

Local Planning Policy 12 – Place of Worship (LPP12)

Management Procedure

Relevant Delegation

Purpose

1. Background and Introduction

In response to an increasing trend and demand for lands for the purpose of places of worship, including multi-use facilities the City seeks to establish policy guidance with respect to the location, application for additional or special land uses for the purposes of development of places of worship. It is also noted that the role and nature of places of worship have changed over time, including the size of land required, the multitude of incidental land uses and the accumulative effect/impact of new places of worship within existing rural and residential zones throughout the City of Kalamunda.

2. Application of Policy

Local Planning Policy 12 – Place of Worship is operative throughout the City of Kalamunda

3. Statutory Authority / Legal Status

This Policy has been prepared in accordance with Part 2, Clause 3 of the Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 (The Regulations)

a) Relationship to Local Planning Scheme No.3

This policy is a planning policy prepared, advertised and adopted pursuant to Part 2 of (Local Planning Scheme) Regulations 2015. The policy augments and is to be read in conjunction with the provisions of Local Planning Scheme No.3 relating to development. If there is a conflict between this local planning policy and the Scheme, then the Scheme shall prevail.

Relationship to other state planning/ development control policies.

b) This policy has due regard to, and should be read in conjunction with state planning policies. Of particular relevance to this policy are:

- i. State Planning Policy 1 – State Planning Framework.
- ii. State Planning Policy 3.7 Planning in Bushfire Prone Areas

a) Relationship to other local planning policies

This policy has due regard to, and should be read in conjunction with the City of Kalamunda's other local planning policies. Of particular relevance to this policy are:

- i. Local Planning Policy P Dev. 57, Street Fencing, Walls and Gates.
- ii. Local Planning Policy P Dev. 45, Public notification of planning proposals.

4. Policy objectives

- a) To specify local provisions which supplement the requirements of Local Planning Scheme No.3
- b) To ensure that the operation of Place of Worship activities do not affect or impinge on the prevailing amenity of the local area.
- c) To facilitate and to provide guidance in terms of appropriate locations within the City of Kalamunda for places of worship and associated land uses.
- d) Providing policy guidelines in terms of development standards suitable for the City of Kalamunda for all Place of Worship development within the judicial area of Local Planning Scheme No.3.
- e) To provide guidance and an assessment framework in relation to the appropriate location of Places of Worship as well as guidance towards appropriate built form outcomes.
- f) To provide guidance in respect to the advertising of applications for place of worship.

5. Policy Measures

- a) The operative Local Planning Scheme (LPS3) provides for the assessment of applications for development or use within the City.
- b) The use classification "Place of Worship" is described as a land use that is an "A" land use or a "D" land use in many of the City's zones. Land uses within the above categories are not permitted unless the Local Government has exercised its discretion by granting planning approval. ("A" land uses are required by LPS 3 to be the subject of public consultation).
- c) The Scheme provides the ability for landowners to apply for additional uses. In many cases, in particular in Rural Zones, "Place of Worship" is an "X" land use which means that it is prohibited within that zone. LPS 3 provides an ability for an applicant to apply for a Local Planning Scheme Amendment for an Additional or Special Use which provides the City with the ability to assess the merits of that particular use.

An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land. A Special Use Zone applies to specific categories of land use which do not comfortably sit within any other zone within the Scheme.

Policy Statement

1. Zoning and Location

a) Objectives of the Zone

Proposals should be in keeping with the objectives of the Zone as set in LPS3 and complement predominant activities in the Zone.

Where an applicant seeks to apply for an Additional Use, the additional uses that are applied for where they appear as an “X” use in that particular Zone shall be assessed on their own merits. Those additional uses should not be approved unless the applicant has demonstrated that the objectives of that Zone will not be compromised.

An applicant may where a number of uses are proposed to apply for a Scheme Amendment to “Special Use” which encapsulates all of the required uses but also extinguishes the previous land use. This allows the applicant to coordinate all desired uses and to provide the City with an overall master plan and vision for the site, allowing for development to take place in stages over time in accordance with the master plan.

b) Site Location

Proposals including additional or special uses will be assessed in the context of the location of the site, ease of access to transport links, and the services and utility connections. When considering a site appropriate for the special or additional use local planning scheme amendment, it is considered necessary for such uses to be located in a non-agglomeration manner in order to avoid significant impacts on local amenity. The following location requirements for separation between existing and proposed Places of Worship apply:

Table 1

Zoning	Separation Distance (As measured from lot boundary to lot boundary)
Residential (Including Residential Bushland) zones	300 metres
Mixed Use	300 metres
Special Rural, Rural Composite zones	500 metres
Rural Landscape Interest, Rural Conservation, Rural Agriculture	800 metres
Industrial, including Industrial Development, Light and General Industry zones.	No separation distances applied.
Private Clubs and Institutions	No separation distances applied

- i. An additional use for “Place of Worship” will not be considered acceptable where there is another place of worship land use within the separation distance from the subject site as specified in Table 1. It is considered that the accumulative impact of multiple places of

worship congregated in one area may have impacts on the preservation of local amenity.

- ii. Where a Place of Worship is located in a zone where the use is a “P” Permitted use, there will be no restrictions on proximity to other place of worship uses.
- iii. Where a Place of Worship is located in a zone where the use is a “D” Discretionary or “A” Advertising, classification, applications will be determined on their merits within the scope of this policy and the Local Planning Scheme requirements.
- iv. Applications for Additional or Special Use will be subject to referral to the City’s Development Advisory Committee for comment.
- v. Where proposals involve subject sites on a District Distributor Other Regional Roads (ORR) the applicant will be required to submit a Traffic Impact Statement (TIS) to the City for consideration, prior to the City considering any proposal to amend the Local Planning Scheme. This will provide the City the ability to evaluate the appropriateness of such a location and whether any City owned assets or infrastructure may or may not be affected by the proposed use.

2. Existing Prevailing Amenity

All applications will be assessed having due regard and consideration for the ability of the proposed Place of Worship and any associated land uses being able to co-exist in harmony with the surrounding land uses. When submitting an application for development or scheme amendment, the applicant is required to address the potential impact relating to the following elements:

- i. Traffic Impact
- ii. Noise Attenuation
- iii. Visual Privacy
- iv. Overshadowing
- v. Streetscape and Urban Design
- vi. Removal of any significant vegetation
- vii. Bushfire Management

Proposals should not reduce the existing or intended amenity of the area by way of impacts that could arise from approval of the application, including noise, inappropriate traffic congestion, parking issues, or an incompatible scale of development in the zone.

a) Incidental or other additional uses

In many instances a Place of Worship use is accompanied by incidental land uses.

An incidental land use is defined in the model scheme provisions as *“a use of premises which is consequent on, or naturally appertaining or relating to, the predominant use”*.

Similarly, Incidental Land Use is defined in LPS 3 as *“to mean a use of premises which is ancillary and subordinate to the predominant or primary use”*.

The scale of an incidental use to a Place of Worship shall not: Substantially increase the number of people visiting the site at any given time.

Incidental land uses will need to be included in any application for development approval or for Additional / Special Use scheme amendment requests. The nature and operation of the

incidental use must be clearly defined including the number of employees, visitors and evaluation of car parking requirements.

Where applying for an Additional Use, A maximum of two additional incidental uses will be permitted when subordinate to a place of worship land use.

Where more than two incidental land uses are required, the applicant will be required to apply for a Special Use zone to accommodate those uses.

Acceptable subordinate incidental uses may include:

- i. Aged Residential Care
- ii. Caretakers dwelling
- iii. Single and Ancillary Dwellings
- iv. Community Purposes
- v. Educational Establishment
- vi. Family Day Care (within a Single Dwelling)
- vii. Office
- viii. Recreation Private

3. Scale and Intensity of Operation

a) Development Staging and Master Plan

Applicants are required to supply details regarding the intended timeframe for establishing the operation of the place of worship, the proposed timetable of events and audience/ congregation numbers of the place of worship.

Applicants are required to include details in their application regarding the likely future staging of development or growth of activities in the form of a Master Plan.

When applying for an Additional Use or Special Use, a development master plan shall be submitted with the request to amend the Scheme outlining the likely or desired overall development of the site and including each relevant stage as applicable.

The details of the Master Plan should include:

- i. Location of all proposed buildings, car parking and access. additional uses.
- ii. Proposed likely incidental or
- iii. Conceptual drawings for any proposed buildings, or modifications to any existing buildings.
- iv. Preliminary traffic impact assessment.
- v. Effluent management statement, where not connected to reticulated sewer.
- vi. Stormwater disposal strategy.
- vii. Car parking strategy including overflow parking provisions contained on-site.
- viii. Landscaping.

b) Capacity

Where a discrepancy exists between the stated capacity of a building and the assessed capacity (as a ratio of floor space per person measured from plans of the proposal) the occupancy will be assessed on the higher figure, unless occupancy numbers are restricted by the effluent disposal capacity of the site.

c) Intended Catchment

Applications will be considered on the basis of the scale and likely catchment of the facility (being regional, district, or local). It is recommended that the scale of amenities proposed on site would match those as required for that associated catchment.

Where an organisation caters for a wide geographic area, it is assumed that larger scale amenities may be required. Council will not generally support major facilities unless they are sited in such a way as to be serviced without adversely impacting the amenity of other land uses.

4. Built Form

a) Bulk and Scale

Applicants will provide an appropriate balance between the size of buildings on the site, their capacity for occupancy, and the provision of adequate space for parking and other required facilities.

The scale of development and distance to surrounding existing or planned development will be considered with the aim of ensuring that land uses and activities are compatible in the future.

The scale and setbacks between existing and planned development on the subject land and adjoining land will also be taken into consideration as well as requirements stipulated by the Residential Design Codes (For Residential Zoned property, or adjacent to residential zoned property) and Table 2 Site Requirements of the Scheme.

b) Building Height

Further to the requirements of Table 2 – Site Requirements the following will be considered:

- i. Where proposals are to be integrated into an existing urban area, the style of the proposed development is required to harmonise with the building form and scale of the area. *(For example if the prevailing building height is 10 metres, a 20 metre building height may not be deemed acceptable)*
 - ii. Where places of worship are proposed within a non-residential zoned area, the height of the proposed buildings are to sufficiently integrate within the streetscape context of the subject site so as to not dominate the street. Where buildings are larger than the predominant built form, measures shall be undertaken to provide adequate visual screening and appropriate setbacks from the street and adjoining property boundaries.
 - iii. Where buildings are larger than the predominant built form, measures are to be undertaken and demonstrated to provide adequate visual screening and appropriate setbacks from the street and adjoining property boundaries. *(An applicant should provide the City with a streetscape context analysis plan illustrating a plan showing site and surrounding site context relating to existing built form and natural features and elements)*

c) Setbacks

Further to the requirements of Table 2 – Site Requirements, the following will be considered by the City;

- i. The City may require greater building setbacks to proposed buildings from lot boundaries than specified in the Scheme where it is assessed that the proposal may have a detrimental impact on streetscape or amenity impact to an adjacent property(s)

d) **Surveillance, Streetscape & Fencing**

The City may allow and or require development to be screened from view from the street or from neighbouring properties through the provision of landscaping or fencing.

The applicant shall provide the following detail to demonstrate adequate surveillance and visual amenity as part of their application to commence development:

- i. CPTED (Crime Prevention through Environmental Design Guidelines). Visual sight lines and areas of passive surveillance will be considered for proposals in order to facilitate the creation of safe and welcoming facilities. Blank walls to the street or to Public Open Space adjacent to a subject site will not be considered acceptable.
- ii. External lighting strategy and location. Flood lights shall not create light spill amenity impacts to adjoining properties
- iii. Detail of front and side fencing.
- iv. A landscaping plan will be required as part of all development applications for Place of Worship.
- v. Fencing, Street walls and gates to comply with the City's Street Wall, Fence and Gate Policy.

e) **Servicing Requirements**

Applicants should address as part of their application, matters pertaining to building capacity, fire safety, public health, infrastructure servicing needs, and other relevant matters where appropriate.

5. **Acoustic Characteristics**

a) **Noise Generation**

Proposals shall include details about the potential noise generating characteristics of the development at development application stage. Qualified acoustic modelling may be required in order to quantify the likely acoustic aspects of the proposal and the applicant is encouraged to liaise with the City's Environmental Health Department for further details.

b) **Outdoor Activities**

Proposals shall include details of any proposed outdoor activities. Proposals that include events and activities beyond typical hours of daytime activity may be refused on the grounds of the likely impact of a proposal upon the amenity of the surrounding area.

c) **Amplified Sound**

The external amplification of sound is not supported on the grounds of likely impacts on surrounding amenity and likely contravention of relevant noise abatement regulations.

d) **Acoustic Building Design**

The Council may impose conditions on a proposal to ensure that the built development is capable of containing noise to a level which accords with relevant noise abatement regulations.

6. **Traffic and Road Hierarchy**

a) **Road classification (role and characteristics of frontage road)**

The function and role of adjacent roads will be considered as a component of assessing the suitability of a site for its use.

b) Traffic Generation

Applications may be required to model expected traffic volumes and characteristics through the preparation of a Transport Impact Assessment (TIA) or Transport Impact Statement (TIS).

c) Peak Flow Timing

Applications need to include details regarding proposed times of use of a facility. The City may take into account traffic generation as a result of the proposal or its accumulative impact when added to that of other existing land uses in the vicinity.

d) Prevailing Road Environment

Applications may be required to adopt a design which harmonises with the scale of existing streetscapes, or future plans for road reserves that are abutted by the proposed site.

e) Alternative transport option

Proposals may be favoured in cases where multiple modes of transport to facilities are available and are to be utilised in the conduct of the proposal.

7. On Site Parking & Facilities

Proposals need to have provision for adequate parking as determined by Table 3 of the Scheme - Parking Requirements.

Where numerous activities or uses are proposed to be undertaken, a schedule of proposed events including timing and attendance numbers is to be provided. The City may consider reducing the gross parking requirement where it is satisfied that a proposal facilitates a reciprocal use arrangement, where parking demand is spread by virtue of the planned timing of events or activities.

Applicants may be required to include provision for special parking facilities for buses, or other vehicles where a proposal includes these components as a part of the proposed operation of the premises.

Proposals shall also provide in addition to the Scheme requirements, provision for bicycle parking and end of trip facilities including dedicated change room and shower.

8. Bushfire Management

Where it is designated that a property is within a Bushfire Prone Area, Applications for Development approval will be required to comply with State Planning Policy (SPP 3.7) Planning in Bushfire Prone Areas, and any building requirements as required by the Building Code of Australia.

Prior to consideration of an Additional or Special use, applicants are required to provide a Bushfire Management Plan (BMP) submitted by a certified Level 2 or 3 Bushfire Management Consultant to the satisfaction of the City. The elements required of any such BMP shall be implemented and any ongoing maintenance required or updates to that plan shall be adhered to. This may also include a Bushfire Evacuation plan.

Please note that this report may require referral to the Department of Fire and Emergency Services (DFES) for their review and prior to any approval being granted by the City.

Where associated or incidental land uses are deemed vulnerable land uses, the City will not support the development of vulnerable land uses in Bushfire Prone Areas where it cannot be demonstrated by the applicant that the use will not compromise the safety of the occupants of that particular use or cause impact to adjoining residents.

9. Public Consultation

Advertising of a proposal for a Place of Worship in a zone where the use is considered as 'D' or 'A' use under Table 1 of the Scheme shall be assessed as a significant application in accordance with P-DEV 45 – Public Notification of Planning Proposals.

10. Matters to be Considered

The following matters will be given consideration in the assessment of applications for the development of Place of Worship.

Any relevant matters set out in Clause 67 of the Regulations and the objectives of the zone;

- a) The impact of the proposed development on the amenity and character of residential or non-residential areas, as viewed from a street, public space or neighbouring property;
- b) Whether any significant trees or other vegetation should be preserved;
- c) Whether the development application will still achieve a desired streetscape where a variation is applied;
- d) The preservation of areas of useable on-site open space;
- e) Any special limitation on the development of the land by virtue of its size, shape or environmental/geographical feature.
- f) Whether support for the development application will set an undesirable precedent for similar sized surrounding lots; and
- g) Comments received from affected adjacent property owners/occupiers.

11. Variations to the Policy

Where a variation is applied consideration to Clause 15 "Matters to be considered" shall be referenced. Any variation to development requirements of this policy or items contained in Clause 4 will require the applicant to provide additional justification demonstrating how the proposal will not adversely affect adjoining property owners, the streetscape or the amenity of the locality, with particular reference to Clause 15 – 'Matters to be Considered' of this policy. The City may undertake consultation with adjoining affected property owners/occupiers during assessment.

Legislation	<i>City of Kalamunda Local Planning Scheme No.3</i>
Adopted	24 April 2018 OCM 58/2018
Reviewed	
Next Review Date	