



The Planning Professionals

Planning Report

Use and development of a "place of worship" and a reduction of the requirement for on site car parking

148 High Street, Kyneton

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Introduction - Overview

This is a submission made on behalf of the permit applicant supporting a proposal for the use and development of a place of worship including reduction for the requirement for on site car parking substantially as described by the accompanying plans and submissions.

The subject land is identified by the rated address of 148 High Street, Kyneton. The subject land is currently vacant.

This report is intended to be read in conjunction with the attached application plans.



1. Application summary/background

Address	148 High Street, Kyneton
Title	Land in plan of consolidation 379274J
Zone and Overlays	<ul style="list-style-type: none">• Neighbourhood Residential Zone (NRZ10)<ul style="list-style-type: none">- Schedule 10 to the Neighbourhood Residential Zone• Environmental Significance Overlay<ul style="list-style-type: none">- Schedule 4 to the Environmental Significance Overlay• Vegetation Protection Overlay<ul style="list-style-type: none">- Schedule 2 to the Environmental Protection Overlay
Proposal	Use and development of a "place of worship" and a reduction to the requirement for on site car parking substantially as described by the accompanying plans and submissions
Land use definition	"Place of Worship"
	<i>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</i>
Permit triggers	<ul style="list-style-type: none">• Use of the land for a place of worship (Clause 32.09-2)• Buildings and works associated with a section 2 use (Clause 32.09-9)• Reduce the number of car parking spaces required under Clause 52.06-5 (Clause 52.06-3)
Relevant local provisions	None specifically applicable

2. The locality and existing conditions

- 2.1. The subject land is at 148 High Street, Kyneton and is substantially described by the attached plans and generally below:

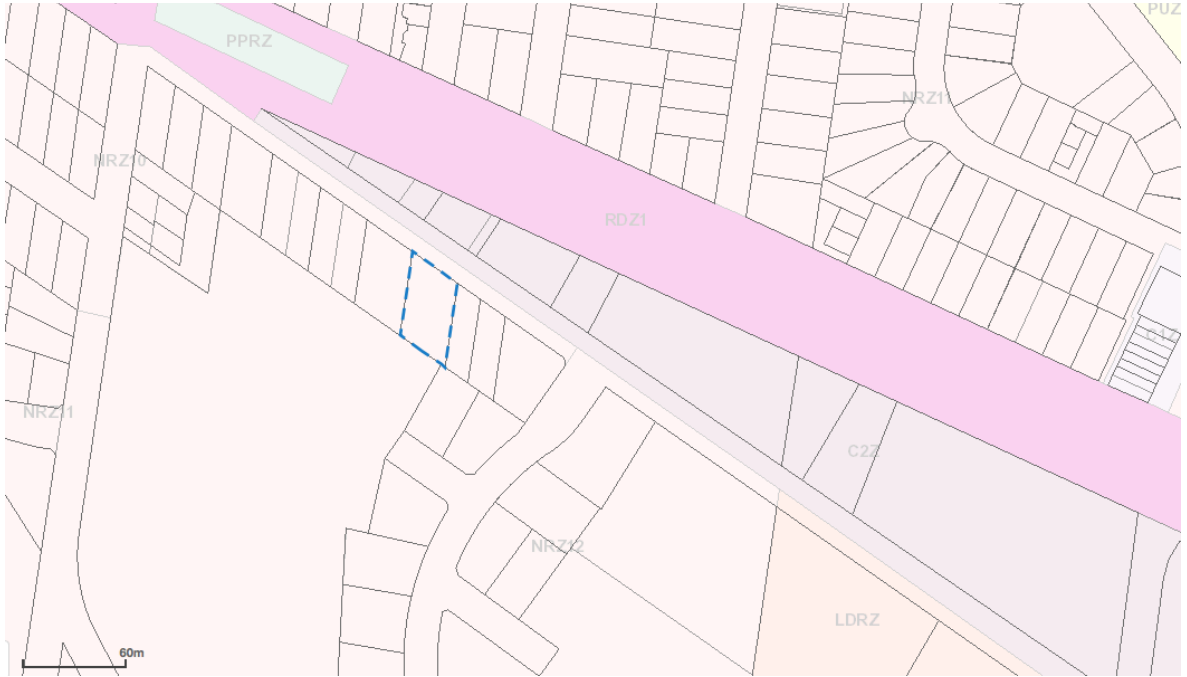


Figure 1. Subject site and surrounding zoning (VicPlan)



Figure 2. Subject land identified in blue (nearmap)



- 2.2. The subject land comprises a single rectilinear parcel of land located on the south side of High Street at the south eastern bounds of the Kyneton Township.
- 2.3. The subject land contains no existing buildings or structures, or any significant vegetation.
- 2.4. The subject land has a gentle slope from the High Street frontage toward the rear of the land.
- 2.5. The north side of High Street immediately adjacent the subject land is commercial 2 zoned land and contains typical light industrial land uses and showrooms.
- 2.6. Adjoining land to the east and west are residential dwellings.
- 2.7. Bupa Aged Care adjoins the subject land to the south, although is undeveloped along the interface of the land.
- 2.8. The surrounding locality to the south and south east is either vacant or been developed for low density residential purposes.
- 2.9. North and north west of the subject land is located the south eastern bounds of the Kyneton residential township.
- 2.10. The Kyneton Activity Centre is located approximately 1.2 kilometres to the north west.
- 2.11. The subject land is not in a designated bushfire prone area, nor is it affected by any areas of Aboriginal Cultural Heritage Significance.
- 2.12. The subject land is approximately 1,506 sqm in area.
- 2.13. The subject land is technically described as:
Land in plan of consolidation 379274J 148 High Street, Kyneton



3. What is proposed?

- 3.1. The proposal is for the use and development of the land for a place of worship (Kyneton Plymouth Brethren Christian Church) and a reduction to the requirement for on site parking substantially as described by the accompanying plans and submissions.
- 3.2. The proposed place of worship would serve as the new “home” for the local community church group.
- 3.3. The proposed building would be a simple single storey brick building with a hipped roof.
- 3.4. General operation of the meeting hall would occur within the following framework:

Day	Type of Service	Service Duration	Typical operating hours	Typical attendees	Maximum attendees	Frequency
Monday	Prayer Meeting	30 mins	6.30pm - 7.00pm	30	Up to 50	Weekly
Friday	Bible Teaching	1 hour and 15 mins.	6.30pm - 7.45pm	120	Up to 160	Weekly
Sunday	Communan Service	45 mins	5.30 am - 6.15am	30	Up to 50	Weekly
	Preaching	60 mins	4.00pm - 5.00pm	120	Up to 160	Monthly

Table 1. Hours of Operation

- 3.5. The proposed meeting hall would not be available for public bookings or hire.
- 3.6. There would be no amplified music from the proposed place of worship.
- 3.7. The proposal includes a paved car parking area for 35 spaces.
- 3.8. A timber post and steel picket fence with two sliding gates would be constructed at the frontage boundary.
- 3.9. The church community currently operate out of a number of satellite sites within the township. These would continue to operate in their minor capacity such as they are. This site would serve as the base for the community when other sites are nearing capacity. Church management would notify the congregation when the smaller sites are nearing, or will be at capacity prior to a service time and the proposed hall would be used in these circumstances.



4. Why is a permit required?

- 4.1. The permit triggers are:
 - Use of the land for a place of worship (Clause 32.09-2)
 - Buildings and works associated with a section 2 use (Clause 32.09-9)
 - Reduce the number of car parking spaces required under Clause 52.06-5 (Clause 52.06-3)
- 4.2. A “place of assembly” (includes a place of worship) generates a parking demand of 0.3 car parking spaces to each patron permitted.
- 4.3. The maximum number of proposed patrons is 160. This is not to be confused with the number of patrons expected under general operation which is ~120.
- 4.4. 160 patrons generates a requirement for the provision of 48 on site car parking spaces. 35 car parking spaces on site have been proposed.
- 4.5. The proposal includes the waiver/reduction of 13 car parking spaces.



5. Policy context

Planning Policy Framework

- 5.1. The Responsible Authority is required to take into account relevant policies contained in the PPF, MSS and LPPF.
- 5.2. State Policies are broad in their application and provide broad strategic direction. Their local counterparts are more relevant to the proposal and provide a greater level of policy direction for applications such as these.
- 5.3. This section discusses the permit triggers in detail and offers a response to the relevant planning provisions.

CLAUSE 14 NATURAL RESOURCE MANAGEMENT - PLANNING POLICY FRAMEWORK

Clause 14.02-1S Catchment planning and management

Objective

To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

Strategies

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for

Response:

The subject land and all surrounding land is located within a designated water supply catchment.

Reticulated sewer and drainage infrastructure is existing and available in the immediate vicinity. Appropriate permit conditions would ensure that the site be connected to all appropriate infrastructure without having to be particularly onerous or having an impact on the design solution.

Drainage treatment and retarding systems, SPEL Stormsacks and Hydrochannels for example, are designed to meet best practice water sensitive urban design principles for precisely this type of development. Again, appropriate permit conditions would ensure that best practise water sensitive urban design is achieved.



CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE - PLANNING POLICY FRAMEWORK

Clause 15.01-1S Urban Design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Clause 15.01-2S Building Design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Response:

The subject land is visually connected to traditional commercial and industrial built form immediately adjacent the subject land. Material usage in the locality is commensurate with typical industrial development. Where there are examples of large format concrete tilt and sheet metal construction.

The proposed design solution has the appearance of a traditional suburban dwelling and is consistent with the built form character on the southern side of High Street. The proposed design solution is certainly not a departure in size, scale or building typology within its context.

The proposal meets the stated objectives above.



CLAUSE 21.13 LOCAL AREAS AND SMALL SETTLEMENTS - MUNICIPAL STRATEGIC STATEMENT

Clause 21.13-2 Kyneton

Overview

The Kyneton Structure Plan, 2013 was prepared to guide future urban development having regard for township character and environmental constraints.

Key issues for Kyneton are as follows:

Protecting the township's key character elements, including the grid based town centre and heritage assets.

Objective 5

To consolidate and strengthen the retail, commercial and industrial functions of Kyneton.

Response:

The Kyneton Structure Plan and subsequent policy above broadly aims to retain the townships key character elements and identify areas suitable for future Greenfield and residential development.

The subject land or any surrounding land is not identified as being a key character element within the township.

The above policy is of little specific relevance to the proposal.



CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE - VPP'S

Purpose

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Clause 32.09-2 Table of uses

Section 1 use - permit not required

Use	Condition
Place of worship	<i>The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone. Must not require a permit under Clause 52.06-3.</i>

Clause 32.09-9 Buildings and works associated with a section 2 use

A permit is required to construct or carry out for a section 2 use.

Clause 32.09-13 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

The purpose of this zone.

The objectives set out in the schedule to this zone.

Any other decision guidelines specified in a schedule to this zone.

The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Neighbourhood Residential Zone

Response:

The above outlines the relevant permit triggers in detail.

The provisions of the zone have been drafted with anticipation of a "place of worship" in localities such as these. Recognising that the proposed use is not only reasonably expected but appropriate without the consent of the Responsible Authority in some circumstances.

The proposed use is consistent with the purpose of the zone "to allow...religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations"

Although the proposed use does not meet the stated criteria that would enable the use to be developed as of right; the subject land is well suited to the proposed use for a variety of reasons:

- Its land size
- The interface with light industrial and commercial uses
- Convenient access from High/Burke Street,
- And capacity of the road network to cater for the increased traffic demand

The proposal responds positively to the decision guidelines above and congruent with the purpose of the zone.



CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE - VPP'S

Clause 32.09-13 Decision Guidelines

Non-residential use and development

In the local neighbourhood context:

Whether the use or development is compatible with residential use.

Whether the use generally serves local community needs.

The scale and intensity of the use and development.

The design, height, setback and appearance of the proposed buildings and works. The proposed landscaping.

The provision of car and bicycle parking and associated accessways.

Any proposed loading and refuse collection facilities.

The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Response:

The purpose of the proposal is to continue to provide for a growing community group.

Space within the sites frontage has been set aside for landscaping and the provision of canopy and screening trees. If the Responsible Authority deem it necessary, a landscape plan can be conditioned on any permit granted.

The proposal is not of a scale that triggers the requirement for on site bicycle facilities under Clause 52.34.

Given the nature and frequency of the use and the space available around the building for storage and services, waste and refuse collection can be achieved in any number of ways. This is not problematic and will not impact design and siting in any way.

The proposed parking area has been designed in accordance with Clause 52.06. Accessways have been designed larger than the minimum standard.

The statutory provision for on site parking has been discussed later in this report.



CLAUSE 52.06 - CAR PARKING - VPP'S

Clause 52.06-1 Scope

Clause 52.06 applies to a new use.

Table 1 - Car Parking requirement

<i>Use</i>	<i>Rate</i>	<i>Car Park Measure</i>
<i>Place of Assembly</i>	<i>0.3</i>	<i>To Each Patron Permitted</i>

Response:

The maximum number of patrons proposed under general operation is 160, generating a requirement for 48 car parking spaces. 35 car parking spaces have been provided on site. There is a shortfall of 13 car parking spaces to the statutory requirement for car parking.

Its important to note that the maximum number of attendees is in excess of what is expected under normal operation of the premises. However, the proponent want to retain the opportunity to cater for those circumstances if and when they occur.

Traffic, parking and siting have been considered holistically. The internal arrangement proposed is the most efficient given the width of the allotment and the need for screening and canopy vegetation within the frontage of the site.



CLAUSE 52.06 CAR PARKING
Clause 52.06-7 Application requirements and decision guidelines for applications to reduce the car parking requirement
An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

Car Parking Demand Assessment:

Car Parking Demand Factor	Assessment
The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.	Given the specific use proposed, it is unlikely that multi-purpose trips would occur.
The variation of car parking demand likely to be generated by the proposed use over time.	Peak parking demand is expected on Friday evenings and Sunday afternoons only. On site parking supply would exceed demand for all other services and usage periods.
The short-stay and long-stay car parking demand likely to be generated by the proposed use.	All parking would be considered short stay for the duration of the meeting/usage period.
The availability of public transport in the locality of the land.	There is a PTV stop some 180 metres from the subject land to the north west. It is not anticipated that patrons would utilise public transport in a significant volume.
The convenience of pedestrian and cyclist access to the land.	The site is easily accessible for a pedestrian or a cyclist.
The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.	There is no statutory requirement for on site bicycle facilities.
The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.	It is expected that a high portion of patrons would visit the site by vehicle. Some members of the congregation live in the immediate locality and, excepting the case of inclement weather, are highly likely to walk to the venue.
Any empirical assessment or case study.	No empirical assessment has been performed.

CLAUSE 52.06 CAR PARKING**Clause 52.06-7 Application requirements and decision guidelines for applications to reduce the car parking requirement**

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*

Response:

The surrounding street network, convenience of access from High/Bourke Street and location of the subject land on the south eastern bounds of the township would suggest that the vast majority of patrons would access the subject land from eastbound traffic on High Street.

There is a high volume of unrestricted dedicated on street parking facilities immediately adjacent the subject land on the north side of High Street. There would appear to be somewhere in the order of 45 - 50 car parking spaces.

These parking facilities have been constructed precisely for that purpose. Given that usage times are outside of regular business hours, it is expected that there would be a high availability of on street parking during the proposed hours of operation. Certainly more than enough to cater for the expected demand.

Consequently these spaces will remain available for patrons, visitors and guests of the commercial premises located on the north side of the street during their peak demand periods.

Given that traffic would largely be coming to the site from the west, it is reasonable to suggest that the convenience of the constructed spaces on the north side of the road are likely to be utilised in the event of a shortfall. Thereby having minimal impact on on street parking within the residential zone on the south side of High Street.

CLAUSE 52.06 CAR PARKING**Clause 52.06-7 Application requirements and decision guidelines for applications to reduce the car parking requirement**

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in a schedule to the Parking Overlay. Any other relevant consideration.*

Response

The availability of on street parking in a walkable catchment of the subject land greatly exceeds that of the proposed shortfall.

Shortfalls would occur outside of regular business hours and would have negligible to no impact on the existing operations of neighbouring businesses.

The convenience of access to on street parking on the north side of High Street would suggest that these spaces are reasonably expected to be used in the event of a shortfall. Thereby having no impact on on street parking in the residential zone.

The proposed shortfall is reasonable and can easily be accommodated by alternative public parking facilities in the immediate locality, and alternate modes of transport.

The proposed shortfall would not unreasonably burden the neighbouring land owners and the demand on public facilities. The proposal would not cause any off site amenity impacts or material detriment to any party.



6. Clause 65 Decision Guidelines

Clause 65 establishes the general decision guidelines for the consideration of applications, as set out below.

The matters set out in section 60 of the Act.

Response

These are general provisions including such matters such as the objectives of planning, objections to an application, comments of referral authorities and the matters which the Responsible Authority must consider.

The proposal would have a profound social contribution to the immediate church community. The proposal would have no significant environmental or economic impacts that would prevent a permit from being granted.

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Response

The Planning Policy Framework is broad in its application. The Local Planning Policy Framework including Municipal Strategic Statement inform the application in more detail. All relevant planning policy has been considered in Section 4 above.

The purpose of the zone, overlay and other provisions

Response

The use is anticipated in the zone and consistent with the relevant provisions of the scheme as far as can be reasonably applied.

Any matter required to be considered in the zone, overlay and other provision.

Response

All matters have been duly considered and a response provided in section 4 above.

The orderly planning of the area

Response

The proposal would not adversely impact on the orderly planning of the zone. There is a confluence of non-residential uses in the immediate locality, the proposal is not a departure from the existing character or function of the area. The proposal is a complementary use and serves the needs of a growing community group. There would be no inappropriate interface issues as a result of the proposal.



The effect on the amenity of the area

Response

The proposed layout is logical and practical. Space within the sites frontage has been set aside for landscaping and the planting of additional vegetation. Screening trees with dense vegetation would further aid in the reduction of visual impact. A landscape plan conditioned on the permit would appropriately enforce the implementation of such works.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

Response

Not relevant.

The proximity of the land to any public land.

Response

Not relevant.

Whether the proposed development is designed to maintain or improve the quality of the stormwater within and exiting the site

Response

A Stormwater management plan can be prepared as a condition on permit requiring best practice water sensitive urban design practices.

The extent and character of native vegetation and the likelihood of its destruction

Response

The subject land has been cleared and is devoid of any significant trees or vegetation.

Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

Response

There is a significant capacity for the planting of additional indigenous vegetation on site. A landscape plan to be conditioned on the permit is expected.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Response

The subject land is not located in a bushfire prone area.



The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Response

Access and circulation has been considered holistically. The internal arrangement proposed is the most efficient given the width of the proposed allotment.

Concluding Response

- 6.1. All relevant policies contained within the SPPF, MSS and the LPPF have been discussed above.
- 6.2. It is self evident and clear that the proposal is not in conflict with these policies.



7. Merits of the proposal

- 7.1. The application is highly responsive to both state and local provisions of the scheme.
- 7.2. The proposal would meet a need for a growing community group and would indeed be of net community benefit.
- 7.3. The design solution and siting have been well considered and would not cause a significant negative visual impact or material detriment to any party.
- 7.4. The proposed design solution is simple and commensurate with the residential form in the immediate locality.
- 7.5. The proposed on site car parking would meet expected demand under typical operation.
- 7.6. The proposal can and would be serviced by all available reticulated services.
- 7.7. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
- 7.8. Appropriate permit conditions would ensure the proper management of the site and proposed activities without such conditions being unachievable or needing to be particularly onerous.
- 7.9. Given the particular set of circumstances and the generally positive response to planning provisions, the proposal is worthy of support by the Responsible Authority.



8. Conclusions – should a permit be granted?
 - 8.1. The proposal is consistent with planning policy, and responds well to relevant policies.
 - 8.2. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
 - 8.3. For these reasons and the reasons contained in the body of this submission it is respectfully submitted that a permit should be granted.

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May 2021*