



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING**

The meeting of the Burwood Local Planning Panel will be held at on Thursday 13 March 2025 at 6:00 PM to consider the matters contained in the attached Agenda.

Tommaso Briscese  
**General Manager**

# Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Thursday 13 March 2025 at 6.00pm.

**Welcome to the meeting of the Burwood Local Planning Panel**

**I declare the Meeting opened at**

**1. Acknowledgement of Country**

*Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.*

**2. Introduction of Panel Members**

**3. Recording of Meeting**

*Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.*

**4. Explanation of how the panel will operate**

*The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.*

*The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.*

**5. Apologies/Leave of Absences**

**6. Declarations of Interest by Panel Members**

**7. Chair introduction of Agenda Item**

**8. Development Applications**

(Item DA3/25)      4.56 Modification to DA.2019.028 - Approved Place of Public  
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## Development Applications

### (Item DA3/25) 4.56 Modification to DA.2019.028 - Approved Place of Public Worship to increase services - 10 Daisy Street Croydon Park

File No: 25/10798

Report by Manager City Development; Administrator

**Owner:** Iglesia Ni Cristo  
**Applicant:** PlanWave Pty Ltd  
**Location:** 10 Daisy Street Croydon Park  
**Zoning:** R2 Low Density Residential under Burwood Local Environmental Plan 2012

#### Proposal

Modification Application (under s.4.56 of the *Environmental Planning & Assessment Act 1979*) to an approved Place of Public Worship.

The modifications involve changes to particular consent conditions, to allow additional activities and church worship services, special occasions, bible study occurring at the site.

In summary, the application seeks the following modifications (full details provided in the body of this report):

- 2 additional worship services (1 each on Tuesday and Saturday evenings, with up to 140 persons attending) – for a total of 5 worship services per week; and
- For 3 Bible Study sessions (1 each on Monday, Thursday and Friday evenings, with up to 20 persons attending). This is to be a new activity as the most recent DA consent does not allow Bible Study; and
- To allow choir members, deacons, and deaconesses to arrive up to 90 minutes prior to scheduled starting time of activities/services – the current requirement of 30 minutes prior to the starting times; and
- To allow the approved “Special Occasions” (3 per year) to occur for 2 weeks instead of the current maximum requirement of 1 week.

The modifications involve changes to condition No’s 2, 3, 5 and 9 of Consent No DA2019/28, approved via the NSW Land and Environment Court on 28 November 2019.

#### BLPP Referral Criteria

The application has received more than 10 unique objection submissions.

#### Summary Recommendation:

Refusal, as the proposed modifications will result in a significant increase in the adverse amenity impacts already observed as a result of the approval of DA2019/28.

#### The Site

The subject site has a legal description of Lot 25-26 DP9297, and a street address of No 10 Daisy St Croydon Park. It is on the eastern side of the street mid-way between Lily St and Violet St, and is approximately 1.8km south of Burwood railway station.

The site is a regular-shaped (rectangular) lot with a frontage of 24.4m and site area of 986m<sup>2</sup>.





**Subject Site No 10 Daisy St Croydon Park showing front church building  
(Source: Google Street View)**



**Subject Site No 10 Daisy St Croydon Park showing rear church building  
(Source: Google Street View)**



**Immediate Adjoining Properties to the North (No 4, 6 and 8 Daisy St Croydon Park)  
(Source: Google Street View)**



**Immediate Adjoining Properties to the South (No 12, 14 and 16 Daisy St Croydon Park)  
(Source: Google Street View)**

### **Background**

#### **Subject Site and Existing Development**

The Site was first used as a church since the early 1920s – and the present church buildings were completed in 1936. There are 2 x single storey buildings on site – a church hall at the front (generally used for church services, congregation and worship) and a smaller building at the rear, containing offices, amenities and a smaller hall.

Most of the site (not occupied by buildings) is turfed, and there are concrete paths and a small hard-stand car park/driveway for 1-2 vehicles at the front

For many years, there was no development consent in place, or any other approved arrangements regarding the Church. There have been several more recent Development Applications (DAs) approved by Council at the Site, as summarised in the table below.

<b>Development</b>	<b>Determination</b>
<b>DA2007/233</b>  Extension to existing place of worship & demolition of existing separate assembly hall	Approved by Council 21 Oct 2008
<b>BD.2012.025</b>  Alterations and additions to existing church buildings with proposed new car park.	Determined
<b>DA2019/28</b>  Continuation of Church Premises - Changes to the activities and services approved at the site	Approved via NSW Land & Environment Court 28 Nov 2019
<b>DA2019/28.2</b>  Modification of approved place of public worship to extend worship services, special occasions, bible study and modify conditions of consent.	(Current s4.56 application)

Source: Burwood Council DA tracker

It is important to note that the most recent DA (DA2019/28) resulted in a significant increase in Church services and activities compared to the previous use of the site. During the Land and Environment Court proceedings for this approval, it was indicated that the Church was previously used infrequently (eg 2 Sunday services and 1-2 particular services at Easter, Christmas and funerals) and attended by a maximum of approx. 30 patrons the Court judgment can be found at Attachment A .

DA2019/28 included approval for services on Wednesday (1 service) and Sunday (2), but with up to 140 patrons. This 2019 approval was therefore already significant intensification of use (compared to previous use), and has resulted in a significant increase in demand for on-street parking, traffic movements and noise from patrons walking to/from the site.

#### Pre-lodgement meeting

Council officers including the Manager City Development and the Executive Planner met with the Site owners on 12 July 2024 to discuss a potential modification of the existing consent. At the meeting, Council officers viewed the site and were briefed on the proposed increase in church services. A recommendation to consult in person with neighbours was made and the need for an updated traffic assessment based on current conditions.

#### Current Application – DA2019.28.2

The current application seeks approval to modify DA2019/28, approved by the NSW Land & Environment Court and is therefore made under s.4.56 of *the Environmental Planning & Assessment Act 1979*, which deals with *Modification by consent authorities of consents granted by the Court*. A full assessment of the application against the matters listed in s.4.56 of the Act is provided later in this report.

The key dates and events for this application are summarised as follows (full details also provided later in this report):

- 10 Oct 2024 – Subject Application lodged with Council.
- 21 Oct 2024 – Internal Referrals and Neighbour Notification undertaken. The internal referrals were sent to Council’s Environmental Health, Traffic & Design, and Compliance/Community Safety Officers.
- The initial (minimum) neighbour notification period was to close on 5 Nov 2024. However, due to issues regarding public access to DA documents and extent of the properties notified, the DA was re-notified to a wider catchment of neighbours, and for an extended period closing 26 Nov 2024.

29 unique submissions were received following the neighbour notification process.

- There have been no requests for information/amended plans from the applicant during the processing of the current application.

#### **Full Details of Proposed Development**

The submitted Statement of Environmental Effects provides details of both the proposed modifications, and the consent conditions proposed to be modified.

The nature of the proposed modifications only relate to the use of the existing church buildings and the activities conducted therein. There are no physical changes proposed to either building (ie no building works).

#### Description of Proposed Modifications

These are outlined in the following table:

Development Component – Current Approval via DA2019/28	Proposed Modification/s
<b>Church Services</b>	
<ul style="list-style-type: none"> <li>3 services per week – 1 on Wednesday evening (7.30pm – 9pm) and 2 on Sunday (9.30am – 11am Adult; 11.30am – 12.30pm Child)</li> </ul>	<ul style="list-style-type: none"> <li>5 services per week – additional evening services proposed for Tuesday (7.30pm – 9pm) and Saturday (7pm – 9pm); together with the existing Wednesday and Sunday (morning and evening) services.</li> </ul>
<ul style="list-style-type: none"> <li>Maximum 140 persons attending</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 140 persons attending unchanged</li> </ul>
<b>Church Attendance</b>	
<ul style="list-style-type: none"> <li>Currently requires Church Attendees/Patrons to not arrive more than 30 minutes prior to scheduled starting time of activities/services.</li> </ul>	<ul style="list-style-type: none"> <li>To allow choir members, deacons, and deaconesses to arrive up to 90 minutes prior to scheduled starting time of activities/services.</li> </ul>
<b>Special Occasions</b>	
<ul style="list-style-type: none"> <li>3 “Special Occasions” per year when worship services and prayer events are held on additional days of the week – each occasion runs for 1 week.</li> <li>These are currently approved for: <ul style="list-style-type: none"> <li>Holy Supper Devotional Prayer – one week (March)</li> <li>Church Anniversary Thanksgiving Services (Last Week of July)</li> <li>Year End Thanksgiving (Second Week of December)</li> </ul> </li> <li>Maximum 50 persons attending</li> </ul>	<ul style="list-style-type: none"> <li>The proposed modifications seek to extend each of these Special Occasions by an additional week.</li> <li>The modifications propose these Special Occasions to occur as follows: <ul style="list-style-type: none"> <li>Holy Supper Devotional Prayer – one week (March and April – each for 1 week)</li> <li>Church Anniversary Thanksgiving Services (Third to Last Week of July, for 2 weeks total)</li> <li>Year End Thanksgiving (Second and Third Week of December for 2 weeks total)</li> </ul> </li> <li>No change to maximum 50 persons attending</li> </ul>
<b>Bible Study</b>	
<ul style="list-style-type: none"> <li>No Bible Study Activities are approved in current consent</li> </ul>	<ul style="list-style-type: none"> <li>3 nights per week: Monday, Thursday and Friday – hours of 6.30pm – 8pm)</li> <li>Maximum 20 persons attending</li> </ul>

In summary, the proposed modifications would result in various Church activities occurring 6 nights per week until either 8pm (Bible Study) or 9pm (Church Services) by up to 140 people, and also the 3 “Special Activities” occurring for a total of 6 weeks each year (ie 2 weeks each).

#### Description of Modified Consent Conditions

The modifications (outlined above) propose to change conditions 2, 3, 5 and 9 of the Consent. The applicant’s Statement of Environmental Effects provides the proposed condition modifications, which are outlined as follows (proposed changes in red print):

#### **Condition 2:**



2. The development the subject of this approval is for the use of the premises as a place of public worship (Church). The approved use is to be carried out strictly in accordance with:

1. The Plan of Management prepared for Iglesia Ni Cristo for the ongoing use of the church located at 10 Daisy Street, Croydon Park **as revised on 9 September 2024** on 1 November 2019 and approved by the Court and as amended from time to time (in accordance with Section 8 of the Plan of Management) (the **Plan of Management**); and
2. The Conditions of this approval.

**Condition 3:**

3. All regular activities and/or services carried out on the subject site shall at all times comply with the starting and finishing times as shown in the schedule below, which forms part of this Development Consent.

Activity	Occurrence	Day/Time		Maximum Nos of:
<b>Officers Meeting</b>	Weekly	Saturday	6:00pm – 7:00pm	25
<b>Worship Services</b>	Weekly (3-5 Services)	Tuesday	7:30pm – 9:00pm	140
		Wednesday	7:30pm – 9:00pm	140
		Saturday	7:00pm – 9:00pm	140
		Sunday (Adult)	9:30am – 11:00am	140
		Sunday (Child)	11:30am-12:30pm	50
<b>Choir Practice</b>	Weekly (2 Practices)	Saturday	5:00pm – 8:00pm	40
		Sunday	3:00pm – 6:00pm	

<b>Gardening &amp; Cleaning</b>	Weekly	Saturday	8:00am – 12:00pm	20
<b>Bible-Expositions</b> <b>Evangelical Mission</b>	Monthly	Last weekend of the month but may vary	7:00pm – 9:00pm	120
<b>Bible Study</b>	Weekly	Monday Thursday Friday	6:30pm – 8:00pm 6:30pm – 8:00pm 6:30pm – 8:00pm	20 20 20
<b>Weddings*</b>	By request	Not specified		140

The subject site shall only be used for 3 major Church Occasions in a year. These special services conducted on the site are shown below:

Activity	Occurrence	Day/Time		Maximum Nos of:
<b>Holy Supper Devotional Prayer</b>	March and April each year for 1 week	Monday to Saturday	8:00am to 8:00pm	50
<b>Church Anniversary Thanksgiving Services</b>	Third to Last week of July each year, for 2 weeks	Monday to Saturday	8:00am to 8:00pm	50
<b>Year End Thanksgiving</b>	Second and third week of December each year, for 2 weeks	Monday to Saturday	8:00am to 8:00pm	50

Condition 5:

5. Church attendees/patrons shall not arrive on the site more than 30 minutes prior to the scheduled starting time of activities/services and all patrons must leave the subject site within 30 minutes of the scheduled finish times for all church activities/services. Choir members, deacons and deaconesses may arrive more than one and a half hours before worship services.

#### Condition 9:

9. The premises shall be operated and maintained in accordance with the Plan of Management “Iglesia Ni Cristo 10 Daisy Street Croydon Park” Revision 2 Revision 3 dated 1 November 2019 9 September 2024.

The current modification application is supported by a *Planning Modification Report* (ie Statement of Environmental Effects); a Revised/Updated Plan of Management; and Traffic and Parking Assessment.

### Statutory Requirements

This application is assessed under the provisions of s.4.56 of the *Environmental Planning & Assessment Act 1979*, as amended, which include:

- Assessment under the heads of consideration in s.4.15 of the Act [required under s.4.56(1A)]
- Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- Submissions received from the neighbour notification/advertising process
- The Public Interest

These matters are considered in this report.

### Planning Assessment

The current application is for modifications to a consent issued by the NSW Land & Environment Court. Such modifications are covered by s4.56 of the *Environmental Planning & Assessment Act 1979*. An assessment against the provisions of s.4.56 is provided in the following Table:

#### 4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

Section 4.56 Requirement	Comments
<p>(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—</p> <p>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if</p>	<p><u>Comment:</u> The development description (in DA2019/28 dated 28 November 2019 issued by the NSW Land &amp; Environment Court) is: “... expansion and enlargement of the existing use at 10 Daisy St Croydon Park as a place of public worship to the activities and services outlined in condition 3 of Annexure A”.</p> <p>The current application seeks continuation of this overall use as a “<i>place of public worship</i>”, with modifications to particular conditions as discussed throughout this report. Therefore the current application is “<i>substantially the same development</i>” and thus satisfies s.4.56(1)(a).</p>

Section 4.56 Requirement	Comments
<i>at all), and</i>	
<p>(b) <i>it has notified the application in accordance with—</i></p> <p>(i) <i>the regulations, if the regulations so require, and</i></p> <p>(ii) <i>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</i></p>	<p><u>Comment:</u> The current modification application has been notified to neighbours as per Council’s Neighbour Notification DCP – see “<i>Community Consultation</i>” section of this report, below.</p>
<p>(c) <i>it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and</i></p>	<p><u>Comment:</u> Council has made reasonable attempts to notify previous submitters to the original DA.</p>
<p>(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p><u>Comment:</u> The “<i>Community Consultation</i>” section of this report (below) summarises the submissions received from neighbours, and provides a planning response.</p>
<p>(1A) <i>In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i></p>	<p><u>Comment:</u> Assessment in terms of the heads of consideration in s.4.15(1) of the <i>Environmental Planning &amp; Assessment Act 1979</i> is undertaken below.</p>
<p>(1B) <i>(Repealed)</i></p>	
<p>(1C) <i>The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</i></p>	<p><u>Comment:</u> Noted.</p>
<p>(2) <i>After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to</i></p>	<p><u>Comment:</u> Noted, Council’s standard administrative processes will ensure that all submitters receive the Notice of Determination (ie made available via Council’s DA tracker).</p>

Section 4.56 Requirement	Comments
<i>each person who made a submission in respect of the application for modification.</i>	
<p>(3) <i>The regulations may make provision for or with respect to the following—</i></p> <p>(a) <i>the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,</i></p> <p>(b) <i>the effect of any such deemed determination on the power of a consent authority to determine any such application,</i></p> <p>(c) <i>the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.</i></p>	<u>Comment:</u> Noted.
(4) <i>(Repealed)</i>	

#### Conclusion re s.4.56 Assessment:

This application (and Council's assessment thereof) satisfies the requirements of s.4.56 of the Environmental Planning & Assessment Act to enable it to be assessed and determined as a modification application to DA2019/28.

As noted above, s.4.56(1A) requires Council to assess the proposal in terms of the heads of consideration in s.4.15(1). This s.4.15(1) Assessment is undertaken as follows:

#### **4.15 Evaluation**

(cf previous s 79C)

Section 4.15 Requirement	Comments
<p>(1) <b>Matters for consideration—general</b> In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p>	
(a) the provisions of—	
(i) any environmental planning instrument, and	<p>The Site is in Zone R2 Low Density Residential under Burwood LEP 2012.</p> <p>The Development falls under the definition of “Place of Public Worship”, which is not listed in the land uses “Permitted with Consent” and is therefore prohibited.</p> <p>However, as part of the NSW Land &amp; Environment Court's determination to approve the original DA2019/28 – it was established that the Church at the site benefits from the</p>

Section 4.15 Requirement	Comments
	<p>“<i>Existing Use Rights</i>” provisions of the <i>Environmental Planning &amp; Assessment Act 1979</i>.</p> <p>The development is therefore permissible under these “<i>Existing Use Rights</i>” under the Act.</p>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft environmental planning instruments apply to the site or development.
(iii) any development control plan, and	<p>Burwood DCP 2013 provides the detailed development controls for the site/proposed development.</p> <p>There are no specific requirements for a Place of Public Worship under Burwood DCP 2013 that would apply to the current modifications.</p>
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	None applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>Clause 164 of the <i>Environmental Planning &amp; Assessment Regulation 2021</i> provides the following requirements for <i>Enlargement, expansion and intensification of existing uses</i>:</p> <p><b>164 Enlargement, expansion and intensification of existing uses</b></p> <p>(1) Development consent is required for any enlargement, expansion or intensification of an existing use.</p> <p>(2) The enlargement, expansion or intensification must be—</p> <p>(a) for the existing use and for no other use, and</p> <p>(b) carried out only on the land on which the existing use was carried out immediately before the relevant day.</p> <p>The original DA2019/28 provided the development consent required to enlarge (intensify) to nature of the use of the site as it is currently approved to operate.</p>

Section 4.15 Requirement	Comments
	<p>The current application is a modification to change particular conditions.</p> <p>The application is acceptable for assessment under Clause 164 of the <i>Environmental Planning &amp; Assessment Regulation 2021</i>.</p>
<p>(v) (Repealed)</p> <p>that apply to the land to which the development application relates,</p>	
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>Refer to “Detailed Assessment – Likely Impacts of the Development” immediately following this report.</p> <p>In summary, the likely impacts of the development are excessive and unacceptable.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Overall, matters relating to site suitability (eg natural constraints eg bushfire, flooding etc) have been addressed in previous approvals for the Church at this Site.</p> <p>Focusing on the current modification application – concerns are raised regarding the suitability of the site for the particular scale of development proposed in this application.</p> <p>The site is located within a residential area of Croydon Park. It is considered that the Site is unsuitable for the development given the intensification of development proposed in the current application.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>The “<i>Community Consultation</i>” section of this report, below, gives consideration to the submissions received following neighbour notification.</p>
<p>(e) the public interest.</p>	<p>Overall, in the circumstances of the case, approval of this application is not considered to be in the public interest.</p>

#### Detailed Assessment – Likely Impacts of the Development

Section 4.15(1)(b) requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”

Overall, the development is considered to have unacceptable impacts, in particular upon the Built Environment of Croydon Park (ie the occupants of adjoining and nearby residential dwellings) through adverse amenity impacts.

The likely impacts are considered in more detail as follows:

##### A. *Natural environment:*

As there are no physical works proposed (eg no construction), the proposed modifications will have no impacts on the Natural Environment.

### B. *Built environment:*

The impacts of the proposed modifications on the Built Environment (ie amenity impacts on the occupants of adjoining and nearby dwellings) are the key issue of concern in relation to this application.

The proposed modifications would have adverse impacts in terms of the built environment of Croydon Park in several ways:

#### Car Parking:

The intensification of the Church activities (resulting from the 2019 DA approval, compared to previous) has caused significant car parking impacts that have been readily observable during Church services/activities.

The site has no on-site parking (only 1-2 vehicles in the front driveway), so people attending the Church need to park their vehicles on-street which causes significant impacts in several surrounding streets.

The current modifications would create these impacts more frequently. The modifications propose 5 Church Services per week (currently 3) for up to 140 people, 3 Bible Study sessions per week (currently none) for up to 20 people, and 6 weeks of Special Services each year (currently 3). Also, in summary, the Church will be in use 6 nights per week.

This would cause excessive impacts on terms of on-street parking demand in the adjoining streets, and therefore the proposal is unacceptable.

#### Traffic/Vehicle Movements:

Coupled with car parking impacts, the traffic generation from the proposed modifications will increase compared to what has already resulted from the 2019 approval (which was itself a significant increase compared to the previous Church services/activities).

The proposed modifications will not necessarily cause an increase in vehicle movements (as each service will have the same maximum number of people attending) – however it will cause these vehicle movements to occur more frequently as the number of Services/activities are proposed on more nights of the week.

As well as vehicle movements, the proposal will result in an increase in related issues that have been observed previously, such as blocked driveways, hazardous vehicle movement (double parking, u-turns etc) and cars stopping in the middle of the street for people to alight.

#### Noise Impacts:

The Church Services/Activities generate noise through the various Church services and activities, as well as from people coming to/from the site.

Although these noise outputs generally satisfy the relevant noise criteria (or can be required to ensure it does not cause “offensive noise” under the *Protection of the Environment Operations Act 1997*) – the noise impacts then become a more general planning consideration of what is reasonable in terms of impacts on neighbourhood amenity.

Noise from people walking between their cars and the Church site, and general conversations etc while they walk, as well as noise from the vehicle movements is somewhat inevitable and difficult to manage appropriately. This occurs late into the evening (eg after the 9pm Service concludes). As noted, the current application proposes that Church services/activities to occur 6 nights per week.



This will have a significant impact on the amenity of the adjoining residential properties and is unacceptable.

#### Plan of Management:

Although the 2019 consent for the Church included compliance with the Plan of Management, the nature of the Church activities has shown that it is very difficult to ameliorate the adverse impacts on the neighbourhood when the Church is in use. The adverse impacts of the Church use (noise, parking and traffic, as above) have resulted despite there being a Plan of Management.

Although an amended Plan of Management is included in the current application, it is considered inevitable that the further intensification of Church activities proposed in this application will cause further amenity impacts on the residents in neighbouring properties.

#### Conclusion – Impacts on the Built Environment:

Overall, the proposed modifications will have unacceptable impacts in terms of the built environment in terms of on-street car parking, traffic/vehicle movements and noise impacts.

#### *C. Social impacts:*

Overall, the development would have unacceptable social impacts. Although it is recognised that the proposed modifications would bring positive social impacts (eg increased opportunities for worship), this needs to be balanced against the ability of adjoining residential neighbours to use and enjoy their properties without significant amenity impacts.

It is considered that the amenity impacts arising from the proposed modifications would be significant and therefore on balance, overall it is considered that the proposed modification would have unacceptable social impacts.

#### *D. Economic impacts:*

The proposal would have minimal economic impact.

### **Community Consultation**

The issues of concern raised in the submissions are summarised and discussed in the following table:

<b>Concern</b>	<b>Response</b>
<p>1. <b>Notification process issues.</b> <i>Early submissions from neighbours raised concerns regarding lack of information available, insufficient time to make submissions and insufficient direct mailout to neighbours.</i></p>	<p><u>Comment:</u> These issues were resolved via a re-notification process that included an extended time period for neighbours to make comment, notification to a wider catchment area of neighbours, and ensuring that all required documents were fully available (on Council's DA tracker).</p>
<p>2. <b>Intensification of Church Activities.</b> <i>Concerns were raised regarding the increased number of church services, the additional</i></p>	<p><u>Comment:</u> This is the central issue of concern with this application, and the neighbours' concerns are valid and reasonable. As discussed throughout this report, the proposed modifications will exacerbate impacts currently occurring on neighbourhood amenity, and overall the modifications are unacceptable.</p>

Concern	Response
<p><i>Bible Study activities and the extension of the Church Special Occasions.</i></p>	
<p>3. <b>Car Parking.</b> Concerns were raised that as the site does not have on-site parking (ie 1-2 spaces in a front driveway) – almost all car parking needs to be accommodated on-street. This location already has high demand for on-street parking through normal residential demand and population density – and on-street parking from this development spreads to several streets away from the Site. The proposed modifications will worsen this situation regarding car parking.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable. The current operations of the church enable realistic assessment to be made in terms of on-street parking, and the Church does generate significant car parking impacts in several surrounding streets. The modifications will cause these current impacts to occur more frequently, and this would be an unacceptable outcome.</p>
<p>4. <b>Traffic Impacts.</b> Coupled with car parking issues, concerns were also raised regarding increased traffic generation and related issues such as blocked driveways, hazardous vehicle movement (double parking, u-turns etc) and cars stopping in the middle of the street for people to alight.</p>	<p><u>Comment:</u> These concerns are also valid and reasonable. As with car parking (above), the current operation of the church has enabled the traffic generation and behaviour of drivers to be observed as people come to/from the Church. These types of concerns have been consistently raised in the neighbour submissions. It is considered that these concerns are valid and reasonable, and that the proposed modifications will have unacceptable traffic impacts.</p>
<p>5. <b>Compliance Issues.</b> Concern is raised that the development is already not operating in accordance with the Land &amp; Environment Court Consent (DA2019/28), and so any further church services/activities should not be approved.</p>	<p><u>Comment:</u> Consent conditions are in place under DA2019/28, and the <i>Environmental Planning &amp; Assessment Act 1979</i> provides enforcement powers to ensure that the development satisfies the consent condition requirements.</p> <p>It is noted that the nature of this development (Church) makes it difficult for Council officers to directly monitor to ensure compliance (the Church is mostly used during evenings and/or the weekend) – and the neighbours' submissions have consistently raised these types of concerns to suggest these are also valid and reasonable.</p>

Concern	Response
<p>6. <b>Hours of Operation.</b> Concern is raised regarding the additional evenings that Church services and activities are proposed to occur.</p>	<p><u>Comment:</u> These concerns are valid and reasonable. The modifications propose services to occur until 9pm 3 nights per week (Tues, Wed, Sat) in addition to 2 Sunday morning services. Also, the modifications propose Bible Study until 8pm 3 nights per week (Mon, Thu, Fri). In total, the Site would be in use 6 nights per week causing impacts as discussed in other submission points (ie car parking, traffic, noise etc). This would cause unacceptable amenity impacts to adjoining residents.</p>
<p>7. <b>Noise.</b> Concern is raised regarding the additional noise generated – both from on-site activities at the Church, and from people (and cars) entering/leaving the site particularly at night.</p>	<p><u>Comment:</u> Noise is currently generated both through Church activities occurring on-site, but also from people entering/leaving the site (eg walking, conversation, noise from vehicle movements). While it is noted that the noise outputs generally satisfy the relevant noise criteria (or can be required to ensure it does not cause “offensive noise” under the <i>Protection of the Environment Operations Act 1997</i>) – the noise impacts then become a more general planning consideration of what is reasonable in terms of impacts on neighbourhood amenity.</p> <p>In this regard, as above, it is considered that the noise generated from the use of the site 6 nights per week as well as weekends would cause unacceptable amenity impacts on the neighbourhood.</p>
<p>8. <b>Modification to a Land &amp; Environment Court Approval.</b> Concern is raised that the consent conditions imposed by the Court should not be varied or extended.</p>	<p><u>Comment:</u> The <i>Environmental Planning &amp; Assessment Act 1979</i> allows applicants to apply for modifications to Court consents (s.4.56), and this Section provides the requirements by which such applications are assessed. This s.4.56 assessment is provided previously in this report.</p>
<p>9. <b>Community Character and Inconsistency with the R2 Low Density Residential zoning.</b> Concerns were raised regarding the Church’s consistency with the residential environment where it is located.</p>	<p><u>Comment:</u> These would only be valid/reasonable for a new proposal. The Church has existed on the site since 1936 and has development consent in place (DA2019/28) regarding its use/s.</p>

### Referral Comments

The application was referred to the following Internal Referral Officers:

Environmental Health Officer: Has reviewed the application and provided various conditions to be included in any consent issued. (it is noted that these consent conditions are already in place on the consent DA2019/28).

Community Safety Officer (Development Compliance): Has identified a number of complaints received regarding the operation of the premises.

Traffic & Design Engineer: Has reviewed the application and identified that accompanying traffic statement provides justification for the increase in frequency only on the basis of the daily patronage number. The traffic assessment does not evaluate the impact of any new service and has not accounted for any potential changes since the original approval in terms of visitor travel patterns to and from the church.

No explanation has provided regarding the potential implications of allowing certain attendees to arrive up to 1.5 hours before the service, instead of the current 0.5-hour restriction.

In addition, an updated parking occupancy audit has not been provided.

### **Summary Recommendation:**

Refusal, as the proposed modifications will result in a significant increase in the adverse amenity impacts already observed as a result of the approval of DA2019/28.

### **Conclusion**

The proposed modifications have been assessed against the requirements of s.4.56, and the heads of consideration in s.4.15 of the *Environmental Planning & Assessment Act 1979*.

Overall, the proposed modifications will result in a significant increase in the adverse amenity impacts already observed as a result of the approval of DA2019/28 – which was a significant increase compared to the previous church activities.

These further amenity impacts of on-street parking in surrounding streets, traffic impacts (ie increased number of vehicle movements and driver behaviour), and noise from people coming to/from the site would be excessive. It is also considered that despite there being a Plan of Management in place (amended PoM submitted with this application), these amenity impacts cannot be adequately ameliorated.

Overall, on balance, the proposal is considered unacceptable and refusal is recommended.

### **Declaration**

The author of this report declares, to the best of their knowledge that they have no interest, pecuniary or otherwise in this application or otherwise in this application or persons associated with it and have provided an impartial assessment.

### **Recommendation(s)**

That Application No 2019/28.02 for modifications to an approved Place of Public Worship at Lot 25-26 DP9297, No 10 Daisy St Croydon Park be refused for the following reasons:

1. Pursuant to Section 4.56 and 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*, the proposed modifications will have excessive and unacceptable impacts on the amenity of the neighbourhood.

In particular, the proposed modifications will cause further adverse impacts of on-street car parking, traffic impacts (increased number of vehicle movements and driver behaviour) and noise from people coming to/from the site. These impacts will adversely affect the amenity of the occupants of adjoining/nearby dwellings.

2. Pursuant to Section 4.56 and 4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*, the Subject Site is unsuitable for the intensity and scale of the Church services and related activities proposed in this modification application.

In particular, the site is located in a low-density residential area. The site is unable to provide adequate on-site parking to cater for the expected needs of people attending the site as proposed in this modification application. Further, the site's location in close proximity to adjoining dwellings means that there will also be significant adverse noise impacts arising from the Church services and activities.

3. Pursuant to Section 4.56 and 4.15(1)(d) and (e) of the *Environmental Planning & Assessment Act 1979*, in the circumstances of the case, approval of the proposed modifications would not be in the Public Interest.
4. In particular, this is demonstrated in the number of submissions received from adjoining/nearby neighbours, and the nature of issues of concern raised in those submissions.

### **Attachments**

- 1⇒ Court Judgement
- 2 Proposed Plan of Management
- 3 Acoustic Report
- 4 Traffic and Parking Assessment
- 5 Court issued Consent DA.2019.028