

**9.1.13 Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship**

<b>Ward:</b>	North	<b>Date:</b>	10 October 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	PR15617; 5.2016.305.1
<b>Attachments:</b>	<a href="#">1</a> – Location and Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Justification and Management Plan <a href="#">4</a> – Car Parking and Bicycle Tables <a href="#">5</a> – Response from the Applicant to the Submissions <a href="#">6</a> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for a Change of Use from Educational Establishment to Place of Public Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville in accordance with plans date stamped 21 September 2016, as shown on Attachment 2, subject to the following conditions:

**1. Parking and Special Events Management Plan**

A Parking and Traffic Management Plan shall be submitted to, and approved by the City prior to the use of the site as a ‘Place of Public Worship’. The Parking and Traffic Management Plan shall detail for each time period and each activity of the ‘Place of Public Worship’:

- The capacity and demand for parking and traffic;
- The location and management of parking areas, including any agreements necessary to provide access to the parking areas;
- The management of traffic;
- The management of pedestrian movement and safety;
- The maximum number of persons permitted on the site;
- The community consultation requirements;
- A Travel Behaviour Change Plan;

Use of the premises shall be carried out in accordance with the approved Parking and Traffic Management Plan and all requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City;

**2. Use of the Premises**

**2.1** The maximum number of persons permitted on the site at any given time shall accord with the Parking and Traffic Management Plan;

**2.2** The hours of operation of the development shall not exceed:

- 10:00am to 10:00pm Monday to Thursday;
- 9:00am to 10:00pm Friday and Saturday;
- 9:00am to 7:00pm Sunday;

**3. Car Parking and Access**

- 3.1 The car parking and access areas are to comply with the requirements of AS2890.1;**
- 3.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and**
- 3.3 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);**

**4. External Fixtures**

**All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;**

**5. Interactive Front**

**Windows, doors and adjacent areas fronting Oxford Street and Franklin Street shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;**

**6. Verge Trees**

**No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;**

**7. Landscape and Reticulation Plan**

**7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:**

- 7.1.1 The location and type of existing and proposed trees and plants;**
- 7.1.2 Areas to be irrigated or reticulated; and**
- 7.1.3 The removal of redundant crossovers;**

**7.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;**

**8. Waste Management**

- 8.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and**
  - 8.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;**
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9. **Stormwater**

Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

10. **Bicycle Bays**

**10.1** Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; **and**

**10.2** **Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided at the applicants cost in the Franklin Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction;**

11. **Signage**

11.1 Signage shall not have flashing or intermittent lighting;

11.2 All signage shall be safe, non-climbable, free from graffiti and kept in a good state of repair for the duration of its display on-site;

11.3 The signage is to be entirely contained within the property boundary;

11.4 The proposed signage is to advertise the place of public worship and services only; and

11.5 The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. **Heritage**

12.1 Landscaping to the perimeter of the hail shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp;

12.2 A photographic archival record is to be made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*; and

13. **General**

Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**PURPOSE OF REPORT:**

For Council to determine an application for development approval for a change of use from 'educational establishment' to 'place of public worship' at 338-342 Oxford Street, Leederville.

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**BACKGROUND:**

<b>Landowner:</b>	Trustees of the Christian Brothers
<b>Applicant:</b>	Resolve Group Pty Ltd
<b>Date of Application:</b>	22 July 2016
<b>Zoning:</b>	MRS: Urban TPS1 Zone: Residential R-Code: R60 TPS2 Zone: Residential Commercial R-Code: R100
<b>Existing Use Class:</b>	Educational Establishment – “AA”
<b>Use Class:</b>	Place of Public Worship - “AA”
<b>Site Area:</b>	Lot 9= 556 square metres Lot 10= 556 square metres Total= 1112 square metres
<b>Right of Way (ROW):</b>	Eastern side, 5 metres in width, sealed
<b>Heritage List:</b>	Yes

The subject site is located at Lots 9 and 10 Oxford Street Leederville, on the corner Franklin Street, see **Attachment 1**. The site currently contains the heritage listed St Mary’s Hall, which is a vacant school hall previously used in association with Aranmore Catholic College. The subject site is included on the City’s Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council’s State Register of Heritage Places.

The site is zoned ‘Residential’ and adjoins a ‘Residential’ zoned property containing a single house to the north, with Aranmore Catholic College to the south and east, separated by a Franklin Street and a right-of-way respectively. Commercial uses occur directly adjacent to the subject site to the west, across Oxford Street. The surrounding area is predominately zoned ‘Residential’ and is dominated by single house development.

The applicant proposes to use the existing building for a ‘place of public worship’ in order to accommodate Sonlife Church, an independent church currently located at 8 Cleaver Street, West Perth. The church has been operating from its current location for two and a half years and is looking to relocate to accommodate a higher density of visitors.

The application proposes to modify the internal layout of the building to accommodate the church use. This includes converting the storeroom, bathrooms, change rooms and kitchen in the northern addition, which was built in the 1960s, into classrooms and reconfiguring the existing stage in the Hall. Space for two car parking bays, ten bicycle bays and bin store is available on Lot 10 off the right-of-way and a dividing fence is also proposed along the northern boundary. Six signs are proposed as part of this application. The development plans are included as **Attachment 2**.

A number of activities are proposed at different times as part of the application, including:

- A church office component from Tuesday to Friday, 10:00am to 4:00pm, for up to eight people;
- Meetings on weeknights from 6:00pm for up to 30 people;
- Playgroup on Fridays from 9:00am for up to 30 people
- Prayer Service on Friday nights from 7:00pm for up to 100 people
- Sunday Service from 10:00am to 1:00pm for up to 400 people; and
- Special events (Christmas/Easter/Weddings/Funerals), from 10:00am to 1:00pm for up to 450 people.

The applicant has undertaken a detailed parking assessment, analysis and management plan in support of the proposal, which along with the written application is included as **Attachment 3**.

**DETAILS:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
<b>Land Use (only where required)</b>		✓
<b>Parking &amp; Access</b>		✓
<b>Bicycles</b>		✓
<b>Signage</b>		✓

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables is included at **Attachment 4**:

<b>Land Use</b>		
Requirement	Proposal	Aspect for Consideration
<b>Town Planning Scheme No. 1</b>		
Zone – Residential R60	Place of Public Worship- "AA" Use	The use is not permitted unless Council has exercised its discretion by granting planning approval.
<b>Parking</b>		
Requirement	Proposal	Difference
<b>Local Planning Policy No. 7.7.1 – Parking and Access</b>		
Church office Tuesday to Thursday 10:00am – 4:00pm <b>1 bay</b>	2 bays	<b>1 bay surplus</b>
Church office and Playgroup Fridays 9:00am onward <b>5 bays</b>	2 bays	<b>3 bay shortfall</b>
Meetings Monday to Thursday 6:00pm onward <b>4 bays</b>	2 bays	<b>2 bay shortfall</b>
Meetings + Prayer Service Friday nights 6:00pm onward <b>16 bays</b>	2 bays	<b>14 bay shortfall</b>
Sunday Service Sunday 10:00am to 1:00pm <b>49 bays</b>	2 bays	<b>47 bay shortfall</b>
Special events Christmas/Easter/ Weddings/Funerals <b>55 bays</b>	2 bays	<b>53 bay shortfall</b>

Bicycles		
Requirement	Proposal	Difference
<p><b>Local Planning Policy No. 7.7.1 – Parking and Access</b></p> <p>23 bicycle bays</p>	<p>10 bicycle bays</p> <p>Plus 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees).</p>	<p>13 bicycle bays on site</p> <p>3 bicycle bays</p>
Signage		
Requirement	Proposal	Difference
<p><b>Local Planning Policy No. 7.5.2 Signs and Advertising</b></p> <p>A maximum of 2 signs per tenancy</p> <p>Window signs</p> <p>Window sign not to exceed 50 per cent of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on a lot.</p>	<p>8 6 signs</p> <p>Windows facing Oxford Street = 66 and 69 per cent of the glazed area of the windows</p>	<p>6 4 signs in excess</p> <p>16 and 19 per cent of glazed area.</p>

**CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 18 August 2016 until 31 August 2016. A total of 23 letters were sent to owners and occupiers within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 12 submissions were received, including three objections one with concerns and eight in support. The matters raised by the submissions are as follows:

- Support for the change of use to a place of public worship is a good outcome for the heritage building, as a community use in close proximity to the school, in lieu of a residential or commercial development.
- There is sufficient car parking along Oxford Street and adjoining streets to support the proposed use. Sonlife Church in West Perth is very well organised and their car parking arrangements have always been well managed and communicated to the congregation members and visitors with good signage and volunteer marshals assisting each week. The parking assessment and strategy contained in the application is very comprehensive and logical.
- Parking is a major issue along Oxford Street and the proposed place of public worship will exacerbate this issue. There is insufficient data to show there will be no impact on the parking in this area and there is no agreement with Aranmore College for people coming to the church to park within the Aranmore college compound.
- The use of the site for a church will have a traffic impact on the surrounding area.
- The backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. With so many people attending the place of public worship it will have an impact on privacy.
- Anti-social behaviour is a matter of concern.
- Noise from the activities of the church will impact on the adjoining residential properties.

A response from the applicant to the issues raised is included as **Attachment 5**.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**Heritage**

The proposal was referred to the State Heritage Office given the subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places. In a letter dated 15 September 2016, received 22 September 2016, from the State Heritage Office, the Office stated that the proposed development is supported subject to the following conditions:

1. Landscaping to the perimeter of the hall shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp (see Heritage Council publication *Technical guide - Salt Attack and Rising Damp*).
2. A photographic archival record is made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*.

In addition, the State Heritage Office advised that in relation to the removal of the proscenium arch and proposed alterations to the stage, this will be an irreversible change occurring to significant original fabric. Whilst this change will not adversely impact the significance of the registered place, it is not considered good conservation practice. The State Heritage Office would encourage the applicant to reinstate the proscenium arch in its relocated position, or carefully dismantle and store the material on site so that it is capable of reinstatement at a later date.

Given the above, it is recommended that any approval of the development include the conditions and advice notes outlined by the State Heritage Office.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

This matter is being referred to Council as 'place of public worship' is classified as a Category 2 application which is required to be referred to Council for determination.

**RISK MANAGEMENT IMPLICATIONS:**

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure;*
    - 1.1.2 *Enhance and maintain the character and heritage of the City."*
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**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Land Use

The building on site, known as St Mary's Hall, has historically been used as a school hall in association with Aranmore Catholic College. The proposal to change the land use of the building to 'public place of worship', a discretionary land use under Town Planning Scheme No. 1, is considered to closely align with this historic use. The land use is also considered complimentary to the heritage of the building as it necessitates minimal alteration to the original fabric of the place.

Though currently zoned 'Residential' the area is proposed to be rezoned 'Residential/Commercial' under the City's draft Town Planning Scheme No. 2. The immediate vicinity is already dominated by educational and commercial uses, and the proposed land use is considered in keeping with both the current and planned character of the area.

Parking and Traffic

The application proposes a high intensity use of the site, particularly on Sunday mornings, where it is proposed that up to 400 people will attend the site; Friday nights, where it is proposed that up to 130 people will attend; and on special occasions (Christmas/Easter/Weddings/Funerals), where up to 450 people could attend the site. Only two car parking spaces are proposed on the site, as significant modifications would be required to the heritage listed building if additional bays were to be provided.

The applicant has proposed that car parking be accommodated in the surrounding street parking bays, which are currently sign posted as free and unlimited on Sunday mornings and Friday night. The applicant has undertaken two parking surveys on two Sundays along Oxford Street and the adjoining streets showing there is an average of 199 on street car parking bays available at this time within 200 metres of the site. In addition to this the applicant has indicated that they are seeking a reciprocal parking arrangement with Aranmore Catholic College for the 41 bay car park adjacent to the site.

The proposal results in a significant shortfall in car parking, particularly on weeknights, Sunday mornings and at special occasions. The previous use of the site as a school hall was supported by the car parking available at Aranmore Catholic College. However, this proposal is not yet supported by a similar arrangement and without this agreement would result in significant parking demand on local residential streets. It should be noted that the City did not advertise this proposal to all properties that could be affected by this increased parking demand.

The current Sonlife Church located in Cleaver Street, West Perth also relies on on-street parking and operates under a parking management plan, which identifies the appropriate parking locations and areas where parking is not to occur. This is communicated to visitors through the Church's web site, in the Church building, in newsletters and in special event flyers. The Church also employs a team of marshals that direct visitors to parking in and around the church each Sunday. The applicant has confirmed that this same approach is proposed as part of this proposal.

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The applicant did submit a Parking Management Plan with their application, detailing where in the street the Sunday Service parking demand could be accommodated. However, this management plan does not detail the parking demand for each time period and each activity proposed by the application. Nor does it detail how traffic, pedestrians and parking will be managed.

It is considered essential that the proposed development be supported by a detailed traffic and parking management plan that outlines how much parking will be needed for each activity proposed; where this parking will be provided; and any agreements or community consultation necessary prior to the activity occurring. This management plan should also set the maximum number of persons permitted on the site for specific activities at specific times and detail how visitors travel behaviour will be managed to ensure minimal impact on the surrounding residential streets.

#### Bicycle Parking

The calculation for bicycle bays is based on the maximum number of attendees to the place of worship, which will occur only on Sundays and special occasions. For the remaining part of the week the required number of bicycle bays will comply. Given this, and the fact that the building is Heritage Listed and would require significant alterations to accommodate additional bicycle parking, it is considered that 10 bicycle bays on site and the 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees) are appropriate in this instance, provided the bays in the Franklin Street road reserve are appropriately located and constructed to the City's satisfaction.

#### Privacy

It was noted in the submissions that the backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. In order to address these potential privacy concerns, the applicant has proposed a fence along the northern boundary which will provide privacy to the adjoining property.

#### Noise

Submissions raised concerns regarding the impact of noise, particularly from bells and services. The applicant has advised bells will not be used as part of services and that acoustic insulation, acoustic curtains, carpets on the hall floor and padded seats will all be installed, which will contribute to absorption of sound. The hours proposed by the application are also considered appropriate to reduce the impact of noise on adjoin residential properties. In order to ensure the proposal will comply with the *Environmental Protection (Noise) Regulations 1997* it is recommended that any approval include a condition limiting the hours of operation to:

- 10:00am to 10:00pm Monday to Thursday;
- 9:00am to 10:00pm Friday and Saturday; and
- 9:00am to 7:00pm Sunday.

These times aligned both with those proposed in the application and those periods set out in the regulations.

#### Signage

The application proposes six signs to the external façade of the building, five facing Oxford Street and three facing Franklin Street. The scale and design of the proposed wall and awning signage is considered to be minor and will not dominate the building or streetscape. However, the window signage proposed is considered to be excessive given that it obscures more than 50 per cent of the glazing. As such, it is recommended that any approval require the windows to maintain an interactive frontage with the street.

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Conclusion

The proposed 'public place of worship' is considered to be appropriate both for the site, given the mixed use character of the area, and the building, given its heritage value. The development does propose a high intensity use on Friday nights, Sunday mornings and on special occasions. However, these times are largely 'off-peak' and so it is considered that with the correct arrangements, traffic and parking can be managed appropriately.

Given the above, it is recommended that the application be approved subject to conditions.

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