

9.4 PLANNING PERMIT APPLICATION PLP252/18 FOR MAJOR PROMOTIONAL SIGN AT 127A NORTHERN HIGHWAY KILMORE

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File No: PLP252/18

Attachments: 1. Proposed Plan

Property No.:	116852
Title Details:	Land in PC163005G (Volume 09702 / Folio 637)
Applicant:	Total Outdoor Media
Zoning:	Industrial 1 Zone
Overlays:	Nil
Objections Received:	3 objections received
Cultural Heritage Management Plan Required:	No. While the subject site is located within an area identified for cultural heritage significance, the proposed development is not a high impact activity thus negating the need for a Cultural Heritage Management Plan
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



Aerial image of subject site

SUMMARY

Planning permit application PLP252/18 seeks to obtain planning permission for the installation and display of a major promotional sign at 127A Northern Highway in Kilmore.

The site is zoned Industrial 1 and is not affected by Overlays. The site is located on the northern entry to the township. The subject site is affected by multiple easements which will be discussed in detail later in this report.

The application was advertised by mail to adjoining properties as well as by placing a site on the site. Three objections were received to the application.

It is recommended to refuse the application.

SITE AND SURROUNDS

Subject Site Description

The subject site (legally described as Land in PC163005G, Volume 09702 / Folio 637) is located at 127A Northern Highway in Kilmore. The site is generally rectangular in shape with a splayed north-east corner, and is located on the south-west junction of Northern Highway and Willowmavin Road, Kilmore. The site has a northern property boundary of 96.99m (adjoining Willowmavin Road), depth of 52.68m (western property boundary) resulting in a lot yield of 5385sqm.

The site is developed with an existing industrial building located within the western aspect of the site and is currently used as a depot for VicRoads. A metal post fence traverses the eastern and northern boundaries and existing vegetation (shrubs) can be found in the western aspect of the site. Vehicle access is provided via an access lane adjoining the Northern Highway.

Car parking for the depot is found adjoining the depot building accessed via the vehicle crossing to the service lane. Modest sized business identification signage identifying VicRoads depot can be found on the site, along with a promotional sign affixed to the fence facing north, promoting a nearby garden supply centre.

The site is located at the northern end of the Kilmore Township within the Industrial Precinct of Kilmore.

Planning Background

A search of Council's electronic records system has not identified any previous planning permits issued at the subject site.

Title/Restrictions/Agreements

The copy of title is not encumbered by any covenants, restrictions or Section 173 Agreements. The following easements traverse the site:

E-1: located in the south-east corner of the site for drainage purposes.

E-2: traversing the site centrally for sewerage purposes.

E-3: located in the east of the site for drainage and sewerage purposes.

E-4: located in the north-east corner of the site for drainage and water supply purposes.

E-5: located along the northern property boundary in the east portion of the site for sewerage purposes.

E-6: located in the south-west corner of the site for drainage and sewerage purposes.

The sign is proposed to be installed within Easement E-4. Council's engineers have identified the need for detailed footing plans and the location of existing services before providing draft conditions. Further, Goulburn Valley Water have reviewed the proposal and identified concerns with the location of the sign in relation to E4. This is discussed further below.

Surrounding Area

The surrounding area to the immediate north, east and south of the subject site are within common zoning (Industrial 1 Zone). The site to the west of the site is used for industry (concrete batching) and to the south is used for a shed company. The site to the north of the subject site is used for commercial purposes (horse supplies).

The land to the east of the site (east of the Northern Highway) is within the Rural Living Zone and is used and developed for rural residential purposes.

Further south of the site is the Kilmore Township.

PROPOSAL

The proposal entails the installation and display of a major promotion sign (refer Attachment 1, proposed plan). Specifically, this includes:

- The installation of a sign in the north-east corner of the site, proposed to be setback 10m from the northern property boundary (Willowmavin Road) and 1m from the eastern property boundary (Northern Highway).
- The proposed sign measures 12.66m (wide) x 7m (high, overall) with a total display area of 42.21sqm.
- The display area is to be static (not electronic) in nature.
- The display area of the sign is proposed to sit 3m above natural ground level.
- The sign is proposed to display promotional content, which will vary over time depending on the clients purchasing the display space.
- The proposed sign is to be illuminated via floodlights located under the sign which would project light up to the content.
- The sign also contains a small cladding area underneath the display area containing a small corporate logo for the applicant.
- The proposed installation does not require any trees to be lopped, destroyed or removed.

APPLICATION HISTORY

Planning permit application PLP252/18 was received by Council 4 October 2018. A request for further information was made 30 October 2018 with the requested information supplied in full 1 November 2018. The applicant was notified of the requirements for public notification on 15 November 2018. The application proceeded to public notification which concluded on 7 December 2018. Three objections were

received during the public notification period. Through the assessment of the application where officers have outlined their concerns with the proposal.

PLANNING SCHEME PROVISIONS

Zoning

The subject site is located within the Industrial 1 Zone pursuant to Clause 33.01 of the Mitchell Planning Scheme.

As per Clause 33.01-5 of the Scheme, sign requirements are specified within Category 2 of Clause 52.05 (Signs) of the Scheme.

Overlays

The subject site is not affected by any overlays.

Particular Provisions

Clause 52.05 - Signs, Category 2 – Office and Industrial.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

Refer Attachment 2 – Planning Policy Framework.

Other Considerations

Kilmore Structure Plan – Planning Scheme Amendment C123

The Kilmore Structure Plan is an adopted strategy of Council and is proposed to be inserted into the Mitchell Planning Scheme as part of Planning Scheme Amendment C123. The final amendment has been adopted by Council and is currently with the Minister awaiting approval meaning it is seriously entertained for decision making purposes.

Amendment C123 includes new proposed policy for Local Areas at Clause 21.11-3 which includes the following relevant policy statements:

“Built environment” - *“Ensure development has regard to prevailing built form elements such as setbacks and site coverage, and enhances the surrounding neighbourhood character.”*

“Economic development - *“Ensure high quality urban design, built form and landscaping outcomes are achieved in new commercial and industrial developments”.*

It is noted that approval of planning scheme Amendment C123 by the Minister for Planning is anticipated to be imminent.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of letters to adjoining landowners and occupiers and a sign on the property frontage facing Northern Highway. A total of three objections have been received and are addressed in the section Objectors’ Concerns later in this report.

Consultation

The applicant and all objectors were invited to address Council in support of their submissions at the Community Questions and Hearings Committee on Monday 11 February 2019. Those submissions have been taken into account in the finalisation of the recommendations of this report.

REFERRALS

External

The application was referred to VicRoads pursuant to Clause 66 of the Scheme in accordance with Section 55 of the Act. VicRoads did not object to the issuing of a planning permit subject to conditions (13 November 2018, VicRoads Ref: 27352/18).

The application was also referred to Goulburn Valley Water pursuant to Section 52 of the Act for comment owing to the proposed sign's location within the authority's easement. Their response outlined an objection to the application on the basis that the proposed sign does not demonstrate that any structures will be clear 1m laterally from the edge of any assets located within easement.

They also note that footings must be clear of the previous trenching works associated with the construction of the 450 sewer outfall main. The plans supplied by the applicant do not appear to demonstrate that this has been achieved. Goulburn Valley Water also outline that they would consider withdrawing their objection should sufficient information be supplied to demonstrate the sign would not pose impacts to assets within the easement. The applicant was notified of this request, however they declined to supply the requested engineering plans at this time.

Internal

The application was referred to Councils Engineers in relation to the location of the drainage easement. Their response identified that the plans supplied do not include adequate footing information or specify the location of existing services to provide detailed advice. The applicant indicated that until the application is finalised they are not in the position to obtain the final engineering drawings to resolve this matter. This is discussed further below.

DISCUSSION

Response to Policy Framework

The relevant objectives of the Planning Policy Framework seek to encourage the use of industrial land within the established industrial area whilst supporting the commercial and employment opportunities it provides. Further, the Planning Policy Framework outlines the objective to ensure high quality design is upheld especially in locations that are considered contributory to the township and wider streetscapes.

Of relevance to this application is the need to ensure that developments along main streets is sympathetic to the wider area. The proposed sign encompasses a total of 42.21sqm and is to be located within a prominent location on the main street of the Kilmore township. Whilst it is noted that this is not identified as a key gateway of the township within the Kilmore Structure Plan, it is none the less considered to be a significant contributory gateway transitioning from the industrial area to the township to the south and rural areas to the north.

As described in the VCAT decision *Total Outdoor Media Pty Ltd v Mildura RCC (2019) VCAT 38*, regardless of the location of the site not being a designated gateway location, the location is still recognised as a central location within the township applicable to the site. This decision is of relevance to this proposal under consideration given the subject sites prominence within the entrance to the Kilmore township. In addition, within the current Clause 21.11-3, Kilmore (and associated map), it states that the Industrial Precinct should be developed as an attractive gateway to the township demonstrating the importance of the site in relation to presentation of the Kilmore township.

On balance of the objectives within the Planning Policy Framework, it is considered that the proposal fails to strike a fair resolution of the need to contribute to the local economy, preserve the industrial land, whilst meeting an appropriate urban design response to the contributory gateway location of the site. Further, the addition of a major promotion sign within the industrial location is not considered to be an attractive addition to the gateway to the Kilmore township. For these reasons, it is considered the proposal results in an inappropriate response to the objectives of the Planning Policy Framework and is unresponsive to the gateway of the township.

Particular Provisions - Signage

Clause 52.05, Category 2, seeks to provide for adequate identification signs and signs that are appropriate to office and industrial areas. It is noted that Category 2 is a low limitation area with regards to signage. Clause 52.05-8 outlines general considerations in addition to major promotion sign considerations.

The general decision guidelines for signs pursuant to Clause 52.05-8 outline considerations of the character of the area, impacts of views and relationship to streetscape. Whilst it is acknowledged that the site is located within the established Industrial Zone with signage found within the proximity of the site, the surrounding signs are typically business identification in nature rather than promotional and are of modest sizes and scales relative to their host building or site. The proposed sign under consideration is of significant size and will sit above the height of the fence and site structures. As such, the sign is considered to result in a poor response to the site and the surrounds and is of stark contrast to the business identification signage found nearby.

With regards to major promotion signs, the decision guidelines of Clause 52.05-8 outline that consideration must be given to the streetscape, and any gateway location identified within a framework plan or local policy. Given the industrial area within Kilmore is contained within the existing local policy (Clause 21.11) it is considered the visual appearance of the proposed sign is excessive and likely to impact the gateway location as described above. Further, Clause 52.05-8 outlines that major promotion signs are encouraged in industrial locations when it complements or enhances the character of the area and should be discouraged where they will form a dominant visual element in the streetscape.

The proposed sign encompasses a vast display area and is noted to be used to display a variety of messages depending on commercial sponsorship. The sign is shown on the plans as sitting 3m above ground level, although the applicant has expressed the overall height could be reduced by 1m to assist in reducing the visual impact of the sign. It is considered that the reduction would not reasonably reduce the visual impact and will not enhance the character of the area.

Further, the proposed sign is to be located on the narrow aspect of the site (adjoining the 28.42m eastern property boundary) contributing to the overall visual dominance of the sign within the streetscape as viewed from the Northern Highway. It is considered the inclusion of a major promotional sign within a narrow frontage to the Northern Highway does not allow adequate space for the sign to site conformably within the site contexts and is ill suited to the Kilmore township context.

Therefore, the proposal is not consistent with the decision guidelines and guiding principles of Clause 52.05-8, as it is likely to result in a dominant visual element in the streetscape and is a poor response to the context of the site and its surrounds.

Easement considerations

As described above, the proposed sign is located within easement E4 identified on CP163005G. Comments were sought from Council's Engineering Department in relation to the footings of the sign and potential impacts on the asset within the easement, however the applicant has not supplied engineering plans or other details regarding this. It is suggested by the applicant that this information can be supplied at a later date and be resolved via permit conditions. However, without this information it cannot be fully satisfied that the proposal will not result in impacts on existing assets.

Goulburn Valley Water also detail that they would consider withdrawing their objection should the applicant supply evidence to their satisfaction that the required clearances can be met from the asset.

Again, the applicant indicated that full engineering drawings are not available at this stage and that these requirements can be resolved at a later stage should a permit be granted. However, without this information it is considered that it cannot be reasonably demonstrated that the assets within the easements will not be impacted. Therefore, Goulburn Valley Water object to the grant of the permit.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters and are addressed below:

- **Illumination:** Concerns have been raised that the floodlight sign will result in unreasonable illumination to the residential land to the east of the site. The applicant has supplied a statement confirming that the illumination is not capable of causing impacts given the contained nature of the lighting and the distance to the residential dwellings. As such, illumination will not form a refusal ground.
- **Heritage considerations:** Concerns were raised in regards to potential heritage impacts. The subject site is not located within a Heritage Overlay, nor are the immediate surrounding sites. It has been previously noted within this report the potential impacts on the surrounding character.
- **Traffic implications:** The proposed sign was referred to VicRoads in regards to road safety and proximity to the road zone (Northern Highway). VicRoads did not raise any objections or identify any traffic safety implications.

CONCLUSION

The proposed major promotion sign at 127A Northern Highway Kilmore has failed to demonstrate a reasonable response to the site and surrounds given the scale of the

sign, height of the structure and narrow frontage the site is afforded. The location of the site is identified as being an opportunity to provide an attractive gateway to the Kilmore township, however the likely visual prominence of the sign is not considered to be able to fulfil this objective given its scale. Insufficient information has been supplied to determine that the proposed sign will not pose impacts on services contained within the easement E4. As a result, it is recommended to issue a refusal to grant a planning permit.

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a refusal in respect of Application No. PLP252/18 for the installation of a major promotion sign at Land in PC163005G (Volume 09702 / Folio 637), known as 127A Northern Highway Kilmore, on the following grounds:

1. The proposal does not meet the relevant objectives of Clause 21.11-3 of the Mitchell Planning Scheme by failing to contribute to an attractive gateway to the Kilmore Township.
2. The proposal does not satisfactorily meet the decision guidelines of Clause 52.05-8 of the Mitchell Planning Scheme with regards to the impact on streetscape, and the overall visual dominance of the sign.
3. The site context does not allow for a major promotion sign to fit comfortably within the surrounding landscape.
4. The proposal may result in impacts of services contained within easement E4 on CP163005G and insufficient engineering information has been supplied to demonstrate that the stormwater and sewer assets will not be adversely affected.
5. The proposed sign is at odds with the local policy direction proposed to be inserted into the Mitchell Planning Scheme through Amendment C123 around Built Environment and Economic Development.
6. The proposal is contrary to proper and orderly planning pursuant to Clause 65.01 of the Mitchell Planning Scheme.

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

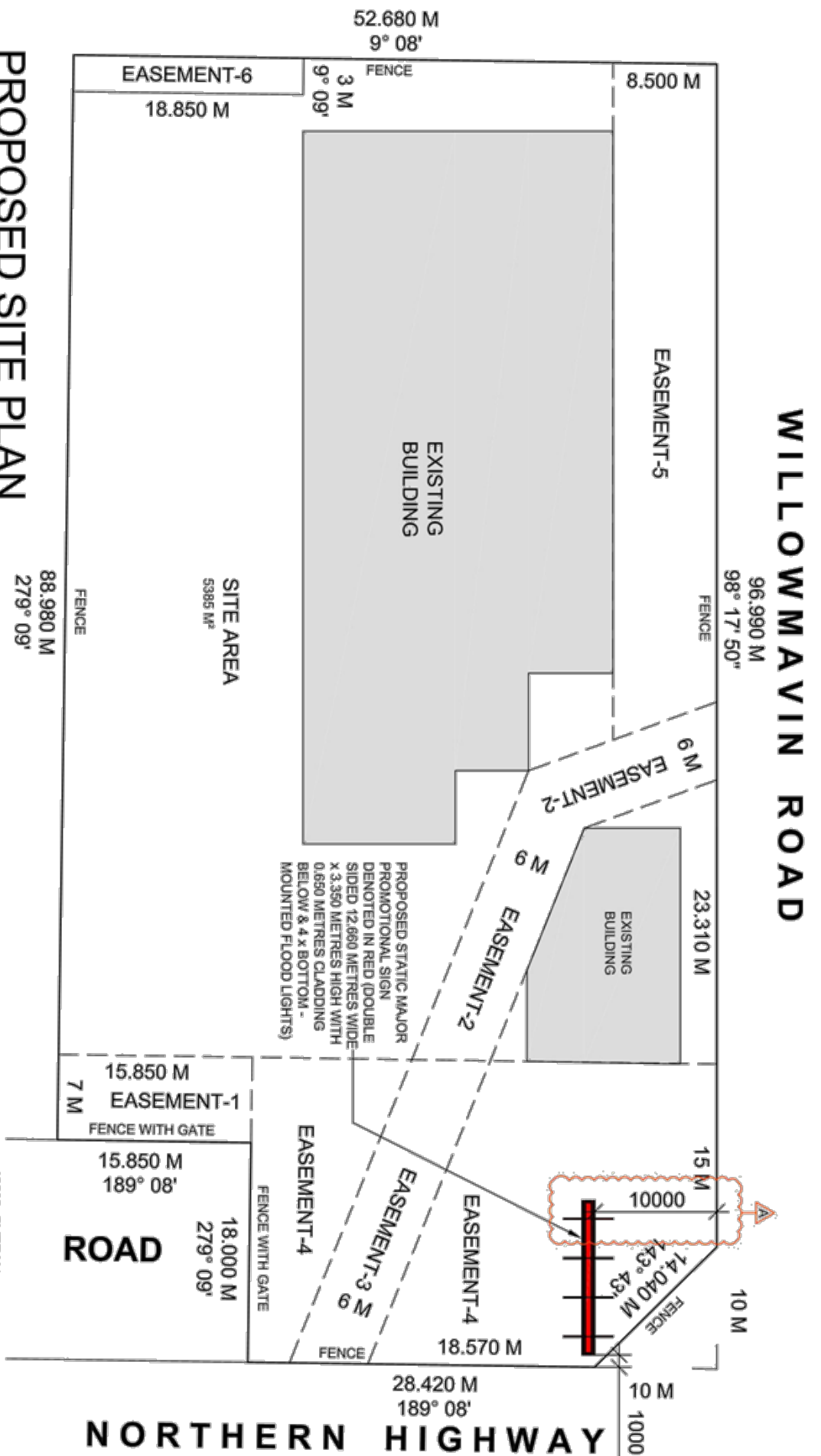
18 FEBRUARY 2019

9.4

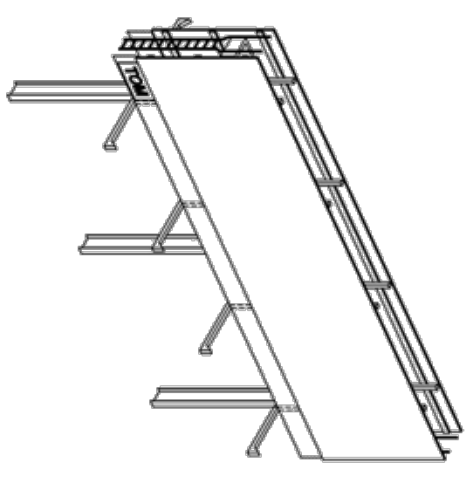
**PLANNING PERMIT APPLICATION PLP252/18
FOR MAJOR PROMOTIONAL SIGN AT 127A
NORTHERN HIGHWAY KILMORE**

Attachment No: 1

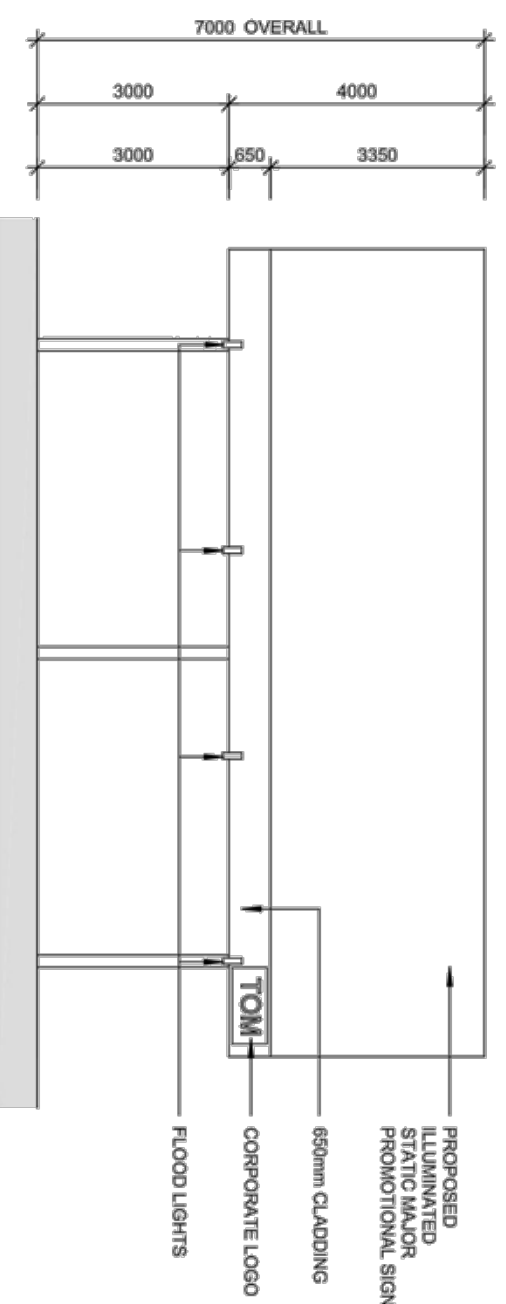
Proposed Plan



PROPOSED SITE PLAN
1 : 400

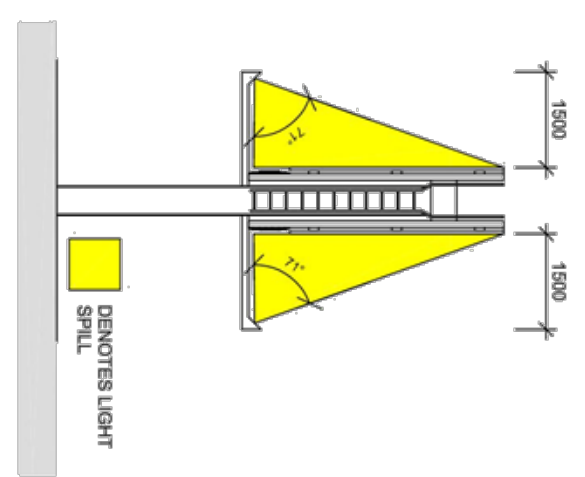


AXONOMETRIC VIEW



TYPICAL PROPOSED SIGN ELEVATION
1 : 100

TYPICAL LIGHT SPILL DIAGRAM - SIDE VIEW
1 : 100



ISSUE / REVISION	DATE
A ADDITIONAL DIMENSION TO THE PROPOSED SIGN FROM THE NORTHERN BOUNDARY LINE	31.10.18

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PROJECT TITLE
CONSTRUCT & DISPLAY OF A STATIC MAJOR PROMOTIONAL SIGN AT 127A NORTHERN HWY KILMORE

SHEET TITLE
PROPOSED SITE PLAN, ELEVATION, LIGHT SPILL DIAGRAM & AXONOMETRIC VIEW

SCALE: As indicated

DATE: 02/10/2018

ORIENTATION

DWG No. TP118-31

CHECKED: FP

DESIGNER: JDI

SHEET NO. 1 OF 1

JOB No. 18032