



Southern Grampians
SHIRE COUNCIL

Planning Committee

Minutes

6 May 2024

To be held at 12.30 pm in the
Martin J Hynes Auditorium
5 Market Place, Hamilton

Contents

| | | |
|-----|--------------------------------------|----|
| 1. | PRESENT | 3 |
| 2. | WELCOME | 3 |
| 3. | APOLOGIES | 3 |
| 4. | CONFIRMATION OF MINUTES | 3 |
| 5. | DECLARATION OF INTEREST | 3 |
| 6. | MATTERS FOR DECISION..... | 4 |
| 6.1 | Planning application TP-71-2023..... | 4 |
| 7. | NEXT MEETING..... | 27 |
| 8. | CLOSE OF MEETING | 27 |

1. PRESENT

Councillors

Cr Mary-Ann Brown
Cr Fran Malone

Officers

Mr Rory Neeson, Director Wellbeing Planning and Regulation
Mr Darren Barber, Director, People and Performance

Minutes

Sharon Clutterbuck, Executive Assistant - Director Wellbeing Planning and Regulation

2. WELCOME

3. APOLOGIES

Marg Scanlon, Director Infrastructure and Sustainability

4. CONFIRMATION OF MINUTES

Minutes of the Meeting held on 18 September 2023 have been circulated.

RECOMMENDATION

That the Minutes of the Planning Committee meeting held on 18 September 2023 be confirmed as a correct record

Moved: R Neeson
Seconded Cr Malone

Carried

5. DECLARATION OF INTEREST

Nil

6. MATTERS FOR DECISION

6.1 Planning application TP-71-2023

Executive Summary

The application proposes the erection and display of a promotional sign at 7 Ballarat Road, Hamilton. The sign is to be located within the front setback, beside the existing building and on the western side of the lot adjacent to the Grange Burn river frontage. The sign would be prominently displayed for traffic travelling on Ballarat Road.

The application has been assessed against planning policy at Clause 15.01 of the Southern Grampians Planning Scheme, the sign provisions of Clause 52.05 and decision guidelines of Clause 65 and found to be inconsistent with the objectives and requirements of the Planning Scheme. Specifically, the assessment revealed that the proposed sign would have an adverse amenity impact, particularly on the river front and surrounding landscape character and is not orderly planning for that area. The sign does not relate to the business operating on the land and therefore does not directly support that existing commercial use.

Proposal

The application proposes the construction and display of an illuminated promotion sign at the front of the subject site. The sign is setback 600mm from the front boundary and angled away from Ballarat Road eight-degrees. The sign has a total display area of 17.5 square metres (sqm) with dimensions of 7.0m by 2.5m. The sign is erected 4m off the natural ground level on black painted posts and a media lightbox with black skirting will extend across the lower edge of the sign with a height of 500m.

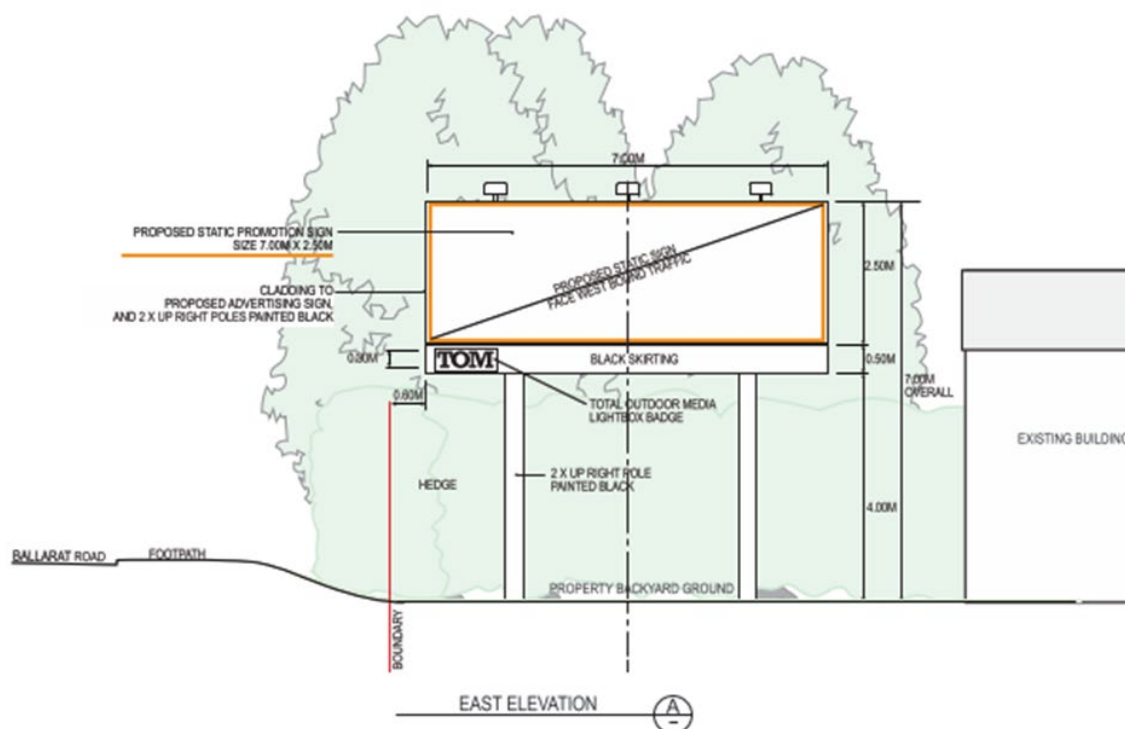


Figure 1: Extract of town planning drawings (east elevation)

The sign is proposed to be illuminated by overhanging downlights which extend in front of the sign. No animation or dynamic elements are proposed.

No vegetation is proposed to be removed to enable the construction of the sign and no buildings or other works are proposed. Subject Site & Locality

Permit/Site History

The site has a total area of 2,279sqm and currently contains:

- A commercial building with driveway and carpark
- Landscaped vegetation within the Grange Burn backdrop.
- Frontage to both Ballarat Road and Jessop Street.

The main site/locality characteristics are:

- The Grange Burn river and its surrounding environs (vegetation) is located immediately west of the site.
- The site is on the outbound side of Ballarat Road (from Hamilton CBD).
- The site is within a Commercial 1 Zone pocket to the east of the Grange Burn and is a transition area through to residential areas.

For a signage context, there are two other notable signs, shown in Figures 3, 3a and 3b below, within relatively close proximity to the subject site. These sites have a different site context for the signs due to their location and orientation relative to their backdrop, which comprises a more urban form than the 7 Ballarat Road site.



Figure 2: Subject site location (source: Nearmap, December 2023)



Figure 3: Location of other notable larger signs in the area



Figure 3a: Location of Major Promotion Sign (billboard) – as above



Figure 3b: Location of Electronic Sign – as above

The history of the site includes:

- TP/028/2004 permit issued on 22 April 2007 for land at 7-11 Ballarat Road, Hamilton for the Erection of (a) shed for (a) factory extension.
- TP/007/2010 permit issued on 2 February 2011 for land at 7-11 Ballarat Road, Hamilton for Buildings and Workd to extend an existing industry (Joinery Factory).

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.
- Placing (a) sign(s) on site
- SGSC Website

The notification has been carried out correctly.

Council has received no objections to date.

Referrals

There are no referral authorities specified in the planning scheme for an application of this type.

Planning Framework

Clause 00 Purpose and Vision

The following clauses are the most recent to the planning application, particularly within the Municipal Strategic Statement:

- Clause 02.01 Context

The Shire is located at a major highway junction and has good connections to the southeast of South Australia, as well as to agricultural regions. Primary production and conservation are the main land uses, followed by forestry and extractive industry. The Shire is known for its quality health and education sector, and has strengths in mineral sands processing, cutting tool manufacturing, and agricultural and building materials manufacturing. Fine wool production is famous in the Shire, but large-scale cropping, hay production, and horticulture are now bigger parts of the primary industry sector. Agro-forestry, mining, and renewable energy are expected to grow.

- Clause 02.02 Vision

The Shire's vision is to be a well-connected, dynamic regional centre, supporting a vibrant, healthy and inclusive community.

The Council Plan (2017-2021) identifies five fundamental priority areas. Those relevant to land use and development are to:

- Develop the regional economy and businesses.
 - Plan for the built environment and infrastructure.
 - Promote the natural environment.
- Clause 02.03 Strategic directions
 - o Clause 02.03-1 Settlement –

Activity Centres

Activity centres play a vital role in the settlements of the Shire and local economies. Retailing is the largest service industry, the mainstay of the activity centres, and a key part of the tourism industry. Other important activity centre uses include offices, community services, entertainment and housing.

The hierarchy of activity centres (refer to the Southern Grampians Shire Council Strategic Framework Plan at Clause 02.04) is:

- Hamilton (Regional Centre).
- o Clause 02.03-2 Environmental and landscape values

Biodiversity

In protecting and preserving biodiversity, Council will:

- Protect the environmental features and values of the Wannon and Glenelg Rivers and the Grange Burn.

Landscapes

In protecting the Shire's landscapes, Council will:

- Protect the landscape elements that contribute to lifestyle, tourism and amenity.
- Ensure that development does not adversely impact the landscape, environmental setting or presentation of the Shire.
- o Clause 02.03-5 Built Environment and heritage

Council will manage its built environment and heritage by:

- Protecting and enhancing the built environment.
 - Enhancing the presentation of town centres, streetscapes, main streets and town entrances.
- Clause 02.04 Strategic framework plan



Figure 4: Strategic Framework Plan

Clause 10 Planning Policy Framework

The following clauses within the Planning Policy Framework are the most relevant to the planning application:

- Clause 11.03-6S Regional and local places - consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
- Clause 11.03-6L Hamilton

This policy applies to all land shown in the Hamilton Structure Plan and Hamilton City Centre Urban Design Framework maps (Hansen Partnership, 2011).

Objectives

To cohesively plan for the use and development of land in Hamilton.

To achieve a liveable, beautiful, well planned and sustainable city.

Environmental and landscape values

Encourage new public open spaces or public links as part of development in areas shown as 'green loops'.

Protect and support public use of the Grange Burn and Lake Hamilton, community parkland and heritage buildings.

Provide wildlife corridors through open space and protect vegetation to allow for ease of movement for native species, including the Eastern Barred Bandicoot.

Protect existing canopy trees, particularly in areas with key landscape character such as heritage precincts, the central business district, Hensley Park and Robsons Road.

In planning for land near the Grange Burn:

- Link the key public land areas along the spine of the Grange Burn.
- Ensure new development and streetscape works implement water sensitive urban design.
- Improve the interface with the Grange Burn by encouraging new development to front this area, establishing paths and including private landscaping.

Protect key views and vistas within the city, including visual links from the city centre to the Grange Burn and natural landscape features to the south.

Encourage a high quality, landscaped presentation of private land along the 'inner gateways', 'outer gateways', major city entry avenues, boulevards and tourist-heritage routes.



Figure 5: Hamilton Structure Plan (Clause 11.03-6L)



Figure 6: Hamilton City Centre Urban Design Framework (Clause 11.03-6L)

- Clause 12 Environmental and Landscape Values - Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

- Clause 12.03-1S River and riparian corridors, waterways, lanes, wetlands and billabongs -to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.
Strategies include:
 - o Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.
 - o Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
 - o Enhance a sense of place and landscape identity by:
 - Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.
 - o Retain and enhance the recreation and amenity values along waterway systems by:
 - Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.
 - Protecting and enhancing parklands for their economic, social and environmental values.
 - o Design and site development to maintain and enhance the natural environment of waterway systems by:
 - Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.
 - Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.

- Clause 15.01-1S Urban Design – seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
 - o Strategies:
 - Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
 - Promote good urban design along and abutting transport corridors.

- Clause 15.01-1L Sign design – aims to ensure that signs are designed to be compatible with the scale, character and appearance of the site and area.

- o Strategies:
 - Encourage a high standard of design that provides diversity and adds visual interest.
 - Encourage signs relating to the use of the building as opposed to products.
 - Ensure that the design, location and appearance of signs does not create a traffic hazard.
 - Support promotional, floodlit, animated, high wall, panel, pole and sky signs that provide diversity and visual interest and are not detrimental to the character and appearance of the streetscape or individual buildings.
- o Policy guidelines
Consider as relevant:

Discourage promotional signs, except where:

- No part of the sign projects more than 3.7 metres above ground level.
- The advertisement area does not exceed 2 square metres.
- The sign complements the activity carried out on the land.

Zoning

Commercial 1 Zone

The subject site is within the Commercial 1 Zone. The purpose of this zone includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Clause 34.01-9 states that signage within the Commercial 1 Zone is Category 1.

Overlay

The site is within the Environmental Audit Overlay; however, the EAO is not relevant to the planning application as it relates to signage.

No further consideration of the overlay is required.

Particular Provisions

Clause 52.05 Signs

Clause 52.05 applies to the development of land for signs. Its purpose is:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Pursuant to Clause 52.05-11 (Category 1 – Commercial areas) a permit is required to display a promotional sign that exceeds 8 square metres.

Clause 52.05-6 includes some application requirements, including information relating to the site context and sign details as appropriate.

Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Before deciding on an application or approval of a plan, the responsible authority must consider this Clause 65.01 Approval of an application or plan.

Relevant Strategic Documents

Hamilton Structure Plan (prepared by Hansen 2011)

The Hamilton Structure Plan, prepared by Hansen Partnership in 2011, outlines a strategic vision for the development and growth of the town of Hamilton. The plan aims to guide future development, infrastructure investments, and land use decisions in a sustainable and coordinated manner. It addresses various aspects such as housing, transport, commercial areas, community facilities, open spaces, and environmental considerations.

The Hamilton Structure Plan is now located in Clause 11.03-6L of the Southern Grampians Planning Scheme as part of LPPF policy translation to the MPS and PPF restructure.

Relevant to the context of the site and the adjoining Grange Burn the following objectives are relevant:

- Improve the safety and amenity of the public realm.
- Improve the overall presentation of Hamilton, particularly at key 'gateway' locations.
- Ensure development achieves a high level of environmental sustainability.
- Protect key views and vistas within the city.
- Maintain and enhance the natural environment including remnant tree stands, waterways, and native vegetation.
- Ensure development does not compromise the environment, in particular waterways.

Summary of Key Issues

The key issues for consideration are:

- How does the proposal respond to the relevant provisions of the Southern Grampians Planning Scheme including the Planning Policy Framework?
- Does the sign and associated works form an orderly planning outcome for the site?

Assessment

An assessment of this proposal against the relevant provisions of the Southern Grampians Planning Scheme has been undertaken.

Municipal Planning Strategy

The proposal has been assessed against the MPS policy and is found to be in conflict with several objectives, particularly those related to environmental and landscape values.

Clause 02.02 Vision seeks to promote the natural environment. Promoting a natural environment can also be deemed to seek to protect the natural environment, including landscape settings that are a distinct part of the character of the area, in proximity to the subject site. The proposal provides for a sign that does not promote or protect the natural environment, by obscuring views of vegetation that provides a natural amenity to the locality, notably within proximity of the Grange Burn river.

The proposal does not give effect to Clause 02.03-2 Environmental and landscape values, inasmuch that the signage does not protect the environmental features and values of the Grange Burn. The landscape elements of the Grange Burn contribute to a sense of place in Hamilton and provide for a natural amenity. Development should not adversely impact the landscape setting or presentation of the shire. The location and size of the sign would impact this landscape setting and the presentation of the trees to the public realm, which forms part of a gateway into the Hamilton CBD.

Building on this, the proposal is contrary to Clause 02.03-5 Building Environment and Heritage, whereby it does not enhance the presentation of the town centre and entrance, given that Ballarat Road is a main street and provides a gateway into Hamilton (through to the Ballarat Road Bridge and Cox Street junction as the Hamilton CBD Gateway area).

Planning Policy Framework

On balance, the proposal is found to be contrary to the relevant clauses of the Planning Policy Framework.

The planning application cites some VCAT cases which relate to similar promotional signs. Council assess signage applications on a case-by-case basis and considers the importance of context based decision-making. In this instance, the location provides for distinctive characteristics that should not be overlooked (Clause 11.03-6S Regional and local places).

Regarding the Hamilton Structure Plan and the Hamilton City Centre Urban Design Framework (as shown in Figure 5 and 6), Clause 11.03-6L allows one to make observations about the subject site:

The site is situated on the eastern side of the railway overpass, on the fringe of the Hamilton CBD, and is adjacent to the Grange Burn.

The subject site is located to the immediate east of an identified inner gateway to the Hamilton CBD.

The site is in close proximity to the identified natural open space and 'green loop', which partially follows the Grange Burn.

The site is also located within an entry avenue area.

The proposed promotional signage is not compatible with some of these observations, especially within the context of the green loop, Grange Burn, entry avenue and gateway setting.

Key views and vistas and the interface with the Grange Burn are referred to as planning considerations within Clause 11.03-6L. The signage does not contribute towards a high-quality landscaped presentation and has the potential to disrupt existing views of natural landscape features.

The signage location could be improved in order to reduce the potential impact on the above matters. Its current location is not supported, and the application is not supported by the Hamilton Structure Plan (Clause 11.03-6L – Hamilton).

The proposal is also inconsistent with Clause 15.01-1S Urban Design, as it proposes signage that does not minimise its impact on the amenity provided by the surrounding natural environment.

Clause 12, Environmental and Landscape Values, provides some guidance on how to assess development applications where there is the potential for the natural environment to be impacted.

The sign intrudes upon the landscape values of the Grange Burn and its surrounding landscape setting. The signage location and size shown within the application does not maintain a sense of naturalness, seen from Ballarat Road towards the Grange Burn.

Clause 12.03-1S seeks to protect and enhance river and riparian corridors, waterways, lanes, wetlands and billabongs. The proposed signage does not minimise its visual intrusion on the natural landscape views, and is not visually subordinate to the local landscape setting, having a sign area of 17.5 square metres and a maximum height of 7 metres.

The proposal is considered to be inconsistent with Clause 15.01-1L Sign Design. The local signage policy discourages promotional signage, and the proposal does not meet any of the associated guidelines, summarised below:

The promotional sign projects more than 3.7 metres above ground level.

The advertising area exceeds the suggested 2 square metre limit by an additional 15 square metres.

The sign does not complement the activity carried out on the land.

The planning application, including town planning report, does not provide adequate justification to depart from this local policy. The planning report suggests that the sign can be accommodated given the site's context. Officer's view of the application is that the proposal conflicts with current planning policy. The site's context provides for a natural landscape that has been overlooked by the planning application and the sign is too large and conspicuous to comfortably sit within the site context.

Therefore, the application before Council does not meet the objective of the signage policy, as the sign is not compatible with the character and the appearance of the area.

Clause 52.05 Signs

It should be said that Southern Grampians Shire Council supports the display of signage in accordance with its local policies, in appropriate locations with an appropriate context. However, the siting of the proposed sign on the subject site is not appropriate.

The proposal does not provide for an acceptable response with reference to the purposes of this provision, including:

That the sign is not compatible with the amenity and visual appearance of an area, including the existing character of the site.

That the sign will result in the loss of amenity and adversely affect the natural and built environment.

The sign is not considered compatible with the visual appearance of the area, including the environmental backdrop provided by the established vegetation within the Grange Burn reserve. The sign too extends higher than the building on the site and therefore is not subservient to existing site features.

A review of the sign's location, including photographs provided with the submitted planning assessment, confirms that there will be a visual impact on the existing environment, particularly from the east-west on the approach to the CBD. Views of the Grange Burn environs (including its river bank vegetation) can be seen from the private and public realm, including from roads such as Ballarat Road and around the subject site locality. Large established trees that are important to the character of Hamilton's locality are visible in these views. The sign would interrupt this vegetated entry to the CBD and reduce the amenity of the treed backdrop.

Southern Grampians Shire has policy documents, such as the Hamilton Structure Plan, which clearly identifies the importance of the Grange Burn. Development, including signage, should be subservient to the environmental backdrop of the Grange Burn and associated vegetation, given its importance and visual prominence as it passes through Hamilton.

The decision guidelines and purposes of Clause 52.05 require appropriate consideration of the environment and the visual appearance of a locality. These considerations allow the

responsible authority to consider situations where signage would be inappropriate, and matters relating to the environmental and visual impact should be assessed carefully on a case-by-case basis.

Whilst the signage does not necessarily need to enhance the character of the area, it is argued that it is not compatible with the backdrop and context that it sits within.

The proposal is also at odds with some of the decision guidelines provided for the responsible authority by Clause 52.05-8. Although the proposed sign meets some guidelines, it is inconsistent with others and ultimately is contrary to this clause.



Figure 7: Existing view from the eastern approach to the Hamilton – to be altered and impacted by the sign.

An assessment was conducted in accordance with the decision guidelines at Clause 52.05-8. Please refer to the table below:

| Decision guideline | Response |
|---|---|
| <ul style="list-style-type: none"> • The character of the area including: <ul style="list-style-type: none"> ○ The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character. ○ The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located. ○ The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs. ○ The consistency with any identifiable outdoor advertising theme in the area. | <p>Although the subject site is located within a commercial zone, it is adjacent to the Public Park and Recreation Zone, which reflects the Grange Burn surroundings. The interface of the site is considered to be more sensitive than a typical commercial site with highway frontage or within a CBD context.</p> <p>The sign is not in harmony with the natural surroundings of the Grange Burn reserve due to its visual appearance being incompatible with the established vegetation.</p> <p>The proposed sign is a standalone sign and is not considered to cause visual disorder or clutter with other</p> |

| Decision guideline | Response |
|--|--|
| | <p>signs, though it is located close to signs on the existing building on-site.</p> <p>Regarding the consistency of the proposed sign with other outdoor advertising themes in the area, within this locality, there are typically only business identification signs or other signs that are relevant to the host site. There is not a prevalence of large promotional signs such as the one proposed. There are plenty of directional signs in the area within the road reserve, such as the directional sign located on the opposite side of Ballarat Road.</p> |
| <ul style="list-style-type: none"> • Impacts on views and vistas: <ul style="list-style-type: none"> ○ The potential to obscure or compromise important views from the public realm. ○ The potential to dominate the skyline. ○ The potential to impact on the quality of significant public views. ○ The potential to impede views to existing signs. | <p>The views from the public realm include views from pedestrian and vehicle levels from the Ballarat Road reserve. An existing view towards the Grange Burn (and surrounding environs) from this location is shown within Figure 7 above.</p> <p>The proposed sign has a substantial display area, plus the skirting below, and will obscure the treed backdrop of the site and will reduce the natural amenity of the site. The quality of the vista from Ballarat Road to the Grange Burn parkland will be reduced by allowing promotional content for financial gain.</p> <p>The proposed sign would not dominate the skyline, being a 7 metre-high sign on relatively flat ground.</p> <p>The proposed sign would not impede views to any existing signs.</p> |

| Decision guideline | Response |
|--|--|
| <ul style="list-style-type: none"> • The relationship to the streetscape, setting or landscape: <ul style="list-style-type: none"> ○ The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape. ○ The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements. ○ The ability to screen unsightly built or other elements. ○ The ability to reduce the number of signs by rationalising or simplifying signs. ○ The ability to include landscaping to reduce the visual impact of parts of the sign structure. | <p>The physical size of the sign is not a concern on its own, but its impact on the surrounding context of the site also matters. The larger the sign, the greater the impact it has on the site’s setting and landscape. Given this, the proposed sign is not suitable for the context of the site.</p> <p>The position of the sign, including the extent to which it protrudes within the landscape and natural environmental context, is inappropriate.</p> <p>The sign protrudes towards Ballarat Road from the perspective of the view shown in Figure 7 and it disrupts the visual aesthetic of the surrounding landscape.</p> <p>The sign does not screen or obscure any other built form or other unsightly elements as it is freestanding in front of vegetation.</p> <p>It is acknowledged that the proposal is for one sign, that has been simplified where possible and it has been designed in order to serve its function as a promotional sign (obtaining views to the contents from drivers in a high traffic area).</p> |
| <ul style="list-style-type: none"> • The relationship to the site and building: <ul style="list-style-type: none"> ○ The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building. ○ The extent to which the sign displays innovation relative to the host site and host building. ○ The extent to which the sign requires the removal of vegetation or includes new landscaping. | <p>The scale and form of the site relative to the existing host buildings on the property is acceptable, though the sign extends slightly higher than the building on-site.</p> <p>A significant characteristic of the subject site is arguably its location on Ballarat Road as well as its proximity to the Hamilton CBD. A significant characteristic of the site is also its</p> |

| Decision guideline | Response |
|--|---|
| | <p>proximity to the Grange Burn and the local environs surrounding it.</p> <p>The sign does not necessarily promote products or material relating to the host site or business and is not innovative to the host site or building. As previously mentioned in this report, the promotional sign is inconsistent with local signage policy at Clause 15.01-1L.</p> <p>As there is no connection with the business or host building, the promotional signage is not relevant to the locality and not essential for Hamilton.</p> <p>The sign does not require the removal of any significant landscaping or vegetation.</p> |
| <ul style="list-style-type: none"> • The impact of structures associated with the sign: <ul style="list-style-type: none"> ○ The extent to which associated structures integrate with the sign ○ The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area. | <p>The proposed structure to support this type of promotion size, given its size is well integrated within the sign.</p> |
| <ul style="list-style-type: none"> • The impact of any illumination: <ul style="list-style-type: none"> ○ The impact of glare and illumination on the safety of pedestrians and vehicles. ○ The impact of illumination on the amenity of nearby residents and the amenity of the area. ○ The potential to control illumination temporally or in terms of intensity. | <p>The sign itself is proposed to be a static promotional sign which is illuminated by floodlights, in lieu of other options such as an electronic sign.</p> <p>The impact of the illumination on the amenity of vehicles and any nearby residents would be acceptable and able to be managed via planning permit conditions should a permit be granted.</p> |

| Decision guideline | Response |
|---|--|
| <ul style="list-style-type: none"> • The impact of any logo box associated with the sign: <ul style="list-style-type: none"> ○ The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign. ○ The suitability of the size of the logo box in relation to its identification purpose and the size of the sign. | <p>Not applicable.</p> <p>No logo box proposed.</p> |
| <ul style="list-style-type: none"> • The need for identification and the opportunities for adequate identification on the site or locality. | <p>Businesses and buildings often require signage for various purposes, such as for business identification purposes.</p> <p>There is not an explicit need for this type of signage in this location and it does not necessarily relate to the host site, building or business.</p> <p>The application notes that it is common for these types of signs to display government, emergency or public messaging (or similar) to benefit the public. Given the lack of control over the content of the sign after approval, the point is moot; this cannot be deemed an argument for the signage; however, it is not necessarily an argument against the application either.</p> <p>Clause 15.01-1L Sign Design makes it clear that promotional signage should be discouraged above a certain size and if it does not complement other activities on site.</p> |

| Decision guideline | Response |
|--|---|
| <ul style="list-style-type: none"> • The impact on road safety. A sign is a safety hazard if the sign: <ul style="list-style-type: none"> ○ Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property. ○ Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device. ○ Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing. ○ Is at a location where particular concentration is required, such as a high pedestrian volume intersection. ○ Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows. ○ Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic. ○ Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely. ○ Is within 100 metres of a rural railway crossing. ○ Has insufficient clearance from vehicles on the carriageway. ○ Could mislead drivers or be mistaken as an instruction to drivers. | <p>After considering the decision guidelines concerning the potential impact on road safety, it has been determined that the sign's size, location, and type are unlikely to pose any adverse safety risks to drivers. The sign is situated adjacent to Ballarat Road, and it should be noted that it is not a major promotional sign (as it is less than 18sqm) and therefore does not require referral to the Department of Transport/VicRoads.</p> |

Conclusion

After evaluating the application against the relevant provisions of the Southern Grampians Planning Scheme, it has been concluded that the application is not consistent with the following provisions:

- The objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy. Specifically, it does not comply with the local signage policy stated in Clause 15.01-1L Sign Design.
- The purpose and guidelines of Clause 52.05 Signs.
- The decision guidelines of Clause 65.01, particularly as the proposed sign does not produce an orderly planning outcome for the area.

Considering these points, it is recommended that the application for the sign be refused.

MEETING PROCESS

The meeting was held in accordance with standard meeting procedures.

Andrew Nield, Planning Coordinator

The application before the committee seeks a permit for the erection and display of a promotional sign at 7 Ballarat Road, Hamilton. The sign is stand along within the front setback, beside the existing building and on the western side of the lot adjacent to the Grange Burn river frontage.

The application has been assessed against all relevant planning policy has been found to be inconsistent with the objectives and requirements of the Planning Scheme. Specifically, the assessment revealed that the proposed sign would have an adverse amenity impact, particularly on the river front and surrounding landscape character and is not orderly planning for that area. The sign does not relate to the business operating on the land and therefore does not directly support that existing commercial use.

Officers recommend refusal on the grounds outlined in the report.

Cr Malone, queried the height of the sign as it was indicated onsite that it would be around 1 metre above the bush. This was confirmed as correct, taking height from ground to be around 7 metres.

Cr Malone asked how strong are the spotlights on the sign expected to be? Approval through VicRoads would not have been granted if the proposed lights were too bright Expected that all light would be directed towards billboard.

Cr Brown queried the definition of Category 1 signage.

When a signage application is made, each zone has a signage category. Category 1 signage has minimal limitations where residential areas have greater limitations.

Applicants are aware that officers are recommending refusal to grant a Permit.

Question regarding date of permit application. Length of time and delay in considering permit was acknowledged.

RECOMMENDATION

That Council having caused notice of Planning Application No. TP/71/2023 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to **issue a Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as 7 Ballarat Road, Hamilton for the proposal to erect and display illuminated promotion sign, based on the following grounds:

Grounds of Refusal:

1. The application is contrary to the objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy of the Southern Grampians Planning Scheme.
2. The application is contrary to the purpose and guidelines of Clause 52.05 of the Southern Grampians Planning Scheme.
3. The application is contrary to the decision guidelines of Clause 65.01 Southern Grampians Planning Scheme, particularly with regard to the orderly planning outcome of the area.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. TP/71/2023 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to **issue a Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as 7 Ballarat Road, Hamilton for the proposal to erect and display illuminated promotion sign, based on the following grounds:

Grounds of Refusal:

1. The application is contrary to the objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy of the Southern Grampians Planning Scheme.
2. The application is contrary to the purpose and guidelines of Clause 52.05 of the Southern Grampians Planning Scheme.
3. The application is contrary to the decision guidelines of Clause 65.01 Southern Grampians Planning Scheme, particularly with regard to the orderly planning outcome of the area.

Moved: Cr Malone
Seconded: R Neeson

Carried

7. NEXT MEETING

Meeting schedule discussed.

Next meeting will be scheduled for 20 May between 12pm and 2pm then as follows:

9.00am – 11.00am on 26 June

9.00am – 11.00am on 24 July

9.00am – 11.00am on 28 August

Calendar invites will be sent and cancelled if a meeting is not required.

8. CLOSE OF MEETING

Meeting closed at 1.03pm