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## **Planning Committee Meeting**

**11 April 2017**

**Notice and Agenda of Meeting  
to be held in the Council Chamber,  
Magid Drive, Narre Warren**

**Commencing at 6:30 p.m.**

**Chairperson:** *Councillor Geoff Ablett*

**Members:** *Mayor Sam Aziz  
Deputy Mayor Damien Rosario  
Deputy Mayor Susan Serey  
Councillor Rosalie Crestani  
Councillor Rex Flannery  
Councillor Milla Gilic  
Councillor Tim Jackson  
Councillor Wayne Smith, BJ, JP  
Councillor Amanda Stapledon*

**Chief Executive Officer:** *Mike Tyler*

# ORDER OF BUSINESS

## 1. Statement of Acknowledgement

*The City of Casey acknowledges that we are on the traditional land of the Bunurong and Wurundjeri People and pays respect to all elders past and present.*

## 2. Apologies

## 3. Confirmation of Minutes of:

Planning Committee Meeting held on 14 March 2017

## 4. Declaration by Councillors of any Conflict of Interest or Personal Interests pursuant to Sections 79 and 79B of the Local Government Act 1989 (the Act) in any items on the Notice Paper. (Note that Section 79(2)(a)(i) of the Act requires Councillors to disclose the nature of a Conflict of Interest or a Personal Interest immediately before the relevant consideration or discussion). Section 79B also requires that the Councillor declaring a Personal Interest must seek consent from Council to be exempt from voting on the item.

## 5. Consideration of Officers' Reports

- Section 1 - Permit Applications

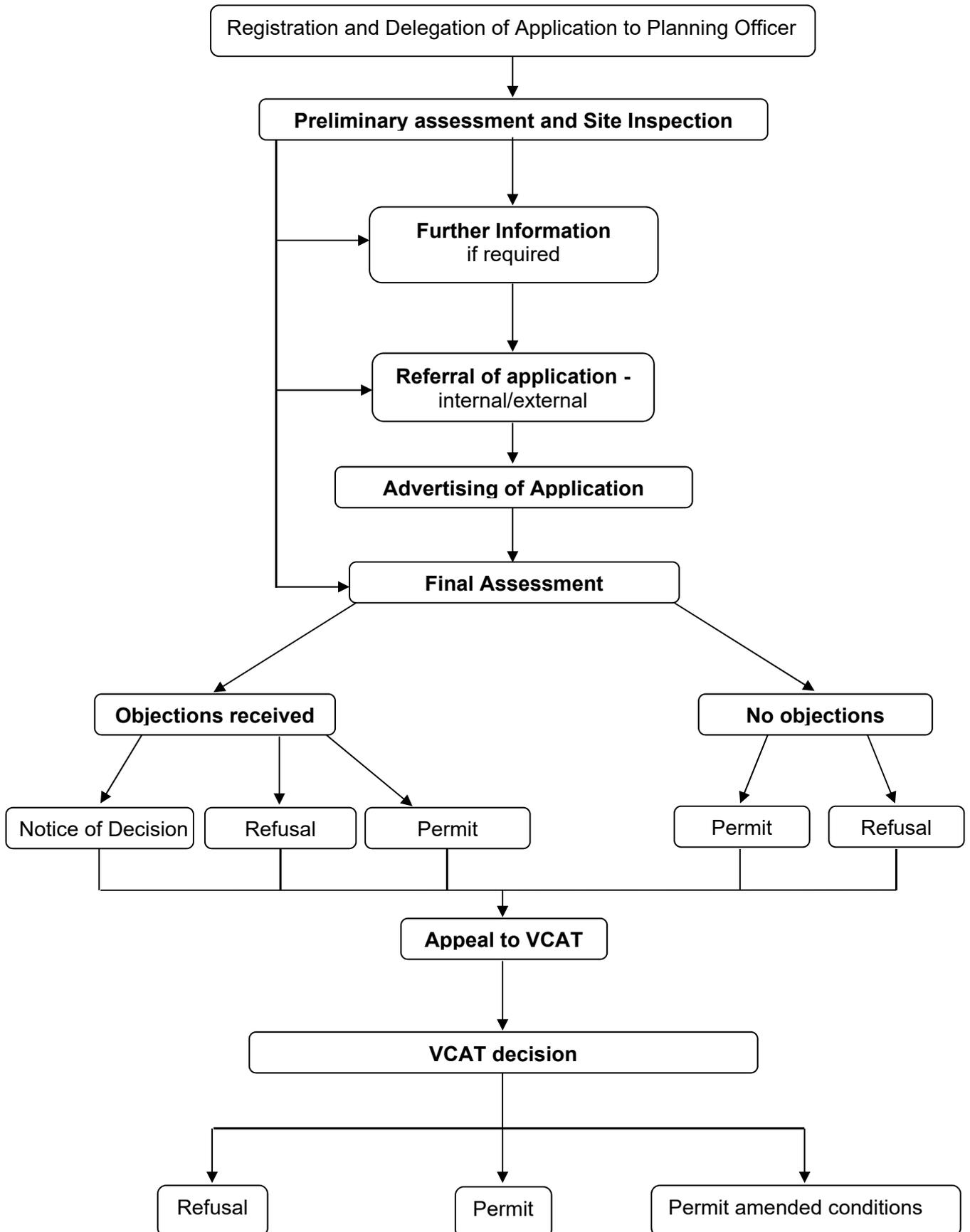
### Planning Officers

<b>Strategic Director City Planning &amp; Infrastructure</b>	-	<b>Peter Fitchett</b>
<b>Manager Statutory Planning and Building Services</b>	-	<b>Duncan Turner</b>
<b>Co-ordinator - Subdivision Permits</b>	-	<b>Bill Zombor</b>
<b>Acting Team Leader – Statutory Planning</b>	-	<b>Ben McGeehan</b>
<b>Team Leader - Statutory Planning</b>	-	<b>Nick Moore</b>
<b>Team Leader - Planning Scheme Implementations</b>	-	<b>Michael Pollard</b>

# Planning Committee



## Permit Applications





## INDEX TO SECTION 1 – PERMIT APPLICATIONS

Item	Page No.	File	Ward (if applicable)	Description	Recommendation
1.1	5	PlnA00607/16	River Gum	PlnA00607/16 <b>57 Willow Drive Hampton Park Lot 423 LP 205318</b> Use of a Place of Worship and Carparking Reduction under Clause 52.06	That Council issue a Notice of Decision to Refuse to Grant a Permit

# Planning Committee



## Section 1 – Permit Applications

11 April 2017  
Item 1.1

File No.: PInA00607/16  
Planning Permit App No.: PInA00607/16  
Address: 57 Willow Drive HAMPTON PARK VIC 3976  
Lot 423 LP 205318  
Proposal: Use of a Place of Worship and Carparking Reduction under Clause 52.06

**Recommendation: That Council issue a Notice of Decision to Refuse to Grant a Permit**

### Executive Summary

Date Lodged	7 July 2016 (196 statutory days elapsed)
Existing Land Use	Single Storey Dwelling (residential)
Surrounding Land Use	Residential comprising detached single storey dwellings to east, west and south and Hallam Valley floodplain to north
Applicant	The Mirror of the Dhamma Society Inc
Zone	Clause 32.08 - General Residential Zone No. 1
Overlays	None
MSS/Council Policies	Clause 21.22 – Hampton Park Local Area Clause 22.02- Non-Residential Uses in Residential and Future Residential Areas Policy
Objections	22
Key Issues	<ul style="list-style-type: none"><li>• Adequate or inadequate on-site carparking provision</li><li>• Increase traffic to and from the site</li><li>• Increase in noise and potential impacts on amenity of surrounding residents</li><li>• Appropriateness of use in the proposed location</li><li>• Compliance with Local Policy</li></ul>

### The Proposal

It is proposed to use and develop the land for a place of worship. A 'place of worship' is defined under the Casey Planning Scheme as land used for religious activities, such as a church, chapel, mosque, synagogue and temple. The use of the dwelling as a residence for monks does not require a planning permit.

A full description of the proposal is included in [Appendix 1](#).

Details of the proposal are shown on the attached plans (refer to [Attachment A - Plans](#))



### Site and Surrounding Area

The subject site is located on the northern side of Willow Drive midway between Kensington and Garfield Courts in Hampton Park. The site is rectangular in shape with a frontage of 21.25 metres to Willow Drive, an overall area of 653 square metres and is encumbered by two easements. The site slopes downwards from Willow Drive to its northern rear boundary.

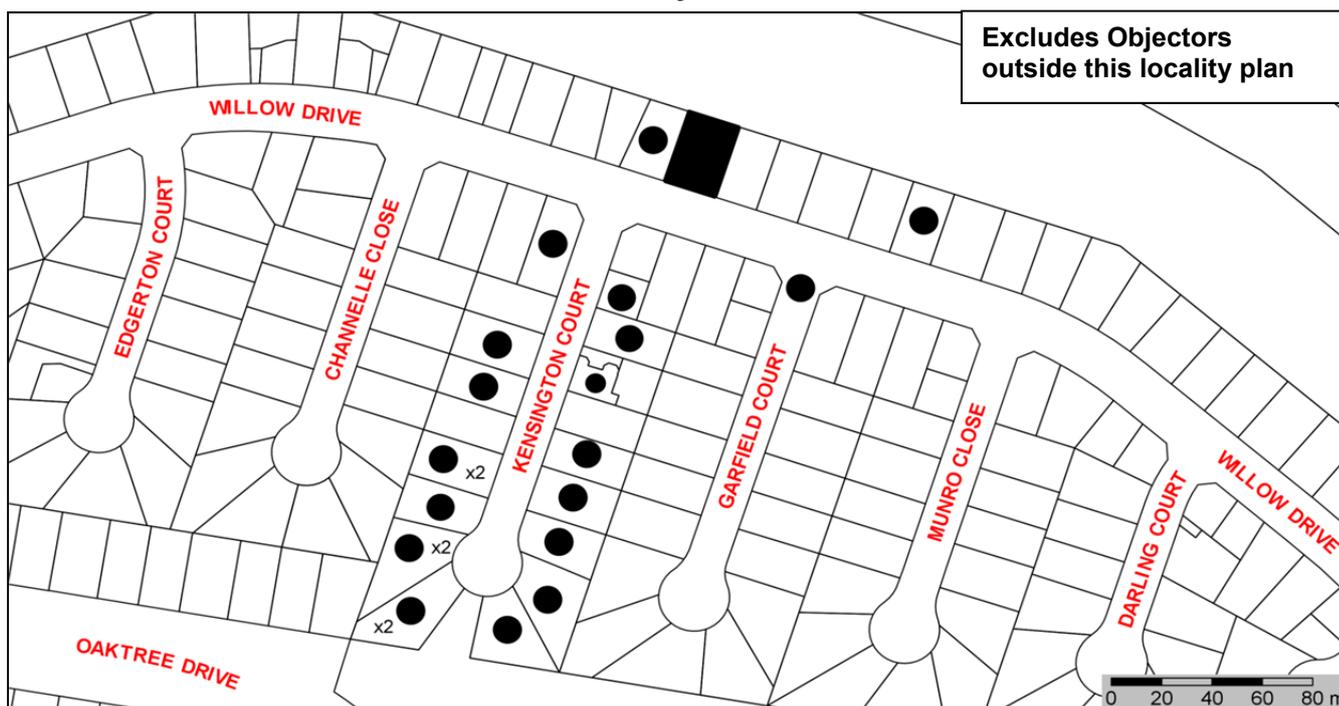
The surrounding area is residentially developed to the east and west along Willow Drive and also along the southern side of Willow Drive, while land to the north comprises part of the Hallam Valley floodplain.

Details of the neighbourhood character are included in [Appendix 2](#).

There have been no previous planning applications or planning enforcement action on this site.

There are no restrictions on the title.

### Locality Plan



■ Subject site   ● Objector's property   ▲ North   Ward: River Gum   Melway Ref: 96 F5

### Planning Controls

#### Why is a permit required?

Zone	General Residential Zone No. 1	A place of worship is an innominate Section 2 use in a General Residential Zone as the site does not adjoin, or have access to a road in a Road Zone
Overlays	None	
Particular	Carparking	Reduction in required carparking provision under



Provisions	Clause 52.06 of the Casey Planning Scheme
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A full assessment against the above provisions and the relevant sections of State and Local Planning policy is included in [Appendix 3](#).

### Referrals

The application was referred to Council Departments for comment and advice. A complete list of responses is included in [Appendix 4](#).

### Advertising

The application was required to be advertised. The advertising was satisfactorily completed and 22 objections were received (refer to Locality Plan for the location of objectors' properties). The grounds of objection may be summarised as follows:

1. Pressure on on-street carparking and insufficient carparking provided on site
2. Increased traffic into the area and safety concerns
3. Inappropriateness of use in a residential area
4. Loss of amenity, security, and peacefulness of the area
5. Inadequate notification of application.
6. Property devaluation

A response to these objections is provided in [Appendix 5](#).

### Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in matters for consideration.

### Conclusion

A recommendation for Refusal is based on an assessment against the requirements of the Casey Planning Scheme and consideration of all written objections. The key basis for the recommendation is:

- The lack of locational attributes of the site which is located within an established residential area and not on a main road or adjacent to or within close proximity of an activity centre or cluster of community buildings.
- The proposed location will segregate a single dwelling (or collection of dwellings) from the surrounding residential area.
- The potential for amenity impacts to surrounding residents is greater due to the site's location surrounded by residential uses.
- The use of an existing dwelling can be utilised as a monks' residence with normal activities that are ancillary to such residents such as personal prayers, chantings and meditation without requiring any planning approval.



## Section 1 – Permit Applications

11 April 2017  
Item 1.1

- Although the current proposal is of a low-key nature with limited numbers and a temporary timeframe the site's residential context is contrary to the local policy and risks adverse amenity impacts particularly if it grows beyond the proposed numbers in the future.
- Carparking generated by this proposal has to be accommodated on-site in a tandem arrangement in the existing driveway.
- Overflow carparking, would have to park in Willow Drive which may impede the operation of other through and local traffic including buses and the bus stop in front of the subject site.
- While conditions can be imposed on operating hours, number of patrons and noise these may not sufficiently overcome amenity concerns raised by objectors.

### Recommendation

- A. That Council issue Notice of Decision to Refuse to Grant a Permit PInA00607/16 for Use of a Place of Worship and Carparking Reduction under Clause 52.06 at 57 Willow Drive HAMPTON PARK VIC 3976, Lot 423 LP 205318 on the following grounds:**
1. The proposed development is inconsistent with the objectives, policies and performance standards of the Non-Residential Uses in Residential and Future Residential Areas Policy at Clause 22.02 of the Casey Planning Scheme.
  2. The proposed use is not appropriately located adjacent to a main road or activity centre but rather in the middle of an established residential area and as such the amenity impacts are potentially likely to be increased.
  3. The proposed carparking arrangement does not provide easy or safe vehicle access to/from or within the site.
- B. That the objectors be notified of Council's decision.**



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## Appendices: Application details, considerations and assessment

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### Appendix 1: Details of Proposal

- The current building has been rented for a period of one year to maintain a Buddhist monks' residence when visiting Australia from time to time. (A maximum of two monks will reside in this dwelling at any time. Currently there are two Buddhist monks residing at the property.)
- The objectives of the Dhamma Society are to provide opportunities for members to improve the knowledge & study of Lord Buddha's teaching; promote & practice meditation; promote Buddhist cultural & ethical values among the children of the members of the society; teach Buddhism & guide young Sri Lankan people to become valuable members of the Australian community.
- The Dhamma Society plan to provide a purpose built place in the future, which has enough space to gather for the increasing number of members and to allow for the provision of ample parking space.
- The monks' residence will be owned by the society and provide services to approximately 40 current members who live in Hampton Park, Dandenong, Lynbrook, Cranbourne, Berwick and surrounding areas.
- The monk's residence will be used to organise Sri Lankan cultural activities and festivals such as Sinhala and Hindu New Year Festival which will not be held in the premises but which will be held in a community hall or similar with enough space. (It is noted that if an event will generate more than 10 attendees a community room or hall will be hired.)
- Counselling and supporting people who are in need of aid and family support.
- The society is waiting to start daily religious activities for the public at the site. It also holds monthly children's' programs including teaching and guiding of religion and weekly meditation sessions at the centre. Additionally the society conducts worship for regular visitors to the centre, monthly meditation programmes for the general public and spiritual leadership for the community.
- Currently religious activities are being conducted at members' houses until the necessary planning approval is given by Council.
- Proposed daily programmes are:
  - 5.00am to 6.00am - Bless chantings for resident monks only.
  - 7am to 8am - Morning rituals maximum attendance is 3, one vehicle
  - 10.30am to 11.30 am - Midday rituals maximum attendance is 3, one vehicle
  - 6.00pm to 8.00 pm - Evening rituals and meditation maximum attendance is 6, with two vehicles
  - 8.00pm to 8.30pm - Bless chantings
- Proposed weekly programs are:
  - Wednesday 6.30pm – 8.00pm – Meditation programme
  - Saturday 6.30pm to 9.00pm - Dhamma discussion (weekend rituals)



## Section 1 – Permit Applications

11 April 2017  
Item 1.1

maximum attendance is 10, with 3 vehicles

- No alterations are proposed to the existing building nor is any advertising signage.
- Four carspaces can be adequately accommodated on site with two of the carspaces in a tandem arrangement in the existing driveway.



### Appendix 2: Site and Surrounding Area

The site is rectangular in shape with a frontage of 21.5 metres to Willow Drive, a depth of 30.75 metres and an overall area of 653 square metres. The land is developed with a single storey dwelling setback 7.6 metres from Willow Drive, 2 metres from the eastern side boundary and metres from the western side boundary. There is an existing driveway located along the western side boundary which provides access to the dwelling. There is a freestanding metal double garage located to the rear of the existing dwelling in the north-west corner of the site and a small garden shed located adjacent to the eastern side boundary to the rear of the existing dwelling. The site is fenced to Willow Drive.

There is very little vegetation existing on the site. There is a 3 metre wide drainage and sewerage easement that runs along the front of the site and adjoining sites. The site also has a two metre wide easement that runs along the rear boundary containing a 375 mm wide Council drain. The land falls towards the rear northern boundary.

The site is in close proximity to the intersection of Kensington Court to the south-west and Garfield Court to the south-east. Willow Drive is a local collector road with speed humps and contains a bus route. A parking lane is provided on either side of Willow Drive as are footpaths. A bus stop exists in front of the site.

#### *To the north:*

- Public open space reserve owned by Melbourne Water located within an Urban Floodway Zone. This land forms part of the Hallam Valley Floodplain with O'Gradys's Road to the north and the Pakenham railway line and Hallam Station approximately 500 metres to the north-east as the crow flies. Approximately 5 metres to the rear of the property is a shared path which provides access to Willow Drive in the vicinity of 53 Willow Drive and further afield provides access to Hallam South Road and reserve.

#### *To the south:*

- Opposite the site is a part double storey dwelling at 38 Willow Drive and a very large single storey dwelling at 40 Willow Drive. The site at the corner of Kensington Court to the south-west at 36 Willow Drive has been developed with two single storey dwellings, while further afield to the south-east the site at 42 Willow Drive on the south-west corner of Garfield Court has also been developed with a double storey dwelling towards Willow Drive and a single storey dwelling facing Garfield Court.

#### *To the east:*

- Adjoining is a single storey dwelling with its driveway located to the eastern side away from the subject site. The existing dwelling is sited at an angle to the eastern side boundary of the subject site and is setback a minimum of one metre from the common boundary with the subject site.

#### *To the west:*

- Adjoining is a single storey dwelling with its driveway located on the eastern side of the property abutting the driveway of the subject site. This property shares a double crossing with the subject property. This site has a garage located adjacent to the garage on the subject site. The existing dwelling on this site is located approximately nine metres to the west of the western side boundary.



**Appendix 3: Assessment against relevant Planning Scheme controls**

<p>Clause 10 – Operation of the State Planning Policy Framework</p>	<p>This Clause aims for a balance of competing land uses and development policies which integrate environmental, social and economic factors to produce a net community benefit and encourage sustainable development for existing and future communities.</p> <p>The Place of Worship, which is generally ancillary to the residents of the dwelling, may result in a community benefit.</p>
<p>Clause 11 – Settlement</p>	<p>This Clause seeks to ensure that planning anticipates and responds to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure, as follows:</p> <p>The Supply of Urban Land objective under Clause 11.02-1 includes: <i>Ensuring a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</i></p> <p>The Liveable Communities and Neighbourhoods objective under Clause 11.04-4 includes <i>creating healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.</i> Strategies include:</p> <ul style="list-style-type: none"> <li>• <i>‘Protect Melbourne and its suburbs from inappropriate development</i></li> <li>• <i>Create neighbourhoods that support safe communities and healthy lifestyles</i></li> <li>• <i>Plan for future social infrastructure.’</i></li> </ul> <p>While seeking to achieve a balanced mix of residential and community activities in appropriate locations, there is an obligation to ensure that such a mix of uses does not result in adverse amenity impacts to the prevailing neighbourhood character through ‘one-off’ non-residential proposals’ remote from similar activities.</p> <p>The subject site is located within an existing residential neighbourhood. Its context reinforces the residential feel and low-profile nature of the neighbourhood. The site is not within close proximity of any other commercial or community uses.</p>
<p>Clause 13 – Environmental Risks</p>	<p>The objective of Clause 13.04-1 (Noise abatement) is to <i>assist the control of noise effects on sensitive land uses.</i></p> <p>It seeks to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.</p> <p>The proposal seeks to utilise the existing lounge room for</p>



	<p>prayers, teachings, blessings and meditations with the maximum number of members or devotees attending the site nominated as 10 for weekend rituals. Although the proposal is low-key compared to a typical place of worship, it is located within an established residential areas. As such, the proposed use has potential to negatively impact the amenity of the area due to hours of operation, increased vehicular traffic and patron/resident numbers.</p>
<p>Clause 15 – Built Environment and Heritage</p>	<p>This Clause seeks to ensure that all new land use and development appropriately responds to its landscape, valued built form &amp; cultural context, and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. It also seeks to create quality built environments support the social, cultural, economic and environmental wellbeing of communities, cities and towns.</p> <p>Further, land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.</p> <p>The objective of Clause 15.01 (Urban Environment) includes: <i>‘creating urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.’</i></p> <p>Strategies include to:</p> <ul style="list-style-type: none"> <li>• <i>‘Promote good urban design to make the environment more liveable and attractive.</i></li> <li>• <i>Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.</i></li> <li>• <i>Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.’</i></li> </ul> <p>It is noted that the current proposal is primarily residential in nature with the resident monks proposing to teach, preach and practice the Buddhist faith to a small number of followers (a maximum of ten), mainly at weekends.</p>
<p>Clause 18 – Transport</p>	<p>The objective of Clause 18.02-5 (Car Parking) includes <i>ensuring an adequate supply of car parking that is appropriately designed and located.</i></p> <p>The following strategies are relevant to this proposal:</p> <ul style="list-style-type: none"> <li>• <i>Prepare plans for the design and location of local</i></li> </ul>



	<p><i>carparking to:</i></p> <ul style="list-style-type: none"> <li>- Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.</li> <li>- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.</li> <li>- Create a safe environment, particularly at night.</li> </ul> <ul style="list-style-type: none"> <li>• Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.</li> </ul> <p>A response to the traffic related merits of the proposal is discussed in detail later in the report (Clauses 22.02 &amp; 52.06).</p>
<p>Clause 21.03 – Settlement and Housing</p>	<p>Has an objective to provide a framework for urban growth and development that will support and strengthen the diverse communities in Casey with a strategy to provide for appropriate non-residential uses to establish in residential areas for the convenience of local residents and include utilising the Non-Residential Uses in Residential and Future Residential Areas Policy at Clause 22.02 to facilitate the provision of non-residential uses in appropriate locations where they do not detract from the amenity, character and function of existing and future land uses. In this instance the location is not considered appropriate as the proposal will detract from the residential amenity of the area.</p>
<p>Clause 21.22</p>	<p>The site is located within the Hampton Park local area with relevant objectives to:</p> <ul style="list-style-type: none"> <li>• strengthen and extend the green suburban image of Hampton Park;</li> <li>• develop, expand &amp; refurbish Hampton Park’s spaces, places and programs to meet changing needs;</li> <li>• provide safer local streets, convenient bus services and a safe trail network.</li> </ul> <p>The most relevant strategies for this application are to:</p> <ul style="list-style-type: none"> <li>• Maintain and enhance the residential streetscapes as a garden suburb environment, characterised by a quality and diverse built form in a landscape setting.</li> <li>• Maintain and enhance, in consultation with relevant public land managers, the Hallam Valley Floodplain (Casey Valley Parklands) as an inter-suburban break between Hampton Park and Hallam and progressively develop it as passive parkland accessible by the public, while respecting the primary function as a floodplain.</li> </ul>



<b>Local Planning Policy Framework</b>	
<p>Clause 22.02 – <i>Non-Residential Uses in Residential and Future Residential Areas Policy</i></p>	<p>This policy applies to all land in a residential zone, where a permit is required to establish a non-residential use. Objectives (relative to this application) include to:</p> <ul style="list-style-type: none"> <li>• <i>‘Facilitate, in appropriate locations, the establishment of non-residential uses that serve the needs of the local community.</i></li> <li>• <i>Reduce car dependency in Casey by encouraging non-residential uses to locate adjacent to an activity centre or commercial/industrial area, or within a recognised community activity cluster.</i></li> <li>• <i>Ensure the sensitive integration of complementary non-residential uses into residential areas.</i></li> <li>• <i>Ensure that non-residential uses in residential areas do not adversely affect residential amenity.</i></li> <li>• <i>Ensure non-residential development provides a positive contribution to the character and appearance of residential and future residential areas.</i></li> <li>• <i>Ensure that residential and future residential areas do not become a repository for non-residential uses that are more appropriately located in a commercial/industrial area.’</i></li> </ul> <p>It is policy (relevant to this application) that:</p> <ul style="list-style-type: none"> <li>• <i>‘In established residential areas, non-residential uses be located adjacent to an activity centre or commercial /industrial area, or within a recognised community activity cluster, and, wherever possible, nearby similar non-residential uses to reduce car dependency and maximise accessibility to public transport.</i></li> <li>• <i>Non-residential uses be required to result in a net benefit and convenience to the local community.</i></li> <li>• <i>Non-residential uses be located along roads that are capable of carrying anticipated traffic volumes, such as arterial or collector roads, and on or close to a designated public transport route.</i></li> <li>• <i>Non-residential uses do not segregate a single dwelling or a collection of dwellings from the surrounding residential area.</i></li> <li>• <i>The scale, design and appearance of any new buildings, works or landscaping associated with a non-residential use be complementary to the existing or preferred character of the surrounding area.</i></li> <li>• <i>Non-residential uses/developments be designed, constructed and operated in a manner that causes</i></li> </ul>



	<p><i>minimal loss of amenity, privacy and convenience to people living in nearby dwellings, having regard to traffic, car parking, access, built form and overall site layout.</i></p> <ul style="list-style-type: none"><li><i>• New stand-alone places of assembly/worship be discouraged from locating in established residential areas'</i></li></ul> <p>Performance Standards (Places of Assembly/Worship):</p> <ul style="list-style-type: none"><li><i>• The building design should be consistent with the overall scale and character of the surrounding residential area, particularly in terms of style, height, massing and roof pitch.</i></li><li><i>• The site should abut or have direct access to an arterial road to minimise disruption to nearby residential streets.</i></li><li><i>• Entry and exit points should be located to avoid car-headlight glare affecting nearby residential properties.</i></li><li><i>• Buildings should be sited to minimise the effect of the activity generated on the site upon adjoining residential properties.</i></li><li><i>• A management plan should be submitted with a planning application to detail the practices to be employed, including hours of operation, to ensure that the proposed facility would not result in a loss of amenity to adjoining and nearby residential properties.</i></li><li><i>• The site should be landscaped to enhance its appearance and to minimise the visual impact of the development on adjoining and nearby residential properties.'</i></li></ul> <p>Decision Guidelines:</p> <ul style="list-style-type: none"><li><i>• 'The impact of the proposal on the amenity of nearby residential uses &amp; the character of the surrounding area.</i></li><li><i>• The location of the site and its suitability for the proposed use, having regard to the proximity of neighbouring residential uses, the capacity of the road servicing the site and its proximity to a designated public transport route.</i></li><li><i>• Whether the proposal would form part of, and positively contribute to, a community activity cluster identified in the City of Casey Activity Centres Strategy.</i></li><li><i>• The impact of the proposal on the use and development of the land for future residential purposes.'</i></li></ul> <p>A key consideration of the proposal under this policy is the site context.</p>
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	<p>The subject site is located within an established residential area; and not adjacent to any complementary activity centre or commercial/industrial area, or within a recognised community activity cluster or similar non-residential use that will reduce car dependency and maximise accessibility to public transport although it is noted that there is a bus stop and bus service in front of this dwelling.</p> <p>Clause 22.02 encourages a place of worship that is located within a General Residential Zone to preferably be located in an activity centre, a cluster of like uses and/or on a higher order road. The place of worship should serve local needs and not adversely affect the amenity of its neighbours. It should also fit into the streetscape and provide landscaping.</p> <p>The site has two direct residential abutments and is opposite residential properties and is located within an established residential area not near any activity centre or any clustering of similar community activities. Further access to the site is from a minor collector road not a main road. There are no alterations to the external appearance of the building, nor is there any landscaping enhancement proposed.</p> <p>Clause 22.02 specifically discourages new standalone places of worship from locating in established residential areas.</p> <p>The location of the site is not within or sufficiently close to an activity centre, commercial or industrial precinct but is rather in the middle of an established residential area, which is likely to increase potential negative impacts on the amenity of existing residents.</p> <p>The proposal fails to comply with several key elements of this policy.</p>
Planning Scheme reference	Assessment
<i>Other</i>	
<p>Clause 52.06 – Car Parking</p>	<p>The purposes of this clause include to:</p> <ul style="list-style-type: none"> <li>• <i>‘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</i></li> <li>• <i>ensure that car parking does not adversely affect the amenity of the locality</i></li> <li>• <i>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.’</i></li> </ul> <p>Clause 52.06-2 states that 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.</p>



Planning Scheme reference	Assessment
<p><i>Other</i></p>	<p>Parking for a 3 bedroom dwelling is two carspaces, one of which must be covered.</p> <p>Parking for a Place of Worship is to be provided at a ratio of 0.3 spaces per parishioner with a maximum of 10 attendees expected on the weekend.</p> <p>There is an existing metal garage in the north-west corner (rear) of the site which can accommodate two cars while an existing 20 metre long driveway could accommodate an additional three carspaces on-site car spaces. This parking configuration is typical of a residential development with two car parking spaces provided within the garage with the ability to provide one or three car parking spaces in front of the garage in the driveway in a tandem arrangement. This will see all vehicles reverse onto the Willow Drive. It also means notionally given the tandem arrangement proposed in the existing driveway behind and blocking in the two carspaces in the double garage that potentially only two legal spaces exist on the land.</p> <p>Tandem arrangements for non-residential uses are less than ideal and potentially trigger a technical carparking deficiency and the need for a carparking reduction under Clause 52.06 - although Council's Traffic engineers have not raised any concern with this arrangement in this instance.</p> <p>Council's Traffic Department advise that:</p> <p><i>'Access to the proposed development is by way of an existing crossover from Willow Drive, which is a collector street with the capacity for the traffic generation. Any shortfall car parking demands would be able to be absorbed by the indented parallel car parking bays in the vicinity of subject site.'</i></p>
<p>Clause 32.08 – General Residential Zone No. 1</p>	<p>The relevant purpose of the General Residential Zone is to: <i>'allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations'</i> with the other relevant purpose of the zone being <i>'to encourage development that respects the neighbourhood character of the area.'</i></p> <p>For non-residential uses, Decision Guidelines at Clause 32.08-10 require consideration as to:</p> <ul style="list-style-type: none"> <li>• <i>'Whether the use and development is compatible with residential use.'</i></li> <li>• <i>Whether the use generally serves local community</i></li> </ul>



Planning Scheme reference	Assessment
<p><i>Other</i></p>	<p><i>needs.</i></p> <ul style="list-style-type: none"> <li>• <i>The scale and intensity of the use and development.</i></li> <li>• <i>The design, height, setback and appearance of the proposed buildings and works.</i></li> <li>• <i>The proposed landscaping.</i></li> <li>• <i>The provision of car and bicycle parking and associated accessways.</i></li> <li>• <i>Any proposed loading and refuse collection facilities.</i></li> <li>• <i>The safety, efficiency and amenity effects of traffic to be generated by the proposal.'</i></li> </ul> <p>Non-compliance with any of these considerations is likely to have unacceptable amenity impacts to local residents. It is not uncommon for discretionary uses within residential areas to have such impacts making the site's locational context a vital consideration in any such application.</p> <p>Although finely balanced, for reasons outlined earlier in this assessment the proposed use is not considered to result in an acceptable amenity outcome.</p>



**Appendix 4: Referral comments – Internal comments**

<b>Department</b>	<b>Response</b>
Traffic Planning	<p>There no objections on traffic engineering grounds to the proposed development which proposed no additional works.</p> <p>Access to the proposed development is by way of an existing crossover from Willow Drive, which is a collector street with the capacity for the traffic generation.</p> <p>The proposal is to provide accommodation for visitors (Buddhist Monks) and teaching the members of the community;</p> <ul style="list-style-type: none"><li>- The service provided daily and weekly with approx. three to five members, so that there will be an average of five + a maximum of two Monks on site at any one time.</li><li>- The existing dwelling has three bedrooms with a metal shed (double garage) and driveway (approx. 20 metres in length).</li><li>- All of the vehicles would be able to park within the site.</li></ul> <p>Any shortfall in car parking demands would be able to be absorbed by the indented parallel car parking bays in the vicinity of subject site.</p>
Drainage	<p>Council's Drainage Engineers advise that they have no objection to the current proposal and require that polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates, or into a watercourse or easement drain, but must be treated and/or absorbed on that lot to the satisfaction of the Responsible Authority.</p>



### Appendix 5: Response to Objections

Objection	Comment
1. Pressure on on-street carparking and insufficient carparking provided on site	Clause 52.06 requires the provision of 5 carspaces for the current proposal. These carspaces are provided on site in a tandem arrangement requiring a reverse movement onto Willow Drive from the site. Technically, this does not comply with the requirements of Clause 52.06, although Council's traffic engineers have advised that this is suitable in this instance and indicate that any overflow can be accommodated in Willow Drive in close proximity to the site.
2. Increased traffic into the area and safety concerns	<p>The amount of additional traffic generated by the current proposal is negligible given the low key nature of the proposal and the maximum attendance to the site on Saturdays nights specified as 10 worshippers with an average of 5. However it is recognised that if 10 people attend the site, there is likely to be increased traffic at these times and some minor demand on nearby on-street carparking.</p> <p>The proposed tandem parking and the existing bus stop location have potential to create an unsafe traffic environment.</p>
3. Inappropriateness of use in a residential area	<p>Clause 22.02 of the Casey Planning Scheme discourages the establishment of non-residential uses in residential areas which adversely affect the residential amenity or segregate a single dwelling or a collection of dwellings from the surrounding area and actively discourages new standalone places of worship from locating in established residential areas.</p> <p>The current proposal involves the use of an existing dwelling (no buildings or works involved) for a low-key place of worship. It is stated that a maximum number of 10 people will attend the premises on the weekend (not including the two resident Buddhist Monks).</p> <p>Increased activity in and around the site both by vehicles and parishioners and reliance on tandem on-site parking arrangements is likely to cause detriment to the amenity of adjoining properties and the surrounding residential area. As well the siting of the bus stop immediately in front of the site reduces on-street carparking adjacent to the site and may lead to traffic conflict in and around the site including at the entry of Kensington Court. Further, Willow Drive is not a main road and the existing dwelling the subject of this application is in the middle of an established residential area.</p> <p>For these reasons the use of the subject site as a place of worship even on a low-key scale is considered inappropriate.</p>
4. Loss of amenity, security, and peacefulness of the area	The potential for loss of amenity to adjoining residents is more likely due to the site's location within an established residential area rather than abutting a main road or within close proximity to an activity centre.
5. Inadequate Notification	The application was advertised via the placement of a sign at the front of the property & by 8 letters to owners/occupiers of nearby properties.
6. Property devaluation	This is not a valid planning ground of objection



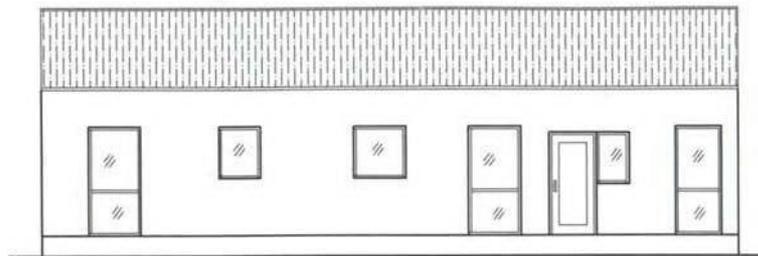
**Section 1 – Permit Applications**

**11 April 2017**  
Item 1.1

**Attachment A**

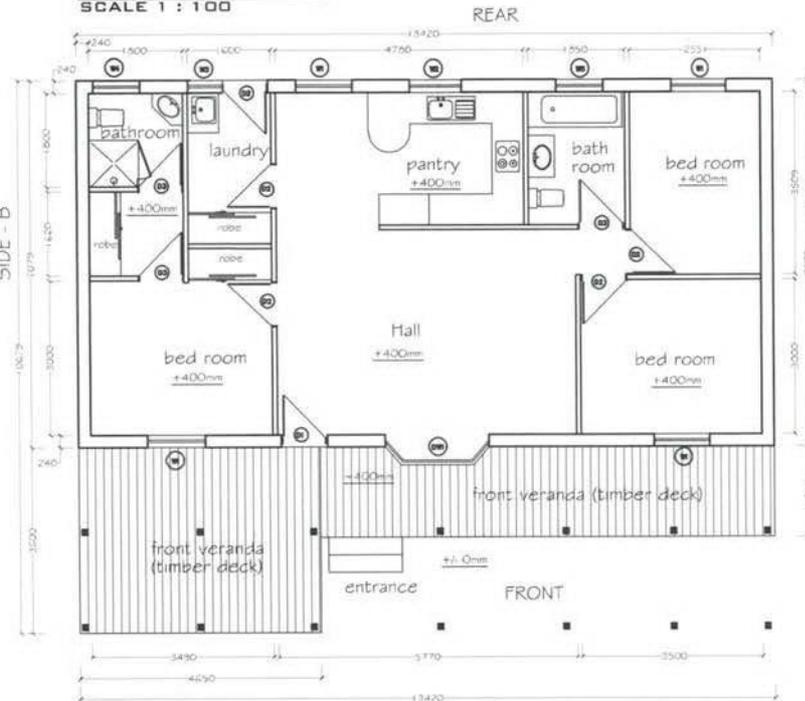
**Plans**

**Site Plan, Floor Plan & Elevations**



**REAR ELEVATION**  
SCALE 1 : 100

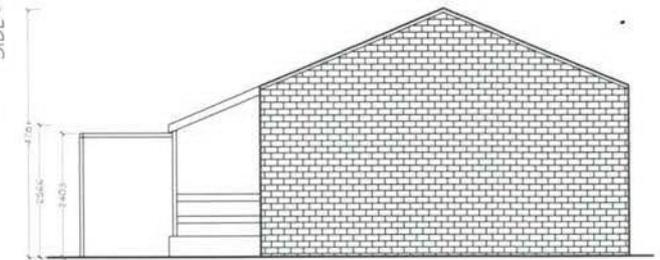
DOOR WINDOW SCHEDULE			
TYPE	SIZE (W X H)	DESCRIPTIONS	QNTY
D1	820 X 2040	Timber framed with glazed door	01
D2	820 X 2040	Timber door	05
D3	720 X 2040	Timber door	02
W1	1100 X 2000	AL framed glazed top hung window	04
W2	1000 X 1000	AL framed glazed window	01
W3	600 X 1000	AL framed glazed window	01
W4	800 X 2000	AL framed glazed top hung window	01
DW1	2000 X 2000	AL framed fixed glazed door window	01



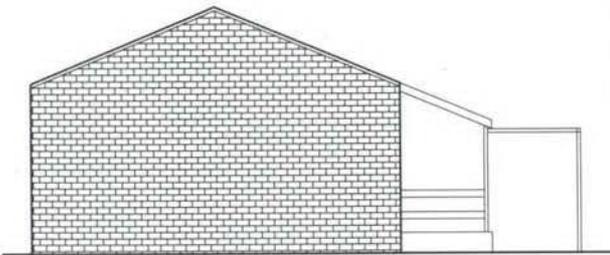
**GROUND FLOOR PLAN**  
SCALE 1 : 100



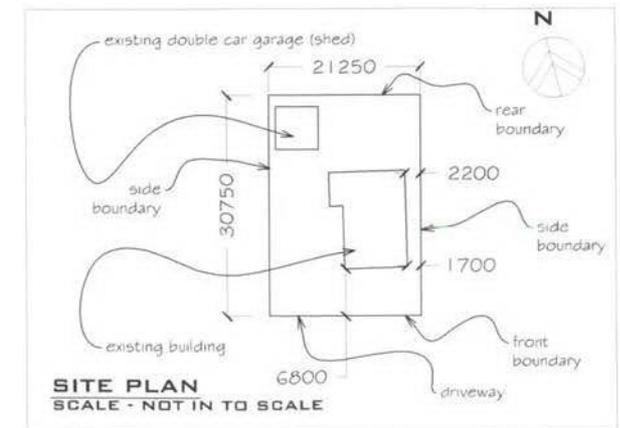
**FRONT ELEVATION**  
SCALE 1 : 100



**SIDE ELEVATION - A**  
SCALE 1 : 100



**SIDE ELEVATION - B**  
SCALE 1 : 100



**SITE PLAN**  
SCALE - NOT IN TO SCALE

TITLE:  
**MEASURED DRAWING**

ADDRESS:  
**NO 57, WILLOW DR, HAMPTON PARK  
VIC 3967**

DWN NO : CND/01

DATE : 25-AUGUST-2016

SCALE : 1 : 100