be kept to a minimum as a gesture of respect to the neighbours.
- Install acoustic screening around the bus shelter structure to assist in noise reduction throughout the day and evening.

Regards,

A handwritten signature in blue ink, appearing to read 'Vicki Dunstan', with a stylized flourish at the end.

Vicki Dunstan
Director