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| Panel Reference | PPSSNH-9 |
| DA Number | DA-2014/430/F |
| LGA | Willoughby City Council |
| Proposed Development | SUPPLEMENTARY REPORT to - 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 | Approval |
| 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"> WLEP 2012; Deemed SEPP - Sydney Harbour Catchment 2005; SEPP 55; Willoughby DCP (WDCP); S94A Plan, Planning for Bush Fire Protection. |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> Attachment 1: Recommended Conditions of Consent Attachment 2: Addressed Reasons for refusal |
| Report prepared by | Ana VISSARION – Development Planner - Willoughby City Council |
| Report date | 6 December 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?

Yes

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 (S7.24)?

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

Conditions not fully agreed by the Applicant (condition disputed in 'blue').

1. PURPOSE OF REPORT

This is a supplementary report which seeks electronic determination by Sydney North Planning Panel (SNPP) for Development Application DA-2014/430/F for *Modify Condition 77 to enable closing/opening of Greville Street gates and modify Condition 83 regarding public access to bushland trails* at 126 Greville Street, CHATSWOOD NSW 2067 & 23 & 25 Millwood Avenue, CHATSWOOD WEST NSW 2067, following the previous deferral of the application by the Panel for various amendments.

The application was originally referred to the SNPP on 13 November 2019 for determination. Council recommended refusal as the Acoustic report and information submitted were incomplete and did not offer proper justification to contravene WDCP controls.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approves Modification Application DA-2014/430/F to *Modify Condition 77 to enable closing/opening of Greville Street gates and modify Condition 83 regarding public access to bushland trails* at 126 Greville Street, CHATSWOOD NSW 2067 & 23 & 25 Millwood Avenue, CHATSWOOD WEST NSW 2067, subject to conditions contained in *Attachment 1*.

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*.

Determination of the application was deferred on 13 November 2019 and Council and the applicant were allowed time to further negotiate.

On 19 November, Council and Church representatives met for further discussion.

On 3 December 2019 Council received

- Community Access Plan of Management,
- Community Access Signage and Works,
- Proposed Amended Conditions, and
- Updated Acoustic Assessment.

The Development Application is referred to SNPP for electronic determination. This supplementary report provides an assessment of the latest information received by Council.

4. DISCUSSION

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.*

The amended information submitted by the Church encourages Willoughby residents to visit the grounds and to obtain access to the bush trails. A number of signage is proposed to guide and invite people into the site.

For the clarity of the message, Council recommends an additional signage to be located below the main entry signage (below the logo “Advanced Organisation & Saint Hill Anzo”) in letters no less than 100mm in height, stating: “VISITORS ARE WELCOME TO ENTER AND ENJOY OUR GROUNDS”.

However, the applicant would like the sign to be placed anywhere else but not in the vicinity of the main identification sign.

Taking into account that a welcoming sign should be easily visible from public domain and prominent enough to capture attention, alternate locations proposed by the applicant were not regarded as acceptable from Council viewpoint.

A Community Access Plan of Management dated November 2019 was submitted, noting a number of actions including:

- The hours of access for community visitors from 7am to 6pm 7 days a week.
- Generally any household that requests an access card and provides copy of identification card is to be provided with a security access card.
- On-site security is to enable the wider community to gain access to the site and to bushland trails.
- Unrestricted egress from the site will be provided through the provision of exit buttons to security gates.
- Attendance by Church representatives at Chatswood West Ward Progress Association meetings, at least twice per year, to promote availability of cards for regular access to the grounds and access to the bush trails.

The Acoustic Logic report (no. 20140690.8/2711A/R4/TT) was revised and re-submitted, demonstrating that, subject to recommended conditions, the noise generated by the development will comply with relevant acoustic guidelines. The acoustic report is supported by Council’s Environmental Health Officer. Recommendations in the Acoustic report are included into recommended conditions, including

“Church management should review number of parishioners using car park to ensure that no more than 20 vehicles are expected to use the car park after 10pm. If more than 20 cars are expected to leave after 10pm, the vehicular gate on Greville Street shall remain open between 10pm and 10.30pm to ensure no queuing”.

Conditions of consent summarise the main points in the additional documentation and ensure that the Community Access Plan of Management is fully observed.

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 amended information is considered acceptable and recommended for approval, subject to the consent conditions included in **Attachment 1**.

ATTACHMENT 1:

SCHEDULE OF AMENDED CONDITIONS

Development Consent 2014/430 is modified as follows:

A. Conditions No. 60, 63, 77 and 83 are modified to read as follows:

60. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report 20140690.2/1001A/TT/R3 by Acoustic Logic dated 1 October 2014. This includes the installation of:

- 2.1m high screen along the driveway entry or southern property boundary. Screen to extend from eastern property boundary to at least 25m past the ramp leading to the car park.
- Minimum 2.1m high screen along the property boundary between 21 and 23 Millwood Avenue.
- Minimum 1.8m high screen along the northern edge of the car park at the eastern end, extending to a minimum of 12m along the northern edge from the north-eastern corner.
- All screens shall be constructed of an imperforate material (i.e.no holes).

In reference to the acoustic report by Acoustic Logic dated 8/05/2019 submitted with DA-2014/430/F, the following must be implemented:

- The gate shall enable “piggy backing” for vehicles leaving the site (to reduce queuing time for anything other than the gate opening).
- Greville Street car park is not to be used by parishioners after 10.30pm.
- Greville Street entry not to be used by pedestrians after 10.30pm.
- Parishioners walking to Greville Street car park from main building must use the internal walkway (in order to maximise the distance to any residential development).
- Church management should review number of parishioners leaving the car park and if more than 20 cars are expected to leave after 10pm, the vehicular gate on Greville Street shall remain open between 10pm and 10.30pm to ensure no queuing.
- To avoid intercom use after 10pm, signage at the Range Street and Greville Street gates shall direct any late visitors to use the gate/intercom system at the Millwood Avenue entry.

The vehicular and pedestrian gates shall be modified to incorporate rubber pads in order to mitigate the impact noise from metal on metal when the gates open and close.
(Reason: Amenity)

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;
- The movement to and from (and within the premises) of motor bikes shall be managed to minimise noise impacts to neighbouring residential properties;
- 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 Community Access Plan of Management dated November 2019 is to be adopted and the Operational Plan of Management shall be updated to also observe:

- The hours of access for community visitors from 7am to 6pm 7 days a week.
- The site access/egress arrangements.
- The conditions for issue of swipe cards.
- The external welcoming and directional signage at Greville Street entrance.
- Attendance at least twice per year from Church representatives at Chatswood West Ward Progress Association meetings, in order to promote availability of cards for regular access to the grounds and access to the bush trails.

(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.*
- *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)

83A Public Access

- a) 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.

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.

Any household that requests an access card and provides copy of identification card is to be provided with a security access card. However, the Church of Scientology can refuse issuing the security access card for the household or person (or cancel an access card issued) if one can provide evidence that the person represents a potential threat to the Church.

- b) *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.*

Unrestricted egress from the site will be provided through the provision of exit buttons to security gates.

83B Community Access Signage and Design

No signage shall be displayed on the vehicular crossover.
No signage indicating entry/exit shall be displayed on the vehicular gates.
The vehicular gates shall open towards the inside of the property. Traffic movements in and out of the site over the vehicle crossing must be on the left hand side of the crossing. Control of the gate operation must ensure that vehicles do not queue into Greville Street.

Flower beds within the road reserve are not approved - the area within the road reserve shall remain grassed.

Signage welcoming people (Trail information map, Community Access Welcome Signs, vertical 'Welcome' Sign) is to be provided to ensure visitors are welcomed to the subject site irrespective of their association with the Church.

Signage **is to be located below the main entry signage (Advanced Organisation & Saint Hill Anzo)** in letters no less than 100mm in height, stating: 'VISITORS ARE WELCOME TO ENTER AND ENJOY OUR GROUNDS'.

Separate consent shall be obtained from Council for any signage that is not exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or approved by existing consents.

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 the site and to bushland trails.

Unrestricted egress from the site will be provided through the provision of exit buttons to security gates.

The security booth and associated works are not part of this approval.

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

ATTACHMENT 2:

ADDRESSED REASONS FOR REFUSAL

The previous reasons for refusal, and comments on those reasons taking into account the latest information received, follow below:

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).

Comments:

A revised Acoustic report re-submitted, demonstrating that, subject to recommended conditions, the noise generated by the development will comply with relevant acoustic guidelines. To ensure that noise levels are not unacceptably increased, measures in the revised Acoustic report and recommended by Council's Environmental Health officer are included into the recommended conditions.

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* (WDCP).

Comments:

Subject to recommended conditions, the revised proposal includes actions and signage that invites and encourages the larger community to enjoy the grounds and to connect to bushland trails in Blue Gum Reserve and Greville Street Reserve.

In this regards, the signage that reads VISITORS ARE WELCOME TO ENTER AND ENJOY OUR GROUNDS plays an important role in showing the sense of community and openness.

Subject to recommended conditions, the revised proposal is assessed to observe controls contained in Part D.2.16 of *Willoughby Development Control Plan* (WDCP).

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.

Comments:

Subject to recommended conditions, the revised proposal includes measures to welcome people on the grounds irrespective of the association to the Church and as such the proposal promotes a sense of openness and is likely to not 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.

Comments:

The additional information, including removal of directional signage and re-wiring of the vehicular gates to open towards the inside of the property, demonstrate that the vehicular access can 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.

Comments:

By implementing the measures detailed in the recommendation, the site is open to enjoy by visitors, irrespective of association with the Church. The amended proposal is mindful of the fact that the site is not considered suitable to operate as a gated community.