

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 27 JULY 2021

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY 30 JULY 2021



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 27 JULY 2021**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
A Di Nella

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
Senior Planning Officer
Senior Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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U21/0566 - ADDITIONS AND ALTERATIONS TO EXISTING PLACE OF WORSHIP – LOT 109 (64) KITCHENER ROAD, MELVILLE WA 6156 (REC) (ATTACHMENT)

Ward : Palmyra - Melville - Willagee Ward
 Category : Operational
 Application Number : DA-2021-409
 Property : Lot 109 (64) Kitchen Road, Melville WA 6156
 Proposal : Additions and Alterations to Existing Place of Worship
 Applicant : Matthews & Scavalli Architects
 Owner : Uniting Church in Australia Property Trust WA
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U21/0566 - ADDITIONS AND ALTERATIONS TO EXISTING PLACE OF WORSHIP – LOT 109 (64) KITCHENER ROAD, MELVILLE WA 6156 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for additions and alterations to the existing Melville Uniting Church at Lot 109 (No. 64) Kitchener Road, Melville. A description of the works involved is included within the Detail section of the report however are summarised as reconfiguration of the existing parking, the construction of a new store and ambulant toilet and an updated façade.
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6* (LPS6), *Local Planning Policy 2.1 – Non Residential Development* (LPP2.1), *Local Planning Policy 2.2 – Outdoor Advertising and Signage* (LPP2.2), the provisions of *State Planning Policy 7.3 Residential Design Codes Volume 1* (R-Codes) and relevant local planning and Council policies;
- The proposed development requires a performance assessment in relation to building setbacks, on-site car parking and signage;
- The proposed development was advertised to the adjoining owners in accordance with Part 4 of the R-Codes and *Local Planning Policy 1.1 Planning Process and Decision Making* (LPP1.1);
- Four submissions were received, including two separate submissions from one property. The submissions raised objections with respect to the building setbacks, onsite car parking, the physical state of the dividing fencing, noise from the outside of the church and overlooking from the existing windows;
- Amended plans and further correspondence was received by the applicant that partially addresses the objectors concerns; however the objections still remain valid;
- Notwithstanding the objection received, the proposed development as amended is acceptable when assessed against the relevant Design Principles of the R-Codes and policy objectives of LPP2.1 and LPP2.2;
- It is recommended that approval be granted subject to conditional conditions.



Figure 1 – Aerial photography of subject site



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BACKGROUND

The subject site has been occupied by a place of worship since approximately 1965. Additions were made to the original structure in the early to mid-1970s.

Scheme Provisions

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R20
Use Type	: Place of Worship
Use Class	: 'A' – Discretionary Use

Site Details

Lot Area	: 1598m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, to be retained
Street Furniture (drainage pits etc.)	: No
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 30 July 2021.

DETAIL

On 8 April 2021, a development application was received for additions and alterations to the existing Melville Uniting Church at Lot 109 (No. 64) Kitchener Road, Melville. The extent of proposed works includes the following:

- Refurbishment of the external a building façade to provide a more contemporary visual outlook;
- Reconfiguration of the car park to provide 15 functional car parking spaces, two motorcycle bays and four bicycle parking bays;
- Reconfiguring the pedestrian access ramps to improved pedestrian access into the building;
- Inclusion of bi-fold doors and timber decking adjacent to the Multi-Purpose No. 2 room to improve useability of the church function rooms;
- A store addition and female ambulant toilet addition at the rear of the property; and
- Additional onsite landscaping.

The application has been assessed against the provisions of LPS6, LPP2.1, LPP2.2, R-Codes and relevant local planning and Council policies. A performance assessment is required in respect of the matters listed below.

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State Planning Policy 7.3 – Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1 Lot Boundary Setbacks	<u>Female Ambulant Toilet</u> Minimum setback required: 1.5m	Setback: 0.9m	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

Local Planning Policy 2.2 – Outdoor Advertising and Signage

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 3.2(b) Signage on commercial properties within the Residential Zone	(a) Maximum one sign per street frontage; (b) Not exceed >1.8m high above ground level; (c) Not obscure vehicle and pedestrian sightlines; (d) Individual signage ≤1m ² in area; and (e) No illumination permitted.	a) One new wall sign (three total) d) 2.4m ² in area.	Supported against policy objectives of LPP2.2.	Manager Planning Services

The discussion in this report relates to each design element outlined above.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
Support/Object: Four objections, two from same land owner received.

The submissions received object to the proposal citing concerns in relation to privacy issues, building setbacks, noise concerns, car parking and the heights of the dividing fence along the southern boundary. A summary of the objection comments received and the City's response is provided in the table below.

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Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The female toilet block should be setback 1.5m	Refer to the comments section of this report.	Not Uphold
Privacy issues from the existing church windows and insufficient dividing fence heights.	<p>The church windows are existing and are not being modified as part of this planning application. The proposed works does not result in any greater loss of privacy.</p> <p>The height of a dividing fence is a civil matter between the landowners and therefore not a relevant planning consideration.</p>	Not Uphold
Noise issues from the church particularly from Outdoor Space No. 3 and with use of double doors.	<p>The application does not seek to intensify the existing Place of Worship land use so noise is not considered a relevant planning consideration.</p> <p>It should be noted there has not been any noise complaints with respect to the Place of Worship in its existence since 1965.</p>	Not Uphold
The use of the rear area for 3 car parking areas being impractical (as vehicle manoeuvring is insufficient).	The City requested the applicant delete these bays from the original plans and replace them with three motorcycle bays and four bicycle bays which are required under LPP1.6.	Not Uphold
Total amount of car parking provided for on site.	<p>This proposal does not increase the Public Floor Area (PFA) of the building as such the provisions of Clause 2.1 of LPP 1.6 do not apply.</p> <p>The existing car parking is arranged in a way which does not meet the Australian Standards. These bays are not functional in their current state particularly in relation to the manoeuvring spaces.</p> <p>The development application proposes to reconfigure the existing onsite car parking bays to meet the <i>Australian Standards AS2890.01 – Offstreet Parking Facilities</i> and provide a more legible and functional carpark.</p>	Not Uphold

U21/0566 - ADDITIONS AND ALTERATIONS TO EXISTING PLACE OF WORSHIP – LOT 109 (64) KITCHENER ROAD, MELVILLE WA 6156 (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic risk or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications for the City relating to this proposal.

COMMENTLot Boundary Setbacks (Female Ambulant Toilet)

The existing southern wall of the church is setback a minimum of 0.9 metres from the boundary property boundary. This existing wall is approximately 22.5 metres long. The application proposes a female ambulant toilet block with a maximum wall height of 3.5 metres and 2.0 metre length. This addition toilet block will sit adjacent to the existing church wall setback and is proposed to be setback a minimum 0.9 metres from the southern boundary. This creates a total wall length of 24.5 metres and a 1.5 metre setback is required to meet the deemed to comply provisions of the R-Codes. As the proposal does not meet the deemed to comply provisions a performance assessment is required. . The proposal is considered to meet the Design Principles contained in Clause 5.1.3 Lot Boundary Setbacks of the R-Codes for the following reasons:

- The proposed height of the toilet block is lower than the roof line of the existing church. Building bulk on the adjoining southern site will be negligible given the use of varying building materials and the overall size of the toilet block being less than 2.0 metres wide;
- The single storey height and nominal length of the toilet block at 2.0 metres will ensure that access to direct sunlight and ventilation to the adjoining property will not be restricted, nor will the structure cause overshadowing impacts;
- There are no major openings along this section of wall, ensuring the development does not pose any overlooking concerns for the adjoining owners.



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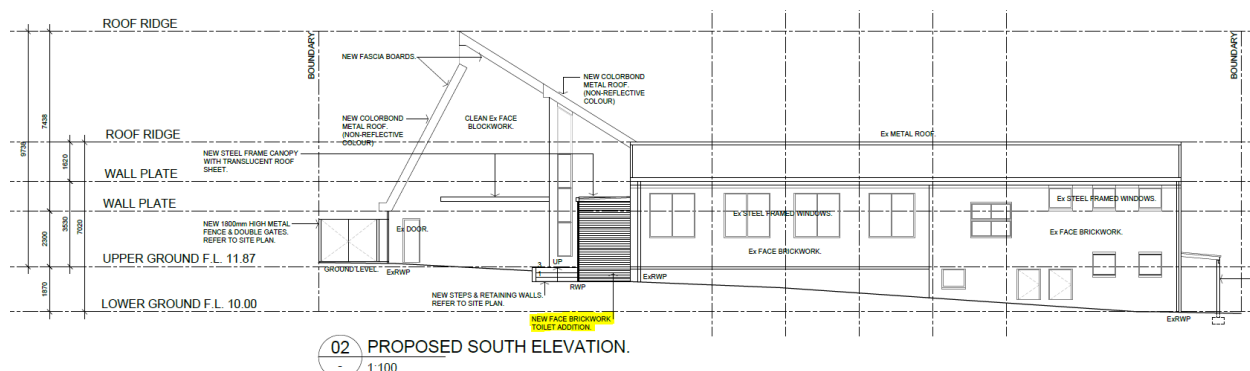


Figure 2 – Proposed toilet block addition as seen on the elevation plans



Figure 3 – Indicative location of toilet block addition as viewed from objector's property

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

U21/0566 - ADDITIONS AND ALTERATIONS TO EXISTING PLACE OF WORSHIP – LOT 109 (64) KITCHENER ROAD, MELVILLE WA 6156 (REC) (ATTACHMENT)**CONCLUSION**

This application for additions and alterations to the existing Melville Uniting Church has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Overall, the proposal has addressed the concerns raised by the submitters. The application seeks to refurbish the external façade and use of the car parking area and landscaping, without intensifying the use of the church by way of increases to the PFA or patronage numbers. Therefore, these amendments proposed as part of this application are considered to be an acceptable outcome. Given the assessment of the toilet block against the Design Principles, it is concluded that the development is acceptable, and is recommended for approved subject to the following conditions.

OFFICER RECOMMENDATION**APPROVAL**

This Approval to Commence Development is approved subject to compliance with the following:

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.**
- 3. Prior to the initial occupation of the development, all parking bays manoeuvring areas, driveways and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.**
- 4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**
- 5. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access points meets the road reserve to the satisfaction of the City.**
- 6. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;**
 - a maximum width of 6m;**
 - located a minimum of 2m away from the outside of the trunk of any street tree; and**
 - a minimum of 1m from any existing street infrastructure.**

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

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7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development, to the satisfaction of the City.
8. Illuminated signage shall not flash, chase or pulsate.
9. The signs shall only advertise the businesses operating on the subject lot.
10. The development is to be constructed and operated in accordance with the Waste Management Plan dated (May 2020) and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.
11. Prior to the initial occupation of the development, the plant/bin stores as shown on the approved plans are to be constructed and maintained in perpetuity to the satisfaction of the City. The bin store is to be constructed to satisfy the following requirements:
 - (a) Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - (b) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness.
 - (c) Having walls not less than 2.0 metres in height and having an access point of not less than 1 metre in width for resident/tenants to access the area and fitted with a self closing gate.
 - (d) Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - (e) Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
 - (f) Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).
 - (g) Not readily accessible by the public.
12. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.
13. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.

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14. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
- public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted without an approval);
 - Waste water and liquid waste disposal from temporary lunch rooms, toilets, basin;
 - Proposed method on dealing with concerns raised by the affected neighbours and members of the public during the building process, and
 - any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

15. The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.
16. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles

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- Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
- Open-cut trenching or excavation works (whether or not for laying of services)
- Changes to the natural ground level of the verge
- Location of any temporary buildings including portable toilets
- The unauthorised entry by any person, vehicle or machinery
- No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.