

5.1.1 LATE ITEM: FURTHER REPORT: Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street – Proposed Change of Use from Educational Establishment to Place of Public Worship

Ward:	North	Date:	2 December 2016
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.305.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Amended Development Application including Management Plan 4 – Car Parking and Bicycle Tables 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Resolve Group Pty Ltd for the proposed Change of Use from Educational Establishment to Place of Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, as shown on plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Parking and Special Events Management Plan

Use of the premises shall be carried out in accordance with the Parking and Traffic Management Plan date stamped 16 November 2016 or any revised Parking and Traffic Management Plan approved by the City. The Parking and Traffic Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Parking Management Plan approved by the City as part of the review.

All requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City.

2. Use of the Premises

The maximum number of persons permitted on the site shall be limited to:

- 360 persons from 10:00 am to 1:00 pm on Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 300 persons from 10:00am to 1:00pm Sundays, except Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 200 persons from 11:00am to 5:00pm Saturdays and 2:00pm to 4:00pm Sundays;
- 30 persons from 10:00am to 2.30pm Monday to Friday;
- 30 persons from 7:00pm to 10:00pm Monday to Thursday;
- 50 persons from 7:30pm to 10:00pm Friday; and
- 10 persons at all other times unless a revised Parking and Traffic Management Plan is submitted to an approved by the City in accordance with Condition 1. above, in which case the maximum number of persons permitted on the site will be limited by the approved Parking and Traffic Management Plan;

3. Car Parking and Access

3.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;

3.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and

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; and

7.2 All works shown in the approved landscape and reticulation plan shall be undertaken 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;

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, and 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;

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; and

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:

To further consider an application for development approval for a change of use from 'Educational Establishment' to 'Place of Public Worship' at Nos.338-342 Oxford Street, Leederville.

BACKGROUND:

Landowner:	Trustee of the Christian Brothers
Applicant:	Resolve Group Pty Ltd
Date of Application:	22 July 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential Commercial R-Code: R100
Existing Land Use:	Educational Establishment
Proposed Use Class:	Place of Public Worship - "AA"
Lot Area:	Lot 9 = 556m ² Lot 10 = 556m ² Total = 1,112m ²
Right of Way (ROW):	Eastern side, 5 metres in width, sealed
Heritage List:	Yes - Management Category A

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. 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**.

The proposed Change of Use from Educational Establishment to Place of Public Worship was presented to the Ordinary Meeting of Council on 18 October 2016 where Council resolved to defer the item for further consideration. The applicant subsequently amended their application by reducing the number of persons proposed to be accommodated on the site from 450 persons to:

- 15 persons from 9.30 am to 4:00pm Tuesday to Friday for the Church office;
- 30 persons from 10:00am to 2.30pm Monday to Friday for Community/Playgroups;
- 30 persons from 7:00pm on weeknights;
- 50 people from 7:30 pm to 10:00 on Fridays for Friday Fellowship;
- 300 persons from 10:00am to 1:00pm for Sunday Service;
- 360 persons from 10:00 am to 1:00 pm for Special Services on Sunday (Easter, Christmas, Father's Day and Mother's Day); and
- 200 persons for special events (Weddings, Funerals and Community Events) on Saturdays 11:00am to 5:00pm and Sundays from 2:00pm to 4:00pm.

The applicant also provided a comprehensive Parking and Traffic Management Plan detailing the parking demand, availability, location and management for each of the time periods outlined above. This revised management plan limits the location of on-street car parking for patrons to:

- Western part of Franklin Street;
- Northern side of Marian Street between Oxford Street and Shakespeare Street;
- Western side of Shakespeare Street at the southern end between Franklin Street and Marian Street; and only if necessary
- Oxford Street between Anzac Road and Tennyson Street.

These amended parking locations do not overlap with the parking areas used by St Mary's church, being the eastern side of Franklin Street, central and northern side of Shakespeare Street and the Aranmore Car Park. The amended proposal also includes details around marshalling, temporary signage and communication to guide churchgoers on the parking locations and requirements.

The amended proposal, including the expanded Parking and Traffic Management Plan is included as **Attachment 3**.

DETAIL:

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
Land Use (only where required)		✓
Car Parking		✓
Bicycle Parking		✓
Signage		✓

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**:

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No. 1	
Zone – Residential R60	Place of Public Worship - "AA" Use
Parking	
Deemed-to-Comply Standard	Proposal
Local Planning Policy No. 7.7.1 – Parking and Access	
Church Office – 15 persons Tuesday to Friday 9:30 am – 4:00pm 2 bays	2 bays
Community/Playgroup – 30 persons Monday to Friday 10:00 am to 2.30pm 4 bays	2 bays

Meetings – 30 persons Monday to Thursday 7:00pm onward 4 bays	2 bays
Fellowship Service – 50 persons Friday nights 7:30pm to 10:00pm 7 bays	2 bays
Sunday Service – 300 persons Sunday 10:00am to 1:00pm 37 bays	2 bays
Special Services - Easter/Christmas/Father's Day/ Mother's Day – 360 persons Sunday – 10:00am to 1:00pm 44 bays	2 bays
Special Events – Weddings/Funerals/ Community Events – 200 persons Saturday 11:00am to 5:00pm Sunday 2:00pm to 4:00pm 25 bays	2 bays
Bicycles	
Deemed-to-Comply Standard	Proposal
Local Planning Policy No. 7.7.1 – Parking and Access 18 bicycle bays	10 bicycle bays Plus 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees).
Signage	
Deemed-to-Comply Standard	Proposal
Local Planning Policy No. 7.5.2 Signs and Advertising A maximum of 2 signs per tenancy Window signs Maximum 50 per cent of the glazed area of any one window.	6 signs Windows facing Oxford Street = 66 and 69 per cent of the glazed area of the windows

CONSULTATION/ADVERTISING:

Following receipt of the amended proposal, the application was readvertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 2 November 2016 until 15 November 2016. The method of advertising included 249 letters mailed to all owners and occupiers along the streets where churchgoers are proposed to park their vehicles, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 8 submissions were received, including five objections one with concerns and two in support. Out of the five objections, two letters were from the same property. The two letters of support were from one individual who owns two different properties in the consultation area. The matters raised in the submissions related to parking and traffic impacts on the surrounding area, particularly given the operations of the school and St Mary's Church.

As part of the original round of consultation, undertaken for a period of 14 days from 18 August 2016 to 31 August 2016, a total of 12 submissions, including three objections, were received. The main planning concerns raised related parking, traffic, privacy and noise.

The main issues raised as part of the consultation process are discussed in the Comment section below.

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:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

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."*

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 a 'public place of worship', is a discretionary land use under Town Planning Scheme No. 1, and is considered to closely align with historic use of the site. 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 use of the area.

Parking and Traffic

Following deferral the applicant amended the application to reduce the intensity of the use of the site by reducing the maximum numbers of persons from 400 to 300 on Sunday mornings; 130 to 50 on Friday evenings; 450 to 360 on special services on Sunday; and 450 to 200 for special events on Saturdays and Sunday afternoons. This has significantly reduced the parking demand for the development with the application now requiring a maximum of 44 bays for the special services on Sunday, in accordance with the City's Policy No. 7.7.1 – Parking and Access.

The applicant has also developed a comprehensive Parking and Traffic Management Plan that details the car parking demand for each activity and the parking available during each time period. This has then informed the designated location of parking for each activity as well as the management measures that will be implemented in each case. The parking locations now proposed to be relied upon have been limited to the western side of Franklin Street, northern side of Marian Street and western side of Shakespeare Street south of Franklin.

These areas do not overlap with the parking areas used by St Mary's Church, being the eastern side of Franklin Street, central and northern side of Shakespeare Street and the Aranmore Car Park. As a result the on-street parking area relied on has little to no utilisation on Saturday and Sunday with at least 62 bays available in these areas in the worst case scenario identified in the parking surveys and aerial image investigations. Given this, there is considered to be more than adequate parking available in the locations identified in the Parking and Traffic Management Plan for the 44 car bays required for the development under the City's Parking and Access Policy. In addition, Oxford Street on-street parking is available only as a contingency.

The management plan also includes clear parking rules for each activity and details how these parking requirements will be communicated to attendees. This includes providing temporary signage and marshals to enforce those requirements for Sundays and special events. The marshal plan for Sunday Services and special events includes four Sonlife parking marshals who will be located at four different locations along Oxford Street, Franklin Street, Marion Street and Shakespeare Street to assist visitors to the church and ensure parking occurs in the correct locations. Attendees will be directed to the next available bay and will be advised that parking is not permitted in any other street or verge and that circulation and bay searching is not permitted. Oxford Street will only be used once all of the bays on the western side of Franklin Street, northern side of Marian Street and south western side of Shakespeare Street are utilised.

The current Sonlife Church located in Cleaver Street, West Perth currently relies on on-street parking and operates under a similar parking management plan. Parking for the Cleaver Street site has operated successfully for the past two and a half years, with neither the City nor the operator receiving any complaints in that time. Given the current church members operate under a similar parking management plan, it is likely that the same parking management process will also be successful in the proposed location. As such, it is considered there will be minimal impact on traffic and car parking in the area.

The amended proposal has demonstrated that the parking for the development can be accommodated away from both residential properties and Oxford Street. Given the management measures proposed and their demonstrated success in Cleaver Street, it is not considered that the development will have a detrimental impact on traffic or parking for residents or business in the area.

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. 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, any changes 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.

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. The window signage proposed is however 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 and a condition has been imposed to this effect.

Conclusion

The proposed 'public place of worship' is considered to be an appropriate use for the site, given the mixed use character of the area, and the re-use of the existing building which is heritage listed. The development does propose a high intensity use on Sunday mornings and on special occasions, resulting in the reliance of street car parking surrounding Aranmore College. However, these times are 'off-peak' when the school is not in operation and do not overlap with any residential parking areas or the parking relied on by St Mary's Church. In addition it is considered that the comprehensive parking and traffic management plan will ensure that the utilisation of on-street parking will be located appropriately so as not to impact on adjoining residents or businesses.

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