

3 PLACE OF WORSHIP AND REDUCTION IN CAR PARKING REQUIREMENTS - 4 TANGO CIRCUIT PAKENHAM

FILE REFERENCE INT1859200

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180288 be issued for Use of the land as a place of worship and reduction of car parking requirements at 4 Tango Circuit, Pakenham VIC 3810 subject to the conditions attached to this report

Attachments

- | | | |
|---|---|---------|
| 1 | Locality plan | 1 Page |
| 2 | Car parking plan | 1 Page |
| 3 | Copies of objections - circulated to councillors only | 2 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.: T180288

APPLICANT: Casey Baptist Church

LAND: 4 Tango Circuit, Pakenham VIC 3810

PROPOSAL: Use of the land as a place of worship and reduction of car parking requirements

PLANNING CONTROLS: Industrial 1 Zone

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 and occupiers and placing a sign on site.

Two (2) objections were received

KEY PLANNING CONSIDERATIONS: Compatibility of use and Parking impacts

RECOMMENDATION: Approval

BACKGROUND:

The site has been subject to relevant previous planning approvals including Planning Permit T160494 issued on 16 December 2016 for a multi lot subdivision of land in stages and Planning Permit T130069 issued on 25 July 2013 for the development of land for multi-unit warehousing associated offices and car parking, this permit was amended a number of times with the development now constructed. It is noted that with the car parking numbers approved in the amendments, to this permit they are in excess of the warehouse use that was approved (T130069-3 indicates 60 additional spaces).

SUBJECT SITE:

The site is located on the north side of Tango Circuit located near the Commercial Drive frontage. The subject site includes the building footprint and eight (8) of the car parking spaces within the overall industrial development.

The site is not burdened by any easements however Restrictive Covenant AG589523E was registered on 26 June 2009 and has a number of requirements in relation to the use, development and subdivision of land within the South-East Business Park. The proposal does not include buildings and works and will not breach this covenant.

The site is part of an industrial development with 23 separate tenancies and shared accessways and parking areas. In addition to the eight (8) spaces allocated for the floor area of the subject site there are nineteen (19) spaces within common property.

The site is developed with a warehouse with total floor area of 379 square metres including an area of 150 square metres at mezzanine level. The existing building is attached to warehouse buildings to the west and north with accessways to the south and east. Further east is Commercial Drive reserve with larger industrial lots located on the east side of Commercial Drive which are currently undeveloped. The wider site context includes industrial development known as the South East Business Park with a mixture of industrial uses with some commercial uses including gyms and other similar discretionary uses.

PROPOSAL:

The proposal is summarised as:

- The proposed use of the land as a place of worship and associated ancillary functions including small community gatherings and a youth group. The proposed hours of operation are:
 - Tuesday 11.00am – 12.30pm with 15 patrons
 - Wednesday 7.30pm – 9.30pm with 15 patrons
 - Thursday 11.00am – 12.30pm with 15 patrons
 - Sunday 10.00am – 7.00pm with 80 patrons in the morning and 15 patrons in the evening
- The proposal includes utilisation of the existing warehouse space including an area of 229 square metres at ground floor level and 150 square metres at mezzanine level.
- The ground floor will be used for services and the internal layout includes a podium with aisle seating for patrons.
- The mezzanine floor level will be used for office and administrative purposes.
- The proposal will not include any buildings and works and no signage has been proposed at this stage.
- The proposal seeks a reduction in car parking requirement by 16 spaces for the Sunday service. During other times where 15 patrons are present on the site, the car parking rates will be satisfied.

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

Zone

The land is subject to the Industrial 1 Zone

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

The proposal for the use of the land as a place of worship and reduction of car parking requirements 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.

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 two (2) objections to date.

The key issues that were raised in the objections are:

- Impact on parking for the surrounding warehouses.
- Excess usage and numbers of non-tenants having access code for the security gates.

REFERRALS

No external referrals required

DISCUSSION

Appropriateness of the Use

The proposed use is not a conventional industrial use although the location of the use within an industrial area is considered appropriate as it will ensure minimal offsite amenity impacts. The proposed use requires a larger floor area than can generally be found in more conventional business areas and separation from residential properties would lessen the impact on the surrounds, hence the industrial floor spaces are considered desirable for the proposed use. Appropriate restrictions 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.

This type of use is not uncommon in industrial areas, notably a similar use has been established within the municipality (i.e. restricted recreation facilities such as gymnasiums, dance studios and the like). These uses provide no significant detrimental impact to the surrounding industrial uses and enable the establishment of a use that can contribute to the local community.

Overall it is considered proposed use will have limited off site amenity impacts within the area.

As the proposed use is discretionary (requires a permit) within the industrial zone, consideration must be given to the potential impact on the availability of sites for industrial uses. In established industrial areas competition for warehouse spaces may exist, however in the context of this industrial complex and the broader Pakenham Employment Precinct, it is considered that the proposed use can be readily accommodated. There are 23 individual tenancies within the complex and of those only 12 were occupied at the time of the car parking demand assessment being undertaken. In this regard it is considered that the proposed use will not impact on the availability of industrial spaces.

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.

The place of worship proposes that during week day activities no more than 15 patrons will be present on the site. This requires the provision of 4 car parking spaces. During a Sunday Service a maximum of 80 patrons will be present onsite. This requires the provision of 24 car spaces.

The subject site is allocated eight 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 16 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 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. Within the industrial estate that contains the subject site there are 23 separate tenancies, however many of these are currently not occupied. All of the tenancies have been allocated a number of car spaces which is relative to the floor area of the individual lot. There are 124 car parking spaces in total, with 19 spaces set aside within the common property for visitor use. Of the existing uses currently operating within the site, the majority are predominately open on week days. This generally means that on the weekend and in particular on Sundays, car parking demand is low. Consequently there would be very little demand for the visitor spaces.

It is considered that the car parking requirements of the Place of Worship can be readily accommodated without impacting other uses in the area. The combination of the subject sites 8 car spaces in addition to the 19 spaces means that the required 24 spaces for the Sunday Services can easily be achieved. The application was internally referred to Councils Traffic Department and they agreed with the conclusions of the car parking demand assessment and did not object to the proposal subject to the numbers of patrons being controlled through a condition on the permit.

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

Two objections were received to the proposal which highlighted concerns with the impact on parking for the surrounding warehouses and excess usage and numbers of non-tenants having access code for the security gates. Car parking concerns have been addressed above. In regards to the usage and number of non-tenants having the access code for the security gates, it is considered that this is not a planning consideration and that this would be best managed by the body corporate at the site.

CONCLUSION

The proposed use and reduction in the car parking requirement has been assessed against the relevant objective and decision guidelines of the Cardinia Planning Scheme, in particular the Industrial Zone and Clause 52.06 Car Parking and has been to comply. The proposed use is

appropriately located with the industrial zone and car parking reduction will not detrimental impact on the surrounding properties.

It is recommended that a Notice of Decision to Grant Planning Permit T180288 be issued for Use of the land as a place of worship and reduction of car parking requirements at 4 Tango Circuit, Pakenham subject to the following conditions.

CONDITIONS

1. 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.
2. 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.
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) Tuesday - Thursday: 11.00 am – 9.30 pm
 - (b) Sunday: 10.00am – 7.00pm
5. The subject land must not be used by more than 15 staff and patrons on week days and 80 staff and patrons on Sundays 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, including staff vehicles, must not be parked in 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.

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.

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.

T180288 PA - Site Plan



115.4 0 57.71 115.4 Meters

1: 2,272

Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

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Notes

Subject site 4 Tango Court, Pakenham, including allocated car spaces on title - highlighted in yellow





Figure 2 Carpark Layout



Copyright Nearmap

The site is located within an Industrial 1 Zone (IN1Z), for which the permitted uses are listed in Clause 33.01 of the Cardinia Planning Scheme.

Road Network

Commercial Drive is a local road generally aligned north-south, running north from Greenhills Road to the south of Princess Freeway. Kerbside parking is provided on both sides of Commercial Drive, which is currently unrestricted. Figure 3 shows Commercial Drive at the frontage of the subject site.