

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SNH086
DA Number	DA-2014/430/E
LGA	Willoughby City Council
Proposed Development	S96 – Modify conditions no 70 and no 77 – to extend hours of operations
Street Address	126 Greville Street, CHATSWOOD NSW 2067 & 23-25 Millwood Avenue, CHATSWOOD WEST NSW 2067
Applicant/Owner	Church of Scientology Australia c/- URBIS
Date of DA lodgement	22 November 2017
Number of Submissions	9 (nine)
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Capital Investment Value of original DA: \$18,847,651.00 (October 2014)
List of all relevant s79C(1)(a) matters	WLEP 2012; Deemed SEPP - Sydney Harbour Catchment 2005; SEPP 55; SEPP (Infrastructure) 2007; Willoughby DCP (WDCP); S94A Plan, Planning for Bush Fire Protection; EPA.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• SCHEDULE OF CONDITIONS• SITE DESCRIPTION AND AERIAL PHOTO• CONTROLS & COMMENTS FROM DEPARTMENTS• SECTION 79C ASSESSMENT• SUBMISSIONS TABLE• CONSIDERATIONS UNDER S.96(2) EP&A ACT• NOTIFICATION MAP• DOCUMENTATION
Report prepared by	Ana VISSARION – Development Planner Willoughby City Council
Report date	14 February 2018

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Not Applicable**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. PURPOSE OF REPORT

The current Section 96(2) modification application is reported to Sydney North Planning Panel (SNPP) for determination as the original application determined by the Panel met the relevant criteria to be considered regional development under Schedule 4A of the EP&A Act 1979.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approves the modification to the development subject to the attached amended conditions and issue consent for the application DA-2014/430/E to “Modify Conditions No. 70 and No. 77 – to extend hours of operation” at 126 Greville Street, CHATSWOOD NSW 2067 & 23-25 Millwood Avenue, CHATSWOOD WEST NSW 2067.

3. BACKGROUND

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 2**.

Development application DA 2014/430 was granted consent by JRPP (currently known as Sydney North Planning Panel) on 12 March 2015 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, church activities and associated works.

The proposal seeks to modify Condition 70 **Hours of Operation** and Condition 77 **Noise Control – Operation** of the consent 2014/430.

The key implication of extending the hours of operation is the potential for noise disturbance to adjacent properties. The extension of hours of operation is accompanied by an Acoustic Report by Acoustic Logic and a revised Plan of Management.

The recommended conditions listed in **Attachment 1** should maintain acoustic amenity for the adjoining residential areas and ensure that noise levels meet the requirements of the NSW Environment Protection Authority (EPA) regulations.

4. DISCUSSION

The modification application does not alter the relevant controls or the development statistics that apply to the subject land. Further, the proposed changes do not contravene the provisions of any relevant plans and/or policies.

A detailed assessment of the proposal is provided in **Attachment 4**.

The modification application was on notification in accordance with Part B.4 of the Willoughby Development Control Plan (WDCP) from 30 November 2017 to 14 December 2017. Two (2) submissions were received in support of the application. Seven (7) submissions were received raising issues against the proposal, primarily in relation to associated noise and whether the use and hours of operations are appropriate for a residential neighbourhood. A table of the issues raised in the submissions objecting to the proposal and the response to these issues is contained in **Attachment 5**.

5. CONCLUSION

The modification application DA-2014/430/E is substantially the same development for which consent was originally granted and has been assessed in accordance with the provisions of Section 96(2) & 79(C) of the EP&A Act, WLEP 2012, WDCP and other relevant codes and policies.

The latest acoustic report submitted concludes that, with suitable management, activities defined under the '*business premises*' and '*place of public worship*' can continue on site until 10pm and use of Greville Street car park until 10.30pm can be compliant with EPA noise control regulations. Similarly, use of the exit via Millwood Ave no later than 10.45pm for the staff, parishioners and visitors will continue to meet the regulations. Subject to conditions, Council's Environmental Health Officer is in support of the proposal. As the extension of the hours of operation does not generate unacceptable noise impacts on the adjoining neighbourhood, approval of the modification application is recommended subject to the consent conditions included in **Attachment 1**.

Attachment 1

SCHEDULE OF AMENDED CONDITIONS

Development Consent 2014/430 be modified as follows:

A. Conditions No. 63, 70 and 77 are modified to read as follows:

63 Operational Plan of Management

The applicant shall prepare and submit an Operational Plan of Management for approval by Council before the issue of any Occupation Certificate, that addresses the following:

- Number and scheduling of buses after 6pm;
- Maximum number of people congregating within the layby/waiting area;
- Name and contact details for objections/concerns;
- Register to be maintained of any complaints received and available to Council for review, including actions taken in response to complaints; and
- Review mechanisms to occur on an annual basis.

The Operational Plan of Management shall be revised and provided to Council for approval following each Section 96 consent, in order to ensure that the latest / updated conditions of consent are observed and incorporated. (Reason: Amenity)

70. Hours of Operation

The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to 10.00pm, 7 days a week.

Except for security staff and/or cleaners, all staff, parishioners and visitors shall

- *vacate the premises via Greville St no later than 10.30pm.*
- *vacate the premises via Millwood Ave no later than 10.45pm.*

Any variation to these hours is to be subject to the prior consent of Council. (Reason: Amenity)

77. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the facility shall be operated to comply with the followings:

- *Any security staff or cleaners exiting the site after 10.30pm shall locate their cars behind the car park screen at the eastern end of the ground floor car park.*
- *Patrons are not to congregate in outdoor areas in the evening periods after function or services.*
- *Group activities on the outdoor area at night (between 6pm – 9.30pm), shall be limited to the northern corner of the site with daytime outdoor activities (between 8.30am – 6pm), to be between the main building and car park.*
- *All activities on site shall cease at 10.00pm.*

Additionally, in order to preserve the amenity of adjoining residential properties and in accordance with the latest Noise Assessment recommendations and the revised Plan of Management:

- *Buses waiting at the bus stop shall be instructed to turn their engine off while waiting.*
- *Greville Street entry gates should close at 10.30pm.
No closing/opening of the gates should occur between 6pm and 10.30pm.*
- *Access between the main building and the car park is to be via the internal walkway (instead of the driveway) to maximise the distance from nearby residential neighbours from 10pm.*
- *The Range Street gate should not be used by parishioners and visitors after 4pm.*
- *No more than 50 vehicle movements are permitted from the Greville Street car park between 10pm and 6am. A maximum number of 7 vehicle exit movements will be permitted after 10.30pm.*
- *Church management should review number of staff, parishioners and visitors using the car park to ensure that no more than 50 vehicles are expected to use the Greville Street exit after 10pm.*
- *Vehicle movements from Greville Street after 10.30pm are limited to security staff or cleaners until the following day.*
- *All pedestrians leaving the site are required to observe the operational management plan, particularly in respect to quietly leaving the site. All pedestrians exiting the site after 10pm via Greville Street are limited to residents who reside in Greville Street or in the immediately adjoining neighbourhood. After 10.30pm, no pedestrians shall use Greville Street to exit or to enter the site.*
- *No waste removal vehicles or delivery vehicles should enter/exit the site at night time (between 10pm and 7am).*
- *Loading and unloading shall take place wholly within the site and under no circumstances from surrounding streets.*

(Reason: Amenity)

B. Comply with all other conditions of the Development Consent.

Attachment 2: SITE DESCRIPTION, AERIAL PHOTO & HISTORY

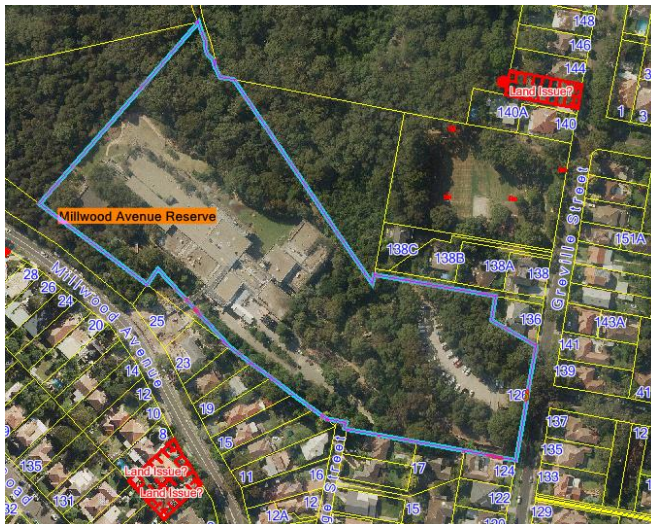
The Site

The proposed development relates to the following 3 properties: Lot 1 DP 532353 & Lot 1 408490 (126 Greville St), Lot 138 DP 14799 (25 Millwood Ave) and Lot 137 DP 14799 (23 Millwood Ave).

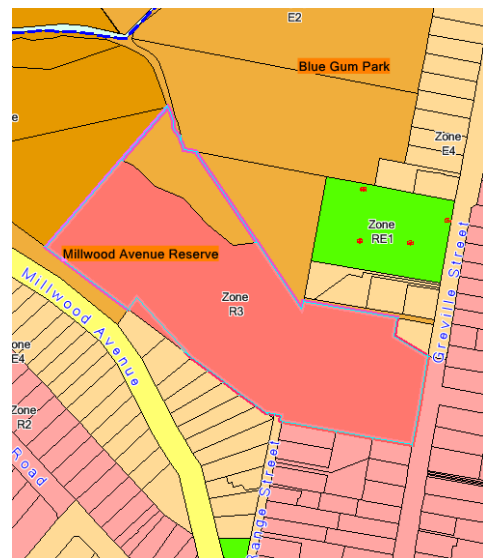
The site currently includes an administrative centre for up to 290 staff and a place of public worship, theological teachings and studies, counselling and a chapel for up to 170 parishioners.

The site has frontages to residential properties as follows:

- Properties on Range Street and Millwood Avenue to the south;
- Properties across *Millwood Avenue* in the vicinity of the bus stop to the south-west.
- *Greville Street* properties to the immediate north, south and to the east;



Aerial Photo



WLEP 2012 Zoning map

The History

On 12 March 2015 JRPP granted consent for **DA 2014/430** for *Alterations and adaptive re-use of an existing building for the purposes of ecclesiastical management, theological studies and church activities, and associated works/uses including; demolition of an existing dwelling; construction of a pedestrian bridge, bus layover, passenger waiting area and new lift enclosure; and, use of an adjoining dwelling as a caretakers cottage.*

The application was lately modified to read **(2014/430/A)**: *Alterations and adaptive re-use of an existing building for the purposes of ecclesiastical management, theological studies and church activities, and associated works/uses including; demolition of an existing dwelling; construction of a pedestrian bridge, bus layover, passenger waiting area and extension of existing lift; and, use of an adjoining dwelling as a caretakers cottage.*

Modification Application **2014/430/A** to include *Deletion of external lift, extension to existing lift well, change bus layover material to concrete paving and associated works* was approved on 6 July 2015.

Modification Application **2014/430/B** to *Delete Condition No's 46, 47 and 48 (stormwater management)* was approved on 6 July 2015.

Modification Application **2014/430/C** to *Vary working hours-Saturday* was approved by Council on 4 January 2016.

Modification Application **2014/430/D** for S96 - *Modify Condition No. 70 - hours of operation* at 126 Greville Street, Chatswood Church of Scientology was withdrawn on 7 March 2017.

Attachment 3: CONTROLS & COMMENTS FROM DEPARTMENTS

Controls that apply to the site	
Willoughby Local Environmental Plan 2012 (WLEP 2012) Zoning	i) Zoning: R3 Medium Density Residential, E4 Environmental Living & E2 Environmental Conservation. ii) Schedule 1 - Additional permitted uses: <u>Item 21</u> (Use of certain land at 126 Granville Street, Chatswood).
WDCP	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)
Conservation area	No
Heritage Item	No
Bushfire Prone Area	Yes
Foreshore Protection Area	No
Flood related planning control	Yes, Blue Gum Creek Study
Applicable DCP	WDCP, including Part D.2.16.21 - 126 Greville Street, Chatswood and Part 25 Millwood Avenue, Chatswood West (Lot 1 DP 532 353 and Lot 1 DP 408490)
Applicable SEPPs	Deemed SEPP - Sydney Harbour Catchment 2005; SEPP 55; SEPP (Infrastructure) 2007;
Relevant policies and resolutions	Planning for Bush Fire Protection

	Comments from Departments within Council
Health	<p>Council's Environmental Health Officer reviewed the plans and made the following comments:</p> <p><i>"No objection is raised to the proposal should favourable consideration be given.</i></p> <p><i>To ensure that the acoustic amenity of the surrounding residential area is maintained, the additional recommendations contained in the acoustic assessment by Acoustic Logic, report no. 20140690.6/1120A/TT/R1 dated 20 November 2017, shall be complied with in full. Designated changes highlighted in the acoustic assessment shall be added to the Plan of Management with a copy to Council for its records for review and concurrence."</i></p> <p><i>"To this regard, an additional environmental health condition that requires the Church to observe and adhered to the management plan in order to ensure late night noise is minimised and does not compromise the offensive noise control requirements.</i></p> <p><i>Please note that previous comments and consent conditions are still considered relevant and should be retained."</i></p>

Attachment 4: SECTION 79C ASSESSMENT

Development application DA 2014/430 was granted consent by JRPP (currently known as Sydney North Planning Panel) on 12 March 2015 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, church activities and associated works.*

Following DA 2014/430, the applicant provided acoustic fencing in order to minimise noise associated with car movement to/from the site:

- A 2.1m high screen along the driveway entry ramp to the car park (min. 25m past the ramp);
- A 1.8m high screen to the north and east of the car park (min 12m long);
- A 2.1m high screen along the eastern side boundary of 23 Millwood Avenue.



Landscape Plan submitted with original DA showing car parking with access from Greville Street and the bus station on Millwood Avenue.

Current Modification Application 2014/430/E seeks consent to amend Condition 70 **Hours of Operation** and Condition 77 **Noise Control – Operation** of the consent DA 2014/430 as follows:

Approved DA-2014/430	Proposed DA-2014/430/E
<p>70. Hours of Operation</p> <p><i>The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to <u>9.30pm</u>, 7 days a week.</i></p> <p><i>Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than <u>10.00pm</u>.</i></p>	<p>70. Hours of Operation</p> <p><i>The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to <u>10.00pm</u>, 7 days a week.</i></p> <p><i>Except for security staff and/or cleaners, all staff, parishioners and visitors shall</i></p> <ul style="list-style-type: none"> • <i>vacate the premises <u>via Greville St</u> no later than <u>10.30pm</u>.</i>

<p><i>Any variation to these hours is to be subject to the prior consent of Council. (Reason: Amenity)</i></p>	<ul style="list-style-type: none"> • <i>vacate the premises <u>via Millwood Ave</u> no later than <u>10.45pm</u>.</i> <p><i>Any variation to these hours is to be subject to the prior consent of Council. (Reason: Amenity)</i></p>
<p>77. Noise Control – Operation</p> <p><i>To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated to comply with the following;</i></p> <ul style="list-style-type: none"> • <i>Any security staff or cleaners exiting the site after <u>10pm</u> shall locate their cars behind the car park screen at the eastern end of the ground floor car park.</i> • <i>Patrons are not to congregate in outdoor areas in the evening periods after function or services.</i> • <i>Group activities on the outdoor area at night, between 6pm – 9.30pm, shall be limited to the northern corner of the site with daytime outdoor activities, between 8.30am – 6pm, be between the main building and car park.</i> • <i>All activities on site shall cease at <u>9.30pm</u>.</i> <p><i>(Reason: Amenity)</i></p>	<p>77. Noise Control – Operation</p> <p><i>To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated to comply with the following;</i></p> <ul style="list-style-type: none"> • <i>Any security staff or cleaners exiting the site after <u>10.30pm</u> shall locate their cars behind the car park screen at the eastern end of the ground floor car park.</i> • <i>Patrons are not to congregate in outdoor areas in the evening periods after function or services.</i> • <i>Group activities on the outdoor area at night, between 6pm – 9.30pm, shall be limited to the northern corner of the site with daytime outdoor activities, between 8.30am – 6pm, be between the main building and car park.</i> • <i>All activities on site shall cease at <u>10.00pm</u>.</i> <p><i>(Reason: Amenity)</i></p>

Clause 1.2 Aims of Plan in the Willoughby Local Environmental Plan 2012 (WLEP 2012) states that the particular aim of the Plan is:

(e) for amenity:

- (i) to maintain and enhance the existing amenity of the local community, and
- (ii) to reduce adverse impacts from development on adjoining or nearby residential properties.

The Environment Protection Authority (EPA) acknowledges on its website <http://www.epa.nsw.gov.au/your-environment/noise>:

Noise can be annoying and interfere with speech, sleep or work.

In NSW, the EPA works in partnership with local government, NSW Police and NSW Roads and Maritime Services (RMS) to enforce noise control regulations.

The Environment Protection Authority (EPA) protects human exposure to noise by regulating noise from various activities and to ensure neighbourhood noise and noise from motor vehicles are controlled. The EPA is responsible for reviewing and updating the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

An acoustic assessment by Acoustic Logic dated 20 November 2017 has been submitted with the application. This report takes into consideration EPA regulations and concludes:

- On Millwood Avenue – unless special events which attract more public buses, there is typically one public bus per hour in each direction until 1am.
With suitable management, while extending the hours of operations, the bus noise on Millwood Avenue generated by the existing Church buses remains compliant with EPA Road Noise Policy requirements for sub-arterial roads.
- On Greville Street – provided that there are 50 vehicle movements per hour after 10pm, noise as a result of traffic created by the site will remain compliant with the EPA Noise Control Policy.
Consequently, with suitable management, use of Greville Street car park until 10.30pm remains compliant with EPA noise emissions requirement.

Subject to amending conditions to include the measures in the Acoustic Report and in the Management Plan, Council's Environmental Health Officer does not raise any objections to the proposal. As such, subject to the recommended consent conditions included in **Attachment 1**, the proposal will result in acceptable impacts on the neighbourhood noise.

Attachment 5: SUBMISSIONS TABLE

The modification application was on notification from 30 November 2017 to 14 December 2017. Following notification of the application, two (2) letters were received in support of the application and seven (7) letters were objecting to the proposal. The issues raised in the objections are discussed below:

Issues raised	Response
Operating after 9.30pm is not in keeping with the residential nature of the area.	The proposed uses fit the definition of an 'office premises' and 'place of public worship' under the provisions of WLEP 2012 R3, E4 and E2 zonings and Schedule 1- Additional permitted uses: Item 21 (Use of certain land at 126 Granville Street, Chatswood). The applicant explains that extension of hours of operation to 10pm is required in order to provide the services approved on site. The documentation demonstrates that the applicant is aware and takes into consideration that the site adjoins residential uses.
Current site activities extend beyond approved hours and if an extension of approved hours is approved, there is concern that the operations will extend further past the approved extended hours.	Noted. Any departure from the approved hours and remainder of the conditions of any consent should be brought to the attention of the operators of the site and to the enforcement agents within Council.
The beeping noise from buses undertaking reversing movements is audible from bedroom.	To minimise noise associated with reversing movements, the bus waiting area is designed for the buses to enter and leave in a forward direction. Due to the design of the area, reversing should not occur on a regular base.
Noise associated with an additional 4 buses is not acceptable even on Millwood Avenue.	No additional buses are proposed at this time. The existing 4 Church buses meet the relevant acoustic criteria under the EPA Road Noise Policy on Millwood Avenue.
Increased hours for external and internal lighting will be required.	The Church of Scientology notes that flood lights that were previously lit have now been turned off at night. Currently at night time the internal lighting remains on 24 hours for security purposes, along with a few exterior security lights in the car park area to deter potential incidences of vandalism. This practice will continue into the future.
No one living in the residential area should be disturbed by the people attending the Church.	The extension of hours of operation is accompanied by an Acoustic Report and a revised Plan of Management that, together with the additional conditions recommended should maintain and even improve noise amenity for adjoining residential areas.

The Church asks every few months to extend the hours of operations.	<p>Noted. A previous Modification Application 2014/430/D with a similar request was withdrawn in March 2017.</p> <p>In August 2017, Urbis conducted on behalf of the Church a community engagement survey over 5 weeks to identify measures to improve operations. An Acoustic assessment was also conducted. The Church of Scientology now believes to have a better understanding on how to address residents' concerns raised with 2014/430/D and hence re-submitted the request in the form of a new S96 application.</p>
There have been issues with noise and disruption outside of their approved operating hours, despite modifications to night lighting and noise screening implemented by the Church.	<p>Noted. Following a consultation process, the Church is aware of the issues.</p> <p>This application intends to extend the hours of operations to accommodate the needs of the Church and incorporate acoustic measures to minimise amenity impacts on surrounding residential properties.</p>
The applicant has no jurisdiction over parishioners /staff once they leave the site and the submitted operational management plan will not have any effect on their staff, such as people walking in middle of road which is a safety issue.	<p>Noted. The staff and attendee must be instructed to comply with the Plan of Management, however, it is agreed that people's behaviour after leaving the site is not controllable.</p>
Disagree with acoustic report recommendations which are too generous if 50 vehicle movements between 10pm and 10.30pm (within a 30min period) continue to comply with noise criteria.	<p>The Council's Environmental Health Officer reviewed the report submitted by Acoustic Logic and concluded that, if recommendations in the report are complied with, the extension of time is acceptable as the activities are capable of achieving the EPA noise criteria.</p> <p>The recommendations in the acoustic report were made in order to minimise noise disruptions to adjoining properties and are incorporated in the revised Condition 77 in Attachment 1. This condition states that no more than 50 vehicle movements are permitted from the Greville Street car park between 10pm and 6am, while only 7 vehicle exit movements will be permitted after 10.30pm.</p>
How will cleaners and security staff exit the site after 10.30pm when gates are closed.	<p>The cleaners will be instructed to open and close the gate when they exit the site, noting that, after 10.30pm, a maximum of only 7 car movements will be permitted, as per revised Condition 77. These car movements will continue to meet EPA in regard to noise.</p>
A bit after 6.30am a large, long truck pulled up outside the 126 Greville St. Other delivery trucks followed until after 7.00am	<p>Noted. In this regard Condition 77 in Attachment 1 is amended to read: "<i>No waste removal vehicles or delivery vehicles should enter/exit the site at night time between 10pm and 7am.</i>"</p>
Pedestrian and vehicular movements currently occur	<p>Revised Condition 77 states that after 10.30pm no pedestrians shall use Greville Street to exit/enter the</p>

outside of the approved hours.	site (after 10.30pm pedestrians are to be redirected to use Millwood Avenue exit). Also, after 10.30pm, a maximum number of 7 vehicle movements on Greville Street will be permitted.
Current Conditions of consent do not explicitly state when the Church will completely finish operating for the evening.	Noted. This application is an opportunity to re-formulate the conditions. In particular, Condition 77 is now amended in order to be more specific.
The foot traffic from the site late at night is increasing and some of them are picked up by waiting cars on Millwood Avenue and surrounding areas.	Condition 77 is amended to limit the number of vehicle movements that are permitted from the Greville Street car park after 10pm to a maximum of 50. This is expected to limit to a degree the number of people that enrol with the Church. As previously mentioned, people's behaviour after leaving the site, including on foot, is harder to control.
Noise associated with waiting cars on Millwood Ave and at the shop on the corner of Millwood Ave and Range Street after 11.15pm.	The amended Condition 70 in Attachment 1 requires parishioners and visitors to vacate the premises via Millwood Ave no later than 10.45pm. The staff and attendee must be instructed to comply with the Plan of Management; however, people's behaviour after leaving the site is beyond management and Council control.
Staff arriving at 8am do not respect the operational hours.	Noted. In accordance with Condition 70, the hours of operations start at 8.30am. The Church must comply with conditions of consent.
Overnight accommodation is available on site.	Development for the purposes of dwelling houses is permitted with development consent on land zoned R3 Medium Density Residential within the site (point 21 in Schedule 1 Additional permitted Uses) in WLEP 2012. Consent was granted with the original application for a caretakers' cottage located in the vicinity of the bus stop. Other than the approved, the Church of Scientology states that there is no other overnight accommodation provided onsite.
Staff and cleaners leave later than the approved time so residents will be disturbed at later hours in the night.	Noted. In accordance with the amended Condition 77, only 7 vehicle exit movements from Greville Street carpark are to be permitted after 10.30pm until the following day. These car movements should meet EPA in regard to noise.
50 vehicle movements after 10pm seems to be a large number at such a late hour into the night.	The acoustic report submitted by Acoustic Logic concludes that 50 vehicle movements per hour from the Greville Street car park are capable of achieving the EPA noise criteria. The revised Condition 77 in Attachment 1 states that no more than 50 vehicle movements are permitted from the Greville Street car park between 10pm and 6am.

	The condition potentially spreads the same number of vehicle movements over a number of hours.
A condition of consent should specify the waste trucks should collect garbage during day time (between 7am and 10pm)	Noted. In this regard, a condition of consent is included.
There have been improvements in terms of noise, however, an extension of hours is not acceptable	The recommendation for the extension of hours is made based on compliance with noise criteria. The expectation is that, by adhering to the specifics of the amended conditions, the amenity improvements will continue.
The preferred outcome is: that the originally agreed upon and approved hours of operation should be adhered to.	Noted.

Attachment 6: CONSIDERATIONS UNDER S.96(2) EP&A ACT - OTHER MODIFICATIONS

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	✓
	<u>Comment</u> The proposed modifications do not propose changes to the built form. The development to which the consent as modified relates remains substantially the same development as the development for which consent was originally granted.	
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	n/a
(c)	it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	✓
	<u>Comment</u> The application has been notified in accordance with WDCP.	
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	✓
	<u>Comment</u> As a result of notification, Council received nine (9) submissions. Two (2) submissions were in support of the proposal. The issues raised in the seven (7) submissions that objected to the proposal are addressed in Attachment 5 .	

Attachment 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2014/430/E

At: 126 Greville Street, CHATSWOOD NSW 2067 & 23-25 Millwood Avenue,

CHATSWOOD WEST



Comments:

Created on : Thursday, 23 November 2017

Created by : DR

Attachment 8: DOCUMENTATION

The documentation associated with the application can be viewed online via Council's Website - Application Tracking using the modification application number DA-2014/430/E or the property address *126 Greville*:

<https://eplanning.willoughby.nsw.gov.au>