

**1.2 374-384 BLACKBURN ROAD, GLEN WAVERLEY
DEVELOPMENT AND USE OF THE LAND FOR A PLACE OF WORSHIP,
CONSTRUCTION OF A NEW BUILDING, REDUCTION IN CAR PARKING PROVISION
(TPA/48008)**

EXECUTIVE SUMMARY:

This application proposes the development and use of the land for a place of worship (demolition of existing building and construction of a new building), alteration of access to a Road Zone Category 1 and a reduction in the standard car parking provision.

At the time of lodgement, the subject site was zoned General Residential Zone – Schedule 2 (GRZ2) and has now been rezoned to Neighbourhood Residential Zone – Schedule 3 (NRZ3.).

The application was subject to public notification. Six (6) objections and one petition to the proposal have been received. The applicant requested additional time prior to the application being determined in order that they could consider their response to the objections.

Key issues to be considered relate to neighbourhood character, building form, building setbacks, vehicle access, car parking and amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, along with consideration against adopted Amendment C125 to the Monash Planning Scheme and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$6 Million.

The proposed development is considered satisfactory having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Sue Monagle
WARD:	Glen Waverley
PROPERTY ADDRESS:	374-384 Blackburn Road, Glen Waverley
EXISTING LAND USE:	Place of Worship and dwellings

PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Six (6) plus a petition containing 33 signatures
ZONING:	Neighbourhood Residential Zone – Schedule 3 (NRZ3) (Blackburn Road is a Road Zone – Category 1)
OVERLAY:	Vegetation Protection Overlay – Schedule 1
AMENDMENT C125 (gazetted 19 April 2018)	Neighbourhood Residential Zone – Schedule 3
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11 (Settlement) Clause 15 (Built Environment & Heritage) Clause 18 (Transport) Clause 19 (Infrastructure)	<u>Local Planning Policy Framework</u> Clause 21 (Municipal Strategic Statement) Clause 21.01 (Residential Development and Character Policy) Clause 21.05 (Economic Development) Clause 21.08 (Transport and Traffic) Clause 22.05 (Tree Conservation Policy) Clause 22.09 (Non-residential Uses in Residential Zones) Clause 22.13 (Environmentally Sustainable Development Policy) <u>Particular Provisions</u> Clause 52.06 (Car Parking) Clause 52.34 (Bicycle facilities) <u>General Provisions</u> Clause 65 (Decision Guidelines)
STATUTORY PROCESSING DATE:	21 January 2018
DEVELOPMENT COST:	\$6 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



374-384 Blackburn Road, Glen Waverley - Development And Use For The Purpose Of A Place Of Worship (Demolition Of Existing Building And Construction Of A New Building), Alteration Of Access To A Road Zone Category 1 And A Reduction In The Standard Car Parking Rate

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/48008)** for the development and use for the purpose of a place of worship (demolition of existing building and construction of a new building), alteration of access to a road zone category 1 and a reduction in the standard car parking rate, at 374-384 Blackburn Road, Glen Waverley subject to the following conditions:

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) External walls of the building to be of brick, brick veneer or stone (as required by covenants C812500, C900483 and C726109 registered on titles to the land)
- b) Deletion of the pedestrian path extending along the eastern setback to the building.
- c) The eastern line of car parking spaces and retaining wall setback an additional 700mm from the eastern title boundary in accordance with EKIST Ref: TPA03 Revision 2 titled "EKIST MARKUP 07.05/2018.
- d) Removal of car space in front setback to Stableford Avenue (adjacent to access way) and replacement with soft landscaping to the satisfaction of the Responsible Authority.
- e) Splaying of north west corner of carpark (deletion of adjacent car space required) and its replacement with soft landscaping to the satisfaction of the Responsible Authority in accordance with EKIST Ref: TPA03 Revision 2 titled "EKIST MARKUP 07.05/2018.
- f) North east and north west corners of buildings recessed to 7.1 metres from the Stableford Avenue title boundary in accordance with the plan prepared by EKIST Ref: TPA04 Revision 1 titled "EKIST MARKUP 07.05/2018.
- g) Details of the proposed landscaping and fencing of the outdoor infant play area fronting Blackburn Road.
- h) Deletion of note to relocate bus stop. The existing bus stop must be retained in its current position and its location shown on the site plan.

- i) Screening along the eastern boundary to a height of not less than 2 metres above the finished floor level opposite the ground floor office
 - j) Left in/left out access arrangements to Blackburn Road to the satisfaction of the Responsible Authority.
 - k) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
 - l) A minimum of 2 accessible car parking spaces provided on site. The accessible parking spaces should be designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.
 - m) Deletion of any section of the proposed brick retaining wall within the easement along the eastern boundary.
 - n) Details of proposed security measures for the site and carpark outside of operating hours
 - o) Details of the proposed lighting measures for the site. All lighting must be baffled and located so as not to cause nuisance to adjoining and nearby residential properties.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 3. Before the occupation of the buildings allowed by this permit, landscaping as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
 4. The total number of persons on site must not exceed 390 persons excluding Christmas and Easter services (and other significant holy days on the Christian Calendar) where not more than 590 persons may be onsite at any one time unless otherwise approved in writing by the Responsible Authority.
 5. The total number of persons attending weekday activities (other than church services) must not exceed 250 unless otherwise approved in writing by the Responsible Authority.

6. Unity Services and Youth Group must cease activities by no later than 10.00 pm and the premises vacated by 10.30 pm, unless further approved in writing by the Responsible Authority.
7. Prior to the use commencing, a traffic management plan must be submitted and endorsed by the Responsible Authority. The plan must address traffic management measures to manage traffic and car parking when significant patron numbers are expected on Special Holy Days (e.g. Christmas and Easter services).
8. A minimum of 10 bicycle parking spaces must be provided on site. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme
9. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
10. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
11. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
12. Any waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewer connection located within the waste storage room.

Traffic

13. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;
 - b) properly formed to such levels that they can be used in accordance with the plans;

- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

14. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below: The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
 - a. Driveway to provide at least 2.1m headroom beneath overhead obstructions.
 - b. Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
 - c. Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - i. Maximum grade of 1 in 4.
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
 - d. A passing area at least 6.1m wide and 7m long provided at the Blackburn Road entrance of the property.

Vic Roads Conditions

15. Unless otherwise agreed in writing by VicRoads, before the development starts, amended plans must be submitted to and approved by the Roads Corporation (VicRoads). When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plan must be generally in accordance with the Proposed Site Plan (Job No. 14P0710, Rev 2 Drawing TPA03 dated 15 July 2017), and annotated as but modified to include:
 - a. Clearly dimensioned plans showing the proposed access point on Blackburn Road;
 - b. Traffic splitter island showing left-in/ left-out access point;
 - c. Signage and line marking plan to reinforce turning movements out of the site

16. Prior to the commencement of use of the development hereby approved, a sealed access crossover, angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads.
17. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads.
18. Prior to the commencement of the use of the development hereby approved, the access crossover and associated works must be provided and available for use.
19. Vehicles must enter and exit the land in a forward direction at all times.
20. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.
21. The accessible parking space must be designed in accordance with the Australian Standards for off-Street Parking for people with disabilities, AS/NZS 2890.6.
22. The loading and unloading of goods from vehicles must only be carried out on the land.

Transport for Victoria conditions

23. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Blackburn Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.gov.au
24. The existing bus stop and associated infrastructure on Blackburn Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction, is to be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Drainage conditions

25. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-

site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:-

- a) trench grates (150mm minimum internal width) located within the property; and/or
- b) shaping the driveway so that water is collected in a grated pit on the property; and/or
- c) another Council approved equivalent.

26. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge.
27. The design of the stormwater system must direct the entire site's stormwater drainage to the north-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip to be constructed to Council Standards. *(A new pit is to be constructed if a pit does not exist or is not a standard Council pit.)* If the point of discharge cannot be located then notify Council's Engineering Division immediately.
28. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
29. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be cleared detailed on endorsed plans forming part of this permit.

Construction Management Plan

30. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - a) measures to control noise, dust and water runoff;
 - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) the location of where building materials are to be kept during construction;
 - d) site security;

- e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - f) on-site parking of vehicles associated with construction of the development;
 - g) wash down areas for trucks and vehicles associated with construction activities;
 - h) cleaning and maintaining surrounding road surfaces;
 - i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery).
31. The owner and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and must on request provide evidence to Council of Compliance with the policies.
32. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.
33. At the immediate request of the Responsible Authority noise testing must be taken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to the Responsible Authority.
34. Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed
35. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development is not started before 2 years from the date of issue.
 - The development is not completed before 4 years from the date of issue.
- In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not

yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES:

- A. Building approval must be obtained prior to the commencement of the above approved works.
- B. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- C. Unless no permit is required under the Monash Planning Scheme, no sign must be constructed or displayed without a further written approval from the Responsible Authority.
- D. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.
- E. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- F. Any new drainage connections onto a Council easement drain and work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- G. Engineering permits must be obtained for new or altered vehicle crossings and civil works within the road reserve and these works are to be inspected by Council (tel. 9518 3690).
- H. Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.
- I. One printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.

- J. An on-site detention system for storm events up to the 1% AEP event is to be retained on-site for the basement car park. The detention system for the basement is to be separate from the detention system for the property, which is to be at ground level and discharge by gravity.
- K. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.

BACKGROUND:

Planning Permit History

Planning Permit No.701 was issued by the former City of Waverley on 8 February 1967 for “the purpose of erecting a Place of Worship and Vicarage” on part of the site. This development was undertaken by the Anglican Church in 1968, and in 1996 the site was acquired by the Christian Life Assembly.

Planning Permit TPA/32237 was issued in 2005 for “buildings and works and waiver of car parking requirements” on the land at 374-380 Blackburn Road, Glen Waverley, in accordance with VCAT decision P1035/2005. This permit allows the church to operate with 216 people on-site at one time and endorsed plans show the provision of 27 on site car parking spaces.

Title Details

The subject site comprises three separate titles being;

- Lot 8 on PS070985 (Vol 08620 Fol 908) -384 Blackburn Road- dwelling owned by Christian Life Assembly
- Lot 9 on PS 070985 (Vol 8620 Fol 909) 382 Blackburn Road – dwelling owned by Christian Life Assembly
- Lot 10 on PS07095 (Vol 08695 Fol 844) - 374-378 Blackburn Road – Existing church building and adjoining administration building to south)

(NB: 380 Blackburn Road is now included as part of Lot 10)

Each of the titles is affected by covenant restrictions which oblige the owner of the following.

‘... Will not at any time build construct or erect or cause to be built constructed or erected on the said Lot hereby transferred or any part thereof any building having external walls of any material other than brick veneer or stone.’

The current proposal is for brick construction along with the application of stone look cladding. The covenant restriction requires external walls to be of either brick, brick veneer or stone which does not extend to stone like cladding. Therefore, a condition will be included on the permit to require wall to be of brick veneer or stone so as not to contravene the covenant.

The Site and Surrounds

The subject site is located on the south east corner of Blackburn Road and Stableford Avenue, in Glen Waverley. It is made up of three parcels of land being Nos. 374-380, 382 and 384 Blackburn Road.

The land is currently developed as follows:

- Nos. 374-378 Blackburn Road – Church building with associated car parking
- No. 380 Blackburn Road – Single storey brick dwelling
- No. 382 Blackburn Road – Single storey brick dwelling
- No. 384 Blackburn Road – Single storey brick dwelling

The site has a combined frontage of 98.87 metres to Blackburn Road, 34.44 metres to Stableford Avenue and a corner splay of 12.5 metres. The total site area is approximately 3,960 square meters.

The land falls approximately 5.0 meters towards the north west corner and there is a drainage easement running along the rear boundaries of the lots. A covenant applies to each lot limiting building materials to brick, brick veneer or stone.

There is currently a total of five vehicle access points on Blackburn Road and one on Stableford Avenue.

Features of adjoining land are as follows:

North: Two storey brick medical centre at Nos. 370-372 Blackburn Road, opposite the site on the north east corner of Blackburn Road and Stapleford Avenue

South: Single storey brick dwelling at No. 386 Blackburn Road also owned by Christian Life Assembly

East: Single storey medical centre at No. 2 Stapleford Avenue, and single storey brick dwellings at Nos. 1, 3, 5 and 7 Ingleside Crescent.

West: Two storey Waverley Private Hospital opposite the site at No. 343-357 Blackburn Road.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

Rezoning of land under Amendment C125 (Part 1)

On the 19 April 2018, the land was rezoned from General Residential Zone – Schedule 2 (GRZ2) to Neighbourhood Residential Zone – Schedule 3 (NRZ3). No transitional provisions apply meaning that the current proposal is subject to the objectives and provisions of the new NRZ3 zoning. Key objectives/provisions of the NRZ3 Zone of particular relevance to this application are as follows.

32.09 Purpose of Neighbourhood Residential Zone

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise area of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-12 Non Residential Use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated access ways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Building Height

As the proposed development is for a non-residential building, the mandatory maximum building height of 9 metres does not apply to this application. This provision is only applicable to the construction of dwelling or residential building.

Schedule Variations

Neighbourhood Residential Zone Schedule 3 (NRZ3) variations apply to rescode assessments (clause 54 and 55 of the Monash Planning Scheme) and are not applicable to applications for the development of non-residential uses in residential zones.

PROPOSAL:

The proposal is to demolish the existing buildings on the land and develop a new two storey building with basement / undercroft car parking to be used as a 'Place of Worship', with the following main features:

Development

- Basement/undercroft car parking for 87 cars including two accessible car spaces (NB: application refers to 89 spaces, however actual count is 87)
- Ground/Semi ground floor comprising auditorium, lobby, parents room, offices, meeting room and amenities, with a floor area of approximately 1,640 square metres.
- First floor comprising auditorium mezzanine, children's church, children's meeting rooms, multi-purpose room, offices, storage, kitchen and amenities, with a floor area of approximately 1,730 square metres.
- The building is set back at ground floor level, a minimum of 5.27 metres from Blackburn Road, 6.0 metres from Stableford Avenue, 3.0 metres from the eastern boundary and 10.8 metres from the southern boundary.
- The building height would be approximately 11.0 metres.
- The building would be contemporary in design and would be constructed of brick and stone cladding, with a significant amount of glazing to the main western elevation, and a mixture of flat and pitched metal roof forms
- Vehicle access would be provided via modification to the existing crossing on Stableford Avenue and a new crossing on Blackburn Road.

Use (Operation)

- The church proposes to continue to run services on Sunday with attendees not exceeding more than 450, and associated activities during the week would attract no more than 250 people. On special occasions (a total of 12 days per year) a maximum of 600 attendees are proposed.
- Proposed activities include
 - General administration and mothers group (weekdays)
 - Church services
 - Group meetings such as mentoring/prayer meetings, bible studies, youth group/ Sri Lankan Unity group/ mens/womens fellowship.

A small café facility is proposed in the lobby area, however this is an ancillary operation which will be available before and after services and will not operate independently.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

The site is within a Neighbourhood Residential Zone – Schedule 3 NRZ3 and is covered by the Vegetation Protection Overlay – Schedule 1 under the Monash Planning Scheme. Blackburn Road is a Road Zone – Category 1.

A Planning Permit is required for the proposal as follows:

- Clause 32.09-2 - Use as 'Place of Worship' in the Neighbourhood Residential Zone – Schedule 3. (Whilst the existing church operates from 374-380 Blackburn Road under a current planning permit, 'existing use rights' cannot be established under Clause 63 of the Monash Planning Scheme in relation the extended proposed site area at 382, and 384 Blackburn Road)
- Clause 32.09-8 - Buildings and works associated with a Section 2 use in the NRZ3 Zone.
- Clause 52.06-3 - Reduction in the number of car parking spaces.
- Clause 52.29 - Alteration of access to a road in a Road Zone - Category 1

Vegetation Protection Overlay

As there is no significant vegetation on the land a permit is not required for the removal of vegetation on the site under the provisions of the Vegetation Protection Overlay – Schedule 1.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

Aboriginal Cultural Heritage Sensitivity

The land also falls within an area of Aboriginal Cultural Heritage Sensitivity.

At the request of Council, the applicant provided expert advice from Cultural Heritage Consultants which concluded that a mandatory Cultural Heritage Management Plan (CHMP) is not required for the study area.

CONSULTATION:

Further information was requested of the Permit Applicant on 20 September 2017. In this letter, officers also raised the following issue:

- *The proposed building is large and continuous in its built form, and the interface to the adjacent residential properties to the east will be considered further.*

The Permit Applicant responded to this letter on 13 October 2017 by providing the further information, and making amendments to the plans that were subsequently lodged on 17 November 2017.

The Applicant was verbally advised that this application was coming to the June Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way notices sent to the surrounding property owners/occupiers, and a total of three signs, with two signs displayed on the Blackburn Road frontage and another on Stableford Avenue.

Six objections were received to the application and are summarised below.

- Insufficient car parking provision for a new development
- Loss of neighbourhood character
- Adverse visual amenity
- Loss of sunlight
- Loss of privacy and security
- Overflow traffic and parking
- Mass and bulk of building
- Overshadowing
- Noise generation
- Artificial light spill
- Adverse impact on streetscape
- Loss of vegetation
- Overdevelopment
- Impact on bus stop

A petition against the proposal containing 33 signatures was also received to the application. Petition grounds were as follows

- Mass and bulk
- Development is more suited to a commercial or industrial area
- Traffic and car parking.
- Increase in noise.
- Negative impact on streetscape
- Loss of flora and fauna removal of vegetation.

Attachment 4 details the location of objector properties.

External Referrals**Vic Roads (Ref:24802/18)**

The application was referred to Vic Roads in accordance with Section 55 of the Planning and Environment Act 1987. Vic Roads does not object to the proposal subject to a number of conditions being placed on the permit.

Transport For Victoria

The application was referred to Transport Victoria for their consideration of the impact on the bus stop located at the front of the site along Blackburn Road. They do not object to the proposal subject to conditions being placed on the permit.

Internal Referrals**Traffic Engineers**

The application was referred to Council's Traffic Engineers and their comments have been considered as part of the assessment of the application

Drainage Engineers

The application was referred to Council's Drainage Engineers who have provided a set of conditions to be included on a planning permit.

DISCUSSION:**Consistency with State and Local Planning Policies**

State Planning Policy relevant to this matter are as follows

Clause 15.01-1 Urban Design

'To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.'

Clause 15.03-2 – Aboriginal cultural heritage

This clause seeks to *'ensure the protection and conservation of places of Aboriginal cultural heritage significance'*

Clause 22.09 – Non-residential use and development in residential zones provides the local planning policy objective and context for the development of non-residential uses in residential zones throughout Monash. The objectives seek;

- *To ensure that development is appropriate having regard to the residential environment of the surrounds and that the amenity of the neighbourhood is not adversely affected by a business conducted in a residential area.*
- *To ensure that all built form in residential areas is respectful of residential character.*
- *To ensure that adequate and well-located vehicle parking is provided for all new developments.*

Whilst the location has already been established as being appropriate for a 'Place of Worship' (i.e. currently operating from the site in part), the current proposal to redevelop the site with a larger building which also extends across the adjoining two sites to the south must be assessed against the objectives and design guidelines of Clause 22.09. This policy applies to non-residential use and development within a Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone or Mixed Use Zone. Clause 22.09 -4 sets out the performance and locational criteria for non-residential use and development such as a Place of Worship under the following headings.

- Locational criteria.
- Urban Design Criteria.
- Car parking Criteria.
- Landscaping Criteria

Having regard to the current long term use and the site's location on a main road in close proximity to other non-residential uses, further consideration must be given to the following additional design guidelines found in the above policy:

- *Apply creative design solutions that enhance the quality of all residential areas, particularly in relation to streetscape issues, scale of buildings, provision of open space and setbacks to ensure adequate landscaping.*
- *Take into account the existing and preferred character statements for the Neighbourhood Character Type as described in the Monash Urban Character Study 1997 (or as amended). Maintain and enhance the established canopy treed environment throughout the municipality, continuing its significance in defining the garden city character of Monash.*
- *Maintain a consistency of street setbacks and building height with existing residential neighbourhood and residential scale.*
- *Retain existing residential buildings wherever feasible.*

The applicable policy relating to car parking includes:

- *Provision of car parking to comply generally with Clause 52 and 'A Guide to Car Parking in Monash, City of Monash, (6 February 2001' or as amended).*
- *Avoid reliance upon on-street car parking.*
- *Minimise disruption and nuisance to adjacent residential properties and the residential neighbourhood.*

Use

From the broader strategic perspective, the site is considered a suitable candidate for the continuation of a non-residential use, providing issues of neighbourhood amenity are satisfied. Christian Life Assembly have operated from the site at 378-382 Blackburn Road for a number of years, and the site's location on Blackburn

Road, continues to be consistent with the preferred locational attributes sought after by clause 22.09-4, in particular to ;

‘Locate discretionary non- residential uses in residential areas adjacent to existing activity centres and on higher order and busier streets and roads and particularly on corner sites.’

Non-residential uses characterise this section of Blackburn Road, mainly due to the existence of Waverley Private Hospital (directly opposite the site on west side of Blackburn Road) and the desire for associated medical specialists and uses to locate within close proximity. The expansion of the use to the south through the redevelopment of the adjoining two residential lots, is considered reasonable providing the redevelopment is well mannered in terms of its hours of operation, noise and on site car parking provision, and built form is respectful of its residential interfaces. These are discussed in more detail below.

Hours of operation

Planning permit TPA/32237 for which the current church operates under does not include a condition restricting the hours of operation of the current church services or ancillary type uses such as Sunday School, mothers group.

The current application to redevelop the site proposes that the site will be used in generally in the following ways.

- Business hours-weekdays- office administration, mothers group/playgroups
- Evening – weekdays – mentoring/prayer meeting, bible studies youth group. In general, these are held once a week and are proposed to be finished by 9-10.30 pm.
- Saturday - daytime hours –men’s/women’s fellowship, prayer meeting (8 am to 5 pm)
- Saturday – evening hours – church service 6-9pm.
- Sunday – daytime hours – two church service 8am 12.30pm)
- Sunday evening – sundown service (periodic) 6-8pm

As described above, it is proposed that the site will operate 7 days a week and at varied intensities. The different components of the use are all considered typical to a church operation. Permit conditions will be included to ensure appropriate noise restrictions, hours of operation and access arrangements are adopted to protect the sensitive residential interface to the east.

Urban Design and Built form

Clause 22.09-4 requires that the development adopt creative design solutions, which respect the neighbourhood character, are respectful of the landscaping, street setbacks and residential scale, and retain existing residential buildings where possible.

The current proposal represents an enlargement of the existing church building currently occupying the site at 374-378 Blackburn Road with the new building extending southwards, encompassing two residential lots (owned by Christian Life Assembly since 2003/2009). These dwellings will be demolished to accommodate the new development. This is considered reasonable in this instance given that this section of Blackburn Road around the hospital contains a number of non residential uses, especially between Stableford Avenue and Waverley Road to the south.

Building scale and mass and setback

Building Height

Building height along the length of the building ranges between 8 to 10 metres, with the atrium roof rising to a gable ridge height of 11.3 metres. This section of the roof is located centrally on the building towards its southern end with its highest point setback 17 metres from the eastern title boundary. Due to the sloping landform (falling south to north) the southern section has been stepped in height to minimise the scale of its northern façade to Stableford Avenue

Streetscape

Stableford Avenue

The subject site has two street frontages, Blackburn Road and Stableford Avenue. Similar to the existing church building on the site, the proposed building will front Blackburn Road with sideage to Stableford Avenue. The existing building displays the typical characteristics of a place of worship, with a large spire type feature characterising the northern (Stableford Avenue) façade of the building. For the most part, the existing northern façade is fairly bland in its appearance devoid of glazing or other architectural features and is setback between 5 and 6.5 metres from the Stableford Avenue frontage.

The proposed northern (side) façade of the proposed building is double storey in height and will be setback 6 metres from Stableford Avenue. Apart from the vehicle driveway access and adjacent car space, the setback will be available for soft landscaping. Following consultation with the applicant, it is also recommended that the car space to the east of the driveway be deleted and replaced with soft landscaping to further reduce hard paving across the setback. Splaying of the north west corner of the car park coupled with further articulation of the northern façade (via a condition of permit) will increase landscaping opportunities adjacent to the intersection, whilst also softening the corner of the building at this location to some degree. With these changes, the proposed building presents an acceptable design outcome this location.

Blackburn Road frontage

Along the Blackburn Road frontage, the building is setback 5.2 to 6.3 metres and provides good opportunity for meaningful landscaping, including canopy planting. The section of undercroft car parking which extends to 2.1 metres from the front boundary will not be visible, obscured by landscaping/retaining wall and covered with a landscaped fenced outdoor area to be used as an outdoor play area. This area will be secured by 1.5 metre high glazing and will sit comfortably along the Blackburn Road frontage.

The western elevation of the building is articulated by way of its varied materials palette and roof form. Extensive glazing also reduces the bulk of the building façade by providing significant translucency. The southern end of the building also is designed to float above the open undercroft carpark area and the 5.2 to 6.3 metre front setback to Blackburn Road provides good opportunity for meaningful landscaping across the front of the site.

The proposed landscaped plan provides a good level of canopy tree planting and soft landscaping along the Blackburn Road frontage to the site, not dissimilar to the landscaped setback to the Waverley Private Hospital directly opposite the site. It is also noted that the nature strips along Blackburn Road at this location are narrow and no street tree planting exists along the frontage to the site.

The building is essentially of two – three storey scale along its Blackburn Road façade, and, although the footprint of the building is large, it is considered that the level of articulation proposed, coupled with complementary landscaping will allow the building to sit comfortably at this particular location in Blackburn Road.

Interface to residential properties.

The eastern elevation of the building interfaces with a medical centre fronting Stableford Avenue and 5 residential backyards of properties facing Ingleside Crescent. This is the most sensitive of interfaces, with the residential property directly adjoining to the south, also currently owned by the church.

The eastern façade of the building is proposed to be setback a minimum of 3.6 metres from the common boundary to adjacent backyards with recessed sections adding articulation and relief to the auditorium façade and office section in the northern half of the building. The southern section of the building comprising the multi-purpose room and children's church and amenities is stepped back to provide a 6 metre setback to the eastern boundary and 10.8 metre setback to the southern boundary, with uncovered at grade car parking extending beyond the southern façade of the building. The eastern setback includes retaining walls (adjacent to undercroft car parking) and a pedestrian access path, however following discussions with the applicant, it is proposed that a condition of permit will require the removal of the pedestrian path and increase setback to the

southern section of the carpark, maximising soft landscaping between the building and its interface to adjoining residential buildings.

At present, there is little to no landscaping existing on the subject site along its eastern boundary with the sealed accessway and carpark at 374-384 (existing church facility) extending to the common boundary. The current proposal provides the opportunity to increase landscaping along the length of the development site and in doing so improve this aspect of the interface. A condition of permit will require screen planting to give effect to this opportunity.

Overshadowing

The project architect has prepared shadow plans for the proposed building (Refer to TP A12). No unreasonable shadowing of adjacent residential properties will result, with the 3pm shadow extending across the rear boundaries of adjoining backyards to the east by not more than 2.5 metres. Most of this shadow will be contained within the existing fence shadow and/or vegetation.

Operation of church activities

The church proposes to continue to run services on Sunday with attendee numbers of no more than 450. Activities during the week would attract no more than 250 people. On special occasions (a total of 12 days per year) a maximum of 600 parishioners are proposed.

In relation to the use of the building, the main issues for consideration centre around traffic and car parking, number of patrons and issues of noise and the need to continue to protect the amenity of adjacent and nearby residential properties. In this regard the following matters are considered central to the assessment of the use:

- What type of activities are proposed on site and what are the hours of operation?
- What do Council's Traffic Engineers say about the proposed patron numbers?

Hours of operation

Activities on site are all typical to a modern place of worship, including the auditorium for services, large lobby area, and multi-purpose area (similar to a typical church hall provision). In line with modern day expectations, a parent's room for parishioners who may have young children or babies and a small café facility (to operate at service times only) is also proposed. These provisions are all ancillary, and typical to the main use of the site as a place of worship.

- The proposed hours of operation are between:
 - Administration: 9.00am – 5.00pm

- Main auditorium: 8.30am – 12.30pm
- Multi-purpose room: 10.00am – 10.00pm Monday to Saturday (used for prayer meetings, group meetings, youth group).

These hours are considered appropriate and the 10.00 pm finish for the multi-purpose room is considered respectful of the site's location within a residential zone, albeit on Blackburn Road in a location characterised by its non-residential uses. Activities proposed during the evening hours do not attract high patron numbers (approximately 100) and ample on site car parking will be available. Youth group activities will also not require the same level of on-site car parking provision.

In terms of acoustic protection of adjoining residential properties, the expert acoustic report submitted in support to support of the application suggests treatment of the façade and glazed areas to minimise noise. Conditions of the permit will require compliance with expert acoustic advice.

Car Parking, Traffic and Access

Car parking is required to be provided under Clause 52.06 of the Monash Planning Scheme as shown in the following table, based on the expected number of parishioners of 450:

Use	Clause 52.06 Requirement	Car spaces required	Car spaces provided	Shortfall
Place of assembly (Worship)	0.3 space/patron			
	450 patrons	135	87	48
	600 patrons	180	87	93

As the above table shows, there is a shortfall of 48 spaces. On special days (e.g. such as Christmas and Easter) if a total of 600 patrons were to attend, there would be a short fall of 93 spaces.

The current church operation relies on 27 on site car spaces for the patron limit of 216 persons which under current planning scheme requirements would generate a car parking requirement of 64 cars spaces. Therefore the current church use operates with a shortfall of 37 spaces.

According to the traffic report submitted in support of the application, the new church building proposes patron numbers of no more than 450 at any one time. During the week, activities will attract no more than 250 people. During special times of the year (no more than 12 days/annum), it is proposed to allow 600 patrons on site. A Traffic Management Plan is proposed to be put in place on these

special days, which is supported. A condition of the permit will require the traffic management plan special days to be submitted prior to the use commencing.

The application was referred to Council's Traffic Engineers and their comments are summarised below.

- *Bus stop at front of site can be retained in its current location and it should not be relocated. (This view is supported by Transport for Victoria).*
- *The traffic report indicates that the church operates with up to 3 services on a Sunday, held at 8.30am 10.30am and 6pm. The existing church has a permit for 216 parishioners and 27 parking spaces (credit of 37 car spaces exist). The report indicates that informal reciprocal parking arrangements operate with 2 adjacent medical clinics – 370-372 Blackburn Road (32 spaces) and 2 Stableford Avenue (7 spaces). However it appears that there is no written agreement with the clinics in relation to these arrangements, with the potential for clinic operating hours to change. It is noted that approximately 10 spaces are available on the Blackburn Road site frontage and 2 on the Stableford Avenue site frontage plus a further 5 along non-residential frontages in Stableford Avenue.*
- *The 48 space shortfall could be reduced through the use of the 17 on-street spaces along the church and non-residential frontages, however this would still leave a shortfall of 31 spaces. It is suggested that a small reduction in parishioners, to say 400, would halve the shortfall to $(33-17) = 16$ spaces which may be more appropriate.*
- *The mid-week activities for up to 250 people would require parking provision of 75 spaces which is satisfied.*
- *Vehicle turning movements are satisfactory.*
- *The existing church access operates with a one-way entry via Stableford Avenue and exit via Blackburn Road. It should be noted that there is an existing No Right Turn in operation to prevent right turns into Stableford Avenue from Blackburn Road. Consequently much of the access to the site relies on Waverley Road and Stableford Avenue. The proposed access arrangements will provide a left in/left out access via Blackburn Road and a two-way access via Stableford Road. It is expected that this will reduce the church traffic movements on Waverley Road and Stableford Avenue and provide a more convenient access via Blackburn Road from the north.*
- *The predicted traffic generation is expected to be shared by both access points and is expected to have minimal impact on the local traffic network.*

Condition 1 of the permit will require the deletion of a further 2 car spaces to increase landscaping on site. Therefore the total number of car spaces provided on site will be reduced to 85. It is proposed that the patron numbers will be adjusted downward to 390 (at any one time) to accord with this. It is also proposed that on holy days patron numbers be reduced to 590 (from 600). The following table summarises patron numbers/car parking provision generated by proposed permit conditions.

Permit condition requirements/outcome

Use	Clause 52.06 Requirement per patron	Number of Car spaces required	Car spaces provided	Shortfall
Place of assembly (Worship)	0.3			
	space/patron			
	390 patrons	117	85	32
	590 patrons	177	85	92

The table indicates that the shortfall of 37 cars spaces applicable to the current church operation will be reduced to 32 under the new proposal. On special holy days, the increased shortfall is considered acceptable given that services will be generally confined to a 2 hour timeframe and occur only a handful of timestimes throughout the year.

Taking into consideration the above comments and analysis, it is considered that with reduced patron numbers as recommended, the amenity of surrounding residential streets will not be unreasonably impacted upon. Conditions of the permit will require a reduction in patron numbers to 390 (reduced from recommended 400 patrons to account for deletion of a further 2 spaces) for normal services on site, recognising that on special holy days such a Christmas, it is reasonable to allow extended patronage to 590. The applicant has been made aware of this and is comfortable with this approach.

Overlooking and potential light spill

The eastern and northern facades of the building have been designed to avoid direct overlooking into adjoining residential properties. Ground floor glazing of the office area is proposed and a condition of approval will ensure that screening to a height of 2 metres above finished floor level is required to ensure no overlooking from this part of the building.

There is only one other window on this façade which is a long vertical window to allow natural light into the auditorium. No overlooking will result from this window.

The absence of windows to the auditorium and multipurpose area along the eastern façade also means that the potential for light spill is erased.

Security

It is considered appropriate that the carpark area is secured outside of operating hours and a condition of permit will require the applicant to provide details of how they propose to secure the carpark and rear/side setback areas.

Building mass/ impact on neighbourhood character

In addition the issues already discussed, objections expressed that the proposal is an overdevelopment of the site, with the mass and bulk of the building being out of character with the neighbourhood character.

The proposed building represents a marked increase in building mass at this location, however, the site is located on a main road and sits directly opposite Waverley Private Hospital which is of similar scale and length. The 6 metre front setback to the building allows for canopy planting along the street edge and the creation of a green filter to the building façade.

The outlook from residential properties adjoining to the east will be altered, however the building will be setback behind perimeter planting and articulated in its form and material palette. The building is also located across the rear boundary of these properties (4 in total) and the southern section of the building will be stepped back to 6 metres from the common boundary where it sits adjacent to the backyards of 5 and 7 Ingleside Crescent. It is also noted that the northern section of the building sits adjacent to the existing medical centre at 2 Stableford Avenue.

Loss of vegetation

The proposal will result in a minimal amount of vegetation being lost from the site and provides the opportunity for a new modern planting theme for the site. In particular, the proposal provides the opportunity to introduce planting around the entire perimeter of the site and make a positive contribution to both the adjacent streetscapes, backyards and respecting the site's location in an area of the municipality where vegetation is considered a significant feature of the neighbourhood.

CONCLUSION:

A place of worship has operated from 374-380 Blackburn Road since 1968 and obtained additional planning approval to intensify the development use in 2005 under planning permit TPA/32237. The current proposal to redevelop and extend the use to include 382 and 384 Blackburn Road is considered appropriate in this instance given the ability of the development to provide an adequate level of

on site car parking, good access arrangements, and a sympathetic interface to abutting residential properties to the east.

On balance, the proposal is considered to satisfy State and Local Planning Policy objectives as well and the immediate amenity of the broader neighbourhood character, streetscape and residential properties.

The application is supported subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.