

## COUNCIL ASSESSMENT REPORT

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| Panel Reference   | PPSSNH-9   |
| DA Number   | DA-2014/430/F  |
| LGA   | Willoughby City Council  |
| Proposed Development  | Modify Condition 77 to enable closing/opening of Greville Street gates and modify Condition 83 regarding public access to bushland trails.   |
| Street Address  | 126 Greville Street, CHATSWOOD NSW 2067 & 23-25 Millwood Avenue, CHATSWOOD WEST NSW 2067   |
| Applicant/Owner   | Church of Scientology Australia c/- URBIS / Church of Scientology Australia  |
| Date of DA lodgement  | 19 June 2019   |
| Number of Submissions   | 6 (six)  |
| Recommendation  | Refusal  |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011 | Capital Investment Value of original DA: \$18,847,651.00 (October 2014) – no change  |
| List of all relevant s4.15(1)(a) matters  | <ul style="list-style-type: none"> <li>WLEP 2012; Deemed SEPP - Sydney Harbour Catchment 2005; SEPP 55; Willoughby DCP (WDCP); S94A Plan, Planning for Bush Fire Protection.</li> </ul>  |
| List all documents submitted with this report for the Panel's consideration                 | <ul style="list-style-type: none"> <li>Reasons for refusal</li> <li>Site description and aerial photo</li> <li>Section 4.15 assessment &amp; comments from departments</li> <li>Submissions table</li> <li>Considerations under S4.55(2) EP&amp;A Act</li> <li>Notification Map</li> </ul> |
| Report prepared by  | Ana VISSARION – Development Planner - Willoughby City Council  |
| Report date   | 20 Sept 2019   |

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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?

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

Yes

### 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 (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

Not Applicable

### Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions,*

No

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*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 4.55(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) refuse DA-2014/430/F for *Modification of Condition 77 to enable closing/opening of Greville Street gates and modification of Condition 83 regarding public access to bushland trails* at 126 Greville Street, CHATSWOOD NSW 2067 & 23 & 25 Millwood Avenue, CHATSWOOD WEST NSW 2067.**

## 3. BACKGROUND

Development application DA-2014/430 was granted consent by Joint Regional Planning Panel (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.*

## 4. DISCUSSION

The modification application does not alter the relevant controls or the development statistics that apply to the subject land. Site description, aerial photo and history of the development application 2014/430 is provided in **Attachment 2**.

The modification application seeks to increase security onsite in response to a security incident earlier this year. The proposal is to allow for closure of the Greville Street gates and for access strictly via intercom at all times.

The proposal seeks to modify consent DA 2014/430 by altering the following conditions:  
Condition 77 **Noise Control – Operation** and  
Condition 83 **Public Access**.

Some key implications of the modifications are:

- The potential for further noise disturbance to adjacent properties due to car queueing up in front of gates, opening/closing of gates between 6pm and 10.30pm, and other potential noises associated with the intercom access,
- Preventing unrestricted public access through the site of the Church, and
- Restricting the connection to bushland trails in Blue Gum Reserve and Greville Street Reserve.

In regard to noise, the application is supported by an acoustic report prepared by Acoustic Logic, Ref. No. 20140690.8/0805A/R0/TT, dated 8 May 2019.

In regard to public access, the application is proposing access cards for a number of surrounding residents. It is to be noted that, although the gates on Greville Street and the gates on Range Street are proposed to remain closed, the proposal states that the unrestricted access along the site's boundary with National Park and Blue Gum Reserve is

to be maintained, which raises questions in regard to the level of security aimed for by the Church on the site.

The applicant is advising that closing gates and restricting access to the grounds has become necessary for site security. Council notes that all amendments subject to this application are already implemented, along with a number of other unauthorised works, including an additional security room with masonry walls placed behind the concrete sign structure on Greville Street, 2.2m high security fences and markings on the vehicular crossing on Greville Street that are inconsistent with the road rules due to directing vehicles to drive on the right side of the internal roadway.

While these matters are dealt with by a separate section of Council, they cannot be entirely separated from the matter assessed. The application relies on giving vehicular access based on card and intercom located on the right side of the entry. The location of the tap-and-go and intercom located on the right side of the driveway are not supported by Council engineers due to safety issues generated by the vehicular movements. The security room also located on the right side of the two-way driveway was never subject to development consent and is also not subject of this application. However, approval of current modification would implicitly endorse the unauthorised security room, which cannot be done, due to vehicular safety concerns and lack of information on other matters (eg impact on trees).

A detailed assessment of the proposal is provided in **Attachment 3**.

The modification application was on notification in accordance with Part B.4 of the *Willoughby Development Control Plan (WDCP)* from 28 June to 19 July 2019. Submissions on behalf of six (6) households were received raising issues against the proposal, primarily in relation to noise, to restricting public access and to the fact that a number of unauthorised works were already implemented by the Church, including the ones subject to this current proposal. The table of the issues raised in the submissions objecting to the proposal and the response to these issues is contained in **Attachment 4**.

## **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 4.55(2) & Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Willoughby Local Environmental Plan 2012 (WLEP 2012), *Willoughby Development Control Plan (WDCP)* and other relevant codes and policies.

The Acoustic Logic report submitted by the applicant is focusing on noise associated with opening/closing of the automatic vehicular doors and intrusive criteria between 10pm and 10.30pm, while *Condition 77 Noise Control – Operation* requires no closing/opening of the gates to occur between 6pm and 10.30pm. Very limited information is provided in the report about noise that might occur between 6pm and 10pm. Consequently, closing/opening of gates between 6pm and 10.30pm is not supported.

In regard to modifications to *Condition 83 Public Access*, the proposal *to operate as a gated community* disregards the intention of the original consent DA 2014/430 and Part D.2.16.21 of the WDCP. The unauthorised works that took place on the site that cannot be separated from this application (eg placing the card reader on the right side of the vehicular driveway, markings on driveway that are inconsistent with road rules, the unauthorised staff security room/structure that is not part of this application) do not support this application as, in the eventuality of approval of this modification application, they create confusion for drivers and appear to be unsafe.

Taking into consideration the lack of supporting information on other matters relevant to this application and relating to unauthorised works, the Acoustic report submitted, and the fact that the proposed modification to conditions is contrary to the intention of the original consent 2014/415 and contrary to WDCP, the application is not supported.

As such, the "*Modification of Condition 77 to enable closing/opening of Greville Street gates and modification of Condition 83 regarding public access to bushland trails*" at 126 Greville Street, CHATSWOOD NSW 2067 & 23 & 25 Millwood Avenue, CHATSWOOD WEST NSW 2067 is recommended for refusal for reasons included in **Attachment 1**.

## ATTACHMENT 1:

### REASONS FOR REFUSAL

The reasons for **REFUSAL** are:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not demonstrate that the measures will not unacceptably increase noise levels, contravening the (e) Aims of the Plan for *Amenity* contained in Clause 1.2 of the *Willoughby Local Environmental Plan 2012* (WLEP 2012).
2. Pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not provide unrestricted public access through the site, connected to bushland trails in Blue Gum Reserve and Greville Street Reserve and operates as a gated community, contrary to the controls contained in Part D.2.16 of *Willoughby Development Control Plan* (WDGP).
3. Pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposal to operate as a gated community is considered to generate undesirable social impacts in the locality.
4. Pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposal to access the site with card only access did not provide sufficient information to demonstrate that vehicular access is able to be safely managed, without generating vehicular conflicts.
5. Pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered suitable to operate as a gated community.

## ATTACHMENT 2: SITE DESCRIPTION AND AERIAL PHOTO

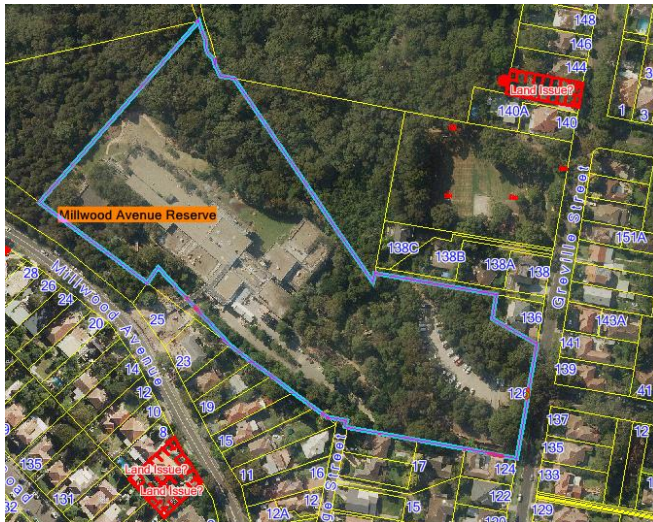
### The Site

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).

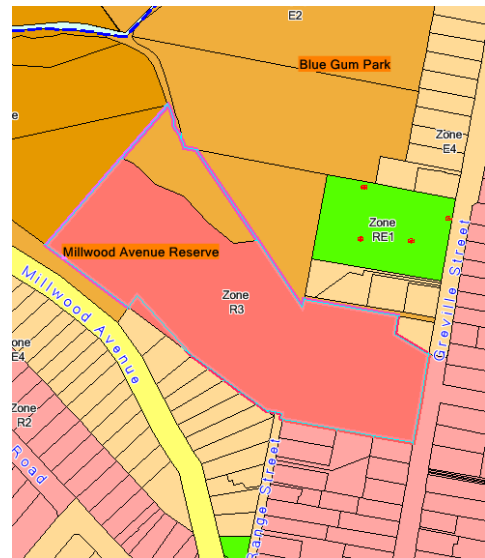
The site currently includes an administrative centre for up to 290 staff and a place of public worship, theological teachings and studies, counselling and a chapel for up to 170 parishioners.

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 immediately after 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.

Modification Application **2014/430/E** for S96 – *Modify Conditions No. 70 and No. 77 – to extend hours of operation* at 126 Greville Street, Chatswood Church of Scientology was approved on 28 February 2018.



## ATTACHMENT 3: SECTION 4.15 EVALUATION (CF PREVIOUS 79C) ASSESSMENT

Current Modification Application 2014/430/E seeks consent to amend Condition 77 **Noise Control – Operation** and **Condition 83 Public Access** of the consent DA 2014/430 and subsequent modifications, as follows, noting that Condition 77 ensures that conditions are in place to minimise the impact that parishioners and vehicle movements might have on residents in the immediate neighbourhood. The conditions state:

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| <p><b>77. Noise Control – Operation</b><br/>(as approved by 2014/430/E)</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>Patrons are not to congregate in outdoor areas in the evening periods after function or services.</li> <li>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.</li> <li>All activities on site shall cease at <u>10.00pm</u>.</li> </ul> | <p><b>77. Noise Control – Operation</b><br/>(as proposed)</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>Patrons are not to congregate in outdoor areas in the evening periods after function or services.</li> <li>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.</li> <li>All activities on site shall cease at <u>10.00pm</u>.</li> </ul> |
| <p><i>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:</i></p> <ul style="list-style-type: none"> <li>Buses waiting at the bus stop shall be instructed to turn their engine off while waiting.</li> <li>Greville Street entry gates should close at 10.30pm. No closing/opening of the gates should occur between 6pm and 10.30pm.</li> <li>Access between the main</li> </ul>   | <p><i>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:</i></p> <ul style="list-style-type: none"> <li>Buses waiting at the bus stop shall be instructed to turn their engine off while waiting.</li> <li><del>Greville Street entry gates should close at 10.30pm. No closing/opening of the gates should occur between 6pm and 10.30pm.</del></li> <li>Access between the main</li> </ul>  |

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| <p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>The Range Street gate should not be used by parishioners and visitors after 4pm.</i></li> <li>• <i><u>No more than 50 vehicle movements</u> are permitted from the Greville Street car park between 10pm and 6am. A maximum number of <u>7 vehicle exit movements</u> will be permitted after 10.30pm.</i></li> <li>• <i>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.</i></li> <li>• <i>Vehicle movements from Greville Street after 10.30pm are limited to security staff or cleaners until the following day.</i></li> <li>• <i>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.</i></li> <li>• <i>No waste removal vehicles or delivery vehicles should enter/exit the site at night time (between 10pm and 7am).</i></li> <li>• <i>Loading and unloading shall take place wholly within the site and under no circumstances from surrounding streets.</i></li> </ul> | <p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>The Range Street gate should not be used by parishioners and visitors after 4pm.</i></li> <li>• <i><u>No more than 50 vehicle movements</u> are permitted from the Greville Street car park between 10pm and 6am. A maximum number of <u>7 vehicle exit movements</u> will be permitted after 10.30pm.</i></li> <li>• <i>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.</i></li> <li>• <i>Vehicle movements from Greville Street after 10.30pm are limited to security staff or cleaners until the following day.</i></li> <li>• <i>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.</i></li> <li>• <i>No waste removal vehicles or delivery vehicles should enter/exit the site at night time (between 10pm and 7am).</i></li> <li>• <i>Loading and unloading shall take place wholly within the site and under no circumstances from surrounding streets.</i></li> </ul> |
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| <i>(Reason: Amenity)</i>  | <i>(Reason: Amenity)</i>   |
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| <p><b>83 Public Access</b><br/><i>(as approved by 2014/430)</i></p> <p>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.</p> | <p><b>83 Public Access</b><br/><i>(as proposed)</i></p> <p>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.</p> <p>All Households of Range Street at No. 3, 5, 11, 13, 15, 17, 19, and 21 Millwood Avenue and No. 120 to 149 Greville Street are to be provided with security access cards.</p> <p>An intercom security is to be installed at the Greville Street and Range Street pedestrian gates. On-site security is to enable the wider community to gain access to bushland trails.</p> <p>Unrestricted egress from the site will be provided through the provision of exit buttons to security gates.</p> |

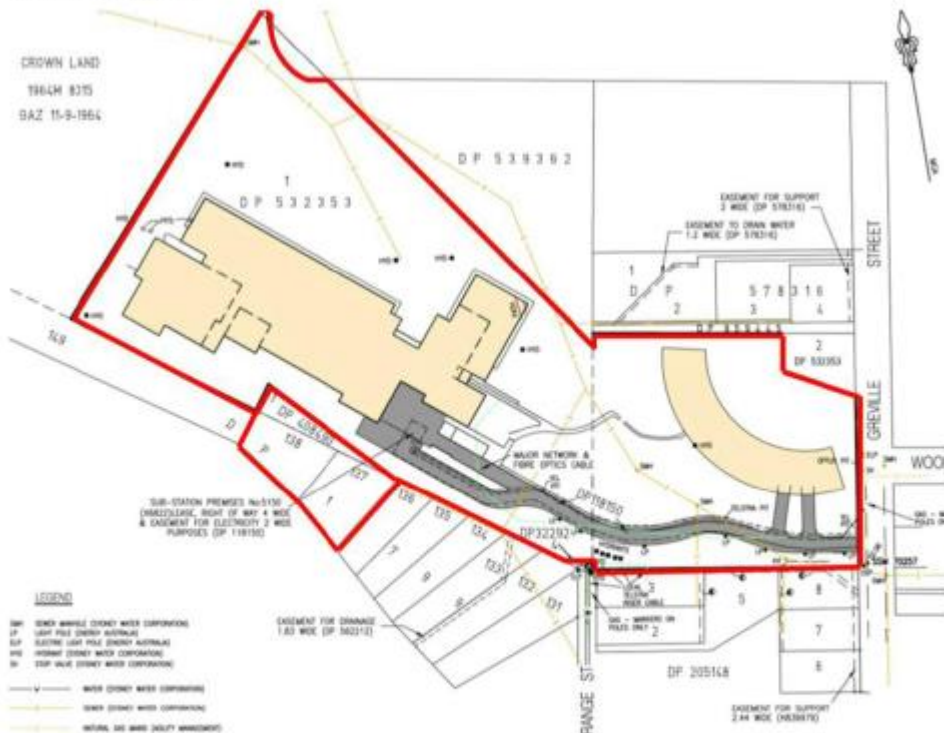
#### **Amendment to Condition 77 Noise Control – Operation**

The application is supported by an acoustic report prepared by Acoustic Logic, Ref. No. 20140690.8/0805A/R0/TT, dated 8 May 2019.

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;
- A 1.8m high screen to the north and east of the car park;
- A 2.1m high screen along the eastern side boundary of 23 Millwood Avenue.

Figure 1 – Site Survey



The Church of Scientology has been operating on the site since 2016, since the completion of internal refurbishments associated with the approved change of use, from an acoustic laboratory for use by the Church of Scientology. The works have included the construction of a pedestrian walkway and a new bus stop to the Millwood Avenue frontage of the site.

#### **Site Survey extracted from Statement of Environmental Effects**

Despite implementation of these acoustic measures, Condition 77 required “No closing/opening of the gates should occur **between 6pm and 10.30pm**” in order to maintain reasonable amenity for adjoining properties. The purpose of the condition is to ensure

- there is no noise generated by accessing the subject site, including by opening and closing of the pedestrian and vehicular gates between 6pm and 10.30pm,
- there is no queue of vehicles in front of the gates and as such no noise generated by the engines or by impatient drivers.

The acoustic report submitted by the applicant is assessing noise associated with opening/closing of the automatic vehicular doors. The report concludes that, subject to recommended conditions, the noise level generated by the vehicular gates will be acceptable, even if the noise exceeds the night time Project Amenity Criteria.

The Acoustic Logic report, however, focuses on noise and intrusive criteria **between 10pm and 10.30pm**, typical late night vehicle movements, and noise generated by door opening and closing between 10pm -10.30pm. The report also concludes that “*One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly*”. Even in the half an hour assessed, the report notes that noise exceedance of 1dB(A) is achieved, but, in the opinion of the assessing acoustic expert engaged, this is negligible.

No relevant assessment of noise is conducted between the hours of 6pm to 10pm.

Consequently, there is no information to conclude that, between 6pm and 10pm, noise generated by gates (pedestrian and/or vehicular) or vehicular movements and queueing of

cars will not disturb the amenity of the adjoining residential neighbourhood. Council's Environmental Health Officer could not find a justification in the Acoustic report submitted to allow closing/opening of gates to occur between 6pm and 10pm.

However, Council recently received noise complaints relating to disturbance to a nearby residential property from music played by security guards and from truck movements. *"Additional concerns have been received that the Range Street pedestrian gate is being used by visitors to access the site late at night e.g. 12am, 12:15am, 1:30am & 1:45am and noise from the gate buzzer "sing song" and associated intercom talking, disrupting the amenity of the surrounding residents"* (extract from draft order issued by Council on 12 September 2019).

Taking this into account, a comprehensive acoustic report should have also included noise from the recently built without consent *"security room located behind the concrete monument sign structure"* and noise generated by the pedestrian gate and by the buzzer.

These matters are noted in the context of the application as the works subject to this application are already built and the disturbance to the local amenity already occurs from various sources, some different than the ones nominated in the Acoustic report.

### **Amendment to Condition 83 Public Access**

The argument for modifying the public access condition is based on requirements for additional security measures for safety reasons.

A number of surrounding properties are proposed to receive a card for access to the grounds. Nonetheless, for the broader community in Willoughby LGA located beyond Range Street and Millwood Avenue, the Church of Scientology is to operate as a gated community.

In regard to the request to modify Condition 83, the following are noted:

- The applicant does not argue whether the condition is based on planning grounds.
- The original consent 2014/415 was granted based on free public access to be provided throughout the site, consistent with the previous use of the site whilst in Federal Government ownership.  
Current application is found to be inconsistent with the original consent.
- Part D.2.16.21 of the WDCP states that
  - "23. *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.*
  - 24. *The site is not to operate as a gated community."*The current application is proposing to restrict free public access through the site and proposing that the site operates as a gated community, contrary to the WDCP provisions.
- Council notes that works and measures subject to this application are already implemented, along with a number of other unauthorised works, including an additional security room with masonry walls placed behind the concrete sign structure on Greville Street, 2.2m high security fences and markings on the vehicular crossing on Greville Street that are inconsistent with the road rules due to directing vehicles to drive on the right hand side of the internal roadway.

While unauthorised works on the subject site are dealt with by a separate section within Council, they cannot be entirely separated from the matter assessed at hand, as the application relies on giving access based on cards that are to be tapped on a device placed on a location that cannot be supported by Council's engineers.

Moreover, current subject modification application is proposing evaluation of potential threats to the site posed by vehicles and pedestrians by security employees that sit into a security room that was never subject to a development consent.

Taking all matters above into consideration, including the fact that the application is contrary to the intention of the original consent 2014/415 and contrary to WDCP, modification of Condition 83 in the form proposed is not supported.

## Referrals

Council's Environmental Health Officer made the following comments:

*There are very strict conditions in place to minimise the impact that parishioners and vehicle movements might have on residents in Millwood Avenue, Range Street and Greville Street. The application is supported by an acoustic report prepared by Acoustic Logic, Ref. No. 20140690.8/0805A/R0/TT, dated 8 May 2019.*

*It does not seem unreasonable to allow security guards 24 hour access and cleaning staff to access the site via Greville Street after 10.30pm, **but the boom gate should not operate to allow access by electronic tag for staff or parishioners after 6pm.***

*(...) However, if the above changes are agreed to, the condition regarding the Plan of Management should be amended to reflect the changes.*

*No comment is provided regarding the modification of Condition 83, as this is considered to be a matter for Planning and Open Space.*

Council's Engineer had no comments regarding the proposed change of conditions. However, after consultation with Council's Traffic Manager, the Senior Engineer made the following comments with regard to the unauthorised reversed signage on the vehicular crossing:

*The Parking Facilities Standard, AS/NZS2890.1 does not specifically detail that entry to a parking area must be on the left hand side, as per the road rules. However, having vehicles drive on the right hand side of the internal roadway is inconstant with the road rules and has potential to cause confusion, particularly at the entry to the site, where they would be turning into the left hand side of the vehicle crossing from the road, in accordance with the Road Rules. This confusion has high potential to cause accidents, particularly with those not familiar with the operation of the area.*



***The direction of vehicles entering and leaving the site via the Greville Street access has been reversed to allow for the driver's side of vehicles entering the site to stop in front of the security room. This change may cause vehicle collisions on both sides of the gate, but particularly at the intersection of the driveway with the roadway.***

*While the Parking Facilities standard does not specifically state that vehicles drive on the left hand side of the road, it does require that the traffic is able to move to and from the frontage road with minimum disruption to through traffic and maximise pedestrian safety, and that internal roadways avoid as far as practicable conflicts between intersecting streams of traffic. At the exit to the site, vehicles leaving on the right hand side will potentially reduce pedestrian safety, as they will be expecting vehicles on the opposite side of the driveway. Within the site, the need for vehicles to cross sides creates a conflict between oncoming vehicles, which could be avoided.*

*In order to support such a situation, we would require details from the applicant / owner detailing how the situation would operate safely and not cause confusion to users. This would include a queuing analysis in locations where vehicles need to swap from one side of the road to the other. Any such queuing must occur within the property boundaries.*

*We note that we are unable to see a way that this could operate safely, particularly given the proximity to the frontage road. Typically for sites with a card entry, a median is provided in the middle of the road / driveway to support the reader, so that vehicles are able to stay on the left hand side of the road.*

NSW Rural Fire Service provided no additional conditions beyond the originally recommended conditions set out in DA 2014/430.



## ATTACHMENT 4: SUBMISSIONS TABLE

The modification application was on notification from 30 November 2017 to 14 December 2017. Following notification of the application, submissions on behalf of six (6) households are objecting to the proposal. The issues raised in the objections are discussed below:

| Issues raised  | Response   |
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| Chatswood West Ward Progress Association would like to note that the gates have already been closed for some period of time.   | Noted. Council's development planner inspected the site after 6pm and witnessed that the Church already operates as a closed community.<br>Council's Compliance Section also inspected the site and accordingly gave notice of Council's intention to issue an order under the provisions of the <i>Environmental Planning and Assessment Act 1979</i> .   |
| Access should remain and the public should continue to have access or key cards should be available to any resident of the West Ward.  | Currently all residents of the West Ward have unrestricted access to the site. This report is recommending refusal to modify existing conditions of consent.   |
| Chatswood West Ward Progress Association objects to the deletion of the condition "No closing/opening of the gates should occur between 6PM and 10:30PM" Reason: This was inserted as a Condition of Consent for noise alleviation for neighbours.   | The application does not provide sufficient arguments that amenity of neighbours is preserved and as such it is recommended for refusal.   |
| It would appear that they have already implemented the change without consent.<br>The gates have been closed 24/7 for the last six (6) months, with security guards and dogs patrolling and giving access to pedestrians.<br>Members and parishioners with vehicles are using access cards/vehicle tags. | A number of building works and measures are implemented within the grounds of the Church of Scientology without obtaining prior consent. These are issues currently dealt with by the Compliance Section within Council.   |
| For the properties proposed to have card access there is no detail about what information the applicant will require for the issuing of the access cards. No information is provided as to exactly how security will determine whether the pedestrian is a threat.                                       | The applicant argues that certain households will be provided with a card. The households with access card are asked for name and address, with no additional information required. Only in cases where someone may be displaying erratic or suspicious behaviour, will their ID be requested by the security team.<br>There is no indication from the applicant on what are the measures next to follow, and a management plan / set of actions for the security staff is not provided. |
| Gates provide a safety risk of being locked in.<br>(in case of malfunction)  | It is the officers understanding that the objection to "Gates provide a safety risk of being locked in" is meant "in case gates/electricity malfunction".<br>Noting that the application to restrict access in the form proposed is not supported, it is agreed that malfunction of gates would increase safety risk, especially associated with bush fire.  |
| In relation to the 24/7 closure of the gates, including the Greville Street vehicle access gate my concern with the constant opening and closing of the vehicle gate relates to the potential for truck/car deliveries/rubbish removal etc. to be  | Noted.<br>The applicant informed Council that the Church of Scientology implemented improvements to reducing the noise associated with cars entering and leaving the property, including the screening fences previously approved and a new automatic vehicle gate.<br>Notwithstanding the above, the Acoustic report does not   |



|   |   |
|---|---|
| idling and/or queuing whilst waiting for security to open the gates. I don't believe this scenario has been allowed for in the Acoustic Assessment.   | provide sufficient information about noise generated within the relevant hours to ensure that amenity of neighbours is maintained.  |
| The Operational Plan of Management submitted with the original consent (DA2014/430) states "Existing access points to the site from private residential properties will be maintained for use by local residents from 9am to 5pm on weekends as previously honoured by the National Acoustic Laboratory." | Noted. The Operational Plan of Management is not updated to reflect conditions. As the current application is recommended for refusal, no further conditions can be imposed.  |
| The public have not had open pedestrian access to the grounds from Greville Street and possibly also Range Road in the last six (6) months. Public access to bushland trails and reserves is obstructed.  | Noted. The applicant informed Council that cards were issued to those who regularly access the property (10 neighbours). However, the measures implemented contravene the original consent conditions and WDCP, and the application is recommended for refusal. |
| Council has indicated the cost for the modification being \$18,847,651 for every one of the previous DA modifications as well as this one. Council should indicate the correct cost for each DA modification.   | The amount refers to the original application. No cost of work has been submitted with this modification application. In fact, all works proposed with this application, and some additional unauthorised works, are already constructed on the subject site.   |
| Council placed on public exhibition copies of documents on all previous associated DA applications so that there are now two versions for each application when there should be only one version.   | The Council website and procedures are imperfect and more clarity is needed in order to present only relevant information. The relevant department within Council was informed of this issue.   |

## ATTACHMENT 5: CONSIDERATIONS UNDER S.4.55(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><i>Comment</i></u><br>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:<br>(i) the regulations, if the regulations so require, or<br>(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><i>Comment</i></u><br>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><i>Comment</i></u><br>As a result of notification, Council received six (6) submissions.<br>The issues raised in the submissions are addressed in <b>Attachment 4</b> .  |     |

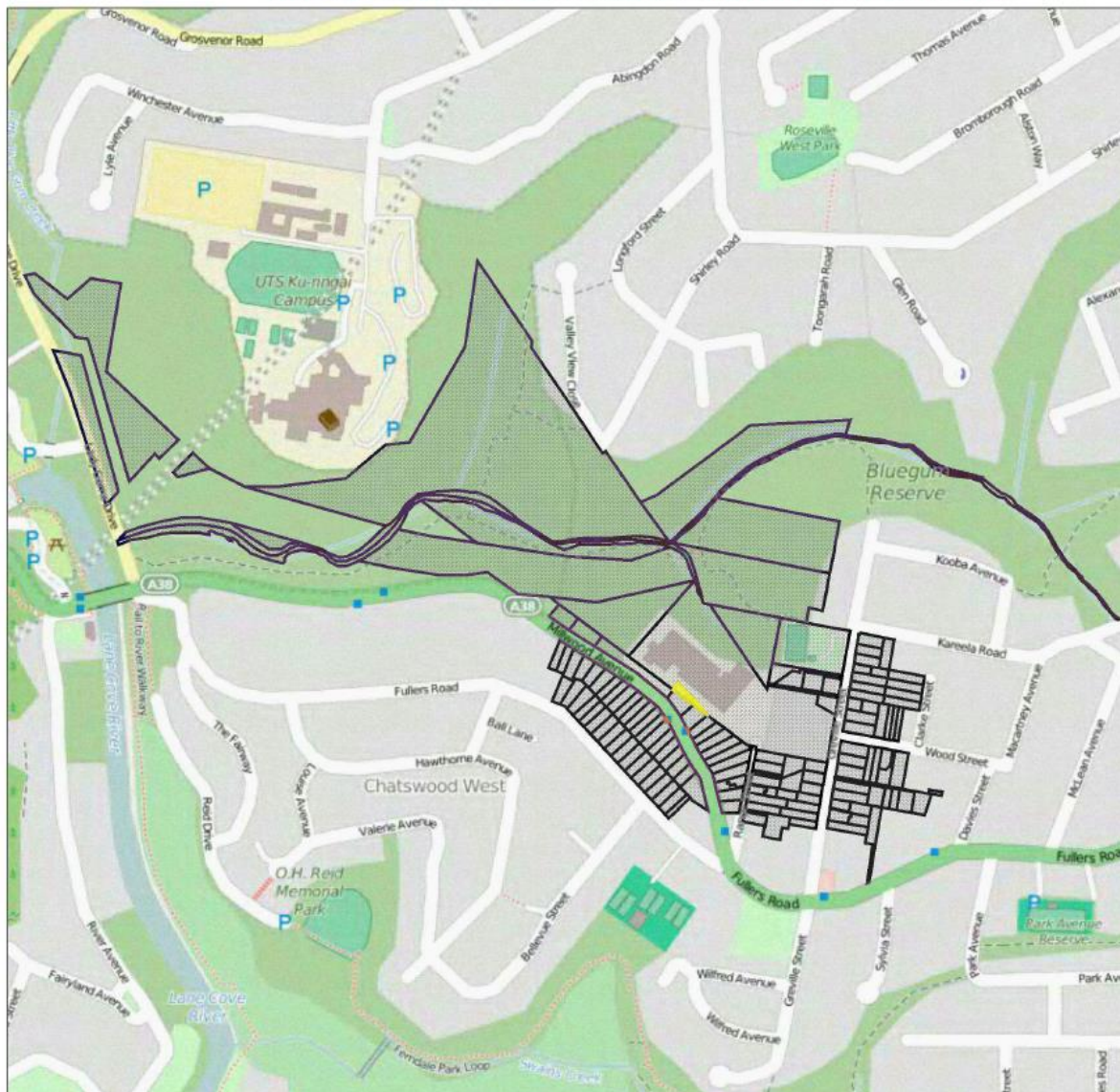
## ATTACHMENT 6: NOTIFICATION MAP



### Record of Neighbour Notifications sent relating to:

DA: 2014/430/F

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



#### Comments:

Created on : Thursday, 20 June 2019

Created by : VB

#### Caveat

The information represented in this map has been provided in good faith. Detailed records relating to this Development Application are recorded in Council's "Pathway" software application and this data should be seen as Council's official source of information relating to this Development Application.

Willoughby City Council  
31 Victor Street  
Chatswood NSW 2067

PO Box 57 Chatswood NSW 2057  
[www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

Phone 02 9777 1000 Fax 02 9411 8309  
Email [email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au)  
ABN 47 974 826 099