

3 AMENDMENT C205 - 80 MCDONALDS TRACK, LANG LANG

FILE REFERENCE INT1846453

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RECOMMENDATION

That Council adopt Amendment C205 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

Attachments

1 Amendment C205 documents 2 Pages

EXECUTIVE SUMMARY

This report recommends that Amendment C205 to the Cardinia Planning Scheme be adopted and submitted to the Minister for Planning for approval. The amendment seeks to rezone part of 80 McDonalds Track, and Lots 1 and 2 Westernport Road, Lang Lang from Farming Zone to Industrial 1 Zone, and apply Schedule 20 to Development Plan Overlay and consider concurrently the subdivision of the land at 80 McDonalds Track into two (2) lots.

The amendment was placed on exhibition from 2 November 2017 to 4 December 2017. Three (3) submissions were received, including one that sought changes to the amendment. After negotiations between the proponent, the submitter and Council, changes have been made to the amendment which have resolved the submitters concerns and therefore a Planning Panel is not required.

BACKGROUND

Council received a request from the landowner of 80 McDonalds Track, Lang Lang to rezone part of the land from Farming Zone to Industrial 1 Zone and subdivide the land into two lots. It is considered appropriate to also rezone the adjoining two parcels of land at Lot 1 and Lot 2 Westernport Road, Lang Lang as they are currently within the Farming Zone but also used for industrial uses. The rezoning will allow for the land to be utilised for industrial purposes, reflecting the existing uses on Lot 1 and 2 Westernport Road, and allowing for further industrial uses on 80 McDonalds Track.

The land at 80 McDonalds Track is irregular in shape and has frontages to South Gippsland Highway, Westernport Road and McDonalds Track and is approximately 23.30 hectares in area. The land currently contains a dwelling and associated outbuildings in the north-east corner as well as various farming related structures across the site. The land is currently used for farming activities. Vehicle access to the dwelling is provided from McDonalds Track and an access road is also provided from Westernport Road. It is proposed to rezone a small portion of the land in the south east corner, abutting McDonalds Track and Westernport Road.

The land at Lot 1 Westernport Road has an area of approximately 1.7 hectares and contains an SP Ausnet power substation. It is rectangular in shape and access via Westernport Road. Lot 2 Westernport Road has an area of approximately 2.4 hectares and is used for the construction of transportable homes and other buildings.

It is proposed to apply Schedule 20 to the Development Plan Overlay to the part of the land at 80 McDonalds Track, Lang Lang being rezoned to Industrial 1 Zone, and Lot 1 and Lot 2 Westernport Road. This is to ensure that access to the site is appropriately managed, that there is a sufficient interface between the industrial land and land that will be rezoned to residential in the future, to the north of the site, to meet South East Water's requirements for a buffer from their nearby Sewerage Treatment Plant and to ensure that the future intersection of Stage 2 of the Lang Lang Bypass is not compromised by any new road access on to Westernport Road.

A planning permit for a two lot subdivision has also been lodged as part of the proposed amendment. The permit proposes to subdivide the land to be rezoned from the balance of the land which will remain in the Farming Zone at this time. The Lang Lang Township Strategy has nominated this land as suitable for residential development in the future.

The Minister for Planning authorised Council to prepare the amendment on 20 September 2017 and the amendment was placed on exhibition from 2 November to 4 December 2017.

POLICY IMPLICATIONS

The amendment supports the following clauses of the State Planning Policy Framework:

Clause 13.02-1 (Floodplain management) which seeks to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways and floodplain areas of environmental significance or of importance to river health.

Clause 13.04-2 (Air quality) aims to assist the protection and improvement of air quality. This includes, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive uses.

Clause 15.01-3 (Neighbourhood and subdivision design) ensures that the design of subdivisions achieves attractive, livable, walkable, cyclable, diverse and sustainable neighbourhoods. As relevant to this amendment, strategies to improve this include creating compact neighbourhoods that have walkable distances between activities, and developing activity centres that integrate housing, employment, shopping, recreation and community services to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

Clause 17.02-1 (Industrial land development) seeks to ensure the availability of land for industry.

The amendment supports the following clauses of the Local Planning Policy Framework:

Clause 21.03-3 (Rural townships) recognises Lang Lang as a large rural township and notes that the capacity for growth in each town depends on the environmental and infrastructure capacities of each of the towns.

Clause 21.04-1 (Employment) notes that economic development is critical to the overall wellbeing of the municipality, both in terms of providing employment opportunities for residents and in attracting business investment. Key issues identified include support development and enhancement of economically sustainable businesses within the municipality including within rural townships, and improving access to employment areas by residents.

Clause 21.04-4 (Industry) seeks to develop manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design. A range of lot sizes to meet the needs of different users, including the encouragement of larger lots for major development on main or arterial roads is also encouraged.

Clause 21.07(Lang Lang) recognises the dominant activities within and around Lang Lang as residential and rural residential development, rural industries, sand extraction activities, open space and recreation pursuits. The Lang Lang Framework Plan recognises the land as being suitable for potential industrial/mixed use land.

The amendment supports the development of industrial land within Lang Lang, which will provide increased opportunities for businesses and employment within the township.

RELEVANCE TO COUNCIL PLAN

The amendment is relevant to the following sections of the Council Plan:

3.5. Balance need of development, the community and the environment. This includes providing for the sustainable development of rural township while taking into account their existing character and community needs.

4.1. Increased business diversity in Cardinia Shire, including planning for and supporting local employment opportunities, and supporting the development of existing and new businesses within the Shire.

4.3 Diverse and resilient business community, specifically supporting small businesses to remain viable in rural townships, and working with others to grow economic activity and attract new enterprises.

The amendment will support these objectives through increased availability of industrial land for employment and local businesses within Lang Lang. It will also support the existing transportable buildings business on Lot 2 Westernport Road.

CONSULTATION/COMMUNICATION

The amendment was placed on public exhibition for a period of one month, from 2 November to 4 December 2017.

A total of three (3) submissions were received. Two (2) were from authorities, EPA and South East Water, and one was from an adjoining land owner.

EPA and South East Water had no objection to the amendment or the concurrent planning permit as there were early initial discussions with both of these authorities as the land is within a close proximity of the South East Water Lang Lang Treatment Plant, and therefore is at risk of odour impacting on land uses occurring on this site. Due to the initial discussions identifying a number of conditions for inclusions on both the Schedule to the Development Plan Overlay and the draft planning permit, neither of these authorities objected to the amendment. It is also noted that Melbourne Water were consulted early in the process in relation to flooding issues associated with the land, and VicRoads in relation to road access and as a result they did not make a submission to the amendment or draft planning permit.

The remaining submission was received Beveridge Williams on behalf of an adjoining landowner who was concerned about the impact that the rezoning and potential future development of the land would have on their land, which is currently undeveloped but zoned Low Density Residential. After further discussion with Beveridge Williams and the Proponent for the amendment, it was agreed that the inclusion of an additional requirement in the Schedule to the Development Plan Overlay would address their concerns. The Schedule now states that a development plan must also include the following requirement to the satisfaction of the responsible authority:

"Guidelines for future buildings subject to the development plan. The guidelines must address built form and building features with the intent to minimise the impacts of internal operations on to the amenity of adjoining residential areas. These features may include but are not limited to acoustic measures, air quality treatments and building materials. Any application for a planning permit must respond to these guidelines"

Beveridge Williams have advised that as this requirement has been agreed to be included in the Schedule to the Development Plan, their client is satisfied that their concerns have been addressed, and therefore no further changes are required to the amendment. This also means that the amendment will not have to proceed to a Panel.

Next steps

We are at Stage 2 of the Planning Scheme Amendment Process as detailed below in Figure 1 (Stages 3 and 4 are not required as there are no unresolved submissions).

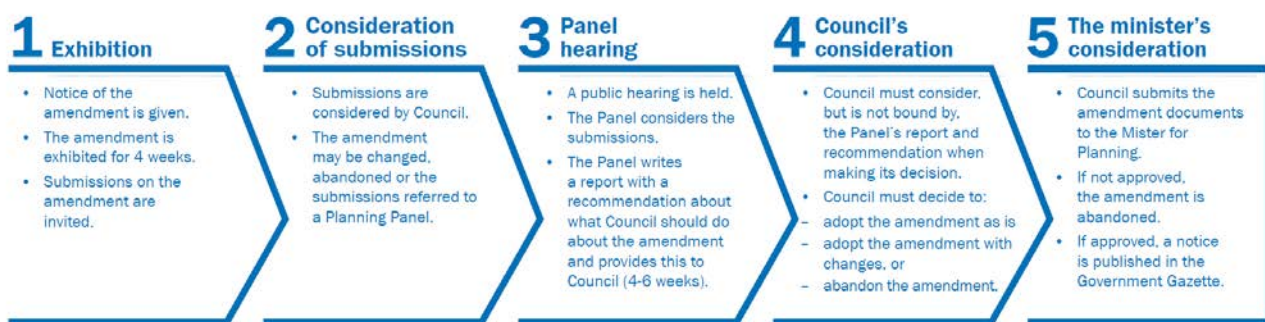


Figure 1. Steps in the Planning Scheme Amendment process

If Council resolves to adopt the Amendment, officers will prepare the final documents and submit these to the Minister for Planning for Approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to processes undertaken by DELWP.

FINANCIAL AND RESOURCE IMPLICATIONS

The fees for the amendment process have been covered by the Proponent as required and therefore there is limited financial and resource impact. <Enter text here>

CONCLUSION

Amendment C205 seeks to rezone part of 80 McDonalds Track, and Lots 1 and 2 Westernport Road, Lang Lang from Farming Zone to Industrial 1 Zone, and apply Schedule 20 to Development Plan Overlay and consider concurrently the subdivision of the land at 80 McDonalds Track into two (2) lots.

The amendment has been through a public exhibition process, receiving one submission seeking changes to the amendment. This submission has been resolved through the inclusion of additional wording in the Schedule to the Development Plan Overlay. Given this, the amendment can be adopted and sent to the Minister for Planning for approval.

--/-- **SCHEDULE 20 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO20**.

LANG LANG NORTH-WEST INDUSTRIAL 1 ZONE

1.0 Requirement before a permit is granted

--/20-- A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

All applications must be accompanied by a report demonstrating they will not prejudice the future development of the land in an integrated manner. Before granting a permit the responsible authority must be satisfied the permit will not prejudice the future use and development of the land in an integrated manner.

2.0 Conditions and requirement for permits

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The following requirements apply to land being developed or subdivided, where access is required from a Road Zone Category 1:

- Any new road access to Westernport Road must take into account the intersection of Stage 2 of the future Lang Lang Bypass and Westernport Road to ensure that it does not prejudice future access to Westernport Road from the Lang Lang bypass.
- Any new permit must provide or contribute to necessary street lighting and pedestrian access along Westernport Road to the intersection of McDonalds Track including along the southern side of Westernport Road, Lang Lang.
- A permit must not be granted until an Access is approved to the satisfaction of the responsible authority and VicRoads.

3.0 Requirements for development plan

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A development plan must include the following requirements to the satisfaction of the responsible authority:

- A treatment that creates an effective buffer between the industrial zoned land and the land to the north. A treatment may include open space, visual screening, streetscape or landscaping design, between the industrial zoned land and the land to the north. The land to the north will be developed for residential uses as nominated in the *Lang Lang Township Strategy (2009)*.
- For land that fronts Westernport Road, no new access to McDonalds Track is permitted.
- An Access Strategy that provides for vehicular access to lots abutting a Road Zone, Category 1 to be from service roads, side streets and internal subdivisional roads. The Strategy must also provide the construction of auxiliary lanes on Westernport Road at major access points. The Access Strategy must be to the satisfaction of the responsible authority and VicRoads.
- The nomination of a buffer zone within 300 metres of the property boundary of the South East Water Sewerage Treatment Plant which discourages sensitive uses within this zone due to adverse impacts from odour generated by the South East Water Sewerage Treatment Plant. These uses include; food and drink premise, café, convenience restaurant, office, retail premises or shop, education centre, leisure and recreation, caretaker house, service station, restricted retail, place of assembly, place of worship, and childcare centre.
- Guidelines for future buildings subject to the development plan. **The guidelines must address built form and building features with the intent to-minimise the**

impacts of internal operations on the amenity of adjoining residential areas. These features may include but are not limited to acoustic measures, air quality treatments and building materials. Any application for a planning permit must respond to these guidelines.