

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY 06 JANUARY 2015

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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 09 JANUARY 2015

**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, 06 JANUARY 2015.**

PRESENT

P Prendergast (Presiding Member)
J Wardell-Johnson
A Donaghey
G Russell
S Burnell
J Ahola

Manager Statutory Planning
A/ Planning Services Coordinator
Senior Planning Officer
Building Services Coordinator
A/ Senior Planning Officer
Landscape Architect Coord (Landscape
Design)

APOLOGIES

R Bailey
T Capobianco

Special Projects Officer (Engineering
Design)
Manager Building Services

IN ATTENDANCE

OBSERVERS

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 has 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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Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2014-647
 Property : 33-35 Davidson Road, Attadale
 Proposal : New Church, Associated Works & Change of Use of Existing Church to Multi-Purpose Hall
 Applicant : EIW Architects
 Owner : St Joseph Pignatelli Church
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

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 (eg 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>

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KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a new Church, associated works and change of use of existing Church to a Multi-Purpose Hall.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No.5 (CPS5) and applicable Council Policies.
- In accordance with Clause 7.5 of CPS No.5, the application was advertised via letters to adjacent land owners and via site notices. Twelve submissions and one petition, all opposing the development, were received raising concerns in respect of traffic , parking , the loss of existing tennis courts, and noise pollution.
- Notwithstanding the objections received, the development is considered to satisfy all of the relevant provisions contained under CPS5 and Council Policy and therefore it is recommended that approval be granted subject to conditions.



BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R15
Use Type	:	Residential
Use Class	:	"S"

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Site Details

Lot Area : 24844sqm
 Retention of Existing Vegetation : N/A
 Street Tree(s) : N/A
 Street Furniture (drainage pits etc) : N/A
 Site Details : See Photo Above

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Public Worship is an "S" use under CPS5
 Support/Object: Objection

Twelve Submissions Received	Summary of all Submissions	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
	That the proposed development will exacerbate traffic problems in Wichmann Rd.	Object	<p>A Transport Statement and Car Parking Management Plan was submitted as part of the application. This addresses the impacts of the development in the context of both car parking and traffic generation.</p> <p>The Transport Statement was assessed by officers of the City's Technical Services Directorate. raised no objection to the proposal in principle.</p>	Not Uphold

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	The development will result in the loss of the Pignatelli Tennis Club.	Object	As the tennis courts and the Tennis Club that operates from the courts are essentially private enterprises, operated on land owned by the Church, their loss is not a material planning consideration.	Not uphold
	The development will result in Noise and air pollution.	Object	.Given that the proposed Church is designed to replace an existing Church, with a similar congregation size and a similar number of associated vehicle movements, it is unlikely that additional noise and air pollution will result.	Not Uphold
	The development will involve a lengthy construction process that will affect residential amenity levels.	Object	A Construction Management Plan is a recommended condition of approval which will require the applicant to have appropriate safety measures in place for the duration of the construction period..	Not Uphold

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	<p>The development will result in the vacation of the existing Church building, and there is concern as to how this building will be subsequently used, and the impacts that will result from that additional use.</p>	<p>Objection</p>	<p>It is proposed that the existing Church building will assume the role of a multipurpose hall. In the absence of any change of use, the use of the building will be restricted to activities that are ancillary to either the Church use, or the Primary School use, both of which operate legitimately from this site. The use of the building for a separate commercial use will require the benefit of planning approval for a change of use.</p>	<p>Not Uphold</p>
	<p>Concern is expressed that the revised Transport Statement and Car Parking Management Plan includes data that is inaccurate..</p>	<p>Objection</p>	<p>The concerns expressed are not shared by the City's Technical Services officers who have assessed the Transport Statement and Car Parking Management Plan on its merit, and conclude that its findings are supportive of the development proceeding without prejudice to the free flow of traffic, and without compromise to traffic safety.</p>	<p>Not Uphold</p>

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Department of Education

The Department raised no objection to the proposal.

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STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic or risk management implications.

POLICY IMPLICATIONS

The proposed development has been assessed against the requirements of Council Policy, including Council Policy 079: Car Parking and Access. It is considered that the development meets the objectives of Council Policy in all respects.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

Should Elected Members or interested third parties have an alternative view; the DAU 'call up' procedures provide opportunity to call this matter up for consideration by Council.

COMMENT

In accordance with CPS5, Public Worship (Church) an 'S' use when located within the Living Area Precinct, which is a discretionary use subject to Council approval after advertising has taken place. The Statement of Intent for the Living Area Precinct – Attadale Precinct States:

"Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6"

The proposed Church development and the ancillary use of the existing Church building by the Church and/or school is consistent with its existing religious and educational use that occurs across this site. These uses are expected to occur within a residential community such as this, and are therefore considered to be acceptable in principle in land use terms on that basis.

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The existing Church is located within the south east portion of the lot, close to the point where Davidson Road intersects with Money Road. The proposed new Church building is located closer to Wichmann Road, within the northern portion of the lot, with access to the car park being taken from Wichmann Road directly and Galloway Street close to its intersection with Wichmann Road. This new location will result in the focus for traffic visiting the Church to shift from the residential side streets such as Davidson Road and Money Road, to Wichmann Road, thereby improving levels of residential amenity for owners and occupiers of properties located on those residential side streets.

The single storey design of the Church is considered to be well articulated and with its non traditional roof design, varied materials, setbacks as well as architectural features will compliment the existing built form of the subject site and locality. It is considered that the proposed design satisfies the relevant provisions within CPS5 and Council Policy.

The location of the proposed Church will result in the loss of the existing tennis courts on site which have been considered a valuable asset to the community for a number of years. The loss of the tennis courts and the Tennis Club is regrettable, however it must be noted that as courts are located on private land the City has no direct control over their retention. On that basis, the loss of the Tennis Club and courts is not material in the consideration of the Church redevelopment proposal.

The proposal will accommodate 92 parking spaces in total over the entire site. This represents a surplus of 16 car parking bays when assessed under the current Car Parking and Access Policy (CP-079). The Parking Management Plan submitted in support of the application details the number and availability of car parking areas/bays across the site. This allows for the effective use of all available car parking bays, particularly during peak periods when demand will be at its greatest for both Church and School uses.

As stated, access to the proposed Church car parking areas will utilise existing crossovers on Galloway Street and Wichmann Road. This will enable vehicles to access both streets enabling safe movement of vehicles in the vicinity. The City's Technical Services Department has reviewed the submitted Transport Statement and Parking Management Plan and have raised no objection to the proposal in that respect.

It is therefore considered that the proposal is considered to satisfy all of the relevant provisions within CPS5 and Council Policy and therefore it is recommended that approval be granted subject to conditions.

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CONCLUSION

As the proposed development is considered to be appropriate in land use terms, as necessary levels of off street car parking provision are included, as the design and external appearance of the proposed building is acceptable, and as the new development can occur without prejudice to traffic safety and the free flow of traffic in and around the site, it is recommended that conditional planning approval is granted.

OFFICER RECOMMENDATION U15/0456 (APPROVAL)

A) That the application for the erection of a new Church and Associated Facilities including the ancillary use of the existing Church building for church and/or school use at Lot 100 (33-35) Davidson Road, Attadale be approved subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the commencement of the development, a revised plan shall be submitted to and approved in writing by the Manager statutory Planning. The revised plan shall depict :**
 - (a) 92 parking bay/s, all manoeuvring areas, driveway/s and points of ingress and egress;**
 - (b) Bicycle parking facilities for 26 bicycles in accordance with Australian Standard AS2890.3; and**
 - (c) Motorcycle / scooter parking facilities for 8 motorcycles / scooters.**

The revised car parking and access layout plan shall, once approved, be fully implemented prior to occupation of the development, to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.

- 3. The use of the car parking areas located across the whole site shall be undertaken in accordance with the recommendations of the approved Car Parking Management Plan, to the ongoing satisfaction of the Manager Statutory Planning.**
- 4. External lighting is to be designed, installed and maintained to the satisfaction of the Manager Statutory Planning as follows:**
 - (a) Lighting to all pedestrian paths and crossing within the site in accordance with as1158 'lighting for roads and public spaces'.**
 - (b) Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and**
 - (c) All external lighting is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control Of Obtrusive Effects Of Outdoor Lighting.**

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5. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and/or the road verges adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
- (a) the location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) any lawns to be established;
 - (c) any existing vegetation and/or landscaped areas to be retained; and
 - (d) any verge treatments

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 Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

6. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy CP090– Waste And Recyclables Collection For Multiple Dwellings, Mixed Use Developments And Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.
7. Prior to the commencement of works, a scheme for the provision of public art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the public art shall be provided in accordance with council Policy – 085: Provision Of Art In Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

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8. A Construction Management Plan is to be prepared by the applicant and submitted to the Manager Statutory Planning 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 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) ; 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 Manager Statutory Planning.

9. The Multi-Purpose Hall shall only be operated as incidental to the approved Church and School uses on the site.