
**1.2 374 - 384 BLACKBURN ROAD, GLEN WAVERLEY
AMENDMENT TO PERMIT ISSUED FOR THE DEVELOPMENT AND USE FOR THE
PURPOSE OF A PLACE OF WORSHIP, ALTERATION OF ACCESS TO A TRANSPORT
ZONE AND A REDUCTION IN THE STANDARD CAR PARKING RATE
(TPA/48008/A)**

EXECUTIVE SUMMARY:

Council at its meeting on 26 June 2018 resolved to issue a Notice of Decision to Grant a Planning Permit for the development of a new building for the purpose of a place of worship. This permit also facilitated an expansion of the place of worship use of the site towards the south and through the redevelopment of the adjoining, three residential lots.

A Planning Permit TPA/48008 subsequently issued on 1 August 2018 and has been extended on one occasion. The development authorised by this permit expires if the works do not commence by 1 August 2024. There have been no works on site to date.

This current application proposes an amendment to the existing planning permit TPA/48008 as the permit applicant does not propose to demolish the existing building on site as originally anticipated but seeks to retain the existing church building and construct a second smaller building on the southern portion of the site. This application also proposes alteration of access to a Transport Zone 2 and a reduction in the standard car parking provision.

The application was subject to public notification. One (1) objection to the proposal has been received.

Key issues to be considered relate to neighbourhood character, building form, building setbacks, vehicle access, car parking (reduction of 3 car spaces) and amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework, and issues raised by objectors.

The reason for presenting this report to Council is the original planning permit was approved by Council.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme.

It is recommended that Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Lisa Groenewegen
WARD:	Mount Waverley
PROPERTY ADDRESS:	374 - 384 Blackburn Road, Glen Waverley
EXISTING LAND USE:	Church and dwellings
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	One (1)
ZONING:	Neighbourhood Residential (NRZ3)
OVERLAY:	Vegetation Protection Overlay (VPO1)
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 15.01-1S & R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.03-2S – Aboriginal Cultural Heritage Clause 18.01-1S- Land Use and Transport Planning Clause 18.02-1S & R- Sustainable Personal Transport Clause 18.02-2R– Principal Public Transport Network Clause 18.02-4S- Car Parking Clause 19.03-3S- Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.01-Residential Development and Character Policy Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.04- Stormwater Management Policy Clause 22.05 -Tree Conservation Policy Clause 22.09- Non-Residential Use and Development in Residential Areas Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.34- Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development <u>General Provisions</u> Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	26 December 2022
DEVELOPMENT COST:	\$5 Million

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant an Amended Planning Permit (TPA/48008/A)** 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 Transport Zone~~ and a reduction in the standard car parking rate, at 374 - 384 Blackburn Road, Glen Waverley subject to the following changes to 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) b) Access arrangements to Blackburn Road in accordance with condition 25 and 26.~~

- ~~k) c) Provision of 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.~~
- h) d) 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 289 0.6. 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) e) Details of proposed security measures for the site and carpark outside of operating hours
- o) f) 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.
- g) The location of the bollard in the shared area adjacent to the accessible spaces is to be amended in accordance with AS 2890.6 2009.
- h) Compliance with the car parking dimensions of table 2 of Clause 52.06-9 of the Monash Planning Scheme for the two parallel parking bays
- i) Correlation between the number of carparking spaces shown on the plans and the numerical figure of carparking spaces shown on the plans.
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~~ 300 persons excluding Christmas and Easter services (and other significant holy days on the Christian Calendar) where not more than ~~590~~ 400 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~~ 4 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.

~~VicRoads Conditions~~ – Transport for Victoria conditions

15. Unless otherwise agreed in writing by ~~VicRoads~~ Head, Transport for Victoria, 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 the Responsible Authority (RA) and at no cost to VicRoads.~~

16. Prior to the commencement of the use, the new crossover and driveway is to be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria.

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.

25. Access via the existing crossover (to Blackburn Road) is to remain exit only.

26. Access at the southern crossover must be restricted to left in/left out only.

Drainage conditions~~25.~~

27. *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.~~

28. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge.*

~~27.~~

29. *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.~~

30. *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.~~

31. *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.~~

32. *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.~~

33. *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.~~

34. *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.~~

35. *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.~~

36. *Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed*

~~35.~~

37. *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,

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:

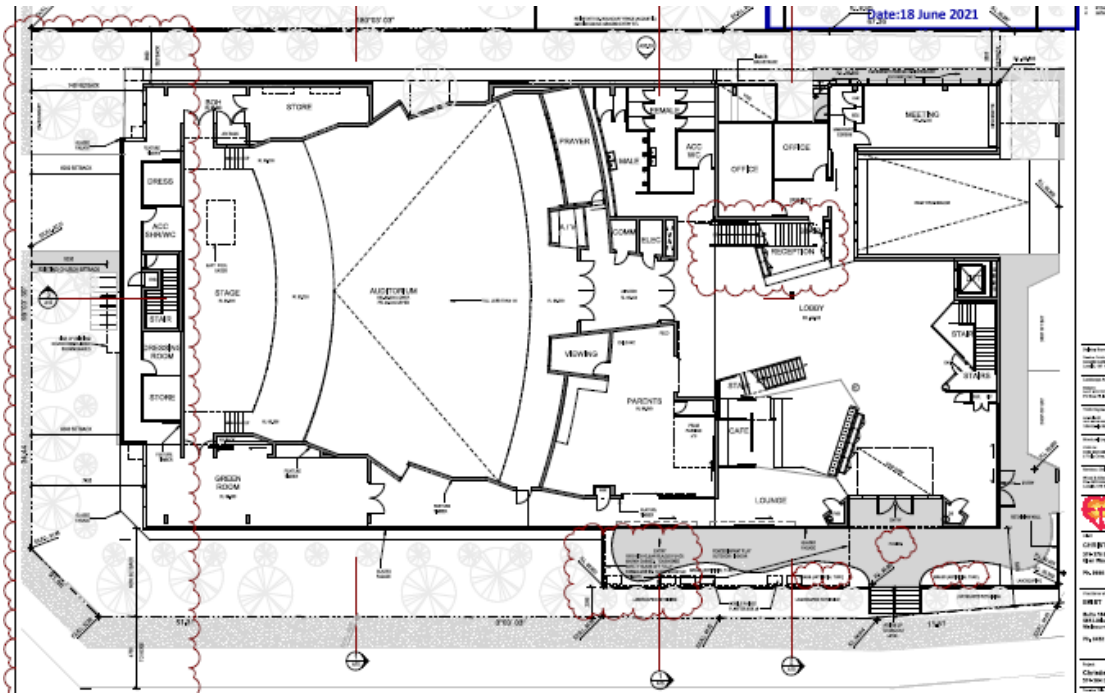
History

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.

Planning Permit TPA/48008 was issued in 2018 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”. This permit allows the church to operate with 390 people on-site at one time excluding significant holy days where no more than 590 persons are permitted and endorsed plans show the provision of 85 on site car parking spaces.

This permit is still valid with works requiring commencement by 1 August 2024.



Above - Floor plan of approved development

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 clay façade system. The covenant restriction requires external walls to be of either brick, brick veneer or stone. It is unclear of the makeup of the stone/clay façade system and therefore, Condition 1 a) was 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 southeast 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 metres.

The land falls approximately 5 metres towards the northwest corner and there is a drainage easement running along the rear boundaries of the lots.

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 northeast corner of Blackburn Road and Stableford 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).

PROPOSAL:

The amended proposal is to retain the existing church building on the land and develop a new two storey building with undercroft car parking on the southern portion of the site which is to be used in association with the place of worship. The previous approved development proposed the demolition of the existing church building and construction of a new building with undercroft car parking over the four sites. Overall, the proposed scale and intensity of the use and development will generally be reduced.

Use (Operation)

- The church proposes to continue to run services on Sunday with attendees not exceeding 300. On special occasions (a total of 12 days per year) a maximum of 400 attendees are proposed.
- This amendment continues to propose an expansion of the place of worship use of the site towards the south and through the redevelopment of the adjoining, three residential lots.

All other activities within the church buildings will remain as detailed and approved in the original permit.

Car parking

- 13 of the existing 27 car parking spaces will be retained on the site.
- 36 additional carparking spaces will be provided to the site (it is noted that the plans indicate 38 spaces but this is inaccurate and is to be corrected).
- An overall total of 49 spaces will be provided on the site.

A comparison of the key components of the approved and proposed developments is summarised below:

	Approved (as endorsed)	Proposed	Difference
Total parishioners (Service typical)	390	300	-90 parishioners
Total parishioners (Special occasion)	590	400	-190 parishioners
Number of car parking spaces (inclusion of DDA)	85	49	- 36 Spaces
Number of bicycle spaces	10	4	- 6 spaces
Parapet height (Max)	RL 104700	RL 104700	Nil

A comparison of the setbacks of the approved and proposed is shown below:

	Approved endorsed (as)	Proposed	Planning Scheme requirement
North Setback (Min)	6000mm	N/A existing church setback maintained at 5030mm	7.6 metres (front setback)
East Setback (Min)	3600mm	6000mm	Zero or 1 metre

South (Min) Setback	9700mm (canopy) 10800 (wall)	9700mm (canopy) 10800 (wall)	5 metre rear setback
West Setback (Min)	5200mm (Blackburn Road)	5200mm (Blackburn Road)	2 metres min side street setback

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

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 Transport Zone 2.

There are no new permit triggers under the proposed amendment.

Pursuant to Clause 32.09-2 a planning permit is required for the use of the existing residential land for a place of worship (382-384 Blackburn Road). Pursuant to Clause 32.09-8 a planning permit is required for buildings and works associated with a Section 2 use in the Neighbourhood Residential Zone.

Pursuant to Clause 52.06-3 a permit is required for a reduction in the number of car parking spaces.

Pursuant to Clause 52.29 a planning permit is required for alteration of access to a road in a Transport Zone - Category 2 and is required to be referred to the Department of Transport and Planning.

Overlays

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

Aboriginal Cultural Heritage Sensitivity

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

As part of the original application, 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.

Particular and General Provisions

Car parking

Car parking is required to be provided at the rate specified under Clause 52.06 of the Monash Planning Scheme. A Place of Assembly (Worship) generates a

requirement of 0.3 spaces per patron. A permit is required to reduce this requirement.

The provision of car parking is discussed in the assessment section of this report below.

Bicycle Parking

Bicycle parking and facilities are required to be provided at the rate specified under Clause 52.34 of the Monash Planning Scheme. The revised proposal reduces the requirement from 10 spaces to 4. This meets the requirements of Clause 52.34 and no waiver of bicycle parking is required.

Section 72 Amendment (Planning and Environment Act)

An application for amendment to a planning permit (including plans) is subject to the provisions of Section 72 of the Planning and Environment Act.

Sections 47 to 62 of the Act (with any necessary changes) apply to an application as if the application were an application for a permit.

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

CONSULTATION:

The Applicant was advised that this application was coming to the March Council meeting, and a letter was sent to the Applicant with the details of the Council meeting. The Applicant has been advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of notices sent to the surrounding property owners/occupiers, and four signs displayed along the frontages of the sites.

One (1) objection was received. Issues of objection included the following concerns:

- Provision of insufficient car parking for the use resulting in overflow parking within residential streets.
- informal car parking arrangements with adjacent medical centres is Inappropriate
- Inaccuracy of report which indicated medical centres do not operate on Sundays.
- Lack of stormwater retention details.

Attachment 4 details the location of the objector property.

Referrals

External Referral

Head, Transport for Victoria (Ref:24802/18-1)

The application was referred to Head, Transport for Victoria as a determining referral authority pursuant to Clause 52.29 to create or alter access to a road within a Transport Zone. The department advised of no objection subject to existing conditions 17-22 and 23-24 remaining on the permit and a number of new conditions being placed on the permit relating to the operation of existing and proposed vehicle crossings.

Internal Referral

Traffic Engineer

Council's Traffic Engineers raised no concerns with increasing the car parking deficient a further 4 spaces from what currently exists on site from. Their comments have been considered as part of the assessment of the application and conditions requested have been incorporated in the amended permit.

Drainage Engineer

Standard conditions included on the original permit to remain.

DISCUSSION:

Consistency with State, Regional and Local Planning Policies

There has been no substantive change in the planning circumstance since the issue of the permit. The land remains zoned Neighbourhood Residential, Schedule 3 (NRZ3) and there are no additional permit triggers requiring consideration.

As with the previous proposal, from the broader strategic perspective, the site is considered a suitable for the continuation of a non-residential use, providing issues of neighbourhood amenity are satisfied. Christian Life Assembly have operated from the site at 374-378 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 (Non-residential use and development in residential areas).

The varied proposal for an expansion of the use to the south and through the redevelopment of the adjoining three residential lots, is considered reasonable providing the redevelopment is well managed 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

No change is proposed to the existing or approved 7 days a week hour of operation.

Church services will continue predominantly to be held on:

- Saturday – 6-9pm.
- Sunday – two church services at 9am and 11am.
- Periodic Sunday evening (sundown service) - 6-8pm

Other activities that will continue may include:

- Administration/ mothers groups/playgroups during business hours on weekdays
- mentoring/prayer meeting, bible studies youth group on weekday evenings. Condition 6 of the existing permit restricts these activities to 10pm
- Men's/women's fellowship, prayer meeting may also occur between 8am-5pm Saturdays.

No changes are proposed to Permit conditions which ensure appropriate noise restrictions, hours of operation and access arrangements to the 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 amended proposal is for an additional building to be used in conjunction with the existing church building which currently occupies the site at 374-378 Blackburn Road. The new building will encompass three residential lots (owned by Christian Life Assembly). It is noted that the current approved permit involved a much larger building footprint and the demolition of the existing church building, which is now to be retained.

Building scale and mass and setback

The proposed building is similar in external design and internal layout to the previously approved built form on the southern section of the site. The building height will remain as approved and will range between 8-10 metres, with the atrium roof raising to a gable ridge roof of 11.3m. This ridge height remains unchanged from the original approval.

Building setbacks from the east and south will remain as approved at 6 metres and 10.8 metres respectively. The western boundary setback remains at a minimum of 5.2 metres.

A 4 metre setback between the existing church building and the proposed new building is proposed ensuring the new building does not dominate the existing building.

The setbacks of the undercroft parking from the eastern and southern boundaries are maintained as approved. The setback of the carparking to the western boundary (Blackburn Road) is proposed at 4.8 metres.

Streetscape

The subject site has two street frontages, Blackburn Road and Stableford Avenue.

With the retention of the existing church building, the streetscape to Stableford Avenue will remain largely unchanged with the proposed new building located behind the existing building to be retained. Much of the new building proposed on the southern portion of the site will not exceed the height of the large spire type feature which characterises the north (Stableford Avenue) façade of the building. Filtered views of the new building will be visible but the new building will not be a dominant feature and will sit comfortably.

One way access and carparking along the northern boundary is proposed to be retained as it currently exists on the site.

Along the Blackburn Road frontage, the new building is proposed to be setback 5.2 to 6.3 metres and provides good opportunity for meaningful landscaping, including canopy planting. This proposed setback matches the current approved setbacks. The section of undercroft car parking which extends to 4.8 metres from the front title boundary will be adequately obscured by proposed landscaping. The mix of landscaping proposed will ensure the parking is not a dominant feature within the streetscape and is consistent with that found on the hospital site located directly opposite on Blackburn Road.

The western elevation of the building facing Blackburn Road 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 is designed to float above the open undercroft carpark area in a similar fashion to that of the hospital which is located on the opposite side of Blackburn Road.

The building's scale along its Blackburn Road façade is considered to be appropriate and is in keeping with that already approved on the site. The level of articulation proposed, coupled with complementary landscaping will allow the building to sit comfortably at this particular location on Blackburn Road.

Interface to residential properties.

The proposed building setbacks to adjacent residential properties is not reduced under the current proposed amendment.

The revised eastern elevation of the proposal interfaces with 4 residential backyards of properties along Ingleside Crescent. This is the most sensitive of

interfaces together with the residential property directly adjoining to the south, which is also currently owned by the church.

The eastern façade of the building will continue to have a setback of a minimum of 6 metres from the common boundary to adjacent backyards. This is increased in part from the approved development where a more varied setback between 3.6 and 6.0 metre setback was proposed. A 3.3 metre setback to the undercroft carparking spaces is maintained providing a good opportunity for landscaping along this interface.

No change to the building setback to the southern boundary is proposed as a result of the amended design and the building continues to be setback at 10.8 metres to the southern boundary. Uncovered at grade car parking extending beyond the southern façade of the building to the boundary continues in the same manner as shown on the approved development plans.

Conditions of the permit which required compliance with expert acoustic advice will be maintained on the permit ensuring acoustic protection of adjoining residential properties is provided.

Overshadowing

The project architect has prepared shadow plans for the proposed building (Refer to TP A12). No shadowing of adjacent residential properties will result from the amended design as a result of the increased setback to the eastern boundary (via retention of existing church building). Any shadow cast by the amended design will be contained within the existing fence shadow.

Overlooking and potential light spill

The eastern and southern facades of the building have no first floor windows ensuring no overlooking opportunities to adjacent residential properties. There is only one window on the south façade atrium which is to allow natural light into the multi-purpose room. No overlooking will result from this window.

Ground floor windows on the eastern and southern facades present no opportunities for overlooking given their setbacks from the boundary and the presence of a boundary fence.

The absence of windows facing the eastern façade also means that the potential for light spill is erased. Minimal light spill is anticipated from the atrium window to the multipurpose room.

Car Parking, traffic, and access

For a Place of Assembly (Worship) use, car parking is required to be provided at the rate of 0.3 spaces per patron. A permit is required to reduce this requirement.

The Church operation currently relies on 27 on site car spaces for the patron limit of 216 persons. At a rate of 0.3 spaces per patron, 64 spaces would be required. Therefore, the current church use operates with a shortfall of 37 spaces.

It is proposed to retain 13 of the existing 27 onsite parking spaces and increase overall parking on site to 49 spaces.

The requisite car parking spaces for the proposed additional patronage, as required under Clause 52.06 of the Monash Planning Scheme is shown in the following table:

Use	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Place of assembly (Worship) existing, approved under previous permit	N/A	27	27
Place of assembly (Worship)	84 additional patrons (0.3 space/patron)	25	22
Total required		52	52 (49 required 3 car spaces shortfall)
Significant holy days	184 additional patrons (0.3 space/patron)	55	22

The proposed amendment will result in a waiver of 3 car parking spaces associated with the increased parishioner numbers.

Council's Transport department has no concern with the continued waiver of carparking to the site. It is considered that sufficient carparking has been provided for the proposal. The amenity of surrounding residential streets will not be unreasonably impacted upon by this amended carparking proposal.

Patron numbers are considered to be appropriate and the proposal will continue to operate with a very similar shortfall to carparking which currently exists.

It is also noted that informal reciprocal parking arrangement for an overflow of 39 car parking spaces with adjacent medical centres remains available for the use which would reduce the need for on street car parking to be utilised. This arrangement has been in place since the issue of the current planning permit (TPA32237) in 2005.

Condition 7 of the permit requires a Traffic Management Plan for special days to be submitted prior to the use commencing. Traffic marshals will continue to coordinate parking in these locations. This condition will be maintained on the permit.

Objections not previously addressed.

Informal car parking arrangements is inappropriate with adjacent medical centres and inaccuracy of report indicating medical centres do not operate on Sundays

The informal parking agreements provide supplementary parking when needed and have been in place since 2005. Regardless of this informal arrangement the parking provided on site is considered to be appropriate based on the expected number of patrons.

It is acknowledged that the medical centre at 370-372 Blackburn Road operates on a Sunday.

The approved amendment is not dependent on the supplementary parking and furthermore is managed by traffic management marshals.

Lack of stormwater retention details

The provision of drainage plans which include storm water details are a condition of the permit. Councils engineering department will ensure stormwater is appropriately managed.

Explanation of Changes to Permit Conditions

As a result of the proposed amendments to the plans, several existing permit conditions are now no longer applicable as they relate to the approved design. These conditions are recommended to be deleted from the permit, whilst other conditions are renumbered as a result. In addition, new conditions are also recommended due to revised requirements of the referral authority.

CONCLUSION:

The proposed amended proposal continues to be consistent with the relevant Planning Policy Framework in providing an expanded and intensified non-residential use across the site that remains responsive to the neighbourhood and landscaped character of the area.

Overall, the proposal is considered appropriate, and it is recommended that a Notice of Decision to Grant an Amended Permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2022).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.

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Drawing Status



CONSTRUCTION PHASE

Rev	Date	Description
1	31/07/17	Town Planning Application
3	28/05/18	Town Planning Amended Drawings
6	28/05/21	Issue for Endorsement
9	29/07/22	Town Planning Amended

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Drawing Title
Existing Conditions - Site Context & Location Plan

Drawn SY Checked WT Approved SL Scale 1 : 500

Date 29/07/2022 Job Number **14P0710**

Scale 1:50 Revision **9**



TP A01

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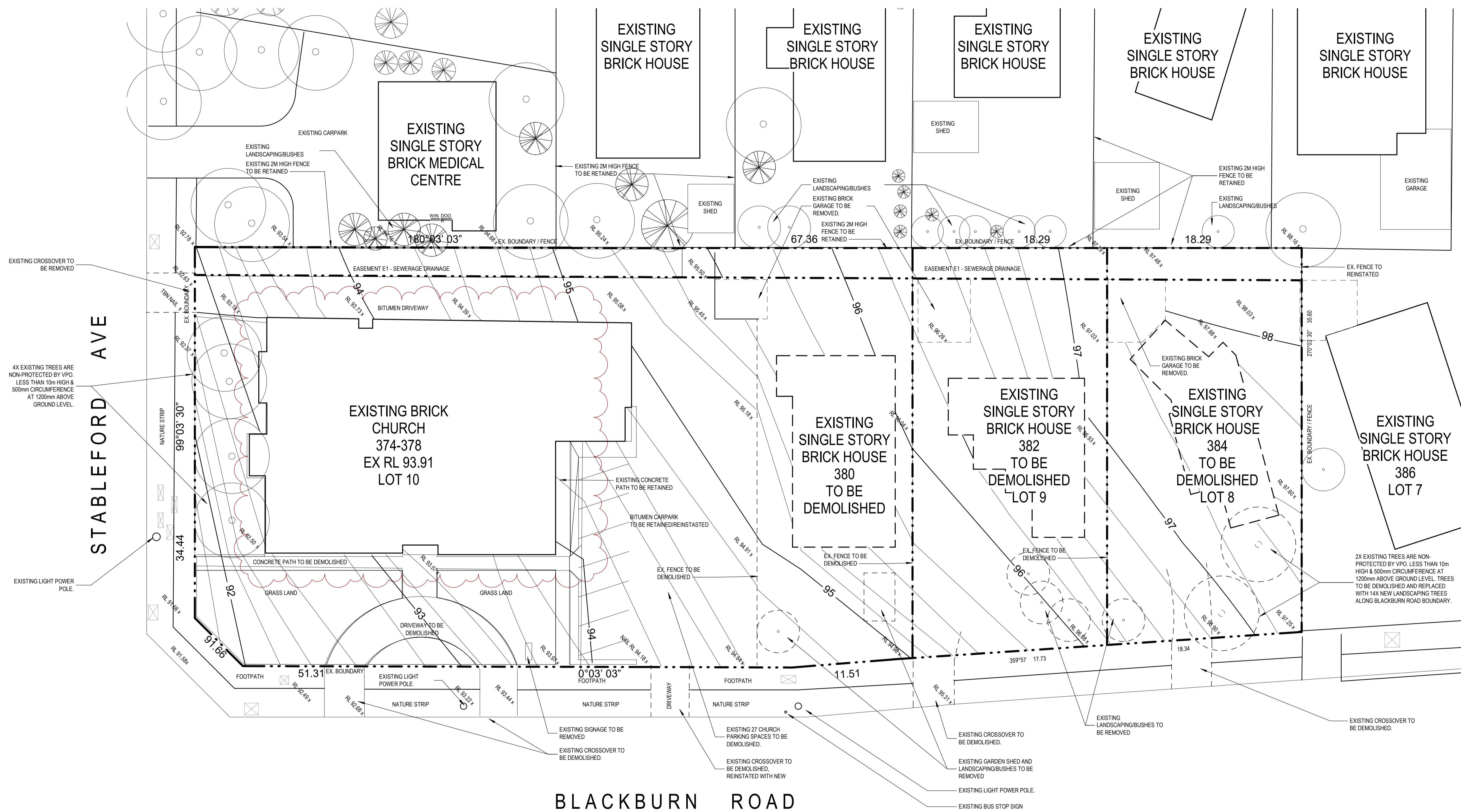
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Drawing Title
Existing Conditions - Site Plan

Drawn	Checked	Approved	Scale
SY	WT	SL	1 : 200

Date
 29/07/2022

Job Number
14P0710

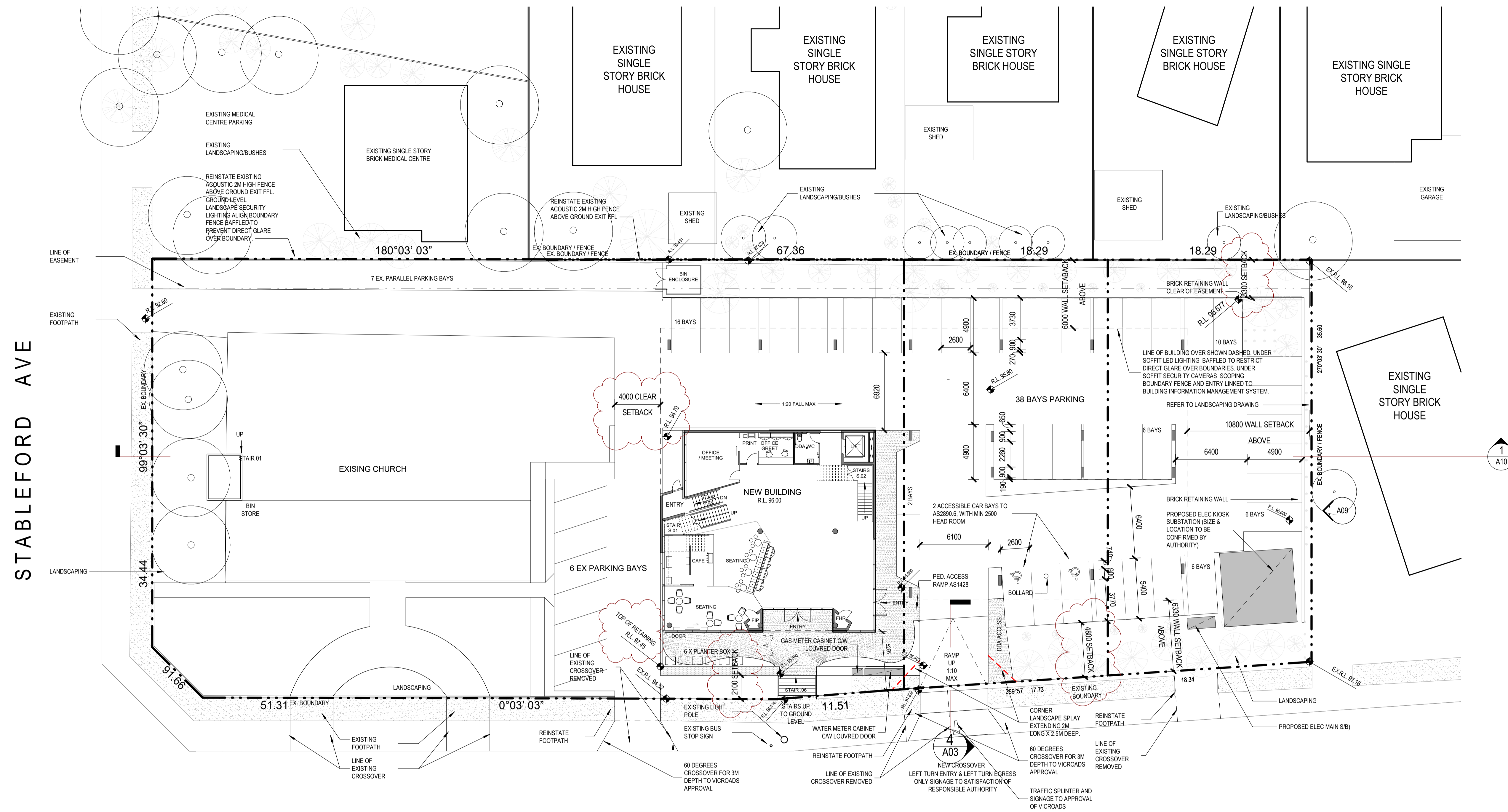
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TP A02

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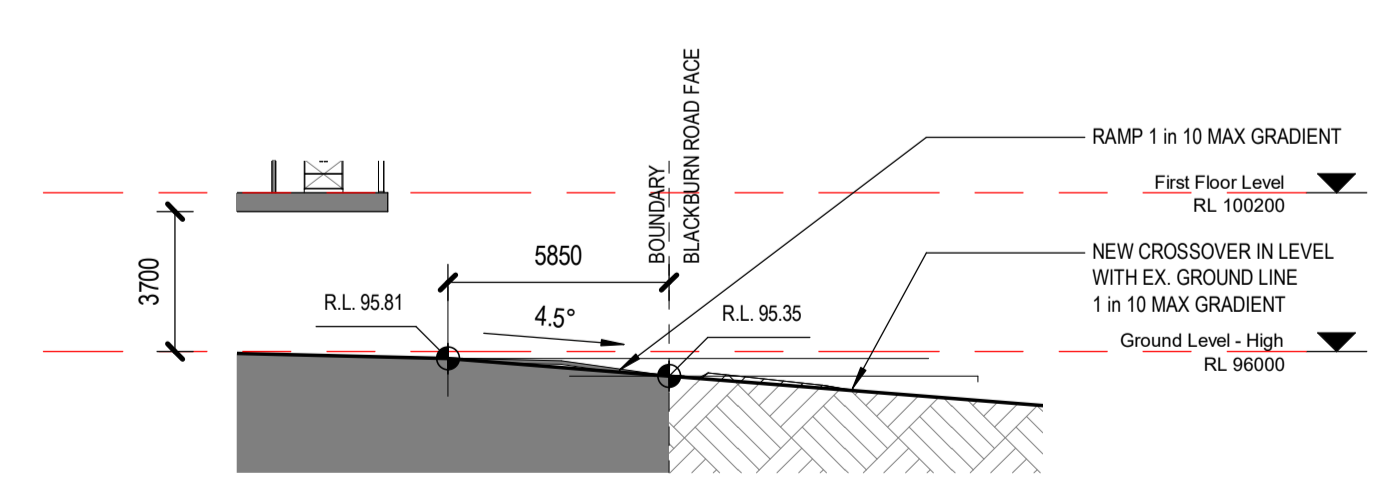
CONSTRUCTION PHASE

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10	11/10/22	Town Planning Amended



STABLEFORD AVE

BLACKBURN ROAD



4 DRIVEWAY RAMP - GROUND LEVEL
A01.02 1:200

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NOTES

- CARPARKING**
- | | |
|------------------------|----------------|
| EXISTING BAYS (ONSITE) | 13 BAYS |
| NEW GROUND LEVEL | 38 BAYS |
| TOTAL | 51 BAYS |
- TO BE READ IN CONJUNCTION WITH TRAFFIC ENGINEERING REPORT
- LANDSCAPING**
- TO BE READ IN CONJUNCTION WITH LANDSCAPE ARCHITECTS DRAWINGS AND SPECIFICATIONS.

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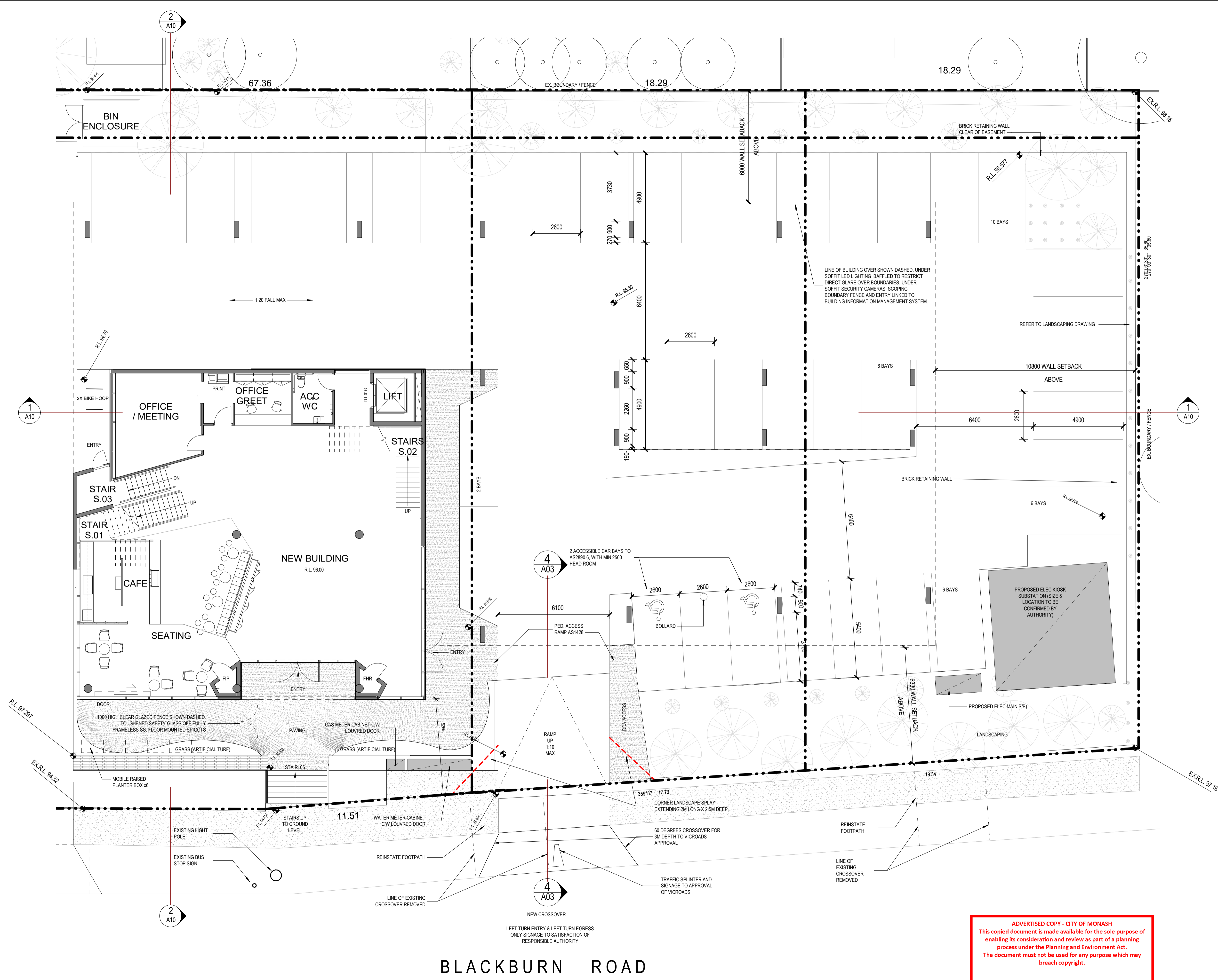
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Christian Life Assembly
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Drawing Title
Proposed Site Plan

Drawn SY	Checked WT	Approved SL	Scale 1:200
Date 11/10/2022	Job Number 14P0710	Revision TP A03 10	

CONSTRUCTION PHASE

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Project
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Drawing Title
Proposed Floor Plan - Ground Level

Drawn SY	Checked WT	Approved SL	Scale 1 : 100
Date 29/07/2022	Job Number 14P0710	Revision	
Scale 1:100			9

TP A04

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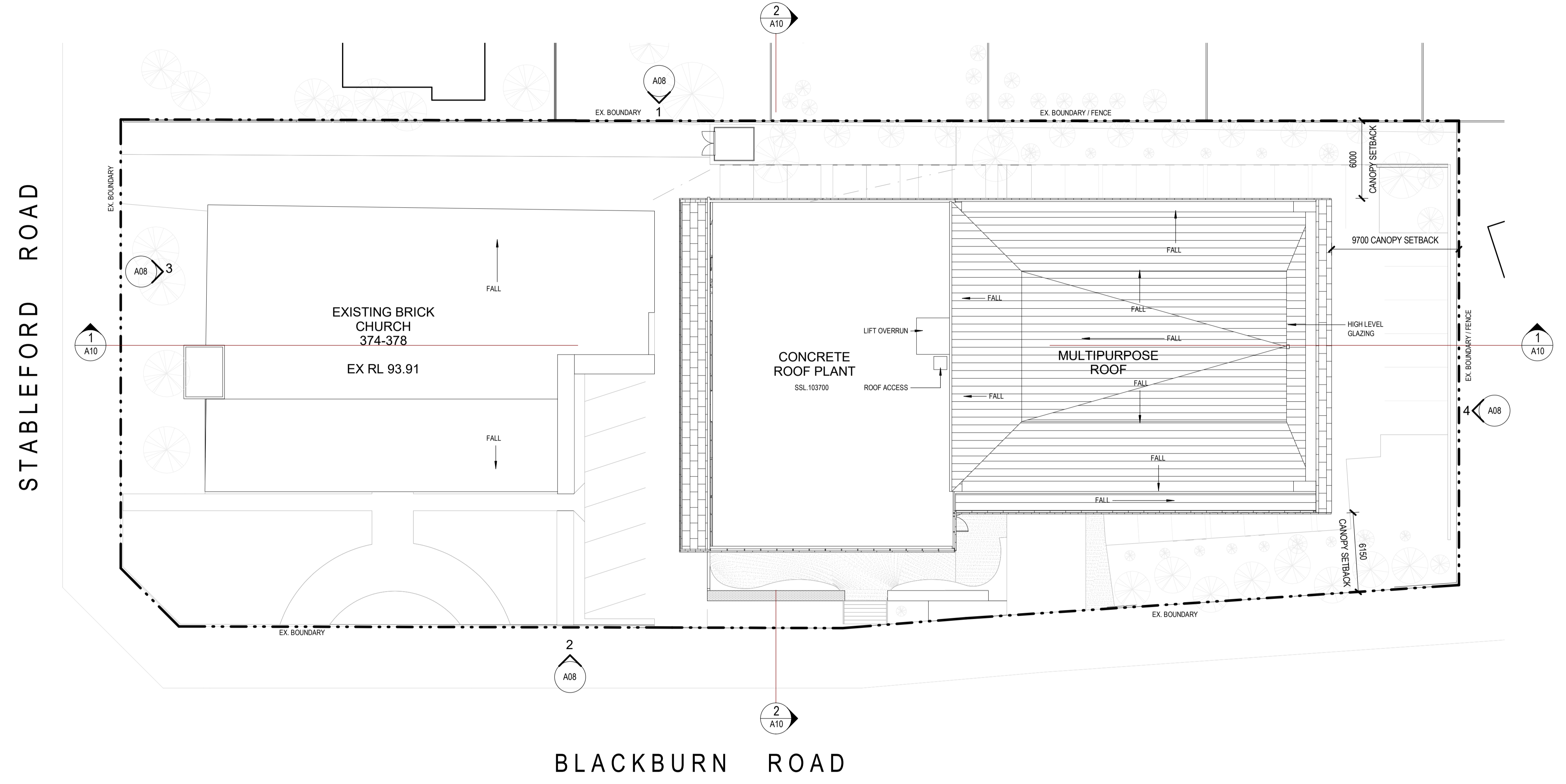
BLACKBURN ROAD

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CONSTRUCTION PHASE

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5	27/04/21	Town Planning Amended Drawings
6	26/05/21	Issue for Endorsement
9	29/07/22	Town Planning Amended



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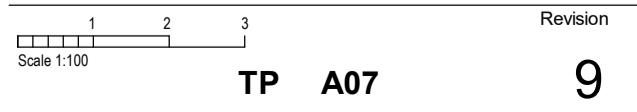
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Drawing Title
Proposed Floor Plan - Roof

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Date 29/07/2022	Job Number 14P0710	Revision 9	

TP A07



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Rev	Date	Description
1	31/07/17	Town Planning Application
2	04/10/17	Town Planning Finish Rev
5	27/04/21	Town Planning Amended Drawings
6	26/05/21	Issue for Endorsement
7	02/06/21	Issue for Endorsement
9	29/07/22	Town Planning Amended
10	11/10/22	Town Planning Amended

EXTERNAL FINISHES LEGEND

- COL CONCRETE COLUMN
- BK1 BRICK
- GL1 GLAZING
- ST1 CLADDING TYPE 1 STONE/CLAY FACADE SYSTEM
- ST2 CLADDING TYPE 1 STONE/CLAY FACADE SYSTEM
- MT1 METAL ROOF TYPE 1
- SP1 SPANREL PANEL - GLASS LOOK

NOTE:
 TREES FRONT OF BUILDING NOT SHOWN FOR CLARITY. REFER TO COLOUR ELEVATIONS.

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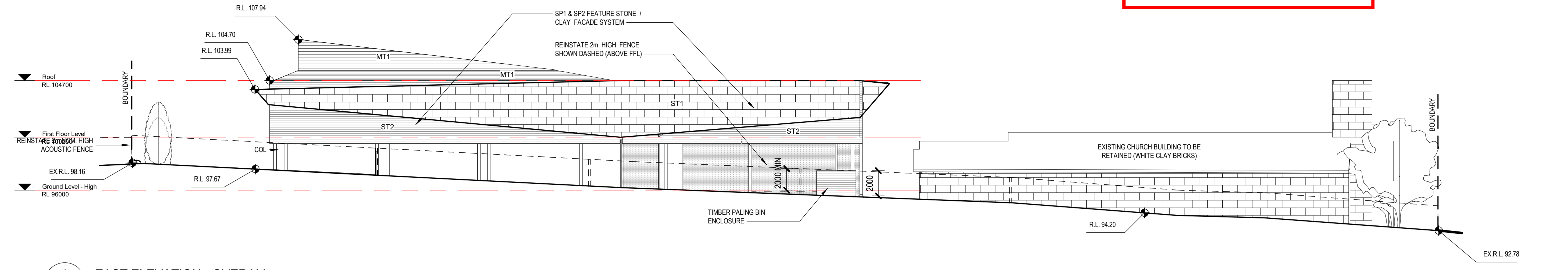
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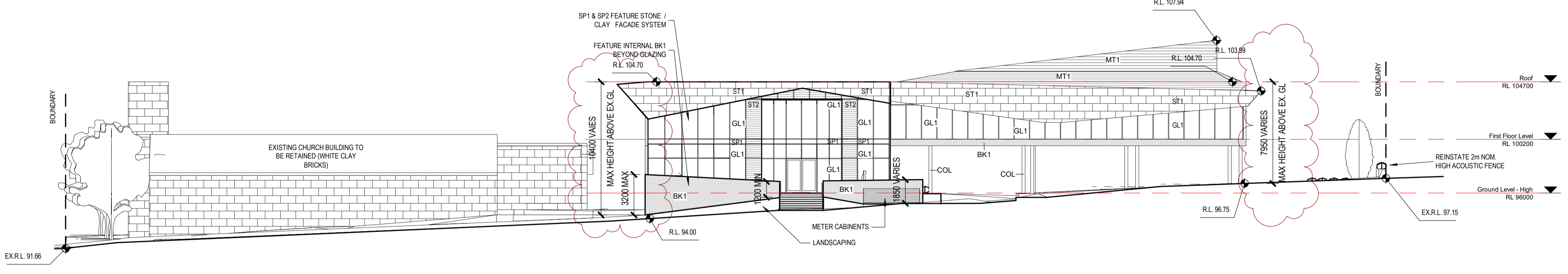
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Proposed Elevations Coordination

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Date	Job Number		Revision
11/10/2022	14P0710		10

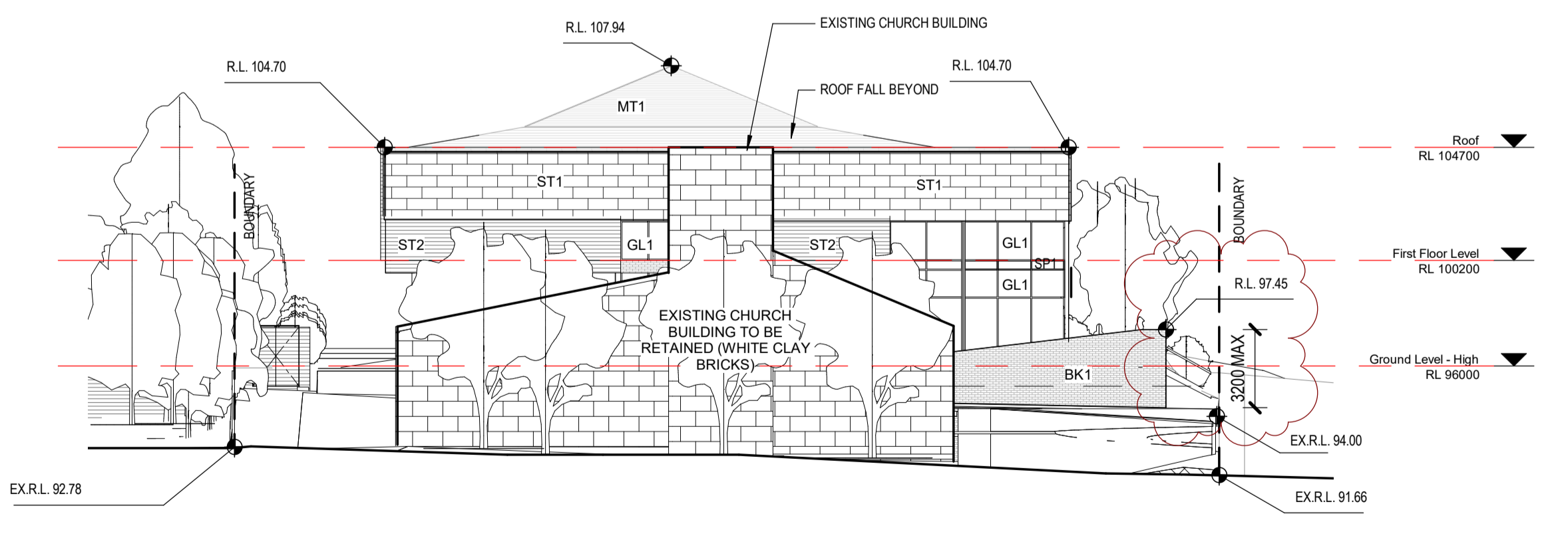
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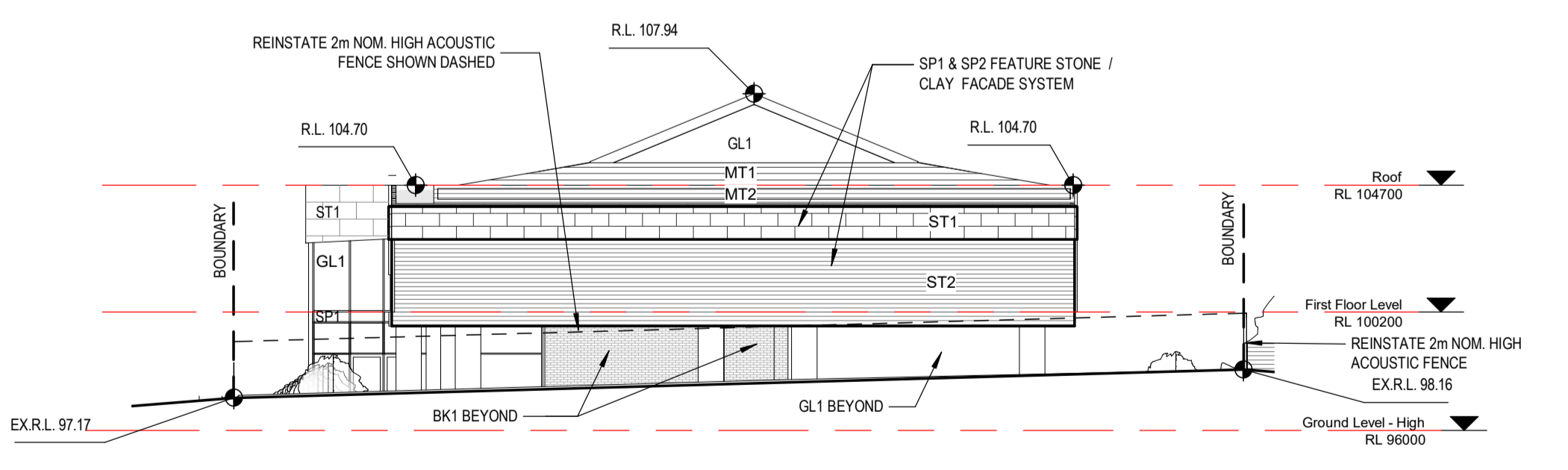
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 A07 1 : 200



2 WEST ELEVATIONS - OVERALL
 A07 1 : 200



3 NORTH ELEVATION - OVERALL
 A07 1 : 200



4 SOUTH ELEVATIONS - OVERALL
 A03 1 : 200

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EXTERNAL FINISHES LEGEND

- COL CONCRETE COLUMN
- BK1 BRICK
- GL1 GLAZING
- ST1 CLADDING TYPE 1 STONE PANEL
- MT2 METAL ROOF TYPE 2
- MT3 METAL ROOF TYPE 3
- SP1 SPANDREL PANEL - GLASS LOOK
- SP2 SPANDREL PANEL - STONE AGGREGATE

NOTE:
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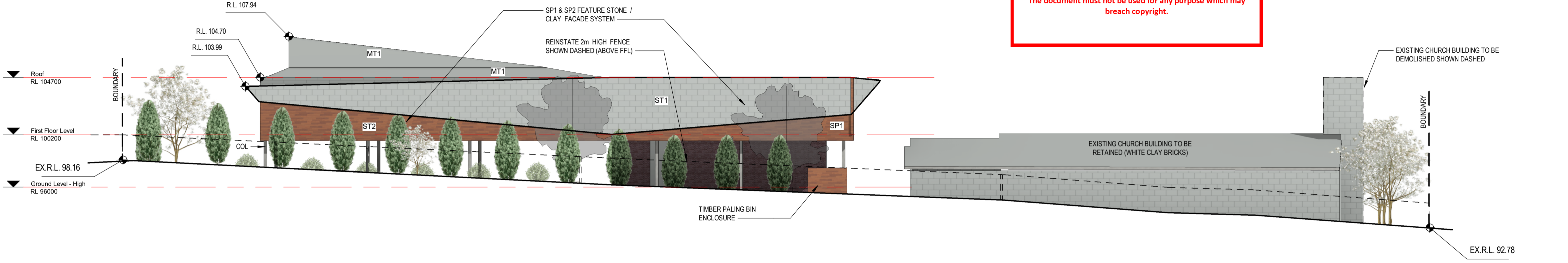
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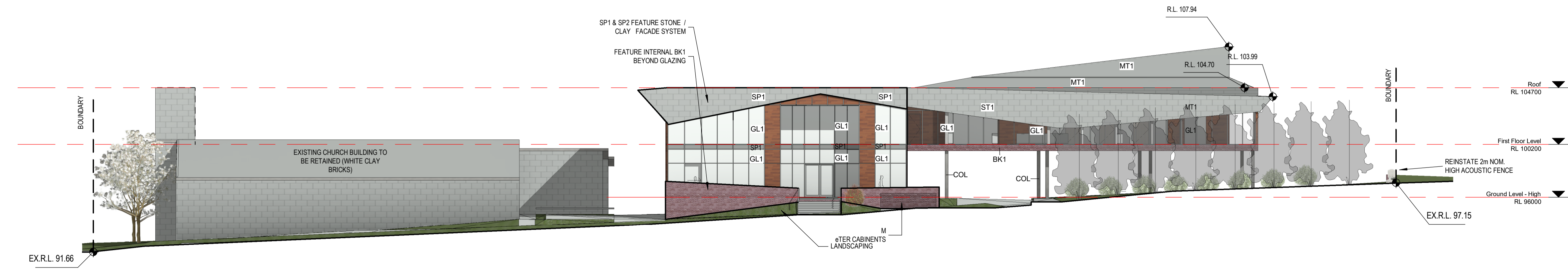
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Proposed Elevations Colour

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Date	Job Number		Revision
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Scale 1:100
 TP A09



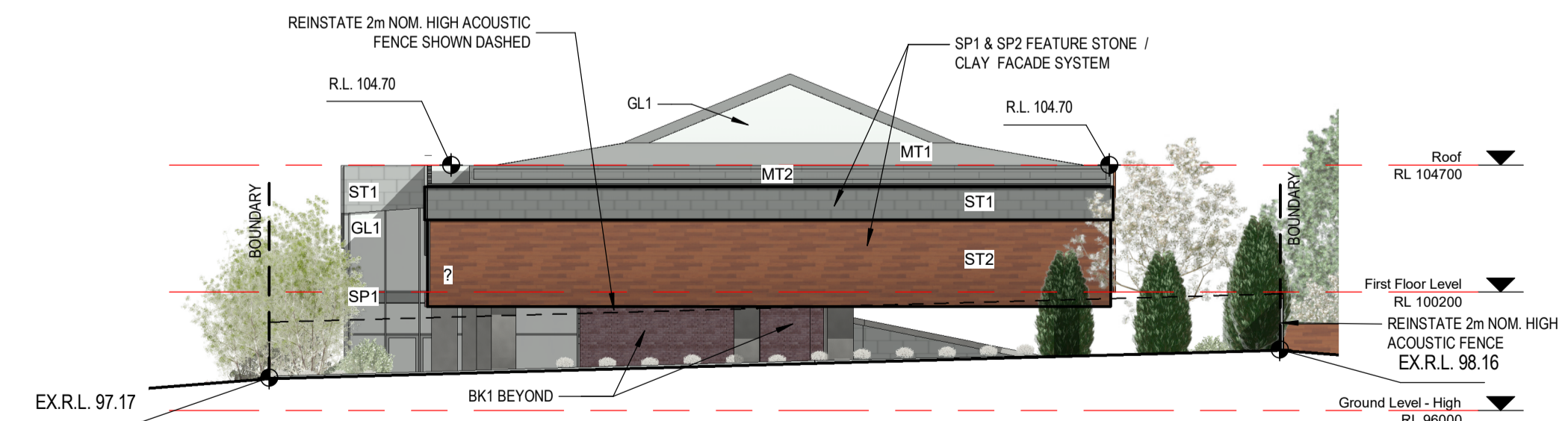
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2 WEST ELEVATIONS - OVERALL COLOUR
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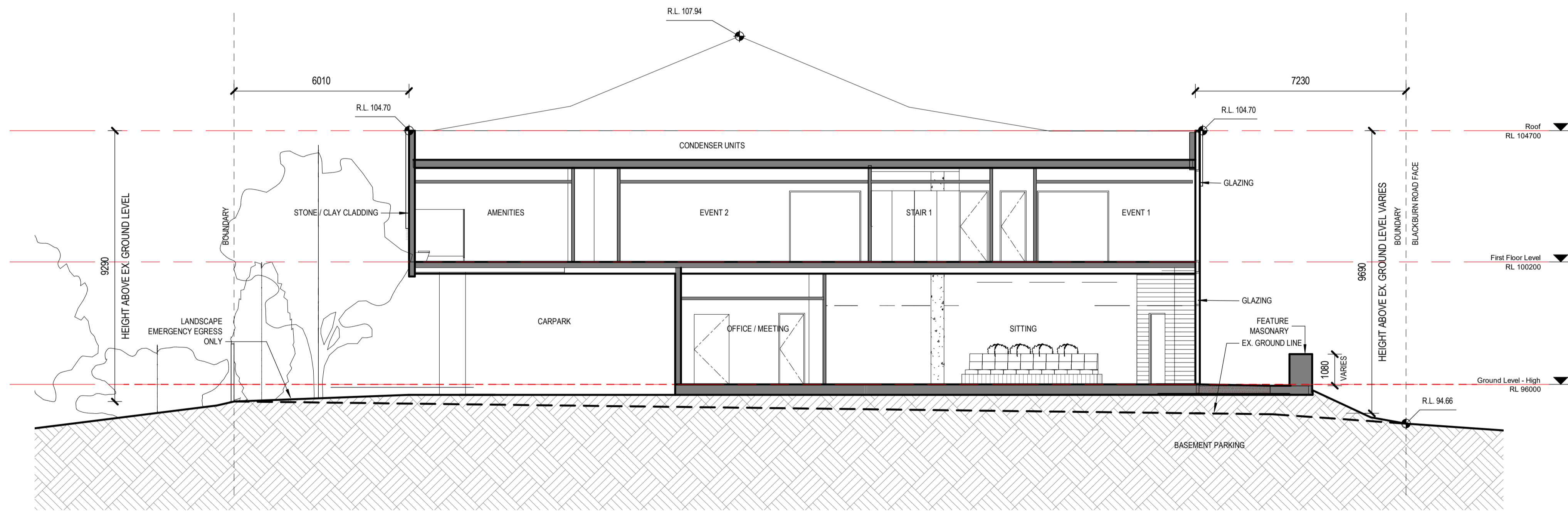
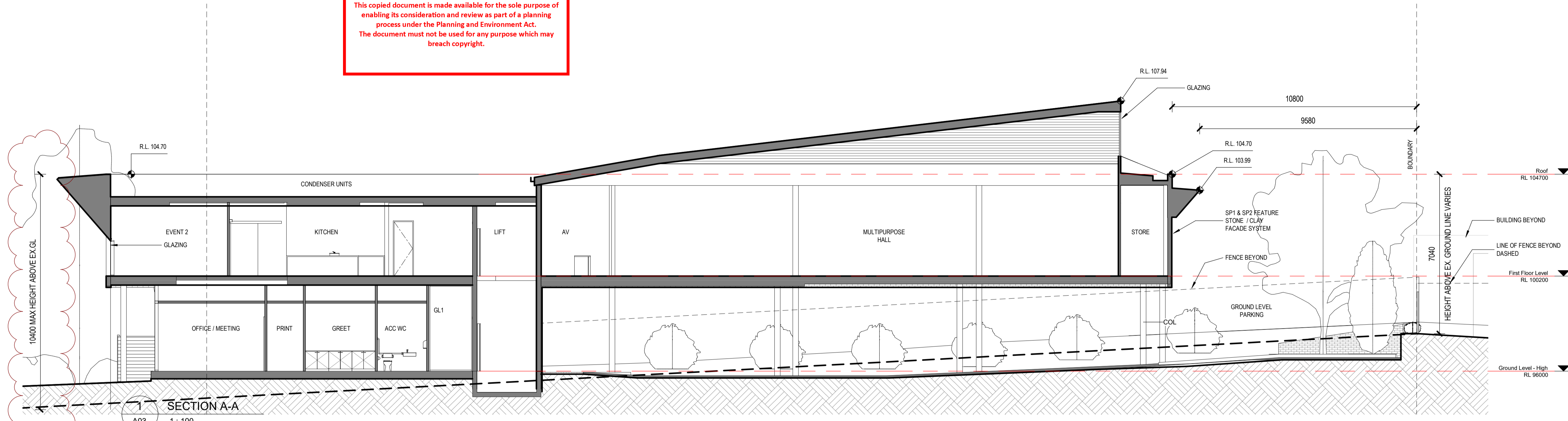


3 NORTH ELEVATION - OVERALL COLOUR
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4 SOUTH ELEVATIONS - OVERALL COLOUR
 1 : 200

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Project
Christian Life Assembly
374-384 Blackburn Road Glen Waverley VIC

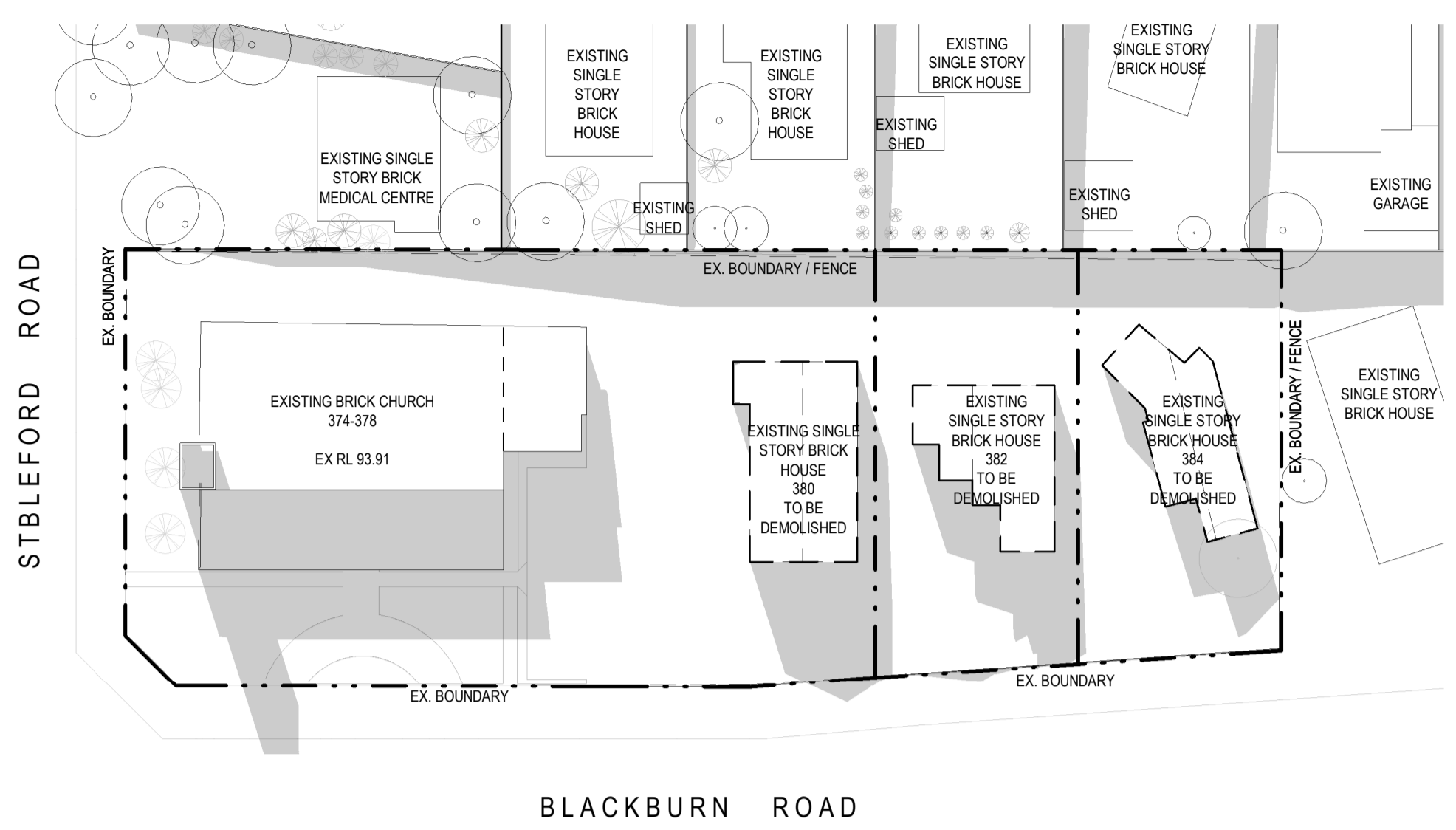
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Proposed Sections

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SY	WT	SL	1 : 100
Date	Job Number		Revision
11/10/2022	14P0710		

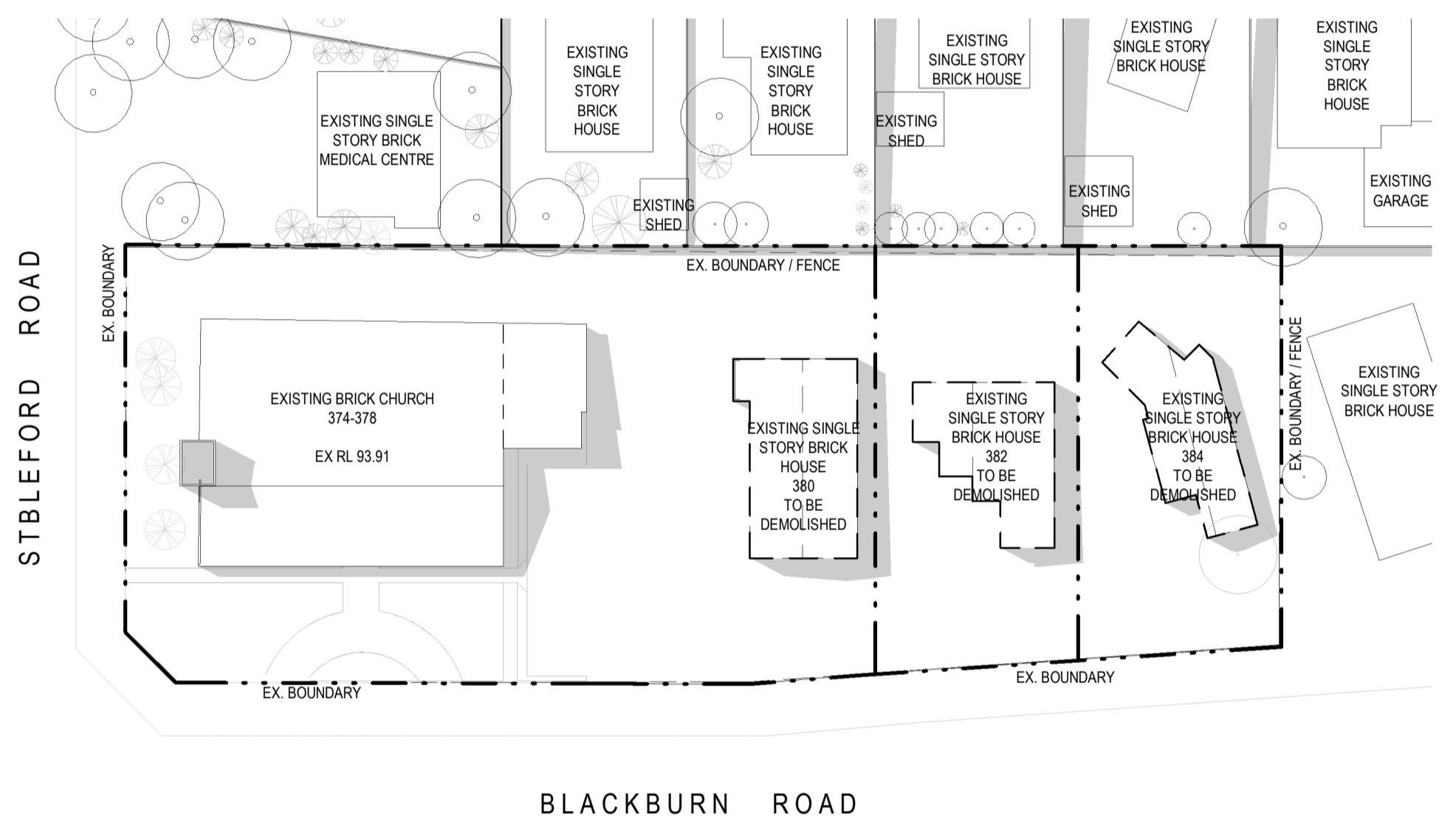
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TP A10 10

CONSTRUCTION PHASE

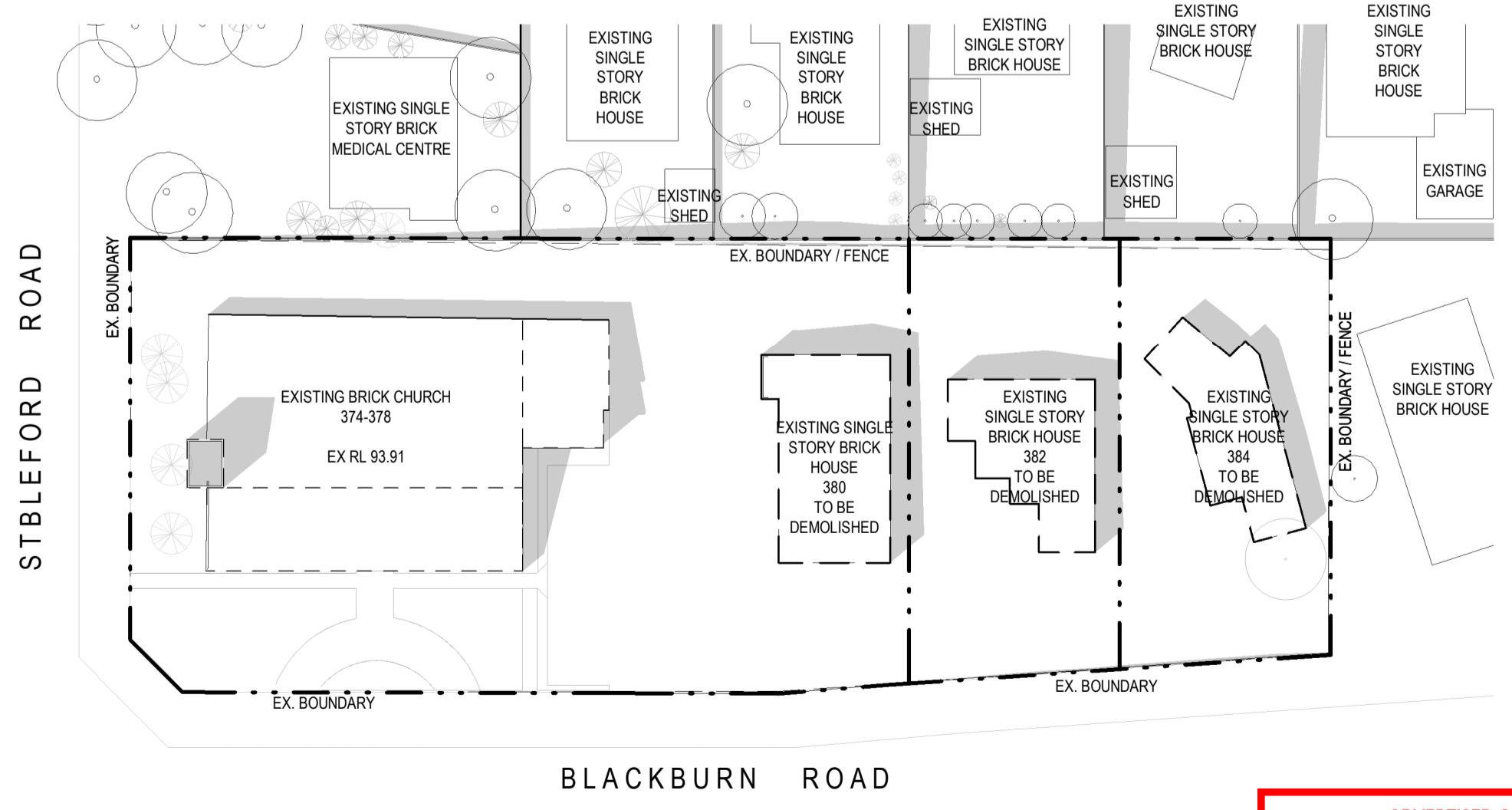
Rev	Date	Description
1	31/07/17	Town Planning Application
3	28/05/18	Town Planning Amended Drawings
6	28/05/21	Issue for Endorsement
9	29/07/22	Town Planning Amended



4 SHADOW DIAGRAM EXISTING 9AM - SEPT 22ND
A01.02 1: 500

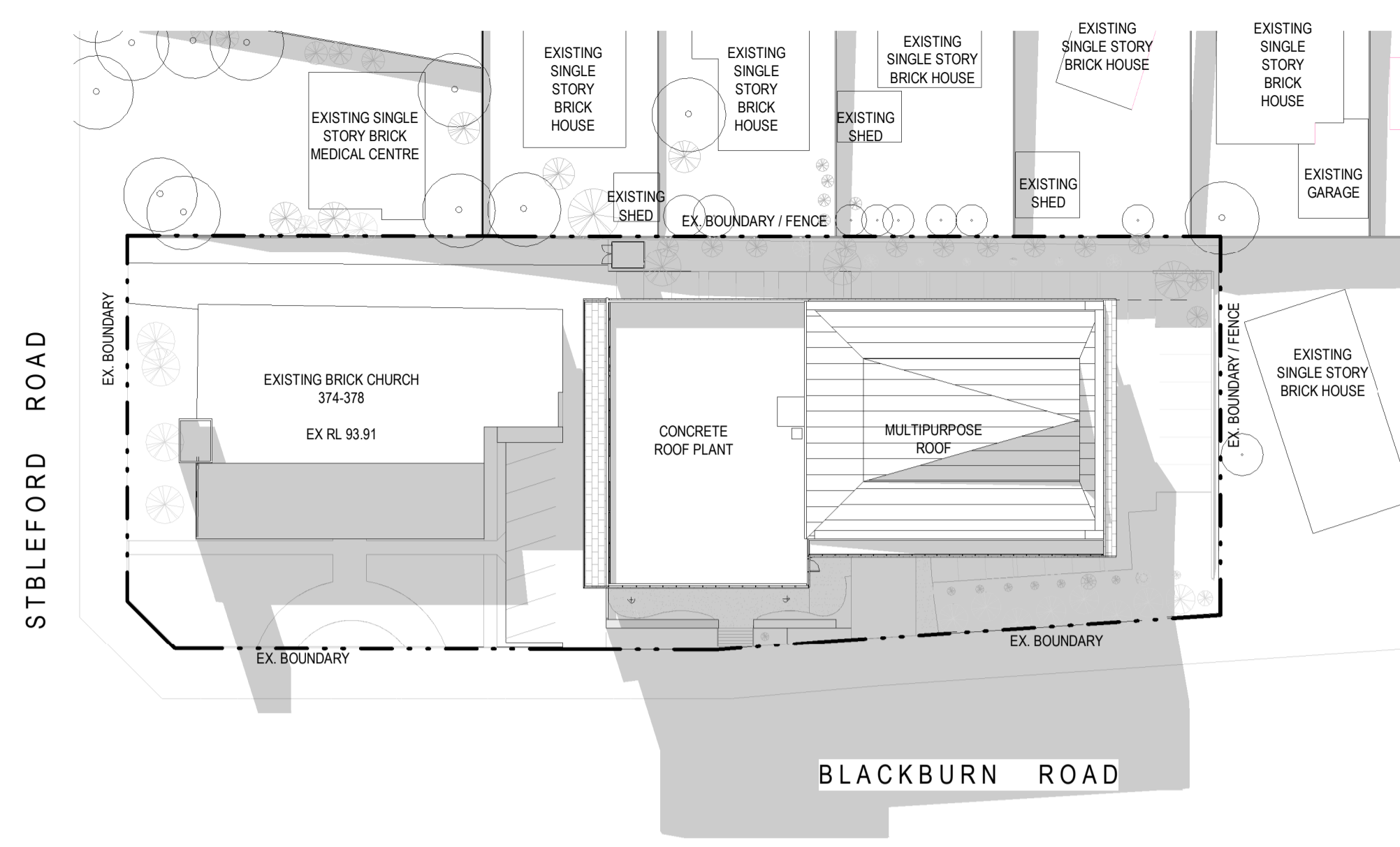


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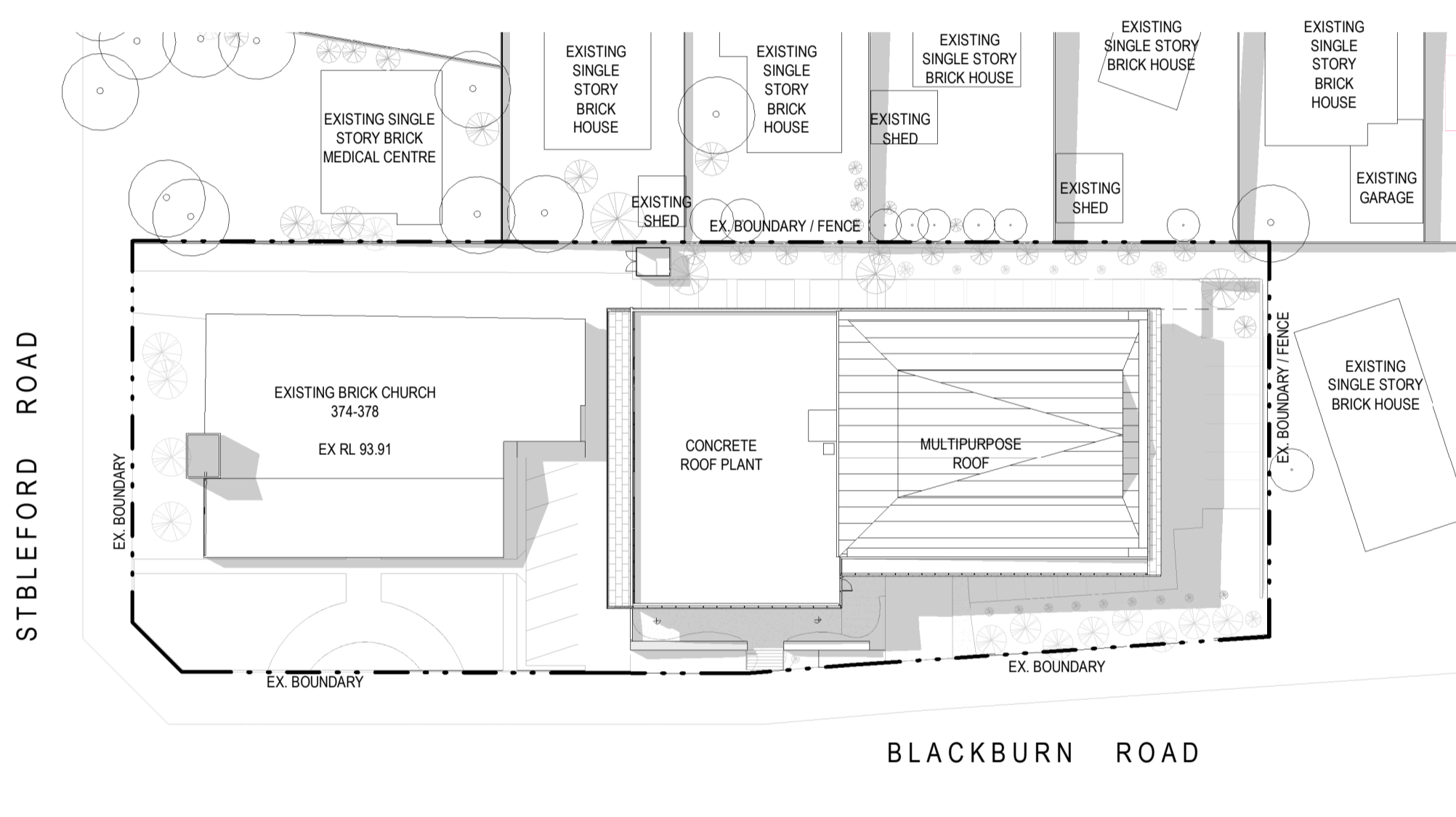


6 SHADOW DIAGRAM EXISTING 3 PM - SEPT 22ND
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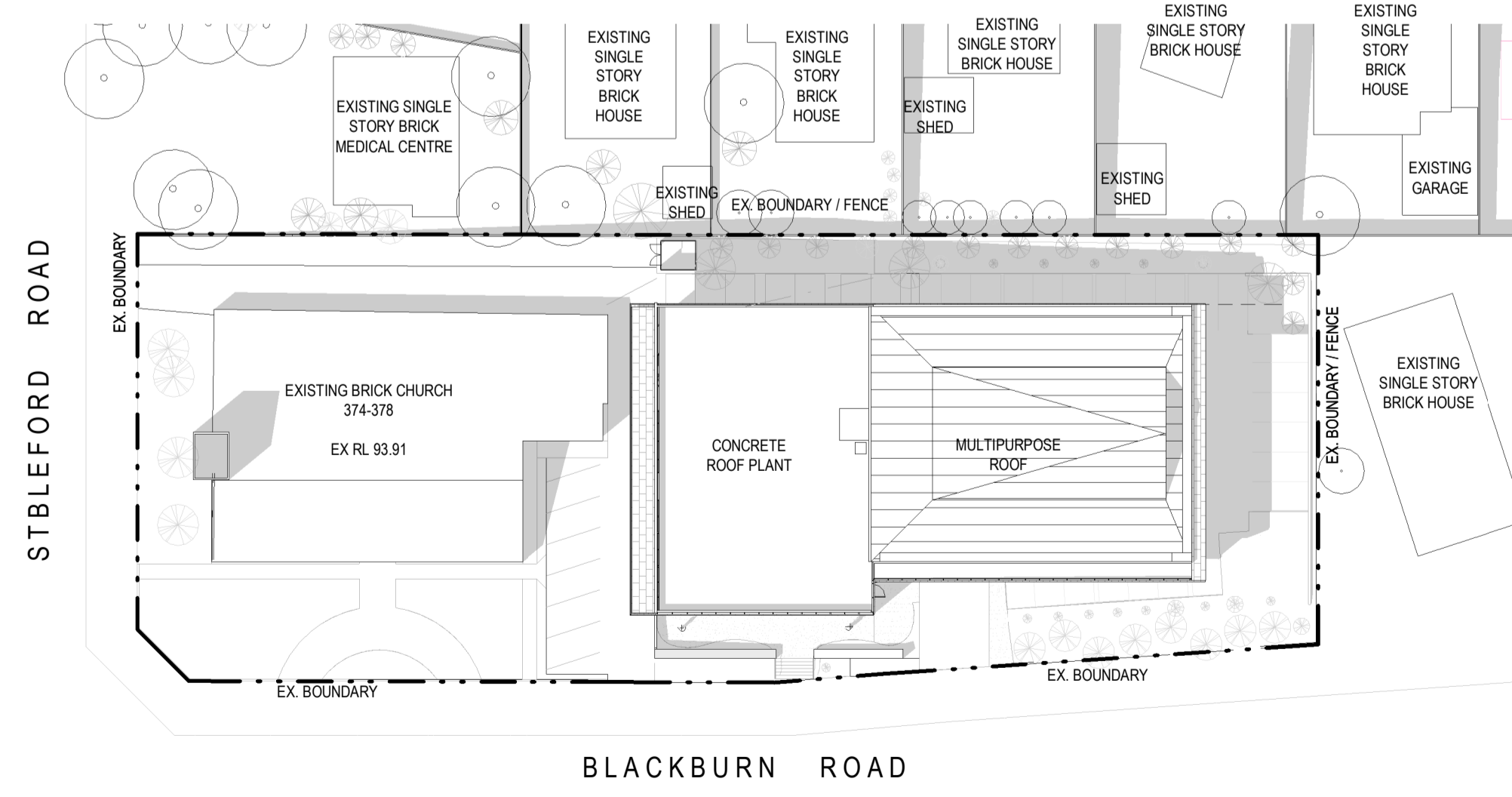
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1 SHADOW DIAGRAM PROPOSED 9AM - SEPT 22ND
A01.02 1: 500



2 SHADOW DIAGRAM PROPOSED 12 PM - SEPT 22ND
A01.02 1: 500



3 SHADOW DIAGRAM PROPOSED 3 PM - SEPT 22ND
A01.02 1: 500


Building Surveyor
Design Guide Consulting
03 9602 4803
Level 2, 167-169 Queens Street, Melbourne, VIC 3000

Landscape Architect
Botanic
0417 375 707
PO Box 76, Ivanhoe, VIC 3079

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1159 Keele Street, Collingwood, VIC 3066

Structural Engineer
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0432 282 363
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Services, Civil Engineer
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 **CHRISTIAN LIFE ASSEMBLY**
Loving God, Loving People

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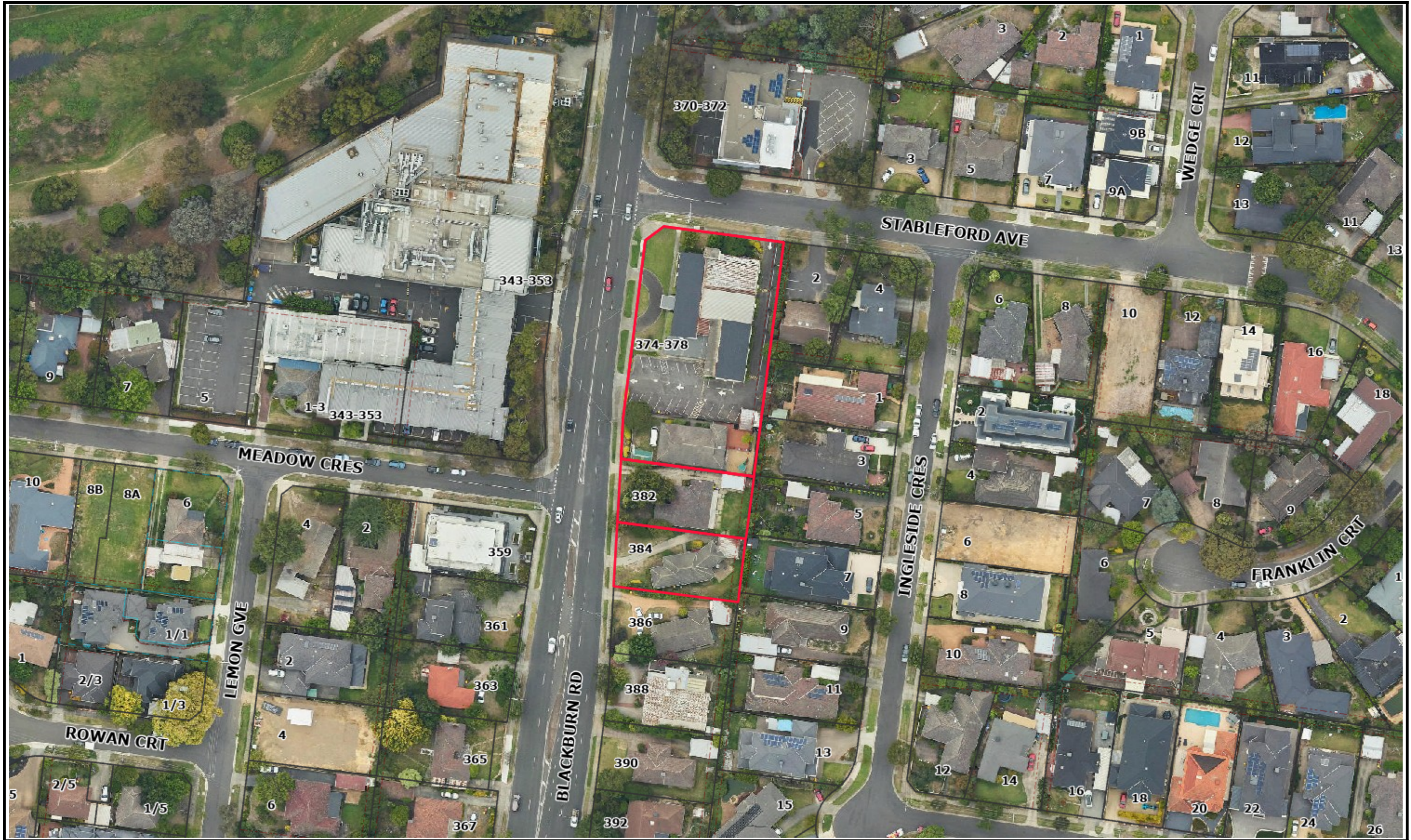
Project
Christian Life Assembly
374-384 Blackburn Road Glen Waverley VIC

Drawing Title
Shadow Diagrams - 22nd September

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Date 29/07/2022	Job Number 14P0710		Revision
Scale 1:50			TP A12

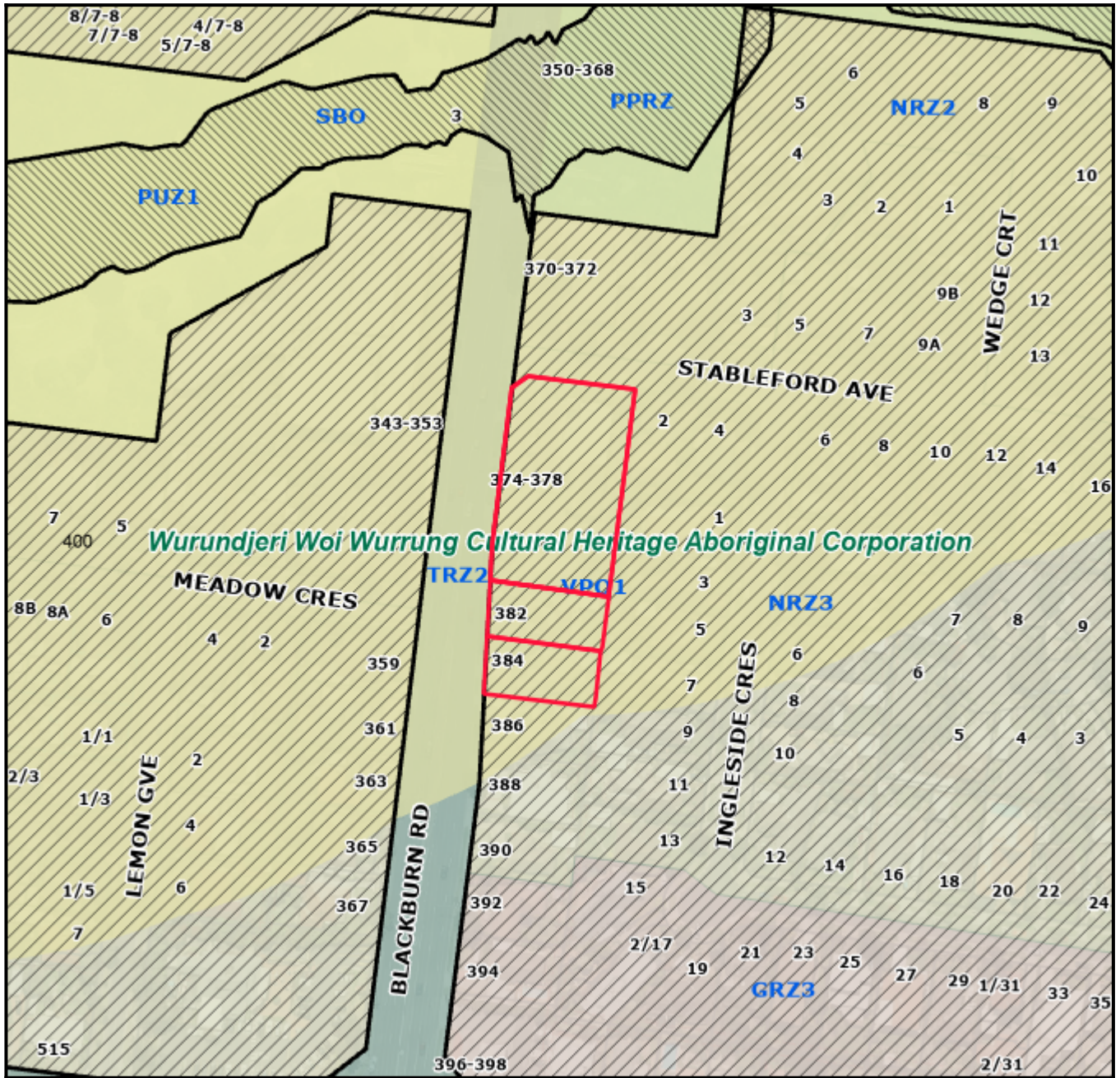
9

Attachment 2: 374-384 Blackburn Road, Glen Waverley





Planning Overlays and Zones



Legend

Planning Zones

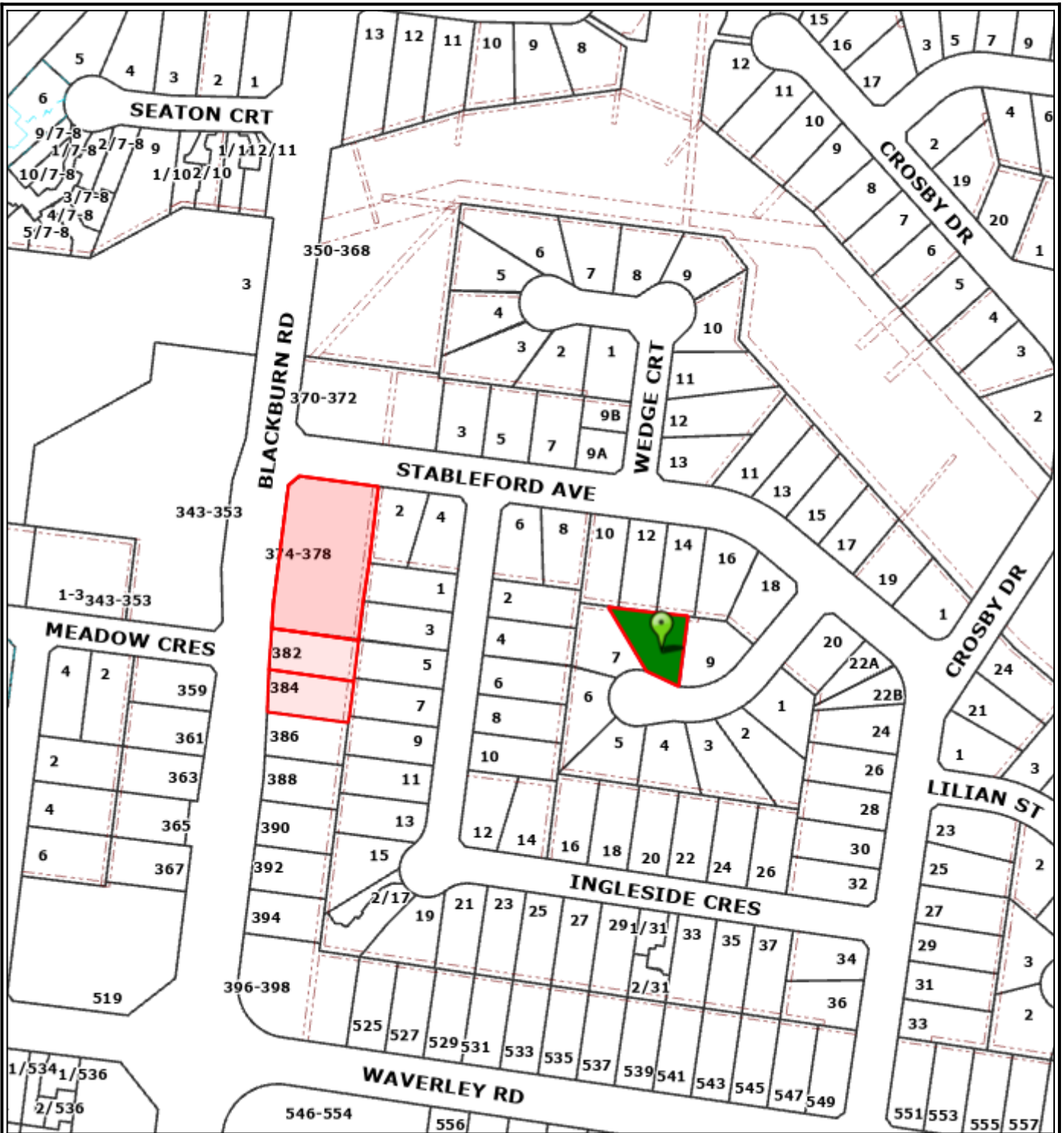
Planning Overlays

1:2000

Address

374-384 Blackburn Road GLEN WAVERLEY

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Objector Map

Subject land shaded light red. Objector properties shaded dark green and pinpointed.



1:2500



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Legend

- | | | |
|-------------------|---------------------------|------------------------------------|
| Property | Open Space Public Access | Social/ family recreation |
| Proposed Property | Accessway/ trail | Sport |
| Common Property | Conservation | Utility/ buffer/ enviro constraint |
| Easements | Memorial Park | Visual amenity |
| Raillines | Play | Water based recreation |
| Reserves | Relaxation/ contemplation | |

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