

4 LAND SALES OFFICE AT WESTERNPORT ROAD, LANG LANG

FILE REFERENCE INT175223

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Cara Moody

RECOMMENDATION

That a Refusal to Grant Planning Permit T160584 be issued for Use and development of the land for a land sales office with advertising signage, a reduction in car parking and alterations of access to a RDZ1 at CA 13E & 13F Parish of Lang Lang, Westernport Road, Lang Lang VIC 3984 for reasons outlined in this report.

Attachments

- | | | |
|---|-------------------|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 3 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160584
APPLICANT:	1st Choice Real Estate Agency (Brian McIntosh)
LAND:	Westernport Road, Lang Lang VIC 3984
PROPOSAL:	Use and development of the land for a land sales office with advertising signage, a reduction in car parking and alterations of access to a RDZ1
PLANNING CONTROLS:	Commercial 1 Zone
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by sending notices to adjoining land owners and occupiers. No objections have been received.
KEY PLANNING CONSIDERATIONS:	The visual impact of the sales office on a gateway site in Lang Lang. How the proposals response to the Lang Lang township strategy
RECOMMENDATION:	Refusal

BACKGROUND:

There is no previous planning history for the site.

SUBJECT SITE:

The site is located on the eastern corner of Westernport Road and McDonalds Track.

There are no crossovers or easements located on the land.

The site is currently vacant with the topography of the land being flat.

The main characteristics of the surrounding area are:

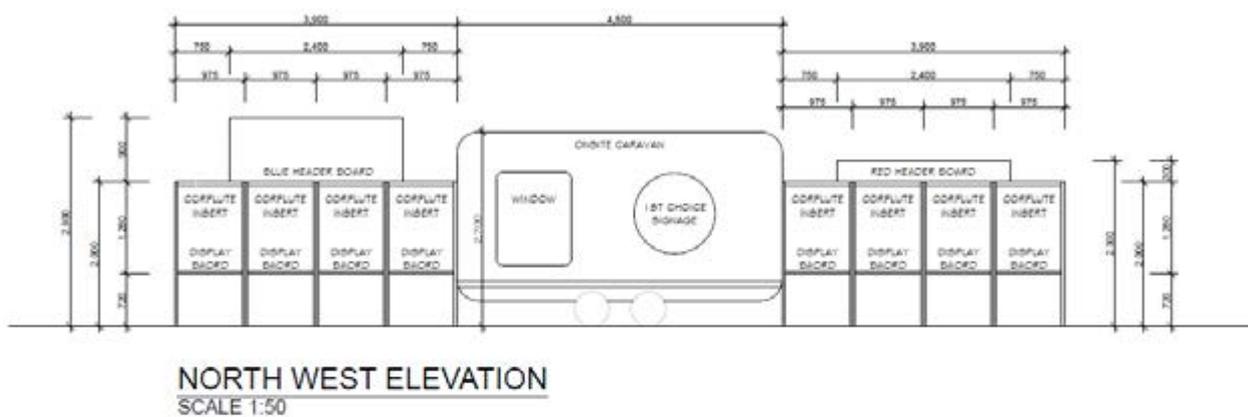
- North: Directly north of the site is Westernport Road (the main street of Lang Lang) across the road from this is a dwelling and kitchen store before reaching Lang Lang community hall and Thwaites Park.
- East: Directly east of the site is a fish and chip shop following this is a mixture of dwellings and commercial stores that make up the main street of Lang Lang.
- South: Directly south of the site is residential developments and McDonalds Track.
- West: Directly west of the site is the Westernport Road, McDonalds Track roundabout, beyond this is Lang Lang Showgrounds, the Lang Lang Hotel and various warehouses.

PROPOSAL:

The applicant is proposing to use the land for a temporary land sales office, selling land for three different subdivisions/estates in the Lang Lang vicinity. It is proposed that the land sales office will be situated in a caravan and include signage, no car parking is provided on the site, thereby requiring a planning permit for a reduction in car parking.

It is proposed that the sales office would operate on weekends with the occasional Friday evening, and be manned by one person, allowing for passers-by to grab a brochure about the nearby land for sale.

The caravan would be located 7.5m from the northern title boundary across both properties, with signage located either side of the caravan facing the roundabout. There would be a crushed rock all-weather track located in front of the caravan and a path towards Westernport Road. The caravan and signage appears as below:



PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01-2 Urban Design Principles
- Clause 15.01-5 Cultural Identity and Neighbourhood Character
- Clause 17-01-1 Business

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-3 Rural Townships
- Clause 21.06-1 Design and Built Form
- Clause 21.07-4 Lang Lang

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signage
- Clause 52.06 Car Parking
- Clause 52.29 Land adjacent to a RDZ1 or a PAO for a Category 1 Road
- Clause 65 Decision Guidelines

Zone

The land is subject to the Commercial 1 Zone

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

The proposal for *the* use and development of the site for a Land Sales Office, associated Signage and a reduction in Car Parking requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-1 of the Commercial 1 Zone a planning permit is required for the use of the land for a Land Sales Office.
- Pursuant to Clause 34.01-4 of the Commercial 1 Zone a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 52.05-7 of the Advertising Signage Provision a planning permit is required to have promotional signage on a vacant site.
- Pursuant to Clause 52.29 of the Land Adjacent to a RDZ1 or a PAO for a Category 1 Road Provision a planning permit is required to alter access.

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.

No objections have been received.

REFERRALS

Vic Roads:

The application was referred to Vic Roads as a statutory referral. Vic Roads had no objection to the proposal.

DISCUSSION

The proposal has been assessed against all relevant Clauses of Cardinia Planning Scheme and determined to be inappropriate for the site.

State and Local Planning Policy Framework

Clause 15.01-2 (Urban Design Principles):

The objective of the Urban design principles (Clause 15.01-2) is to achieve architectural and urban design outcomes that contribute positively to the local urban character and enhance the public realm, while minimising detrimental impact on neighbouring properties. In regards to this context, development needs to take into account the strategic context of the location, being a gateway site into Lang Lang, the usage of the land for a sales office does not meet the requirements below.

The clause states that new development needs to respect the historic precedent of the area, it is considered a caravan of this nature does not meet this requirement. It also goes on to identify that new development should achieve high standards in architecture and urban design, however despite cleaning up the appearance of the caravan and painting it to reflect the signage and business logo the required level of urban design is not met.

Clause 21.06-1 Design and built form:

Clause 21.06-1 outlines objectives that should be met in order to create site responsive designs that take into account the character and constraints of a site and wider area. One of the objectives is to:

- 'To promote a high standard of design which creates a strong character and identity for the area, provides for functional built environment and promotes community and personal safety.'

This objective is overlooked by not responding to the existing character of the area, or the township strategy already in place. Best practice in design is not met and the development fails to contribute to the character, identity and sense of place of the Lang Lang Township.

Clause 21.07-4 (Local Areas: Lang Lang) and the Lang Lang Township Strategy:

The overall objective of the urban design clause within Lang Lang is to encourage development which creates a strong character and identity for the area, provides for a functional built environment and promotes community and personal safety. The proposal of a temporary land sales office contradicts this clause by not respecting the need to reinforce the character of the town, not developing the existing vacant lots to reflect the community and by detracting from the ideal memorable entry experience into Lang Lang from the gateway site. The Lang Lang township strategy is an incorporated document within the Lang Lang local area clause.

The Lang Lang township strategy promotes the need to facilitate residential development and subdivision of residentially zoned land. The land sales office is furthering this by promoting the sale of this land and ultimately the growth of the Lang Lang township. However the site chosen to locate this land sales office is contentious as it is specifically identified as a site that requires careful consideration and planning due to its gateway location into Lang Lang town centre. The site is located within the community and cultural precinct of the township as identified by the strategy, meaning that any use on these sites needs to promote evening and weekend community activity, incorporate open space and include complimentary shops, cafes, restaurants or related retail facilities. Desired form and character needs to positively reflect a strong landscape setting, civic associations, be of high quality, and accommodate heritage and cultural associations, high pedestrian and amenity connections and should accommodate off street car parking to the rear.

Being a gateway site into the main street of Lang Lang the site needs to encourage innovative design that upgrades the streetscape of the town centre while also reflecting existing character. Utilising the site for a temporary sales office prevents development on the site for three years thereby also preventing employment opportunities for the local community who already have a below average employment rate compared to the overall for Cardinia. The proposed use and development does nothing to consolidate the towns commercial precinct and it creates a harsh point of focus.

Commercial 1 Zone

The Commercial 1 Zone is in place to create a vibrant mixed use commercial centre for retail, office, business, entertainment and community uses. The use of the land for a land sales office is a section 2 use within this zone and considered unusual given the sales office is not located on the land for sale. If it had of been located on the land that is for sale, then no permit would have been required. The proposed use may impact the amenity of surrounding residential uses; it is recognised that the application has been advertised to neighbouring residential lots without objection.

The proposed development will promote the movement of pedestrians and vehicles around the site without any improvements to existing pedestrian/car parking infrastructure. The reduction to car parking has been assessed by council's traffic engineering department as of no concern. The development is well setback and of a temporary nature, which is out of character with existing development in the area. It is not considered that the development enhances the streetscape nor signify the importance of the gateway site.

The site is a prominent corner in Lang Lang, a caravan used as a land sales office would not complement the amenity of the Lang Lang Township and disregard the design objectives for the Westernport Road/McDonalds track community and culture precinct.

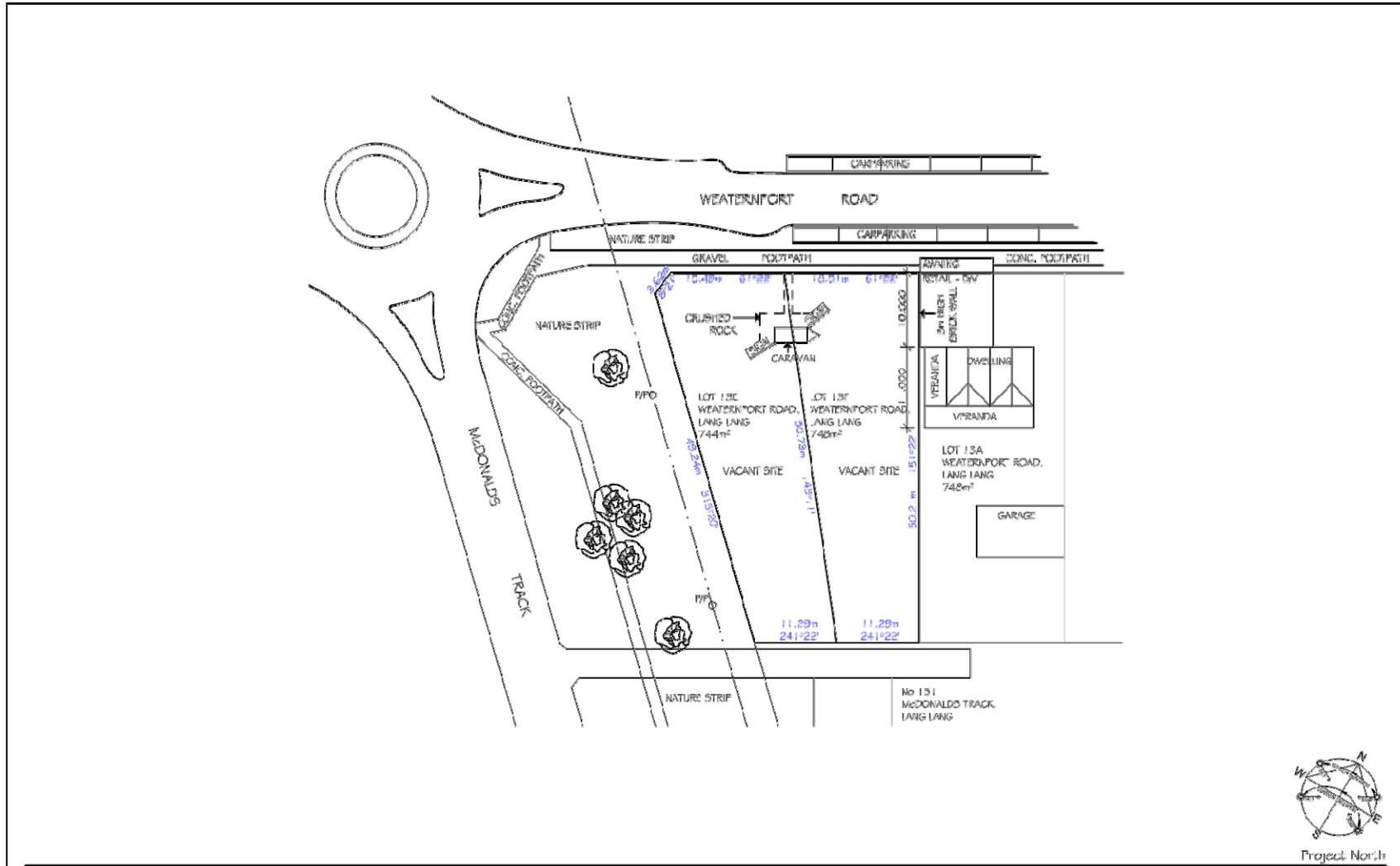
CONCLUSION

In conclusion, the proposal is not consistent with the purposes and objectives of the relevant provisions of the Cardinia Planning Scheme. The proposed use and development is considered inappropriate for the subject site and surrounding area and therefore it is considered that the proposal should not be supported.

It is recommended that a Refusal to Grant Planning Permit T160584 be issued for the 'Use and development of the land for a land sales office with advertising signage, a reduction in car parking and alterations of access to a RDZ1' at CA 13E & 13F Parish of Lang Lang, Westernport Road, Lang Lang, on the following grounds:

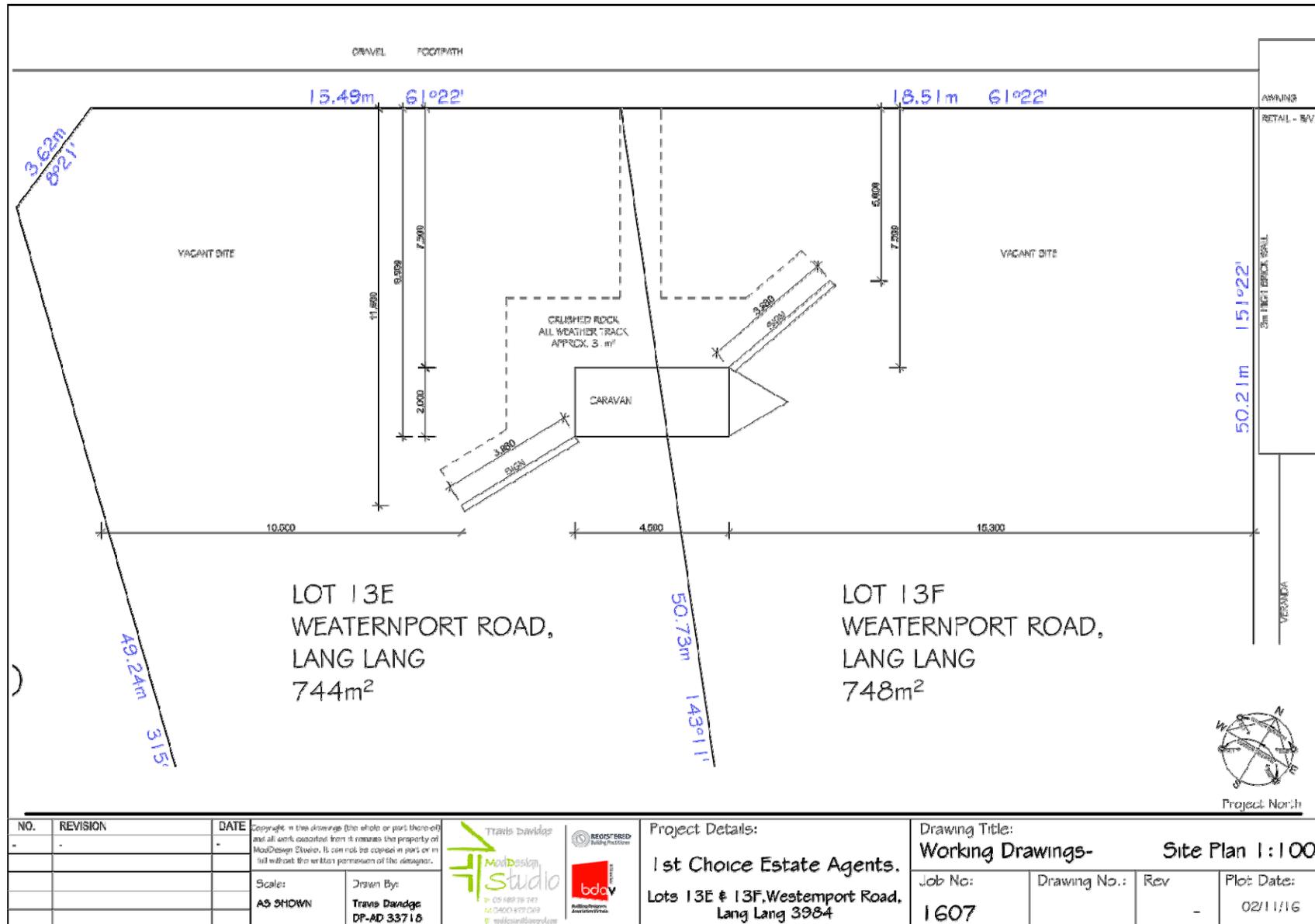
1. The proposal fails to adequately satisfy the following Clauses of the Cardinia Planning Scheme:
 - a) Clause 15.01-2 (Urban Design Principles)
 - b) Clause 21.06-1 (Design and Built Form)
 - c) Clause 21.07-4 (Local Areas: Lang Lang)
2. The development contradicts the principles of the Lang Lang Township Strategy.
3. The proposal fails to meet the purpose of the Commercial Zone



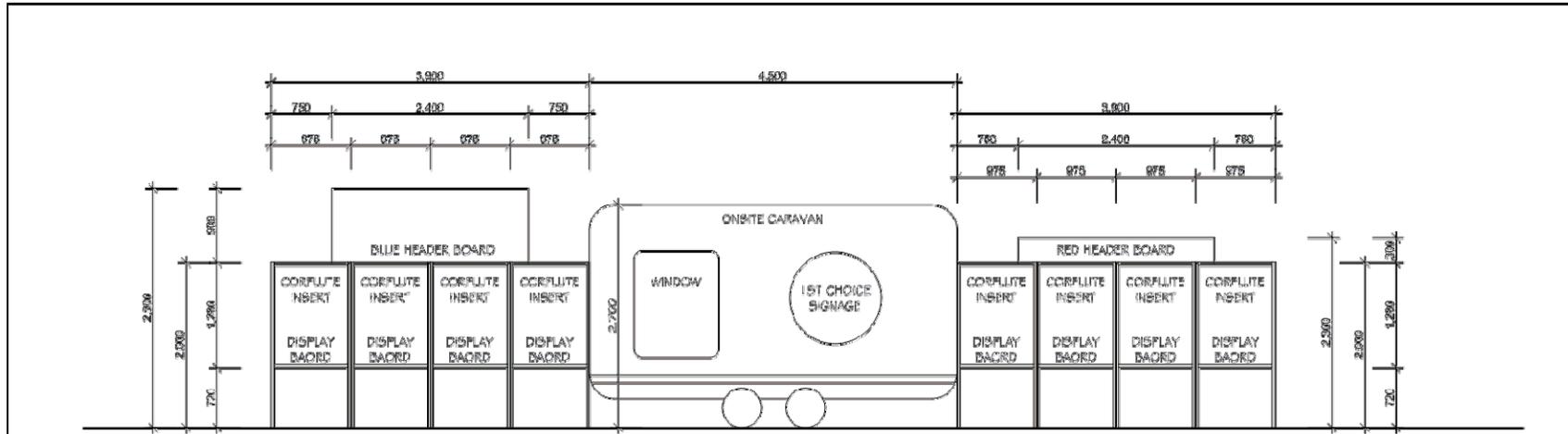


Project North

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NORTH WEST ELEVATION
SCALE 1:50



BLUE HEADER BOARD



RED HEADER BOARD



DISPLAY BOARD



CARAVAN SIDE VIEW



CARAVAN FRONT/REAR VIEW

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