

1 USE OF AN EXISTING BUILDING AS A PLACE OF WORSHIP AND BUSINESS IDENTIFICATION SIGNAGE AT 50 LAKESIDE BOULEVARD, PAKENHAM

FILE REFERENCE INT1618124

RESPONSIBLE GENERAL MANAGER Phil Walton

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150782 be issued for the use of an existing building as a place of worship and business identification signage at 50 Lakeside Boulevard, Pakenham subject to the conditions attached to this report.

Attachments

1	Locality plan	1 Page
2	Development plans	4 Pages
3	Letters of objection circulated to Councillors only	22 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T150782
APPLICANT:	Australasian Conference Association C/- Sweett Group
LAND:	50 Lakeside Boulevard, Pakenham
PROPOSAL:	Use of an existing building as a place of worship and business identification signage
PLANNING CONTROLS:	Comprehensive Development Zone Schedule 1 (CDZ1) Development Contributions Plan Overlay Schedule 1 (DCPO1) Clause 52.05 Advertising Signage Clause 52.06 Car parking
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by sending notices to adjoining land owners and occupiers and placing two (2) signs on site. Council has received nineteen (19) objections to date.
KEY PLANNING CONSIDERATIONS:	Potential for unacceptable noise impacts Car parking requirements Visual amenity in relation to business identification signage
RECOMMENDATION:	That a Notice of Decision to grant planning permit T150782 be issued with conditions.

BACKGROUND:

The site was previously used by Delfin Pakenham Pty Ltd as the land sales and information centre, including a café. Planning permit T040990 was issued on 6th January 2005 for an on premises liquor license. The land sales and information centre, including café closed some time ago and the existing building has remained vacant ever since.

SUBJECT SITE

The site is located on the south western side of Lakeside Boulevard, within the Lakeside estate.

The site is approximately 0.3 hectares and is an irregular shape. The site has a frontage to the lake of approximately 50 metres and a frontage to Lakeside Boulevard of approximately 40 metres.

The site contains an existing building, car parking area and landscaped gardens. The existing building is a weatherboard structure with corrugated roof. The main colours include various shades of greys/blues. There are two main entrances to the building; one off the walking path from the lake on the north western side of the building and one off the car parking area on the south eastern side of the building. There is a deck on the northern side of the building with shade sails and glass balustrading. The existing car parking area to the south east of the existing building contains forty-one (41) spaces, accessed via a curvilinear driveway off Lakeside Boulevard. Six (6) bicycle parking spaces are located on the south eastern side of the existing building.

A crossover is located off Lakeside Boulevard (north eastern boundary) and there is a drainage easement near the north eastern boundary (crossing the existing driveway) in favour of Melbourne Water.

The land is generally flat, with a gentle slope down towards the lake on the north western side of the existing building.

The main characteristics of the surrounding area are:

- North west: A large lake with walking paths and small break out parks surrounding the perimeter. Further north/north east is the Cardinia Cultural Centre.
- North east: Lakeside Boulevard, a dual carriageway with median. Both sides and the median of lakeside boulevard are planted with canopy trees. Further north east are residential dwellings.
- South east: A vacant allotment shown in the Lakeside Local Structure Plan as 'residential'. Further south east is Shearwater Drive and residential dwellings.
- South west: Residential dwellings fronting the lake, with garages to the rear.

PROPOSAL

The proposal is for the use of the existing building as a place of worship and business identification signage.

The application proposes to use the existing building as a place of worship with a maximum of one hundred and thirty seven (137) patrons. The service times and operating hours include the following;

- Saturdays; bible studies from 9.30am, main service between 11am and 12pm and fellowship until 3.30pm.

No building works are proposed. The use will occupy the existing building, with the main hall used for worship, the smaller rooms to the south west used as classrooms and the old café area used as a kitchen, all in association with the proposed place of worship.

The application proposes to install three business identification signs.

Two (2) signs are proposed to be attached to the 'turret' feature of the existing building. These signs will be 4m high x 3m wide. They will be orange in colour and feature a logo and the words 'Seventh-day Adventist church'. The signs will face a northerly and easterly direction. These signs will not be electronic or illuminated.

The other sign is proposed to be a pylon sign, utilising an existing pylon on the north eastern side of the building. The pylon sign will be 1.41m wide x 4.2m high. The sign will be orange at the top with a logo and grey at the bottom with the words 'Seventh-day Adventist church Pakenham'. The sign will be double sided with the same design on both sides. The sign will front a north westerly and south easterly direction. This sign will not be electronic or illuminated.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01-1 Cultural identity and neighbourhood character
- Clause 18.02-2 Cycling
- Clause 18.02-5 Car parking
- Clause 19.02-3 Cultural Facilities
- Clause 19.02-4 Distribution of social and cultural infrastructure.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-2 Urban Growth Area

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signs
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines
- Pakenham West Comprehensive Development Plan 1 September 2005
- Lakeside Local Structure Plan

Zone

The land is subject to the Comprehensive Development Zone Schedule 1 (CDZ1)

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay (Schedule 1) (DCP01)

PLANNING PERMIT TRIGGERS

The proposal for use of existing building as a place of worship and business identification signage requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 1.0 of Schedule 1 to the Comprehensive Development Zone of the Cardinia Planning Scheme, a planning permit is required for use of the land for a place of worship (as the section 1 condition is not met).
- Pursuant to Clause 52.05-9 Advertising Signage of the Cardinia Planning Scheme, a planning permit is required for business identification signage.

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 two (2) signs on site.

The notification has been carried out correctly, and Council has received nineteen (19) objections to date.

The key issues that were raised in the objections are:

- Lack of car parking
- Noise associated with the use will take away tranquillity of the lake.
- Signage will negatively affect amenity of the area through its colour and size.
- Decline in property values due to undesirability of this religion.
- The prime location of the church will make the whole estate look like it is based on this religion.
- The building should be used as a café/restaurant/public space or something more inclusive for everyone to use.
- The application encourages segregation of the community.
- Door knocking in the area will increase.
- Religious sites should not be amongst residential areas or public amenities.
- The location of the site is too 'in my face' for people walking around the lake.

REFERRALS

No external referrals were required.

DISCUSSION

The proposed use as a place of worship and business identification signage (subject to conditions) is consistent with the State and Local Planning Policy Framework, the purpose of the zone and is consistent with the orderly planning of the area.

Proposed use of the land for place of worship

Pursuant to Clause 1.0 of Schedule 1 to the Comprehensive Development Zone, a planning permit is not required for a place of assembly provided that the site is identified for the use or is within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan.

In this instance the site is not identified for the use or within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan and the site is not identified for the use in the local structure plan (Lakeside Local Structure Plan). Therefore, a planning permit is required for the use.

The Lakeside Local Structure Plan shows the subject site as 'Restaurant/Café/Office/Residential'. In this case, the use is considered compatible with the residential use specified in the Lakeside Local Structure Plan.

The purpose of the Comprehensive Development Zone, is '*to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*'.

In the Comprehensive Development Zone, place of worship is 'as of right' (section 1 use) subject to size requirements. Beyond the size requirements, the use is subject to consideration regarding impact on the amenity of the area. In this instance, the location is considered appropriate as it will not negatively impact on the amenity of the area (as discussed below). Therefore, it is considered that the proposed place of worship is in accordance with the purposes of the Comprehensive Development Zone and is therefore in accordance with the Lakeside Local Structure Plan.

It is considered that the proposed use will not negatively impact on the amenity of the area for the following reasons:

- The proposed use does not require the regular transport of materials, goods or commodities to or from the land.
- Appropriate car parking to meet the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme has been provided and the site is well located with easy access to Lakeside Boulevard and the Princess Highway.
- The application proposed signage on the 'turret', which has since been deleted from the plans. This also satisfies objector concerns (as discussed below).
- The size and shape of the proposed pylon signage is considered acceptable located in an appropriate location, is of good design and attached to an existing pylon structure. Therefore, it is not considered that the proposal will negatively impact on the visual amenity of the area.
- The proposed use is not expected to generate any smell, fumes, smoke, vapour, steam, ash, soot, dust, grit or oil. The existing building is already connected to the reticulated sewerage system and there is no additional lighting proposed.
- The use is only proposed to operate on Saturdays during daylight hours.
- In relation to the potential for noise, permit conditions will be placed on the permit in order to limit any external sound amplification and that noise levels from the land do not exceed the standards prescribed in State Environment Protection Policy N-1 and N-2.

- As there are no buildings or works proposed as part of this application, it is not expected that there will be any impact on land degradation, salinity, water quality, stormwater or vegetation.
- The site is not located within a Bushfire Management Overlay, Land Subject to Inundation Overlay or Erosion Management Overlay, therefore, is it not expected that there is a flood, erosion or fire hazard associate with the use.

Proposed advertising signage

The subject site is located within a Comprehensive Development Zone (Schedule 1). Pursuant to Clause 37.02-5, advertising signs are in category 3 of Clause 52.05 Advertising signs.

Category 3 signs are located within a High Amenity Area and the purpose of the relevant clause is 'to ensure that signs in high amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area'.

The applicant has proposed a permit condition to delete the 'turret' signage from the proposal in response to the objectors concerns.

It is considered that the 'pylon' signage is appropriate for the area and is of good design and does not detract from the surrounding area.

The proposed signage will be attached to an existing pylon. The pylon is set back approximately 3.5 metres from the north east boundary (frontage to Lakeside Boulevard) and is of an appropriate size and scale in relation to the existing landscaping, buildings and streetscape in the immediate area. The sign is not considered to impact on any significant views, vistas or sight lines. The sign will not be illuminated.

There are a limited number of signs in the area and therefore, it is not considered that the proposed signage will result in the proliferation of signage in the area. Use of the existing pylon is considered to be the most appropriate location for signage associated with the proposed use.

Subject to conditions requiring the removal of the 'turret' signage, it is considered that the proposed signage is acceptable.

Car parking and bicycle facilities

The proposal meets the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme. Pursuant to Clause 52.06-5 of the Cardinia Planning Scheme, the required rate of car parking for a place of assembly is 0.3 spaces per patron permitted. The proposal includes a maximum of 137 patrons. The required amount of car parking spaces is forty-one (41). The proposal shows forty-one (41) existing car parking spaces. A permit condition can ensure that the maximum amount of patrons does not exceed 137 people and that the forty-one (41) spaces are available and not used for any other purpose.

The proposal meets the requirements of Clause 52.34-3 Bicycle Facilities of the Cardinia Planning Scheme. Pursuant to Clause 52.34-3 of the Cardinia Planning Scheme, the required rate of bicycle facilities for a place of assembly is 1 to each 1500sqm of net floor area and 2 plus 1 to each 1000 sqm of floor area. The existing building has a net floor area of 559.57sqm. Therefore, the required amount of bicycle parking is three (3) spaces. Six (6) bicycle parking spaces have been provided.

Covenant AG732063

Covenant AG732063 registered on title restricts further subdivision and requires buildings, works, signage and external lighting to be approved by the transferor (Delfin Pakenham Pty Ltd). The

restriction also requires the use to be authorised by the transferor. The applicant has submitted written correspondence to show that Delfin Pakenham Pty Ltd (LendLease) have consented to the proposed use and advertising signage.

Response to objectors concerns:

Lack of car parking

The proposal meets the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme. Pursuant to Clause 52.06-5 of the Cardinia Planning Scheme, the required rate of car parking for a place of assembly is 0.3 spaces per patron permitted.

The proposal includes a maximum of 137 patrons. The required amount of car parking spaces is forty-one (41) and the proposal shows forty-one (41) existing car parking spaces. In addition, there is an appropriate amount of car parking suitably located the lake and there is access to public transport.

A permit condition can ensure that the maximum amount of patrons does not exceed 137 people and that the forty-one (41) spaces are available and not used for any other purpose.

Noise associated with the use will take away tranquillity of the lake.

The use is only proposed to operate on Saturdays, during daylight hours. This is considered reasonable. Permit conditions can ensure that the use is restricted to these hours, that doors and windows are kept closed during services and that no external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Signage will negatively affect amenity of the area through its colour and size.

The applicant has proposed a permit condition to delete the 'turret' signage from the plans. The 'pylon' signage is considered appropriate for the location. The proposed pylon signage will be attached to an existing pylon, set back approximately 3.5 metres from the north eastern boundary (frontage to Lakeside Boulevard). It is not considered that the sign will negatively impact on any significant views, vistas or sight lines. The sign is of an appropriate scale in relation to the landscaping and buildings surrounding it and is not considered to dominate the skyline or result in a proliferation of signage in the area.

Decline in property values due to undesirability of this religion.

Property values and the type of religion proposed to be accommodated within the place of worship are not planning considerations.

The prime location of the church will make the whole estate look like it is based on this religion.

There are no changes proposed to the existing built form other than the signage proposed as part of the application. It is considered that the visual impact of the proposed place of worship on Lakeside Estate will be minimal, especially having regard to the range of other uses, built form, signage and landscaping which characterise the entrance to the Lakeside Estate.

The applicant has proposed to delete the 'turret' signage, therefore the only element to indicate that the building will used as a place of worship will be a 'pylon' sign located on the north eastern boundary. The proposed 'pylon' signage will be attached to an existing pylon and is considered to be of appropriate size and scale in relation to the landscaping and buildings which surround it.

It is not considered that the sign will be a prominent feature in Lakeside Boulevard or from the public open space surrounding the lake. It is not considered that the proposal will dominate the skyline or negatively impact on the visual amenity of the area.

The building should be used as a café/restaurant/public space or something more inclusive for everyone to use.

The application is for a place of worship which is an appropriate and permitted use within the zone. The proposed use meets the needs of future and existing residents within the community. Furthermore, Council is required to consider the proposal based on its merits and against the purpose of the zone and relevant Decision Guidelines of the Cardinia Planning Scheme.

The application encourages segregation of the community.

All faiths are entitled to facilities and services to meet their needs, including places of worship to practice their faith. It is considered that the proposal encourages inclusion in the community by providing a place for those who choose to use this place of worship to practice their faith.

Door knocking in the area will increase.

No evidence has been provided to suggest that an increase in door knocking in the area will be a direct result of this proposal.

Religious sites should not be amongst residential areas or public amenities.

The site is located within a Comprehensive Development Zone. The use of the land for a place of worship is not prohibited, and subject to planning approval. In considering the application, Council is required among other things to consider the impact of the proposed use and advertising signage on the amenity of the area.

In this instance, it is not considered that the proposed use will have a negative impact on the amenity of the residential uses to the south, east and west or the public open space to the north. The use is only proposed to operate on Saturdays during the day and is not expected to generate any smell, fumes, smoke, vapour, steam, ash, soot, dust, grit or oil.

Permit conditions will ensure that external sound amplification is not used. The use will not impact upon the ability for the public to use the public open space to the north.

CONCLUSION

That planning permit T150782 be issued for the use of the land for place of worship and business identification signage subject to conditions. It is considered that the proposed use and signage is appropriate for the area and will not have a negative impact on the amenity or appearance of the area.

CONDITIONS

1. Before the commencement of the use and installation of advertising signage, plans to the satisfaction of the responsible authority 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 drawn to scale with dimensions and one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;

- a) Delete the signage located on the 'turret'.

To the satisfaction of the Responsible Authority.

2. The layout of the use and advertising signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the prior written consent of the responsible authority, the approved use may operate only between the following times:
 - a) Saturdays 9am-4pm.
4. No more than 137 people may be present on the subject land at any one time, to the satisfaction of the Responsible Authority.
5. A minimum of forty one (41) car parking spaces must be provided at all times during the hours of operation and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
6. Noise from the use hereby permitted shall not exceed the standards prescribed in State Environment Protection Policy N-1 and N-2.
7. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
8. 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.
9. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
10. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

Permit Expiry:

In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if:

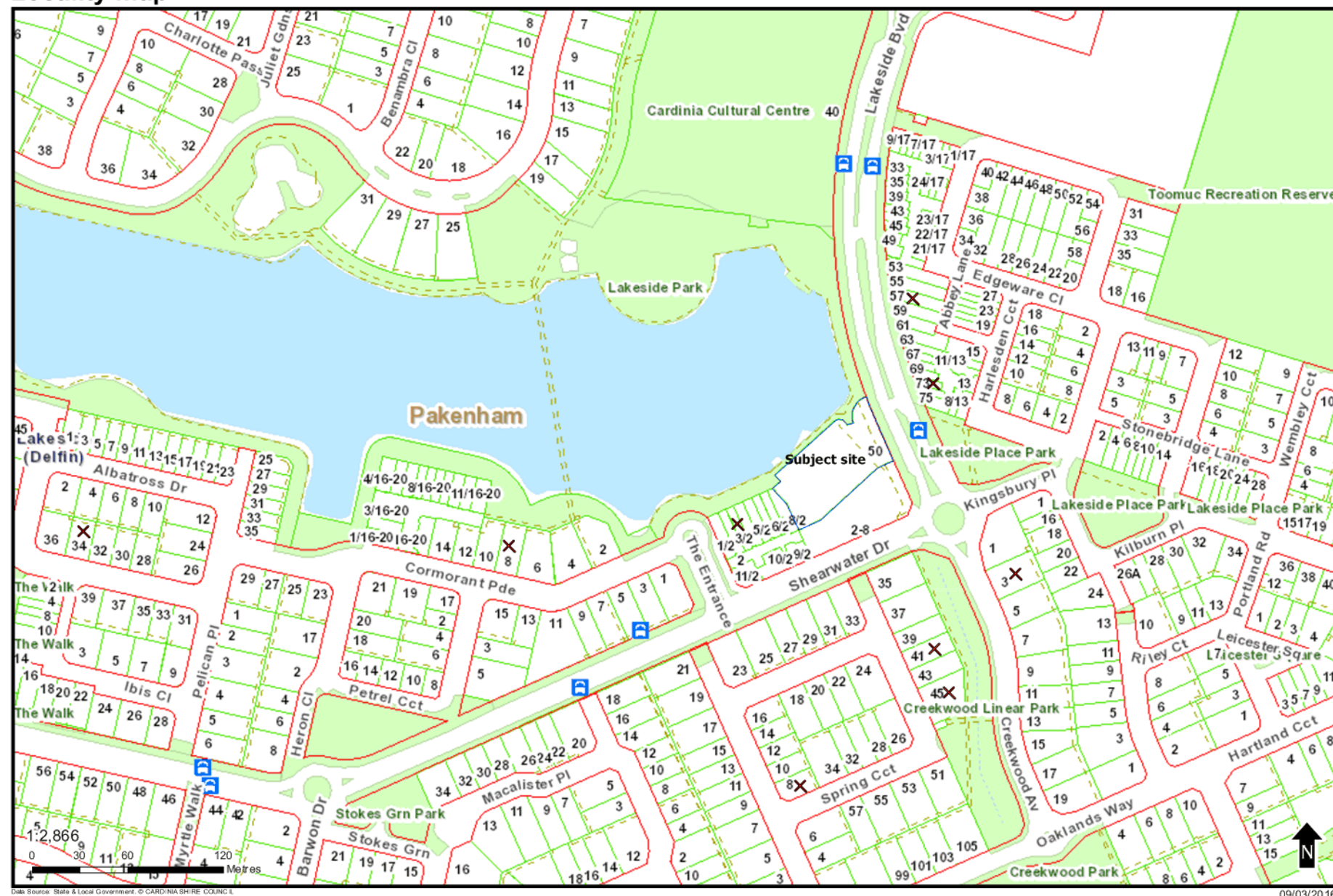
- a) The use is not started two (2) years from the date of this permit.
- b) The use is discontinued for a period of two (2) years.
- c) This signage permit expires 15 years from the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

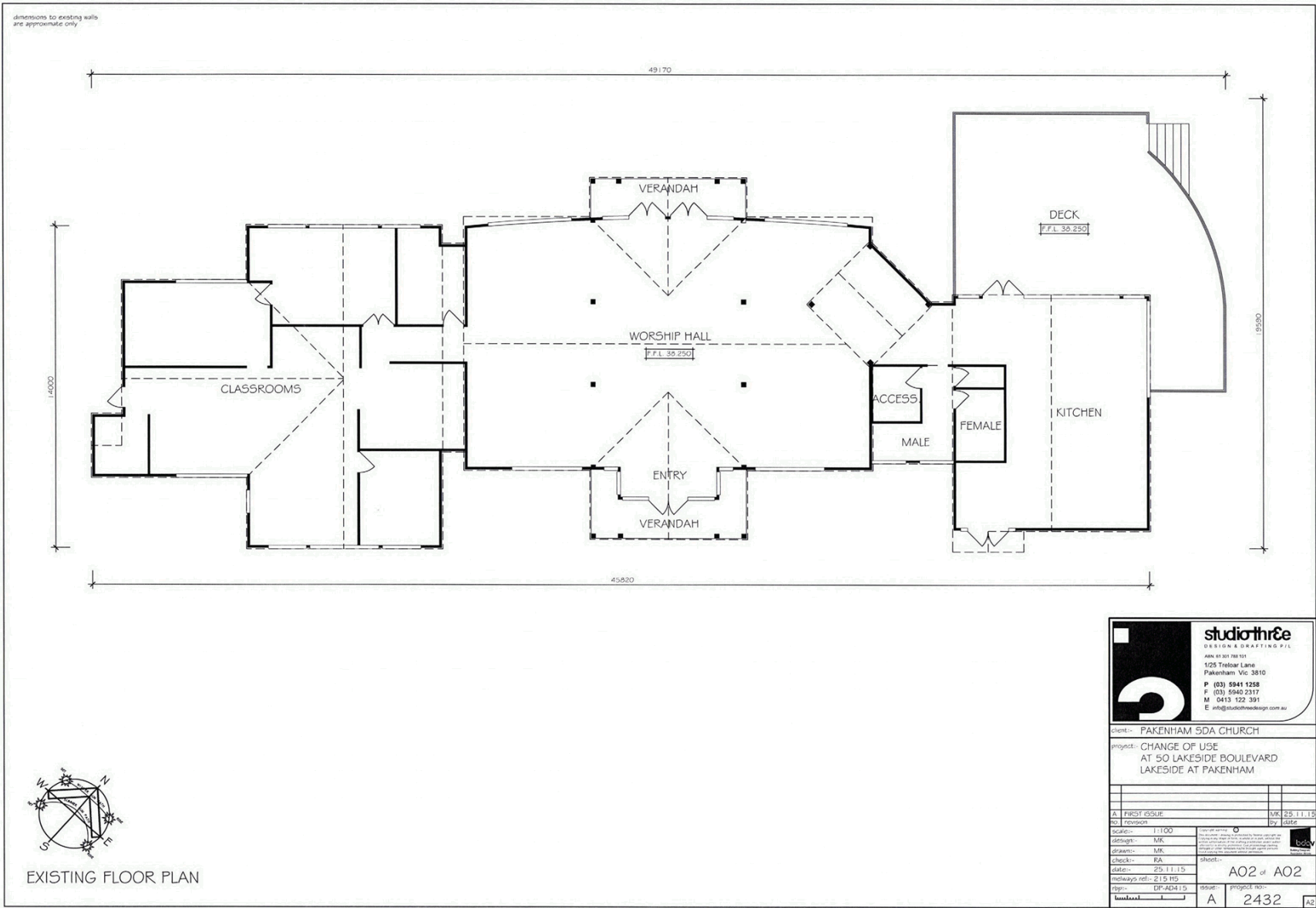
Permit note:

- Please note that permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing Act.
- All copies of plans and documents should be provided to Council in electronic format to mail@cardina.vic.gov.au

Locality map







EXISTING SIGNAGE



Looking Southwards



Looking Northwards

SAMPLE OF PROPOSED PYLON SIGNAGE



Wording:
Seventh-day
Adventist
Church

Pakenham

Sign Size:
141cm (wide) x 420cm (high)

Utilising existing signage
frame, both sides. Signage
will not be illuminated.

PROPOSED SIGN COLOUR PALETTE

				
Adventist Flame Pantone 165 C (OR 151C) R 240 G 125 B 0 (OR R 242 G 103 B 0) HEX #F07D00 (OR HEX #fa5700) C 0 M 60 Y 100 K 0 (NOTE: USE Pantone® FOR PRINTING WHERE POSSIBLE, E. OTHER COLOURS WILL APPEAR FLAT)	Adventist Charcoal Pantone 432 C R 57 G 56 B 58 HEX #39383A C 10 M 10 Y 7 K 85	Adventist Pure White — R 255 G 255 B 255 HEX #FFFFFF C 0 M 0 Y 0 K 0	Adventist Pewter Pantone 428 C R 150 G 150 B 152 HEX #969698 C 0 M 0 Y 0 K 50	Adventist Onyx R 0 G 0 B 0 HEX #000000 For body text: C 0 M 0 Y 0 K 100 Solid backgrounds: C 20 M 40 Y 20 K 100

EXISTING BUILDING SIGNAGE ON TURRET FEATURE



View from Lakeside Blvd



View from North



View from Southeast (from roundabout intersection)

SAMPLE OF PROPOSED BUILDING SIGNAGE



Wording:

SEVENTH-DAY
ADVENTIST
CHURCH

Sign Size:

3m (wide) x 4m (high)

Located on 2 existing signage spaces on turret feature, facing North & East. Signage will not be illuminated.