

5.3 Use of the land for a place of worship (church) and reduction in car parking requirements - 8/ 5 Fusion Circuit Pakenham

Responsible GM: Lili Rosic
Author: Tim Heffernan

Recommendation(s)

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220600 for Use of a land for a Place of Worship (church) and reduction in car parking requirements on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - i. Clause 13.07-1S (Land use compatibility);
 - ii. Clause 17.03-2S (Sustainable Industry);
 - iii. Clause 17.03-3S (State-significant Industrial land);
 - iv. Clause 19.02-3S (Cultural Facilities);
 - v. Clause 21.04-4 (Industry); and
 - vi. Clause 33.01 (Industrial 1 Zone).
2. The shortfall of car parking will adversely affect the amenity of the subject site.
3. The proposed Place of Worship is largely incompatible with future warehouse occupancy.
4. The proposal does not represent the orderly planning of the area.

Attachments

APPLICATION NO.:	T220600
APPLICANT:	Pastor Folabora Ajetomobi Heart Changing Ministry International
LAND:	Warehouse 8/ 5 Fusion Circuit, Pakenham VIC 3810 (L8 PS903943)
PROPOSAL:	Use of the land for a place of worship (church) and reduction in car parking requirements
PLANNING CONTROLS:	Zone: Industrial 1 Zone (I1Z)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the <i>Planning and Environmental Act</i> , the application was advertised by sending notices in the mail to nearby property owners and placement of signage on site. Four (4) objections
KEY PLANNING CONSIDERATIONS:	The shortfall of car parking will adversely affect the amenity of the subject site. The proposed Place of Worship is largely incompatible with future warehouse occupancy.

	Suitably of the land use within State significant industrial land. The proposal does not represent the orderly planning of the area.
REASON FOR MEETING:	Planning officer recommendation for refusal
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

Executive Summary

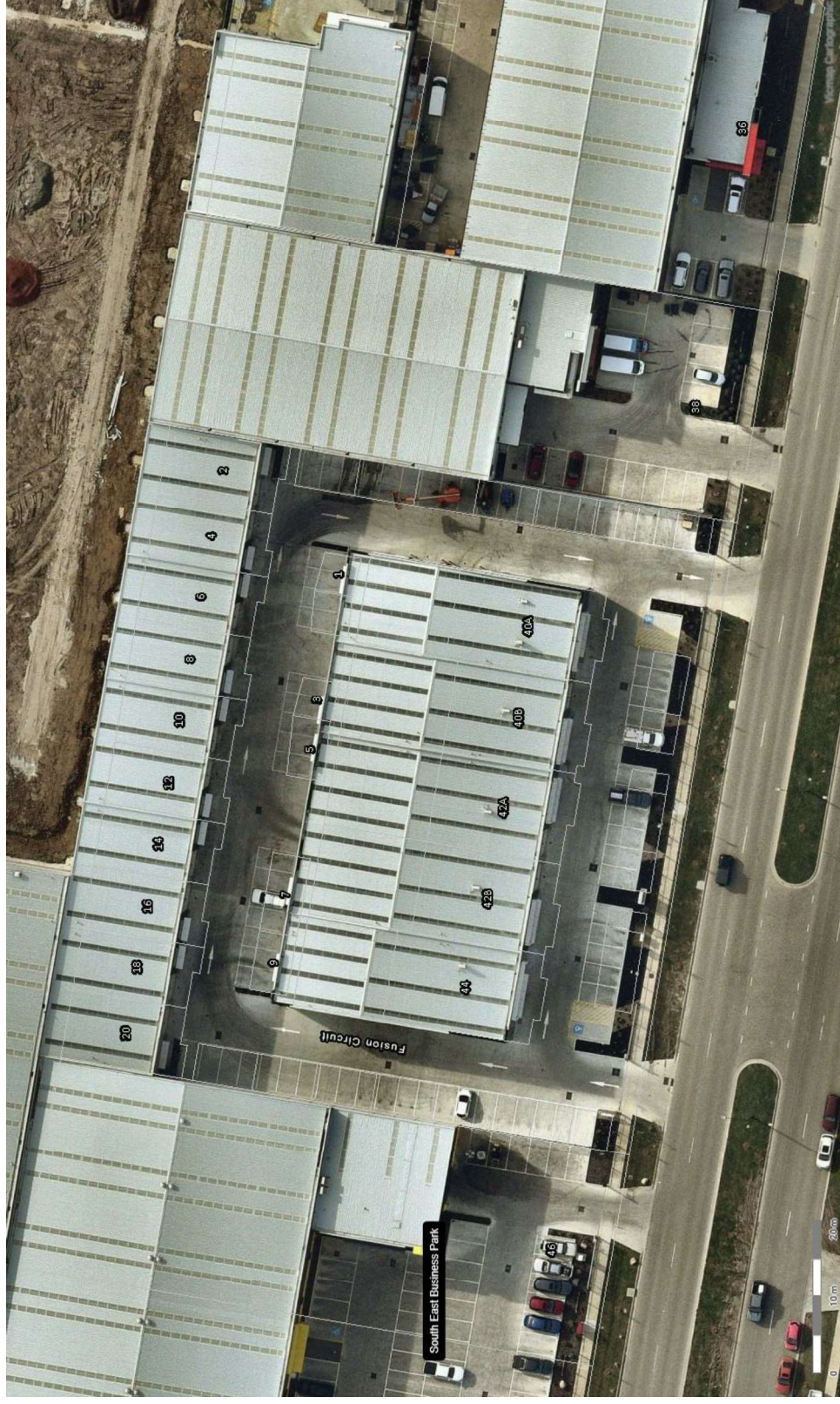
The purpose of the report is to consider an application for Use of land for a Place of Worship (church) and reduction in car parking requirements as follows:

Heart Changing Ministry International seeks to operate Sunday services (10am through to 12noon) with a maximum 28 patrons (20 adults and 8 children). The Ministry intends to use the four dedicated car spaces and has sought permission from the landowners to use other car spaces as required. Attendees to the Sunday services will be transported to the site via vehicles owned by the Heart Changing Ministry.

On a Monday through Friday during business hours, the Ministry proposes using both the Pastor and Administration Office by 2 employees.

A reduction of 4 car parking spaces is sought.

The site is a recently completed 20-unit warehouse development, comprising some vacant warehouses, and small-scale businesses (tools/party hire).



Heart Changing Church

**44-48 SouthEast
Blvd, Pakenham,
VIC 3810**

Job No:22177



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SK1 ISSUE

_Drawing List_TP		
DWG NO.	TITLE	REVISION
TP000	Cover Sheet	2
TP101	Existing Site Plan	2
TP102	Existing Floor Plan	2
TP202	Proposed Floor Plan	2
TP501	Front Elevation	1



Heart Changing Church

44-48 SouthEast Blvd, Pakenham, VIC 3810

Pastor Folabara

Job No:22177

Cover Sheet TP000 2

Date: NOV. 2022

Scale: Drawn by: EK

Rev No.
1
2

Description
Issue for TP1
Issue for TP2

Date
07/11/2022
18/05/2023

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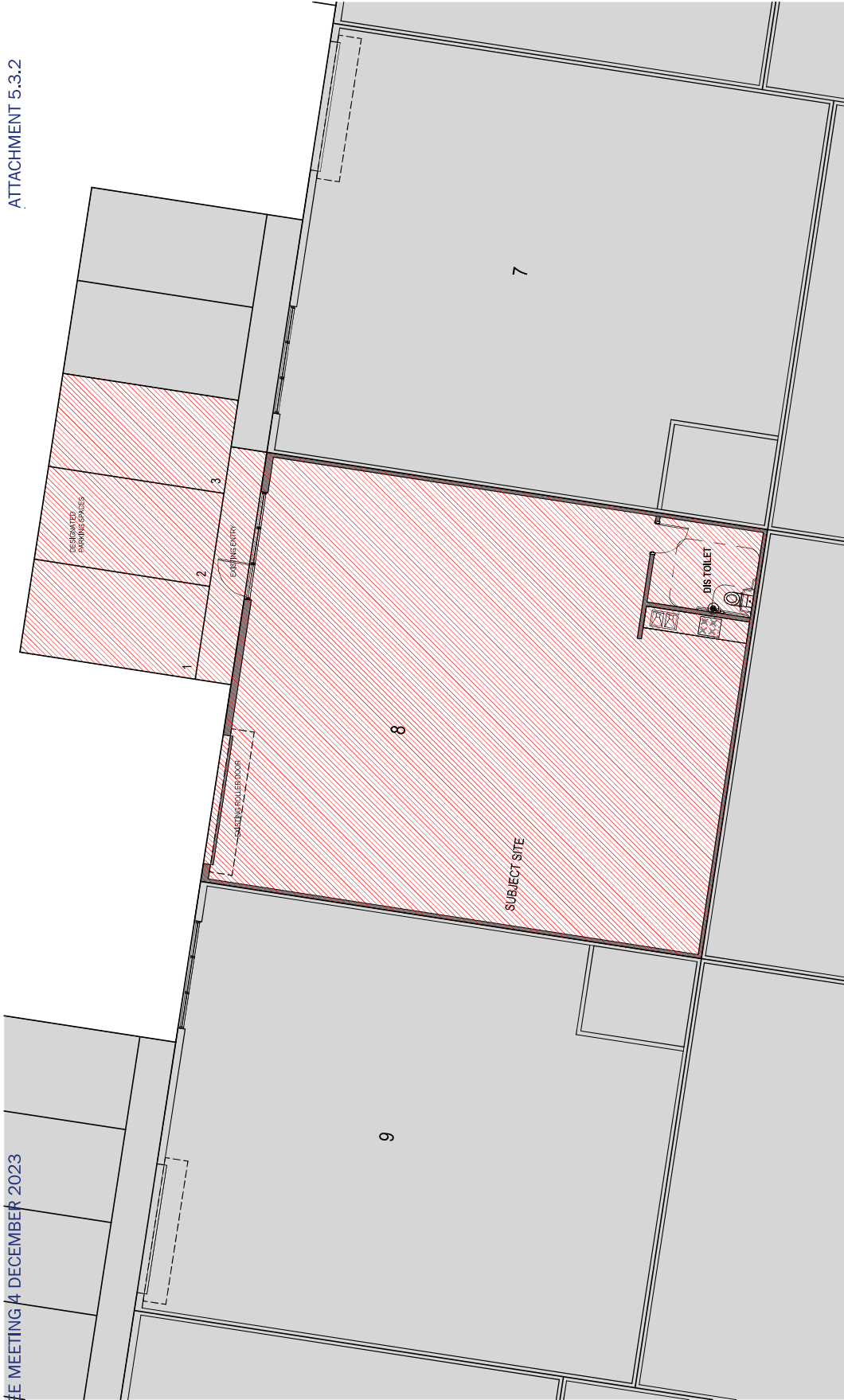
Heart Changing Church

44-48 SouthEast Blvd, Pakenham, VIC 3810
Pastor Folabara

Job No: 22177
Existing Site Plan TP101 a

Date: NOV. 2022	Scale: 1 : 500	Drawn by: EK
Rev No.	Description	Date
1	Issue for TP1	07/11/2022
2	Issue for TP2	18/05/2023





Heart Changing Church
44-48 South East Blvd, Pakenham, VIC 3810
Pastor Folabara

Job No: 22177
Existing Floor Plan TP102 2

Date	Rev No.	Description	Scale	Drawn by
07/11/2022	1	Issue for TP1	1 : 100	EK
18/05/2023	2	Issue for TP2		





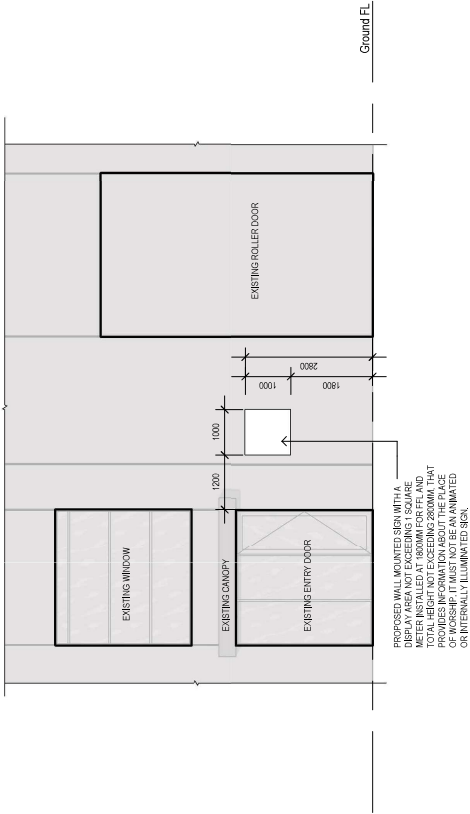
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Heart Changing Church
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Pastor Folabara

Job No: 22177
Proposed Floor Plan TP202_2

Date:	NOV. 2022	Scale:	1 : 100	Drawn by:	EK
Rev. No.	1	Description	Issue for TP1	Date	07/12/2022
2	Issue for TP2	Issue for TP2	18/05/2023		





1 FRONT ELEVATION
SCALE 1 : 100



DRAKE
DESIGN & BUILD
100 WARRIOR ROAD
SUITE 8, LEVEL 1
BENDONGHIE VIC 3887
ALICE DRANE FAMILY TRUST - ABN 88 638 464 806 - ACN 151 8742 381

Heart Changing Church
44-48 South East Blvd, Pakenham, VIC 3810
Pastor Folabara

Job No: 22177
Front Elevation TP501 1

Date:	NOV. 2022	Scale:	1 : 100	Drawn by:	Author
Rev No.	1	Description	Issue for TP2	Date	18/05/2023

APPLICATION FOR CONSIDERATION
REFUSAL
OFFICER REPORT



Application Details:

Proposal	Use of a land for a Place of Worship (church) and reduction in car parking requirements		
Applicant	Pastor Folabora Ajetomobi Heart Changing Ministry International		
Date Received:	14 September 2022		
Statutory Days:	143 (as of October 2023)		
Section 50/50A/57A Amendment	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, date: May 2023 Reduction in car parking requirements	
Application Number	T220600		
Planner	Tim Heffernan		
Land/Address	Warehouse 8/ 5 Fusion Circuit, Pakenham 3810 Lot 8 PS 903943 5 Fusion Circuit, Pakenham VIC 3810		
Property No.	5000028889		
Zoning	Industrial 1 Zone (IN1Z)		
Overlay/s	Nil		
Permit Trigger(s)	<ul style="list-style-type: none"> Pursuant to Clause 33.01 of the Industrial 1 Zone, a planning permit is required for the use of the land for a Place of Assembly (Place of Worship). Pursuant to Clause 52.06-3 of Car Parking, a permit is required to reduce the number of car parking spaces under Clause 52.06-5. 		
Aboriginal Cultural Sensitivity	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes; a CHMP is: <input type="checkbox"/> Not required <input type="checkbox"/> Required <reasons> <CHMP no.>	
Section 55 Referrals	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:	
Registered restrictions on Title	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, list below: ■ Covenant PS827498B Relates to restrictions created on the Plan of Subdivision which sets out the requirement that (1) buildings must comply with Southeast Business Park Building Design Guidelines and (2) alterations to buildings must be approved by Southeast Business Developments Pty Ltd	

		<ul style="list-style-type: none"> ▪ Covenant AU406717U Relates to MCPAA5482 which sets out building restrictions/use. ▪ Covenant 406919G Relates to MCPAA5482 which sets out building restrictions/use. <p>The proposal will not result in a breach of any registered restriction.</p>
Recommendation	<input type="checkbox"/> Permit <input type="checkbox"/> NOD <input checked="" type="checkbox"/> Refusal	
Ward Councillor communications	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes , item in Councillor Bulletin <insertdate>
Documents relied on	<ul style="list-style-type: none"> ▪ Development plans prepared by Drake Design, dated May 2023. ▪ Town planning information provided by Pastor Folabora, dated 2022 and 2023. ▪ Title documents, including applicable Covenants. 	
Full plans and documents	T220600 Full Package.pdf	

Proposal

Planning approval is sought for the use of land (Warehouse 8) for a Place of Worship and reduction in car parking requirements.

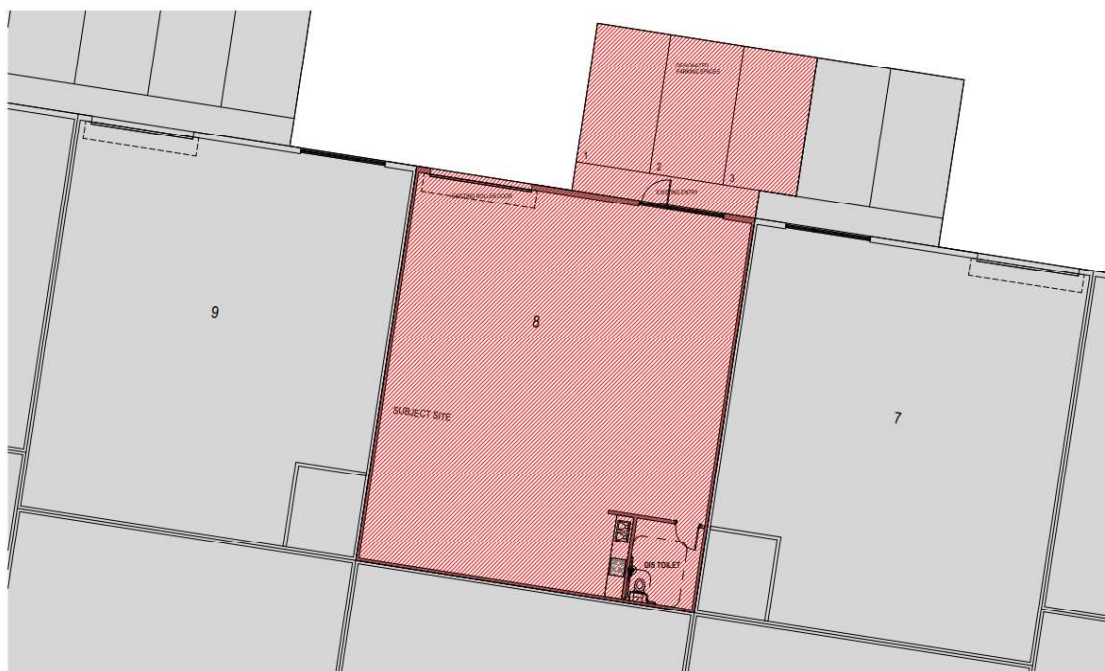
Heart Changing Ministry International seeks to operate Sunday services (10am through to 12noon) with a maximum 28 patrons (20 adults and 8 children). The Ministry intends to use the four dedicated car spaces and has sought permission from the landowners to use other car spaces as required. Attendees to the Sunday services will be transported to the site via vehicles owned by the Heart Changing Ministry.

On a Monday through Friday during business hours, the Ministry proposes using both the Pastor and Administration Office by 2 employees.

As a total of 4 car spaces are provided, a reduction of 4 car parking spaces is sought.



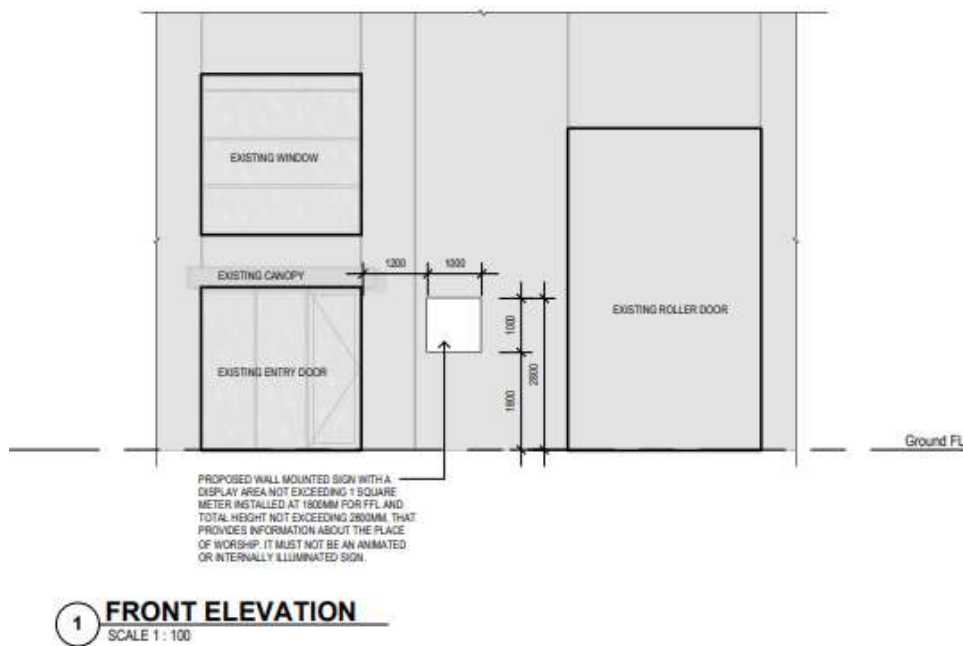
Existing site plan (Note- delineated visitor car parking is incorrect)



Existing floor plan



Proposed floor plan

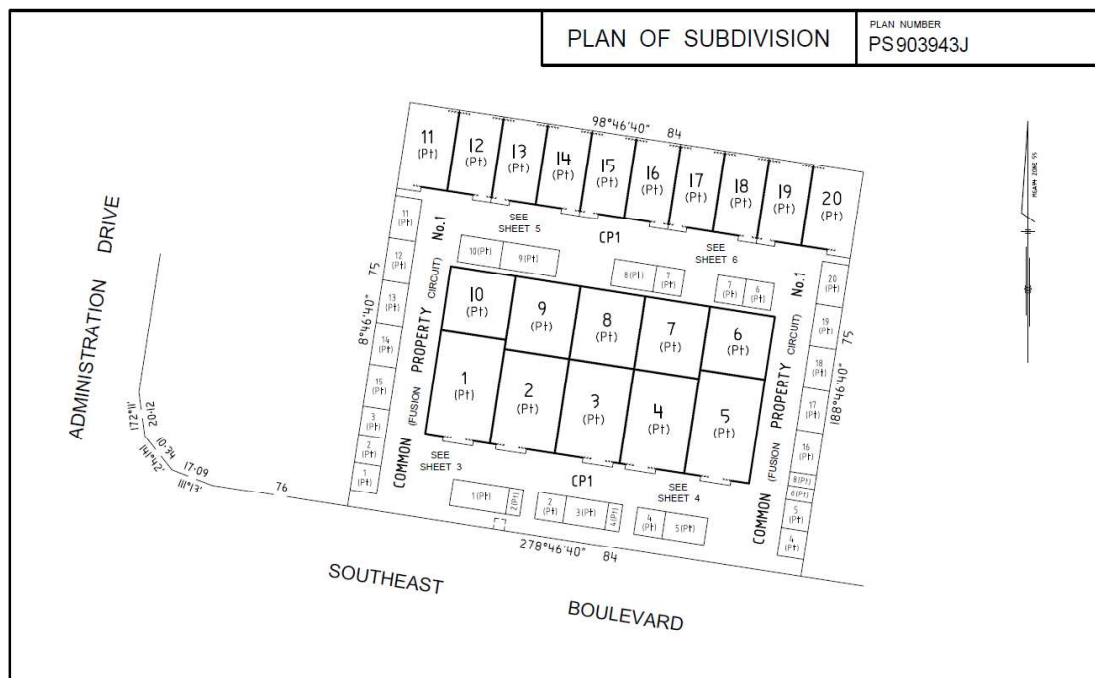


Existing warehouse entrance/ front elevation.

Subject site & locality



Aerial view of warehouses. Source: NearMap, 2023.



Subject site Plan of Subdivision

An inspection of the site and the surrounding area has been undertaken.

Warehouse 8 of 5 Fusion Circuit is located on the north side of Southeast Boulevard, with the warehouse itself to the centre of the site and facing northwards. The warehouse has a roller door, separate entrance, and large window.

The warehouse measures 123m² in size, with 3 car spaces fronting the warehouse and 1 car space near the south-east corner.

Two crossovers present to Southeast Boulevard with warehouse building to the centre. The topography of the land is flat.

The combined site is rectangular with a frontage of 84 metres to Southeast Boulevard, depth of 75 metres and a total site area of 6,300 square metres.

The main characteristics of the surrounding area are:

- Designated South-east business park locality, comprising generally large warehouses on large lots
- Princes Highway to the north
- Urban Growth Zone to west of McGregor Road



Aerial view of locality. Source: NearMap, 2023.

Permit/Site History

The history of the (Combined site) includes.

- Planning permit T170658 was issued for the subdivision of the Parent Lot (Lot TT PS728893) in stages on 25 July 2018.
- Planning Permit T210062 was issued for the Development of the land for a multi-warehouse development and associated works on 11 May 2021.
- Planning Permit T210767 was issued for the Subdivision of the land into 20 lots on 7 April 2022.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Industrial 1 Zone (IN1Z)

Overlays

- No Overlays apply.

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 13.07-1S Land use compatibility
- Clause 17 Industry
- Clause 17.03-1S Industrial land supply
- Clause 17.03-2S Sustainable industry
- Clause 17.03-3S State Significant industrial land
- Clause 19.02-3S (Cultural Facilities)

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-2 Urban Established Area - Beaconsfield and Pakenham
- 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

Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01 of the Industrial One Zone, a planning permit is required for the use of the land a Place of Assembly (Place of Worship).
- Pursuant to Clause 52.06-3 of Car Parking, a permit is required to reduce the number of car parking spaces under Clause 52.06-5 or in a Schedule to the Parking Overlay

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.
- Placing a sign on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 9th August 2023.

Council has received 4 objections to date.

The key issues that were raised in the objection are:

- Car parking shortfall
- Safety/ hazard concerns associated with vehicles accessing site
- Disputed claim that majority of warehouses will be closed on a Sunday
- Insufficient toilet facilities

Other:

- Warehouse owners (advertising) notification

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	n/a	
Section 52 Notices	n/a	

Internal Referrals:

Internal Referral	Council	Advice/ Response/ Conditions
Traffic		<p>Received March 2023.</p> <p>Object to the proposal for the following reasons:</p> <p>The traffic team are not supportive of the proposal unless the applicant is satisfied with capping the number of visitors to 17 people (15 visitors and 2 staff) via a planning permit condition. <u>Note</u> that the plans also indicate seating for 32 people which should be modified based on this cap.</p> <p>This has been derived based on an equitable access to the visitors' spaces, where every factory is "entitled" to utilise 2 visitor spaces (20 factories and 42 visitor spaces on site). This would result in the proposal having access to 5 spaces. Utilising the stat. parking rate of 0.3 spaces/patron, this results in a statutory requirement of 5 parking spaces based on 17 people accessing the site.</p> <p>If the applicant has concerns with this restriction, then a TIA will need to be provided once the surrounding factories are fully occupied.</p>
Engineering		No objection.

Assessment

The application has been assessed against the relevant state and local policy, as well as the decision guidelines of all relevant clauses of the Cardinia Planning Scheme with the proposal determined to be inconsistent with these requirements.

It is the role of the planning scheme to ensure that any proposal of this nature achieve outcomes that appropriately respond to the site and its context for infill sites in established residential areas.

Response to Industrial 1 Zone (IN1Z)

The purpose of the Industrial 1 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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 Place of Assembly is a Section 2 – Permit requirement.

A consideration to the relevant Decision Guidelines, are as follows:

<i>Decision Guidelines</i>	<i>Response</i>
<i>The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.</i>	<p>Given the intended Place of Worship use, comments were not sought from any external authorities.</p> <p>The warehouse is located within the Southeast business park industrial area, to the south of Princes Highway and over 600m south from residential areas. The site is a recently completed warehouse development, comprising some vacant warehouses, and small-scale businesses (tools/party hire).</p> <p>The proposal is likely to have a detrimental effect on abutting warehouses in terms of car parking, with the applicant seeking a reduction of 2 car spaces. The applicant has stated they have permission to use other car parking spaces during the planned Sunday services (to accommodate attendees of the church services).</p> <p>The assumption of car parking availability at the warehouse is speculative, Council concludes that the shortfall of car parking will result in amenity issues within the warehouse development.</p> <p>Council also determines the use of a place of worship within an Industrial setting to be incompatible. The industrial setting comprises a mixture of automotive factories, various manufacturing and production. The uses are entirely expected within an Industrial area, that is also of state significance.</p>
<i>The effect that nearby industries may have on the proposed use.</i>	<p>As above, the subject site is a large-scale warehouse development comprising a mixture of vacant, small-scale businesses.</p> <p>Council, as Responsible Authority, does not hold information relevant to operating hours of abutting warehouses and cannot anticipate</p>

	<p>future warehouse vacancy levels, business types and their intended hours of operation.</p> <p>The proposed Place of Worship is largely incompatible with future warehouse occupancy, while more broadly, Southeast Boulevard contains large warehouses utilized as factories, mostly automotive in nature. The uses are entirely expected within an Industrial area.</p>
<i>The drainage of the land.</i>	Not applicable - assessed as part of warehouse development permit (T210062).
<i>The availability of and connection to services.</i>	Not applicable - assessed as part of warehouse development permit (T210062).
<i>The effect of traffic to be generated on roads.</i>	<p>The proposal is anticipated to have a negligible effect on traffic within the area noting the limited, Sunday morning Church services. The applicant has stated that 6 cars may be used to transport attendees to and from the warehouse.</p> <p>The South-east business park and wider surrounds comprise an established road network capable of accommodating various traffic volume.</p> <p>The proposal will have a negative effect on car parking, which is discussed throughout this report.</p>
<i>The interim use of those parts of the land not required for the proposed use.</i>	Warehouse 8 is located to the centre of a large warehouse development, comprising a mixture of vacant warehouses, some small-scale businesses. The proposed use is restricted to the warehouse only, operating a Sunday service only.

Response to Car Parking reduction

The purpose of the Car Parking Overlay is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Pursuant to Clause 52.06-5, the number of car spaces required for a Place of Assembly is 0.3 to each patron permitted. Based on 28 patrons, 8 on-site car spaces are required ($0.3 \times 28 \text{ patrons} = 8.4$ rounded down to 8). Warehouse 8 has 4 dedicated car spaces, 3 of which front the warehouse, with the remaining space near the south-east corner. Therefore, a shortfall of 4 car spaces is sought.

In response, the owner has stated they have permission to utilise unused car spaces within the whole of site as many of these warehouses will not be operating on a Sunday. Council, as Responsible Authority, does not hold information relevant to operating hours of abutting warehouses and cannot anticipate future warehouse vacancy levels, business types and their intended hours of operation. As a large warehouse development, visitors to the site are likely to be varied, including over the weekends.

Council, as part of its due diligence notes that *unused* car spaces were relied upon, with the assumption that these car spaces remaining unused is purely speculative. Any future car parking shortfall also adversely affects the amenity of the site by compromising future parking arrangements. The warehouse development is a recently completed development (last 18 months) that is currently not at capacity, with many warehouses not sold or leased. An increased capacity will inevitably lead to greater car park demand, placing greater pressure on the utilisation of existing car parks.

Council's traffic department objects to the proposal, citing car park demand concerns.

In summarising the above, the proposed car parking shortfall is deemed to be unsatisfactory, and as such, the place of worship and car parking reduction is not considered orderly.

An overwhelming dependency on other car spaces further reinforces a position that the proposal is not site-appropriate and will cause unreasonable impact to neighbouring businesses and the economic function of the area that is expected to outweigh the benefits introduced.

Response to Planning Policy Framework

A number of State and Local policies are relevant to this application for a Place of Worship with an assessment determining there to be varied responses meeting key objectives and strategies as follows:

Clause 13.07-1S Land use compatibility- The proposed place of worship is located with a recently completed, large warehouse development, that currently comprises vacant warehouses, tool and party hire and personal use warehouses. As the proposal seeks a car parking dispensation, the proposed use may compromise the ability of other warehouses uses to function effectively.

Clause 17.03-3S State Significant industrial land - The proposed Place of Worship facilitates a 'new use' to the Southeast Business Park Precinct, noted for its state significance. As Industrial zoned land, the proposed 'Place of Worship' is a 'Section 2 Use' - permit required.

South East Business Park is among land that is recognised with this significance, placing further weight on interrelated policies that seek to protect this industrial land from encroachment and inappropriate land uses/development. Presently, the Southeast business park accommodates a range of uses outside traditional industry such as special purpose commercial uses, indoor recreational facilities and some forms of retail such as trade supplies.

Contextually, the proposed 'Place of worship' is located within a recently completed large warehouse development, that is yet to be fully occupied. Council is cognisant that warehouse businesses could extend their operating hours into evening and weekend operations, during proposed Church hours. As a result, future land use conflicts may arise.

Overall, a 'Place of Worship' of the size and intensity proposed undermines the protection of industrial areas and critically erodes the purpose of activity centres where these businesses are actively encouraged.

Clause 19.02-3S (Cultural Facilities) - This policy seeks to develop a strong cultural, environment and increase access to arts, recreation and other cultural facilities.

The proposal establishes a new cultural facility in the Shire and will improve the provision of cultural services to people of faith in the surrounding area. The location however is not well placed to utilise available public where the nearest station is not well served by public transport, with the nearest train station 2 kilometres away and no nearby bus services.

Clause 21.01 Cardinia Shire Key Issues and Strategic Vision - from a particular use perspective, the proposal is considered functional, utilizing all of warehouse 8, with the proposed Ministry, in terms of ongoing use, concluded to be generally minor in scale. The applicant has restricted to a Sunday morning service only.

Clause 21.04-4 Industry -The proposal is largely determined to be non-responsive, instead proposing a new use within an existing warehouse development site, that is neither retailing, office, research and development or supportive of agricultural activities. The proposal seeks a car parking reduction, within a warehouse development setting, potentially creating amenity clashes.

Response to objections

Council received four objections to the proposal, with an assessment against the key concerns provided below:

<u>Objection grounds</u>	<u>Response</u>
Car parking shortfall	<p>As discussed in the above car parking assessment, a Place of Worship based on 28 patrons, stipulates 8 car spaces, with the applicant provided 4 car spaces, a shortfall of 4 car spaces exists.</p> <p>As included in the application package, the proposal also relies on the availability of other car spaces on the subject land, with the applicant stating consent has been provided by whole of site landowners, a claim that has not been substantiated.</p> <p>Given that <i>unused</i> car spaces are relied upon, leads Council to conclude an assumption that these spaces will remain unused.</p> <p>Notably, the subject site is a relatively new warehouse development, many warehouses have not been sold or leased with their future hours of operation also unknown.</p> <p>An increased capacity will inevitably lead to greater car park demand, placing greater pressure on the utilisation of existing car parks. As a large warehouse development, visitors to the site are likely to be varied, including over the weekends.</p> <p>Council deems the car parking shortfall to be unsatisfactory, with Council's traffic department not supportive of the proposal.</p>
Insufficient toilet facilities	<p>This is not a planning consideration and is a matter which is managed under the Building Regulations.</p>
Disputed claim that majority of warehouses will be closed on a Sunday.	<p>The subject site comprises a number of warehouses that are currently vacant and yet to be sold/tenanted.</p> <p>Council, as Responsible Authority, is unable to speculate future tenancing arrangements and associated hours of operation of these warehouses will be. The subject site is within a designated Industrial area, of State significant that is anticipated to have business growth in the future.</p> <p>The applicant claim is determined to be erroneous.</p>
Subject site vehicle safety concerns	<p>All users of the warehouse site are reasonably expected to safely access the subject site with speed limitations set (10kms/h).</p> <p>The applicant intends to shuttle church members in standard sized vehicles and utilize 3 car spaces immediately in front of the warehouse. The utilisation of these 3 spaces will enable efficient access to and from the warehouse. It is also noted, that proposed church</p>

	<p>services are limited to Sunday morning, not during general business hours.</p> <p>As stated, the proposal relies on the availability of other car spaces on the subject land, with the applicant stating consent has been provided by whole of site land owners, a claim that has not been substantiated. Given that <i>unused</i> car spaces are relied upon, leads Council to conclude an assumption that these spaces will remain unused.</p>
Compliance with advertising	<p>Council advertised the proposal via a sign- on- site erected for 2 weeks, and letter notification to all owners of warehouses on the subject site.</p> <p>Council received a Statutory declaration confirming sign on site compliance.</p>

Relevance to VCAT P1649/2022

In a recently decided application, the decision by Cardinia Council to refuse a proposal at 28 Hill Street, Pakenham for the *development and use of the land for a Place of Worship* was reaffirmed at VCAT. The proposal sought permission on land within the Industrial 1 Zone, the site being one of the five nominated state significant industrial precincts (SSIP) in Melbourne, with Plan Melbourne seeking to ensure that nominated SSSI's are protected from incompatible land uses to allow their future growth.

Council's refusal was driven by the proposal's inconsistency with relevant Clauses 13.07-1S (Land Use compatibility), 17.03-3S (State significant Industrial land), 21.04-4 (Industry) and 33.01 (Industrial 1 Zone).

A key finding by the tribunal member was that *the proposed use removes land that could provide for industry or employment uses with similar, related or dependent industrial activities that operate within this precinct. Further, the existence of a place of worship operating in the hours sought may then impact on the ability of other uses to operate or establish nearby without land use conflict.*

In essence, the decision reaffirms that the use of the land for a Place of Worship not suitable in state significant industrial land.

Clause 65 Decision Guidelines

As discussed above the proposal fails to comply with the Municipal Planning Strategy, the Planning Policy Framework and the purposes of the Industrial 1 Zone and Car Parking Overlay.

The shortfall of car parking will result in amenity issues within the warehouse development, while the proposed Place of Worship is largely incompatible with future warehouse occupancy.

The proposed Use of the land for a place of worship (Church) will not contribute to the orderly planning of the area.

Conclusion

As discussed above, the application fails to comply with key planning policies set out in the Cardinia Planning Scheme.

The Industrial 1 Zone is underpinned by a selection of state and local policies that seek to preserve land for appropriate uses, ensuring that new uses are compatible with existing and future uses and to protect this land for long-term sustainability and certainty for industry.

A dependency on other car parking further reinforces a position that the proposal is not site-appropriate and will cause unreasonable impact to neighbouring businesses and the economic function of the area that is expected to outweigh the benefits introduced.

Overall, the use of the land for a Place of Worship is considered to be largely incompatible with future warehouse occupancy.

As such, the proposal represents an unacceptable planning outcome in that does not represent an appropriate response to the warehouse site and will not contribute to the orderly planning of the area.

Recommendation

Refusal to Grant a Planning Permit

That Council having caused notice of Planning Application No. T220600 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Permit in respect of the land known and described as Warehouse 8/5 Fusion Circuit Pakenham (L8 PS903943), for the Use of land for a place of worship (church) and reduction in car parking requirements under the following grounds:

THE REASONS FOR REFUSAL:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - i. Clause 13.07-1S (Land use compatibility);
 - ii. Clause 17.03-2S (Sustainable Industry);
 - iii. Clause 17.03-3S (State-significant Industrial land);
 - iv. Clause 19.02-3S (Cultural Facilities);
 - v. Clause 21.04-4 (Industry); and
 - v. Clause 33.01 (Industrial 1 Zone).
2. The shortfall of car parking will adversely affect the amenity of the combined subject site.
3. The proposal does not represent the orderly planning of the area.