

DATE OF DETERMINATION	Wednesday 28 February 2018
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Gail Giles-Gidney, Norma Shankie-Williams
APOLOGIES	None
DECLARATIONS OF INTEREST	Linda McClure declared a non-pecuniary conflict of interest due to having a relative living in Greville Street Chatswood.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 28 February 2018, opened at 10.30am and closed at 11.40am.

MATTER DETERMINED

2017SNH086 – Willoughby – DA-2014/430/E at 126 Greville Street Chatswood (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was 4:1 in favour, against the decision was Gail Giles-Gidney.

REASONS FOR THE DECISION

The reasons for the decision of the majority of the Panel were:

- The change to the hours of operation, the subject of the amendment application, leaves the application substantially the same as the original application.
- The majority accepts the conclusions of the applicant's acoustic report that, with suitable management, the activities on the site can continue until 10pm in a manner that complies with EPA noise control regulations and that the additional 30 minutes of activity will not result in unacceptable impact on surrounding residents.
- The Panel has, on the recommendation of the assessment officer, expanded the conditions of consent to further reduce the likelihood of disturbance to residents.
- The Panel notes that the applicant acknowledges that it must continue to control and improve its management of noise issues.

Gail Giles-Gidney voted against the proposed amendment on the grounds that the applicant could abide by the existing restrictions on time.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 63, additional dot point added, to read as follows:

The movement to and from (and within the premises) of motor bikes shall be managed to minimise noise impacts to neighbouring residential properties.

- Condition 70 amended to read as follows:






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.

All staff, parishioners and visitors shall:

- Vacate the premises via Greville St no later than 10.30pm.
- Vacate the premises via Milwood Ave no later than 10.45pm.

This does not apply to security staff and cleaners.

Any variation to these hours is to be subject to the prior consent of Council.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Gail Giles-Gidney
 Norma Shankie-Williams	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH086 – Willoughby – DA-2014/430/E
2	PROPOSED DEVELOPMENT	S96 – Modify conditions no 70 and no 77 – to extend hours of operations
3	STREET ADDRESS	126 Greville Street Chatswood and 23-25 Millwood Avenue Chatswood West
4	APPLICANT OWNER	Urbis Church of Scientology Australia
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 (Deemed SEPP) ○ Willoughby Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan ○ S94A Plan, Planning for Bush Fire Protection • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 16 February 2018 • Written submissions during public exhibition: 9 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object –Simon Vizor, Helen Cook ○ On behalf of the applicant – Tim Blythe,
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing meeting to discuss council's recommendation, Wednesday 28 February 2018 at 10.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Gail Giles-Gidney, Norma Shankie-Williams ○ <u>Council assessment staff</u>: Ana Vissarion, Ian Arnott
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report