

2 USE AND DEVELOPMENT OF LAND FOR A PLACE OF WORSHIP AND CAR PARKING REDUCTION AT 2/6 WEBSTER WAY, PAKENHAM

FILE REFERENCE INT1968634

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit **T190196** be issued for **use and development of land for a place of worship, signage and reduction in car parking** at Factory **2/6 Webster Way, Pakenham** subject to the conditions attached to this report

Attachments

1	Locality Plan	1 Page
2	Development Plans	4 Pages
3	Copies of Objections - Circulated to Councillors only	7 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190196
APPLICANT:	Mrs Pamala D'sa
LAND:	FY 2/6 Webster Way, Pakenham VIC 3810
PROPOSAL:	Use and Development of land for a place of worship, signage and carparking reduction.
PLANNING CONTROLS:	Industrial 1 Zone Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by sending notices to adjoining land owners. Council received four (4) objections to the proposal to date.
KEY PLANNING CONSIDERATIONS:	Appropriateness of the proposed use within an industrial area Availability of car parking spaces Amenity impacts
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning permit history for the site.

SUBJECT SITE

The subject site is located on Webster Way Pakenham and part of a warehouse development known as 6/25 Bald Hill Road. The development gains access from both Bald Hill Road and Webster Way, via existing crossovers.

The site is affected by four easements named E-1 to E-4. Easements E1, E2 and E3 are for the purpose of drainage. Easement E-4 is created in favour of South East Water for the purpose of sewerage.

The site currently contains a warehouse development consisting of 14 warehouses that are used for various businesses.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- North The properties located on the northern side of the subject site are developed for industrial purposes and contain a warehouse on each allotment.
- South The properties located on the southern side are developed for residential purposes and contain a dwelling on each allotment together with the usual outbuildings.
- East Webster Way is located on the eastern side of the subject site.
- West The property on the western side is developed for industrial purposes and contains a warehouse

PROPOSAL

Approval is sought for the use and development of the land for a place of worship, signage and reduction in car parking.

Use

It is proposed to use the warehouse on Lot 4 of PS616067 for a place of worship, South Eastern Christian Church. The church will be operating from Monday to Sunday while the main church service will be held on Sunday. The operating hours are as follows:

Monday to Saturday	9am-5pm
Sunday	8am – 6pm
Main Service on Sunday	10am-1pm

The maximum number of people attending the church during the above operating hours are as follows:

Monday to Saturday	Maximum of 20 people at all times
Sunday	Maximum of 80 people between 10am -1pm
	Maximum of 20 people between 8am -10am and 1pm-6pm

The church will carry out administrative/cleaning tasks on weekdays and small group gatherings for prayer, Bible study or special interest groups, while the main service is held on Sunday between 10 am -1pm. The application states that there will be no weddings or funerals hosted at this premises.

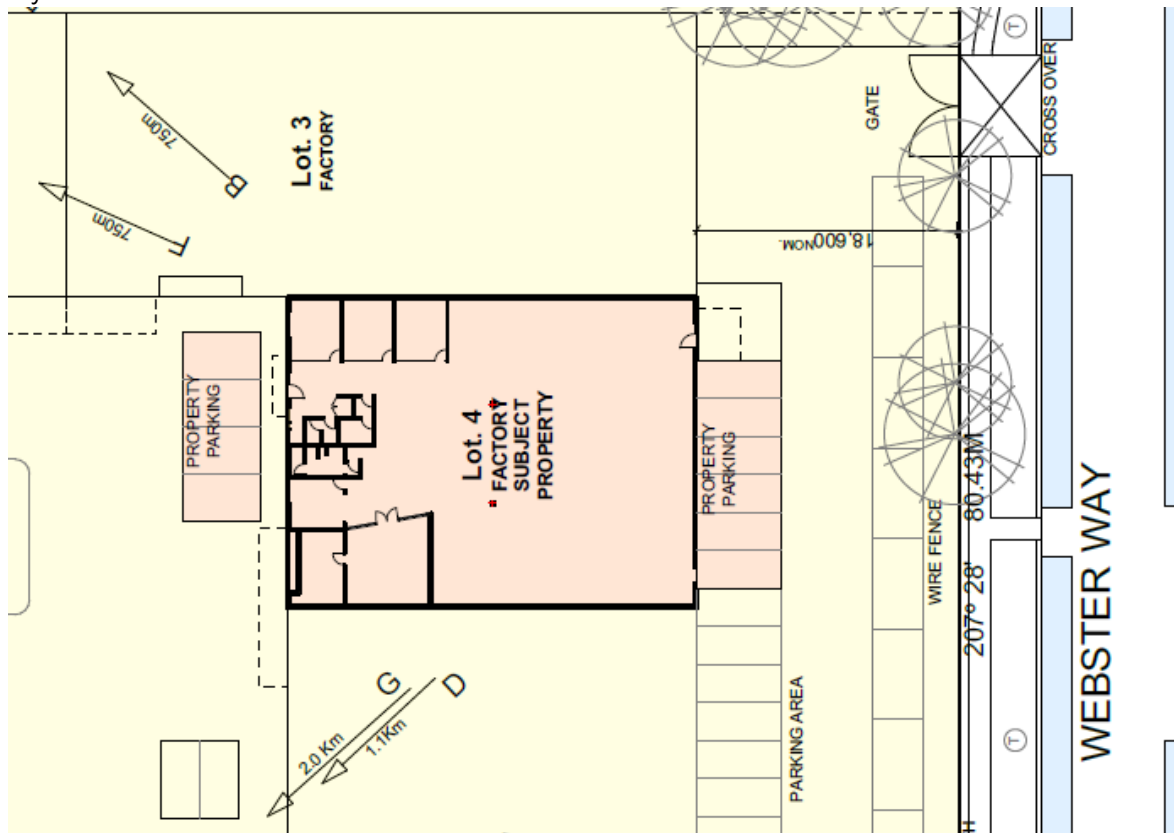
Development

The internal floor layout of the warehouse will remain unchanged. No construction works have been proposed to alter the currently floor layout.

The proposal includes two signs located on the front and rear elevations of the building. Each sign has a dimension of 5.95 square metres (3.5m x 1.7m).

Car parking

The warehouse currently has 10 allocated car parking spaces on the plan of subdivision. Four car parking spaces have been located in the front of the building and the rest is located at the rear of the building. The layout is as follows:



Further in this report outlines the assessment under Clause 52.06 Car Parking, :

The proposed use is also required to provide two bicycle parking spaces for the visitors. Although no formal bike parking spaces are provided within the development, the building includes a storage area to accommodate for two without any operational impacts to the proposed use of the site.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.03 Planning for Places
- Clause 13.07 Amenity
- Clause 15.01 Built Environment
- Clause 17 Economic Development
- Clause 18.02 Movement Networks
- Clause 19.02 Community Infrastructure

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-4 Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:⌋

- Improved Social Cohesion
- Improved safety
- Reduce financial vulnerability (use for any apps creating jobs etc)

Zone

The land is subject to the **Industrial 1 Zone**

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for use and development of land for a place of worship, signage and reduction in car parking requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone a planning permit is required for the use of the land for a place of worship.
- Pursuant to Clause 52.06-3 of the Car Parking provisions a permit is required to reduce (including to zero) the number of spaces required under Clause 52.06-5.
- Pursuant to Clause 52.05-12 of signs provisions, a permit is required for business identification signage exceeding 8 square metres.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to the owners and occupiers of adjoining land.

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Insufficient car parking spaces to operate the use
- Impact on weekend activities of other warehouses within the development

DISCUSSION

Use

The property is located in an Industrial 1 Zone where the purposes of the zone is to “to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities”.

Pursuant to Clause 33.01-1, a permit is required for the use of the land for a place of worship, therefore, consideration must be given to the impact of the proposal on the availability of industrial spaces for industrial type uses. The development contains a total of 21 warehouses with the majority of them used for retail/commercial type uses. It is considered that the proposed use is compatible with the surrounding uses. Considering the amount of current and upcoming large industrial developments within the Pakenham area, it is not considered the proposed use will have an impact on the availability of industrial spaces.

Although the proposed use is not a conventional industrial use the location of the use within an industrial area is considered appropriate as it will ensure minimal offsite amenity impacts. The type of use requires a larger floor area than what's available in general commercial areas and separation from residential areas will minimise the impact on the surroundings. As such the location is considered most suitable for the type of use proposed.

The proposed place of worship is not a conventional industrial use, however, these uses provide minimal detrimental impact to the surrounding industrial uses and enable the establishment of a use that can contribute to the local community. Similar uses such as restricted recreation facilities like gymnasiums, play centres and swimming pools, attract a large number of people at one time, and it is not uncommon for them to sit within the industrial areas.

Appropriate conditions in terms of the numbers of patrons and hours of operation can ensure that the development does not detrimentally impact future industrial development surrounding site.

Car Parking

Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5, must be provided to the satisfaction of the Responsible Authority. Clause 52.06-5 requires that for the use of the land for a Place of Assembly, 0.3 car spaces are provided per patron.

Days	Max No of Patrons	Required	Provided	Shortfall
Monday - Friday	20	6	10	0
Sunday (10am-1pm)	80	24	10	14
Sunday (8am-10am, 1pm-6pm)	20	6	10	0

According to the above, the subject site is allocated ten (10) car spaces, therefore the weekday events meet the required car parking rate and will have surplus spaces available. However for the Sunday Services there will be a shortfall of 14 spaces.

Clause 52.06-6 of the Cardinia Planning Scheme requires that an application to reduce the required car parking provision must be accompanied with a car parking demand assessment. A car parking demand assessment was submitted with the application, prepared by a Traffkd, a qualified traffic engineering consultancy.

The report outlines the availability of additional car parking within the vicinity of the subject site and suggests that the proposed use can operate without detrimental impact on surrounding uses. The report indicates the operating hours of the other tenancies within the development and majority of these tenancies are closed for business on Sundays. The assessment is as follows:

Address	Business	Operating Hours	
		Weekday	Weekend
1/25 Blair Hill Road	Virsa Indian Restaurant and Cafe	5 pm - 10: 30 pm	5 pm - 10: 30 pm
3/25 Blair Hill Road	Miles Mechanic	8 am - 5 pm	Sat 8: 30 am - 12:30 pm
6/25 Blair Hill Road	Elite Body Works	9 am - 5 pm	Sat 8 am - 1 pm
7/25 Blair Hill Road	BOC Tyres	8 am - 5 pm	Sat 8 am - 12 pm
8/25 Blair Hill Road	Cannbro Fencing and Supplies	7:30 am - 4 pm	CLOSED
9/25 Blair Hill Road	GJS Equipment	9 am - 5 pm	CLOSED
10/25 Blair Hill Road	Pakenham Karate Academy	Mon 5pm - 8pm Tue 4:30pm - 7pm Wed 5:30 pm - 8 pm Thur 5 pm - 7 pm Fri 6pm - 8pm	CLOSED
11/25 Blair Hill Road	National Windscreens	8 am - 5 pm	By Appointment Only
12/25 Blair Hill Road	Anchor Right	Opening times not available - Business was not observed to operate during parking occupancy surveys	
13/25 Blair Hill Road	Gym Assist	6:30 am - 6:30 pm	CLOSED
14/25 Blair Hill Road	Stateline Furniture	Opening times not available - Business was not observed to operate during parking occupancy surveys	
15-17/25 Blair Hill Road	Top Tree Furniture	Mon - Thur 10 am - 4 pm Fri - CLOSED	Sat 10 am - 4 pm Sun 10 am -4 pm
20/25 Blair Hill Road	Energy Connections		CLOSED
21/25 Blair Hill Road	Tymbarra	8 am - 4 pm	CLOSED

Although majority of the car parking spaces are available on Sunday, the car parking area within the development is not considered a common car park given the spaces are allocated to each warehouse on the plan of subdivision.

The application provides consent from the owners of five warehouses, which later reduced to three warehouses to use their car parking spaces on Sundays. The warehouses are No 2, No3 and No7 which provides additional 20 car parking spaces for the proposed place of worship on Sunday. Since the consent is not provided as a formal agreement between the two tenancies, it is not guaranteed the 20 additional car parking spaces will be available at all times, should the businesses decide to operate on Sundays. Therefore limited consideration has been given to this aspect.

As mentioned above, the traffic report indicates that there are additional car parking within the vicinity of the subject site including on street parking. The report has been assessed by the Council's Traffic Engineers and they are satisfied that the combination of on street parking and the additional 20 car parking spaces provided by other businesses are sufficient to cater the car parking demand generated by the use on Sundays.

The response also suggest that the demand for car parking can also be controlled by restricting the number of patrons and hours of operation which will be imposed as conditions on the permit.

Signage

The application proposes a total of 11.9 square metres in signage. The maximum signage allowed within the industrial area is 8 square metres without a planning permit. However, additional signage can be erected with planning approval.

The subject site is located within an industrial area where large signage is common. The proposed two signs have 5.95 square metres each and will be located in front and the rear. Therefore, the proposed signs are scattered and will not occupy a large area of the building. As such, will not be prominent in the area. The text and colours of the signs blends well with the environment.

Amenity Impacts

As noted above the subject site is well separated from sensitive uses. The one concern with this type of use relates to the potential noise impacts and traffic management.

The proposed car parking and traffic management for the proposed use can be adequately accommodated on the site without detrimentally impacting on the future industrial uses or impacting on the amenity of the wider site context.

As such it is considered that the proposed development has minimised any off site amenity impacts and satisfies the requirements of the Cardinia Planning Scheme.

Objectors concerns

Four objections were received to the proposal which highlighted concerns with the impact on parking for the surrounding warehouses and potential impacts on the weekend activities of the businesses. Car parking concerns have been addressed above and appropriate conditions will be placed on the permit to ensure the car parking area is managed appropriate to avoid any impacts on adjoining businesses.

CONCLUSION

Considering the above matters discussed on the report, the proposal for the use and development of land for a place of worship, signage and reduction in car parking is consistent with the relevant objectives and decision guidelines of Cardinia Planning Scheme, in particular the Industrial Zone, Clause 52.06 Car Parking and Clause 52.05 Signs.

It is recommended that a Notice of Decision to Grant Planning Permit T190196 be issued for use and development of land for a place of worship, signage and reduction in car parking at FY 2/6 Webster Way, Pakenham 3810 subject to the following conditions.

CONDITIONS

1. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must outline measures that will be undertaken to ensure patron and staff do not impact on the car parking and access to other uses within the industrial complex. This should include, but is not limited to, information brochures for patrons, car parking plans to be displayed on site and staff checks of the site prior to services.
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use of the premises must not be changed without the written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - a. Monday to Saturday 9 am – 5 pm
 - b. Sunday: 8am -6pm
5. The maximum number of staff and patrons allowed on the premises are:
 - a. Monday to Saturday maximum of 20 people at all times
 - b. Sunday maximum of 80 people between 10am -1pm
maximum of 20 people between 8am -10am and 1pm-6pm

Except with the prior written consent of the Responsible Authority.

6. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
7. Vehicles under the control of the operator of the building and staff vehicles, must not be parked on any nearby road.

8. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.
9. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) no. N-1.
10. 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, wastewater, waste products, grit or oil; or
 - d. Presence of vermin.
11. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
12. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
13. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
14. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
15. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Permit Expiry

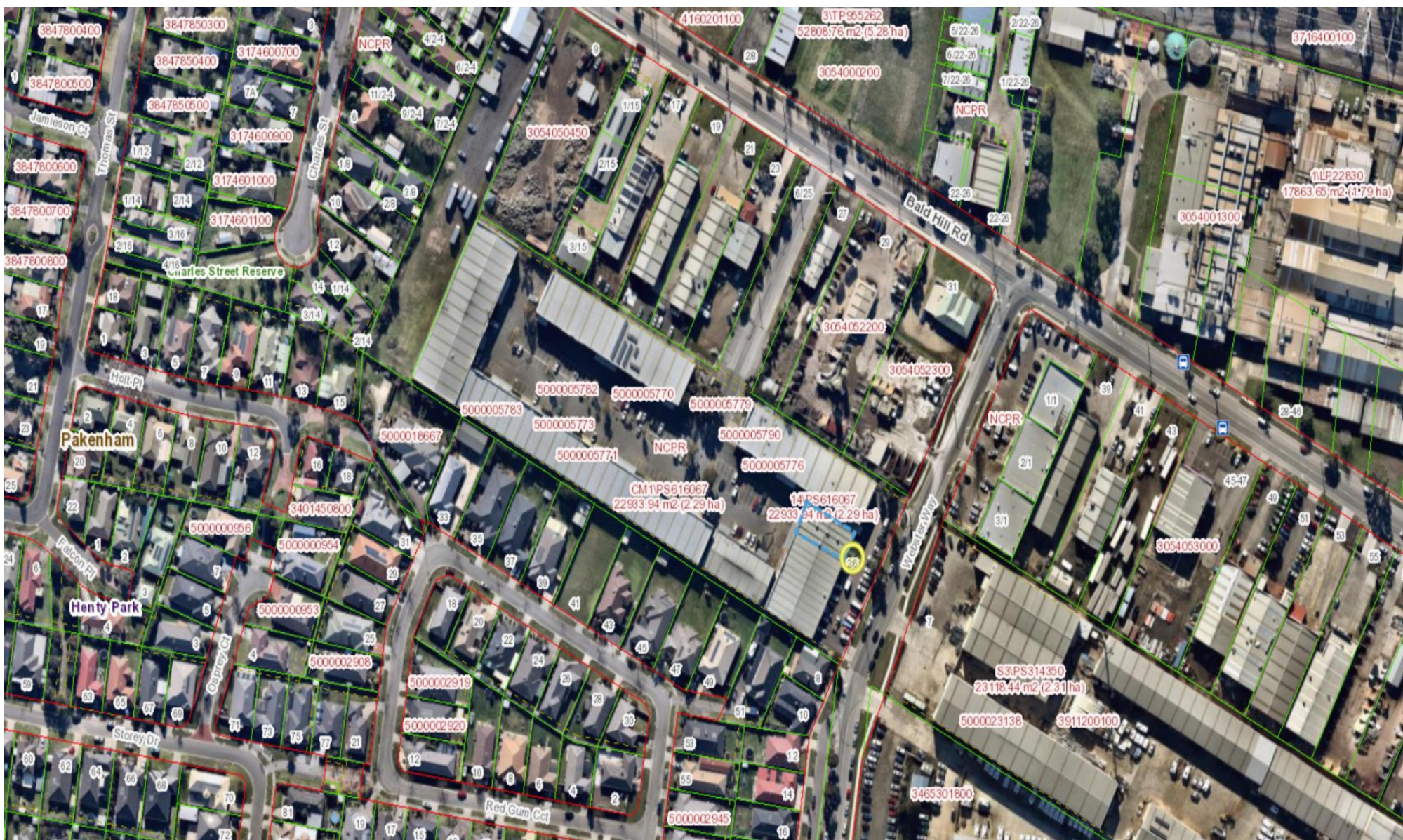
In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

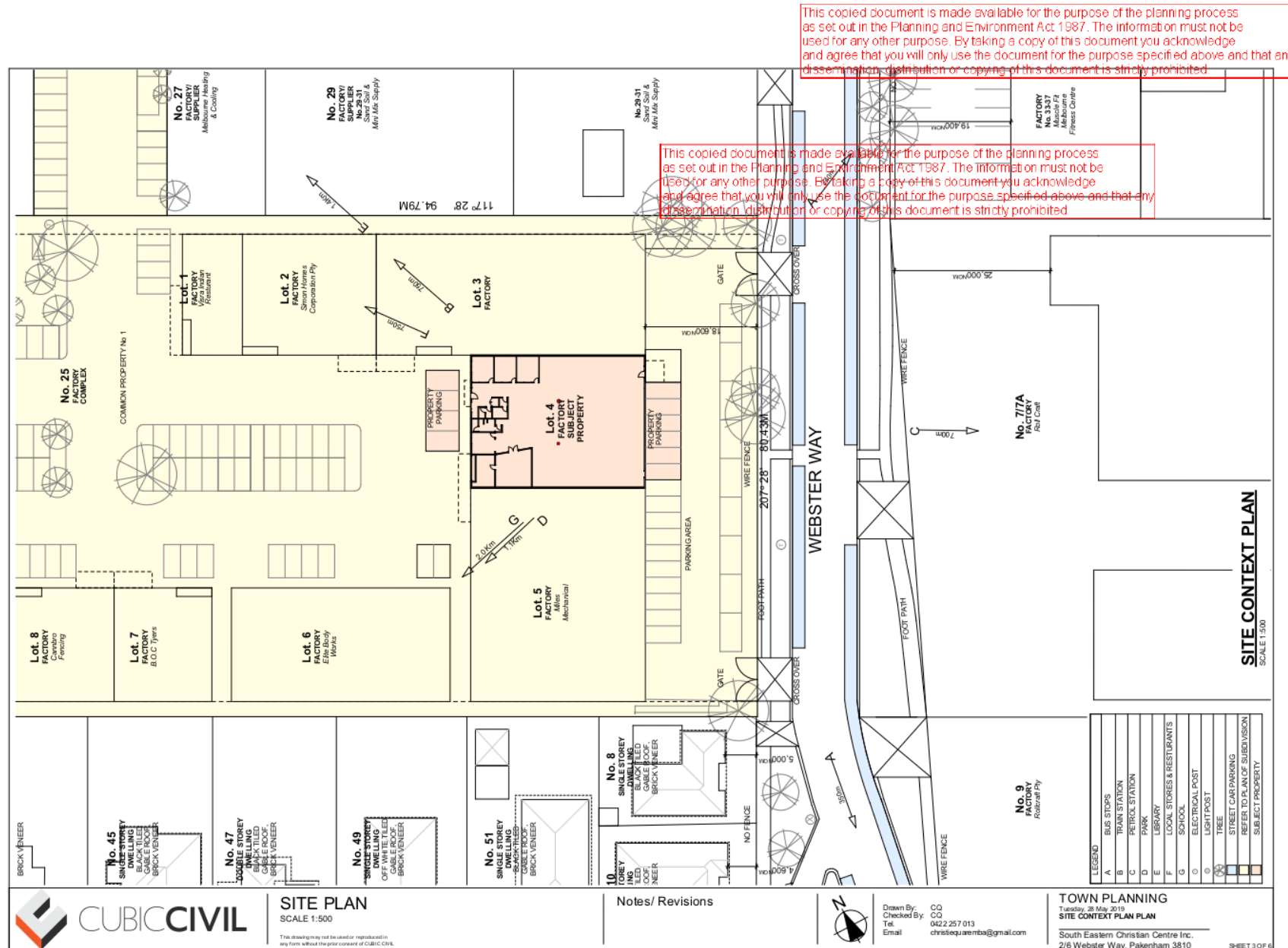
- a) The use is not started within two years of the date of this permit.
- b) This permit for advertising signage expires 10 years after the date it is issued.

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 before the expiry date or within three months afterwards.

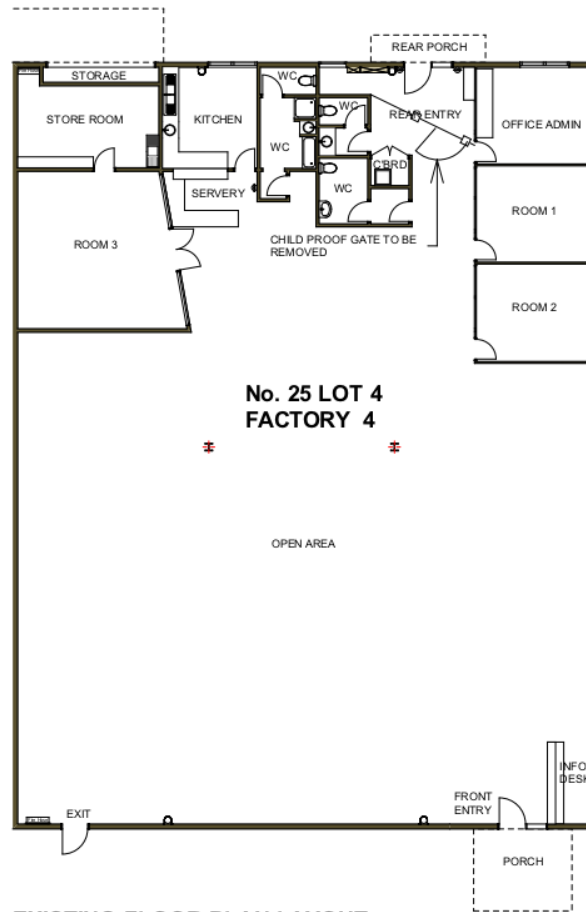
Notes:

Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

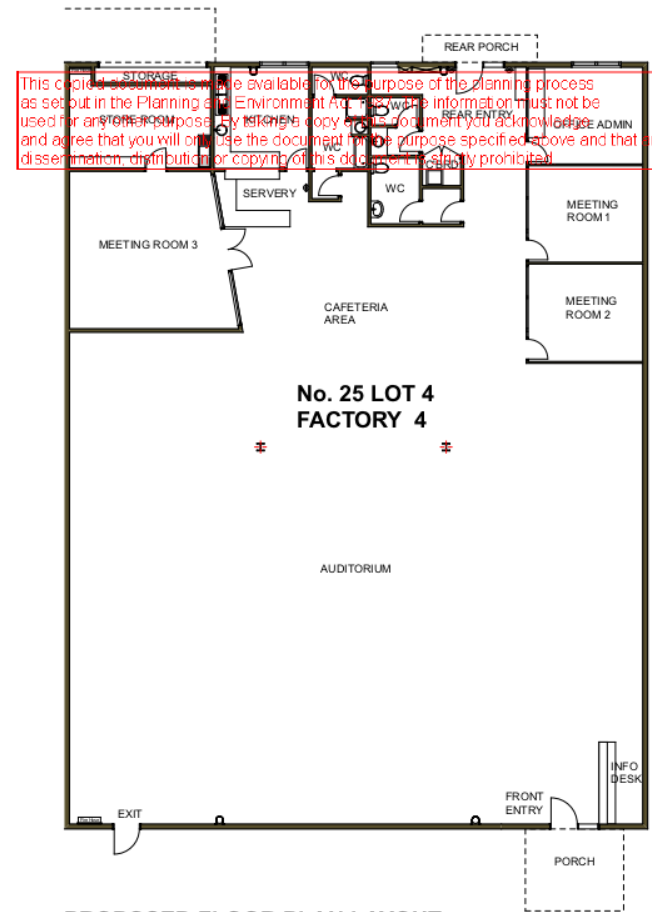




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EXISTING FLOOR PLAN LAYOUT
SCALE 1:150



PROPOSED FLOOR PLAN LAYOUT
SCALE 1:150



FLOOR PLANS
SCALE 1:150

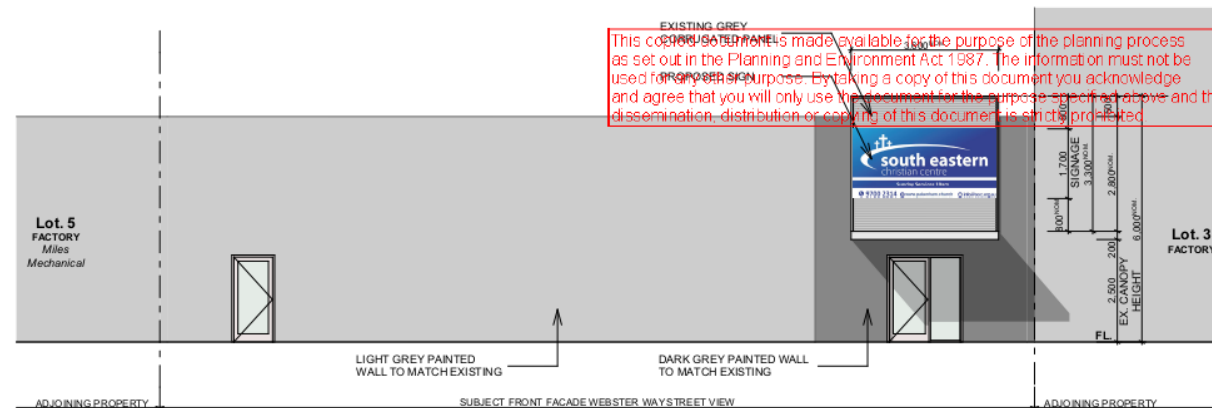
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Notes/ Revisions

Drawn By: CQ
Checked By: CQ
Tel: 0422 257 013
Email: chris@squaremba@gmail.com

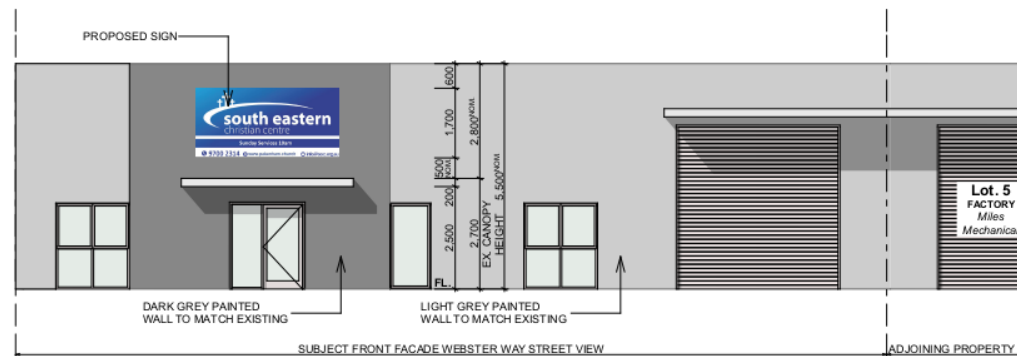
TOWN PLANNING
Tuesday, 28 May 2019
EXISTING FLOOR LAYOUT PLAN, PROPOSED FLOOR PLAN
South Eastern Christian Centre Inc.
2/6 Webster Way, Pakenham 3810
SHEET 4 OF 6

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FRONT FACADE ELEVATION

SCALE 1:100



REAR FACADE ELEVATION

SCALE 1:100



ELEVATIONS
SCALE 1:100

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Drawn By: CQ
Checked By: CQ
Tel: 0422 257 013
Email: christequaremba@gmail.com

TOWN PLANNING
Tuesday 28 May 2019
FRONT FACADE ELEVATION, REAR FACADE ELEVATION
South Eastern Christian Centre Inc.
2/6 Webster Way, Pakenham 3810

SHEET 5 OF 6

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PROPOSED SIGNAGE

SCALE 1:20



SIGNAGE

SCALE 1:20

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Checked By: CQ
Tel: 0422 257 013
Email: christequemba@gmail.com

TOWN PLANNING

Tuesday, 28 May 2019

SIGNAGE

South Eastern Christian Centre Inc.
2/6 Webster Way, Pakenham 3810

SHEET 6 OF 6