

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 4/2015

**HELD ON
WEDNESDAY 2 APRIL 2015
AT 10.00AM**

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

**CHAIR
Councillor Dinny Adem**

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

2. RECORDING OF PROCEEDINGS

The Chairperson advised the hearing that:

- the proceeding is being minuted but not recorded.
- that out of courtesy for all other attendees Any recording devices should be turned off during the course of the hearing, unless the Chair has been formally advised that a party wishes to record proceedings.

3. COMMITTEE MEMBERS PRESENT

Councillor Dinny Adem (Chair),
Johann Rajaratnam – Director Sustainable Development,
Colin Kalms-Manager Planning,
Braydon Aitken – Team Leader Statutory Planning and
Ian Boyle – Team Leader Strategic Planning.

4. OFFICERS PRESENT

Ronan Murphy – Senior Statutory Planner
Sarah van Meurs – Graduate Statutory Planner

5. APOLOGIES

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Braydon Aitken, and seconded by Colin Kalms that the minutes of the meeting held on 26 March 2015 be adopted.

Carried

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. MATTERS FOR CONSIDERATION

Two items formally listed for consideration today.

- An application to amend planning permit 2003-278/B to increase the number of cattle and increase the area of shedding at 305 Coomboona Road, Coomboona.
- Planning permit application 2014-324 for internally illuminated and business identification signage at 38 Wyndham Street, Shepparton.

We also have one late item for consideration which we will come following the consideration of the above two matters

9. LATE REPORTS

We also have one late item for consideration.

Planning permit application 2014-251 proposes construction and display of a sign in the Heritage Overlay and the display of an internally illuminated above verandah sign at 257-259 Wyndham Street, Shepparton.

10. NEXT MEETING

To be confirmed.

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2003-278/C	305 Coomboona Road, Coomboona	<p>Application to amend permit:</p> <ul style="list-style-type: none"> • Amendment to what the permit allows to increase the maximum number of cows from 2200 to 4800; • Amendment to the plans to increase areas of shed sizes for additional cows and further refinement to cow accommodation from freestall barns to Compost Bedded Packs; • Concreting of feed storage bunkers; • The hard surfacing of internal access roads; • The rewording and updating of conditions to reflect the above changes and current standards. 	3
2014/324	38 Wyndham Street, Shepparton	<ul style="list-style-type: none"> • Erect and display internally illuminated business identification signage greater than 1.5 square metres and higher than 3.7 metres from the pavement level in the commercial 1 zone • Variation to the design and development overlay - schedule 3 (display of more than one business identification sign and exceeding 1 metre in height) 	27
2014/251	257-259 Wyndham Street, Shepparton	Above verandah internally illuminated signage	51

Delegates Report for Amended Permit Application

Amended Application Details:

Responsible Officer:	Tim Watson
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Amended Permit Number:	2003-278/C
Applicants Name:	Caf Consulting
Date Amendment Received:	23-Feb-2015
Statutory Days:	

Land/Address:	305 Coomboona Road COOMBOONA VIC 3629
Zoning and Overlays:	Farming Zone 1 Pt. Floodway Overlay Pt. Land Subject to Inundation Overlay
Why was the amendment required?	Amendment made to increase the number of cows allowed under the use and to increase the size of the sheds
Why is a permit required (include Permit Triggers):	35.07-1 – use of land for intensive animal husbandry 35.07-4 – buildings and works in the Farming Zone 44.03-1 – Buildings and works in the Floodway Overlay 44.04-1 – Buildings in the Land Subject to Inundation Overlay
Are there any Restrictive Covenants on the title?	no
Is a CHMP required?	no
Was the correct application fee paid?	yes

Proposal

Planning permit 2003-278 was issued 5 February 2004 for the land to be used and developed for a 2200 head dairy with associated buildings and works including freestall cow accommodation, dairy building, feed storage facilities, earthworks and effluent management system and the removal of three grey box trees.

The plans endorsed under the permit were amended on 22 December 2008 and again on 2 August 2010 to vary the requirements of the then condition 10 relating to exterior treatment.

The permit was most recently extended on 11 March 2014 with the completion date extended to 5 February 2016.

The current application to amend the planning permit proposes the following amendments to the existing permit:

- Increase in cow numbers from 2200 to 4800
 - An increase in shed sizes for additional cows (5 in total). Four of the sheds will increase in size from a size of 8800 sqm to 15,840 sqm and the other shed will increase in size from 8200 sqm to 19,200 sqm.
 - Concreting of feed storage bunkers
 - Hard surfacing of access roads internally to the site.
-

Summary of Key Issues

- An application has been made to amend planning permit 2003-278/B which approved the use and development of the land for intensive animal husbandry (2200 cow dairy), associated sheds and earthworks and removal of native vegetation.
 - The amended application proposes to increase the number of cows allowed from 2200 to 4800 and an increase in the size of the sheds.
 - The application was notified to Goulburn Murray Water, who do not object to the issue of a permit, subject to conditions.
 - The application was notified to the Environmental Protection Authority, who did not respond in the prescribed timeframe and therefore consent has been deemed.
 - The application was referred to the Goulburn Broken Catchment Management Authority, who do not object to the issue of a permit.
-

Recommendation

Notice of Decision to Grant an amendment to a Permit

That Council having caused notice of Amended Planning Application No. **2003-278/C** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1, 35.07-4, 44.03-1 and 44.04-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **305 Coomboona Road COOMBOONA VIC 3629**, for the **4800 head dairy with associated buildings and works including freestall cow accommodation, dairy building, feed storage facilities, earthworks and effluent management system, and the removal of three (3) grey box trees** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Ian Boyle

That Council having caused notice of Amended Planning Application No. **2003-278/C** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1, 35.07-4, 44.03-1 and 44.04-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **305 Coomboona Road COOMBOONA VIC 3629**, for the **4800 head dairy with associated buildings and works including freestall cow accommodation, dairy building, feed storage facilities, earthworks and effluent management system, and the removal of three (3) grey box trees** in accordance with the amended Notice of Decision and the endorsed plans.

Amendments to the Notice of Decision are as follows:

Condition 4. Farm Operation Management Plan

Prior to the use commencing an updated operation management plan must be submitted and endorsed by the Responsible Authority and must include further details on the following:

- a) Farm capacity
- b) Environmental impacts
- c) Air quality (including dust management from any milling)
- d) Noise control
- e) Irrigation management
- f) Waste management including covering of effluent ponds and compost management system
- g) Emergency management
- h) Transport access

The use must operate in accordance with the approved operation management plan unless otherwise agreed to in writing with the responsible authority.

Condition 14. Accessing Site

Except with the prior written consent of the Responsible Authority, no milk tankers, feed trucks or service vehicles shall use any local road to approach the subject land other than **Coomboona Road** between the Trotter Road intersection and the Echuca-Mooroopna Road intersection.

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **5/3/15**

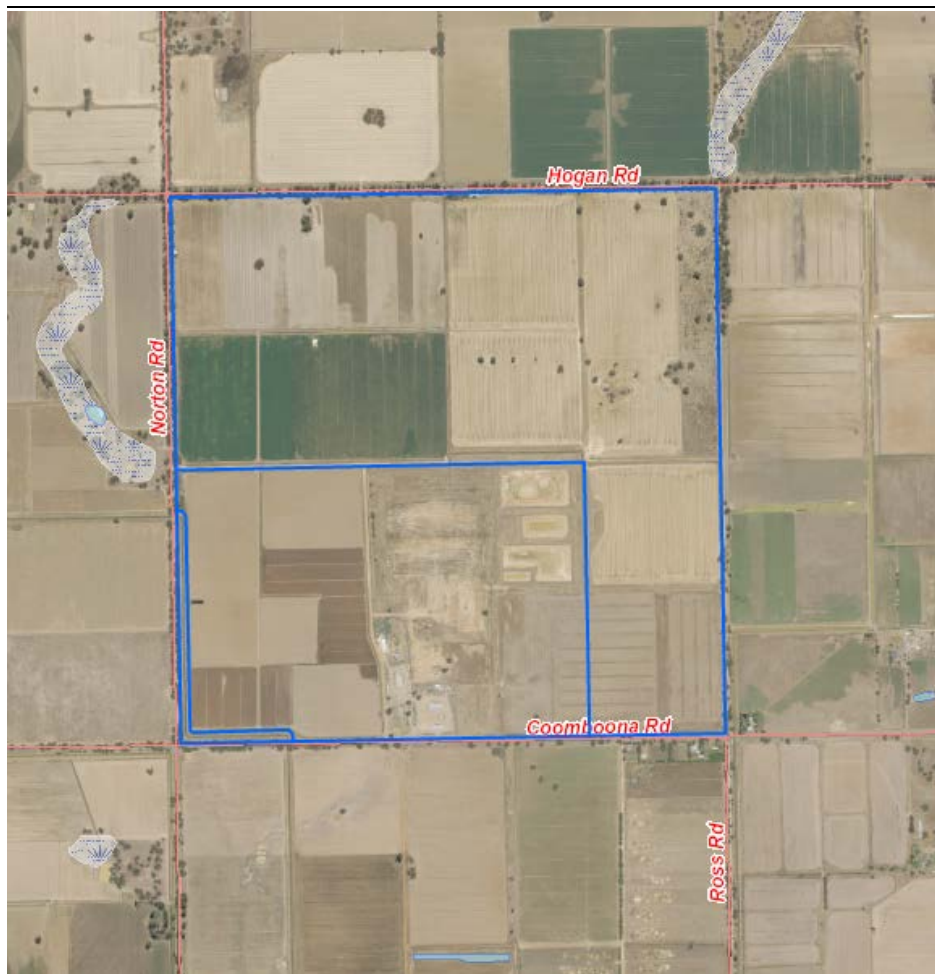
The site has a total area of **approximately 260 hectares (comprising 4 titles)** and currently contains:

- An existing dwelling near the Coomboona Road entrance.
- To the rear of the dwelling are a number of sheds, used for the storage of equipment and maintenance.
- The sheds and dairy are to be located to the north of these with the site being levelled at the time of inspection. The earthworks for the levelling of the pad site and for the effluent ponds have been undertaken under the earthworks exemption document.

The main site/locality characteristics are:

- The surrounding land is mostly used for large scale farming enterprises, which consist of dairies, grazing or pasture propagation enterprises.
- There are however a number of small dwelling allotments scattered throughout the area
- The closest dwelling (approximately 675 metres from the edge of closest proposed feed pad shed) to the site of the proposed works is on the south west corner of the Ross Road and Coomboona Road intersection.

The Photo below shows the existing site:



Pre-Application Meeting Details

Has there been a pre-application meeting ? **no**

Permit/Site History

The history of the site includes:

- Planning permit 2003-278 and 2003-278/A (discussed above).
- Planning permit 2000-443 – Removal of native vegetation
- Planning permit 2004-570 – Removal of native vegetation
- Planning permit 2006-547 – Removal of native vegetation
- Planning application 2007-400 – Buildings and works associated with a feed pad (lapsed).
- Planning application 2009-60 – Removal of native vegetation.

Further Information

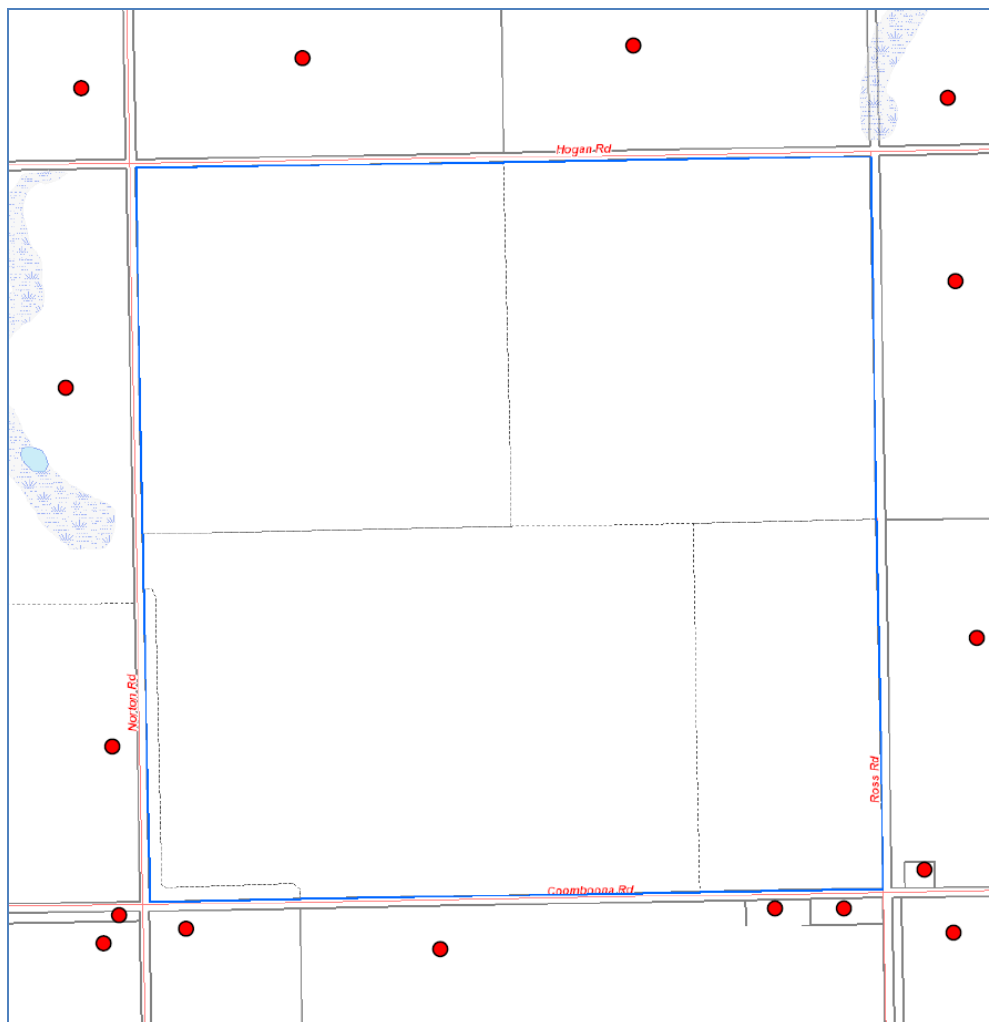
Is further information required for the application? **no**

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Amendment to permit issued for use**

and development of land for intensive animal husbandry in the Farming Zone 1 to increase cow numbers from 2200 to 4800 and for an increase the size of sheds and other associated works including helicopter landing pad, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 3/3/15 and 21/3/15

The LSIO and FO components of the application were exempt from being advertised in accordance with Clause **44.04-4** and **44.03-4** of the planning scheme.

Objections

The Council has received **2** objections to date (25/3/15). The key issues that were raised in the objections are.

- Insufficient public notification, noise, smell, transport, flooding, property devaluation and future expansion.

The matters raised in the objections are addressed below with an officer's response provided in the adjacent column.

Ground of objection	Officers response
Insufficient notification	
Smell and Noise	The applicant will be required to submit an operational management plan which addresses offsite impacts from the proposed use. This document will be endorsed and form part of the permit. Despite this, the land is in the Farming Zone and the level of amenity expected cannot be the same as a residential zone.
Transport	The applicant has agreed that milk tankers will use Coomboona Road only to access Echuca Road (Road Zone, Category 1), a condition has been included on the permit to reflect this.
Flooding	The application was referred to the Goulburn Broken Catchment Management Authority and notified to Goulburn Murray Water, neither of whom objects to the issue of a permit, subject to conditions.
Property devaluation	It is well established in planning, that property devaluation is not a valid ground of objection. With respect to the devaluation of abutting land due to a proposed development Cimino cited in Eckhardt v Monash CC (2006) VCAT 1047“if adjoining land is devalued because of detriment to its amenity that is considered in relation to town planning, not the resulting devaluation (in relation to which there is seldom, if ever, any evidence in any event)”.
Future expansion	The Council must make its assessment on the merits of the current application and not what future applications may be made for the land.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.04-5 and 44.03-5	Recommending	The application was referred to the GBCMA, who do not object to the issue of a permit, nor did they include any conditions.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
EPA	The application was notified to the EPA, who did not respond within the prescribed time and therefore consent was deemed.
GMW	The application was notified to Goulburn Murray Water, who do not object to the amendment of the permit, subject to revised conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
N/A	-

Assessment

The zoning of the land

Farming Zone – Clause 35.07

The purpose of the Farming Zone is to:

- Provide for the use of land for agriculture;
- Encourage the retention of productive agricultural land;
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture;
- To encourage the retention of employment and population to support rural communities; and
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A planning permit was required to amend the existing permit to increase the number of cows allowed under the existing permit for intensive animal husbandry and for additional buildings and works. The buildings and works components include an increase to the shed area used for the keeping of cows.

Farming Zone Decision Guidelines

The decision guidelines which are relevant to this application and which the Council must consider when assessing an application to construct a dwelling or subdivide land are:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Response

The state and local policy framework are addressed under other sections within this report.

It is considered that the subject land has the capability to accommodate the proposed development, given the size of the property.

The proposal will ensure that the land is used efficiently as an agricultural operation, by allowing for an increase to the number of cows onsite. The proposed use and development is a suitable use of the land in the Farming Zone 1 and the use of intensive animal practices in the dairy industry is becoming common. The purpose of the zone is to provide land for agriculture and its betterment and therefore the proposed use is acceptable in the zone.

Agricultural issues

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

- Any integrated land management plan prepared for the site.

Response

The proposed amendment to the permit for additional animals and agricultural infrastructure, will support and enhance agricultural production on the land.

The proposed development will require the removal small section of agricultural land, however as identified the benefit to agriculture from the use outweighs this loss. The proposed expansion and development of the land will not limit the operation or expansion of surrounding agricultural uses, given the significant size of the subject allotment and buffer provided between the use/development and land not in the same ownership.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the development will require traffic management measures.

Response

The proposed buildings are to be located central on the land and with the significant size of the land holding preventing any visual or amenity impacts from abutting properties. This will be assisted through the submission of a landscape plan which provides a vegetated screen. Such condition has been included on previous revisions of the permit and will be retained. Conditions will ensure that the plant complies with EPA Guidelines and testing be required if a possible breach is identified.

Relevant overlay provisions

Floodway Overlay 44.03

The overlay identifies waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding. The overlays purpose is to ensure that development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard and local drainage conditions.

Land Subject to Inundation Overlay 44.04-4

The Overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The Overlays purpose is to ensure that development maintains the free passage and temporary

storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The site of the proposed works is affected by the Floodway Overlay and Land Subject to Inundation Overlay. As the works are being carried out in both overlays a permit was triggered under 44.03-1 and 44.04-1. The application was referred under the Overlays to the GBCMA, who do not object to the issue of a permit.

The State Planning Policy Framework (SPPF)

Hume Regional Growth 11.10

Relevant strategies include:

- Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.
- Support clustering of intensive rural industries and agricultural production to take advantage of locational opportunities, including access to key infrastructure such as transport, power, water, information and communications technology, and separation from sensitive land uses.

Map 6 – Hume Regional Growth Plan



Response

The proposed amendment allows for an increase in the agricultural output from the land which will lead to benefits for the economy of the region. The site has appropriate access to water and transport routes which connect it to sealed roads and to the main collector road (Echuca Road).

Map 6 (above) at this clause identifies the land as being strategic agricultural land within the Hume Region. This provides strong support for the use of the subject land for agricultural activities and denotes that the land be used mostly for this purpose.

Protection of Agricultural Land 14.01-1

Relevant objectives and strategies include:

- To protect productive farm land which is of strategic significance in the local or regional context.

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.
- In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposal.

Sustainable Agricultural Land Use 14.01-2

Relevant objectives and strategies include:

- To encourage sustainable agricultural land use.
- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.
- Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.
- Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment

Response

The proposed amendment will not result in a loss of agricultural land and will provide for an increased agricultural output from the land.

The proposed amendment allows for a proposed intensive animal husbandry business to increase in size in order to meet market requirements.

The application has been referred to the GBCMA, who do not object to the issue of the amended permit.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Agriculture 21.06-1

The region's workforce is heavily dependent on the agricultural sector with many people directly involved in agricultural production on farms, and an estimated similar number involved directly and indirectly in the processing and transport of that product. In both irrigation and dryland production the drivers of future successful agribusinesses, regardless of the scale of enterprise, are likely to be:

- Continuing current trends for significantly increased scale of production which is achieved by expanding the land area of production and/or by increasing the intensity of the production system.
- A shift to individual management of their own business risks such as consolidation into contiguous properties to manage all their own water supply.
- Agribusinesses that seek to minimize the number of neighbours.
- Agribusinesses that expand into land that is priced competitively because it is used for agriculture rather than having inflated land values because it has been subdivided for hobby farms.

Objectives and Strategies

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of existing farm businesses.
- To facilitate growth of new agricultural investment.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage value adding and new enterprises for agricultural production.

Response

The proposed amendment as identified will significantly increase agricultural output from the land. The Local Planning Policy specifically addresses the importance of dairying to the local economy and identifies that farm operations will become larger and that this process should be progressed where possible through the objectives and strategies of the scheme and decision making processes undertaken by Council.

Relevant Particular Provisions

There are no relevant Particular Provisions that relate to this application to amend a planning permit.

The application was discussed with the Department of Environment and Primary Industries, who informed that the Victorian Code for Cattle Feedlots – August 1995 did not apply.

The decision guidelines of Clause 65

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.

The Decision Guidelines of Clause 65 have been considered and addressed when assessing this application to amend the planning permit.

The application to amend the permit is supported by the State Planning Policy Framework in providing for increased agricultural output from an area identified within the Hume region as one of strategic agricultural importance.

The increasing of agricultural assets in the Farming Zone so as to promote agriculture clearly meets the purpose of the Farming Zone and the Farming Zone is the most appropriate zone for the use and development. Given the Council encourages the growth of agricultural enterprises in the Farming Zone through the Local Planning Policy and that the closest dwelling not in the same ownership is approximately 1033 Metres from the centre of the proposed site, the proposed is considered orderly planning so as to avoid conflict issues.

Relevant incorporated or reference documents

Rural Regional Land Use Strategy is a reference document, which identifies the importance of agriculture within the municipality.

Local Floodplain Development Plan – Precinct of Goulburn River.

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State or strategic policies that relate to this application to amend a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application to amend a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application to amend a planning permit.

Discuss any other relevant Acts that relate to the amended application?

There are no other relevant Acts that relate to this application to amend a planning permit.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting

in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application to amend a planning permit and it is not considered that the application to amend impinges on the Charter.

Conclusion

The increasing of agricultural assets in the Farming Zone so as to promote agriculture clearly meets the purpose of the Farming Zone and the Farming Zone is the most appropriate zone for the use and development. Given the Council encourages the growth of agricultural enterprises in the Farming Zone through the Local Planning Policy and that the closest dwelling not in the same ownership is approximately 1033 Metres from the centre of the proposed site, the proposed is considered to achieve an acceptable planning outcome.

Notice Of Decision to Amend a Permit

APPLICATION NO: 2003-278/C
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 305 COOMBOONA ROAD COOMBOONA VIC 3629

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2003-278/B

WHAT AMENDMENT IS BEING MADE TO THE PERMIT?:

Planning permit 2003-278/B is being amended as follows:

- Amendment to what the permit allows to increase the maximum number of cows from 2200 to 4800;
- Amendment to the plans to increase areas of shed sizes for additional cows and further refinement to cow accommodation from freestall barns to Compost Bedded Packs;
- Concreting of feed storage bunkers;
- The hard surfacing of internal access roads;
- The rewording and updating of conditions to reflect the above changes and current standards.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?:

1. Layout not altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. Amended plans required

Prior to works commencing, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided.

Such plan must be generally in accordance with the plan submitted but modified to show:

- a) Details of the two (2) vehicular access points to the subject land from Coomboona Road, including a functional layout plan of any proposed access upgrades as required by the Responsible Authority. The plans are to show the construction detail required to accommodate vehicle turning movements for the proposed vehicles entering each driveway, shoulder widening and sealing extending 100m east and west of the proposed access location/s. The plans shall also detail pavement profile and drainage.
- b) Construction plans for carparking areas showing all car and heavy vehicle spaces and accessways etc.
- c) Detailed turning templates for B-Double Trucks within the property;
- d) A transport plan providing details of delivery trucks and milk tankers servicing the land and how they will access Echuca Road

3. Farm Capacity

The capacity (ie cow numbers) of the freestall sheds and area associated with this development must not exceed 4800 without the further approval of the Responsible Authority.

4. Farm Operation Management Plan

Prior to the use commencing an operation management plan must be submitted and endorsed by the Responsible Authority and must include details on the following:

- a) Farm capacity
- b) Environmental impacts
- c) Air quality
- d) Noise control
- e) Irrigation management
- f) Waste management
- g) Emergency management

The use must operate in accordance with the approved operation management plan unless otherwise agreed to in writing with the responsible authority.

5. Council Assets

Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of this subject land must pay for any damage caused to the Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.

6. No Mud on Roads

In the event of mud, crushed rock or other debris being carried onto public roads from the subject land during construction, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.

7. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimize the effect of such activities on the amenity of the locality.

8. Generation of Dust

The applicant shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.

9. Erosion and Sediment Control

Prior to any development commencing, an Environmental Management Plan (EMP) must be prepared for the site in accordance with the Goulburn-Murray Water requirement under Condition 35(1). Appropriate steps must be taken to retain all silt and sediment on the site during the construction phase in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.

10. General Amenity

The use and development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, as, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

11. General Exterior Treatment

Prior to the commencement of the use of each building in the development, the exterior treatment of the building(s) permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the Responsible. The exterior treatment of the building(s) must be maintained to the satisfaction of the Responsible Authority.

The metal cladding on buildings (excluding the roofing) shall be non-reflective and this shall be complied with by use of colorbond or treated metal cladding.

12. External Lighting

Prior to the commencement of use for each building forming part of this Planning Permit, all associated lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

13. Access Location

Vehicular access to the site land shall only be permitted from Coomboona Road.

14. Accessing Site

Except with the prior written consent of the Responsible Authority, no milk tankers shall use any local road to approach the subject land other than **Coomboona Road** between the Trotter Road intersection and the Echuca-Mooroopna Road intersection.

15. Availability

The areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be kept available for these purposes at all times.

16. Car Park Construction Requirements

Prior to the commencement of use of the dairy, all areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority; including;

- Surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;
- drained in accordance with an approved drainage plan
- Provision of traffic control signage and or structures as required;
- Provided with signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority.

17. Extra Car Spaces

In the event of overflow car parking causing a nuisance, additional car parking areas are to be provided on the site or in other locations to the satisfaction of the Responsible Authority.

18. Rural Vehicle Crossing Requirements

Prior to the commencement of use of the dairy, a vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority. The crossover is to be constructed in accordance with the approved vehicle access drawings as required by Condition 2(a) of this Permit.

Council may require the applicant to maintain or repair the vehicle crossing or to make a contribution towards the cost of the repair of the road if vehicles accessing the premises are found to be contributing to the deterioration of the road or vehicle crossing in the vicinity of these vehicle crossings.

19. Loading and unloading

Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the land as it is shown on the

endorsed plan and be conducted as to cause minimum interference with other vehicular traffic.

20. Internal Access

Prior to the commencement of use of the dairy, all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority including;

- Provision of at least a crushed rock base
- Drainage culverts where necessary

21. Road Upgrading Responsibility

Before the use of the dairy commences, the developer must:

- a) Upgrade the northern road shoulder of Echuca-Mooroopna Road, which is to be constructed and sealed to a width of 2 metres extending in a north west direction for a distance of 80 metres on the approach to the Coomboona Road Intersection to facilitate safe left turn movements from Echuca-Mooroopna Road into Coomboona Road for vehicles accessing the development site from the north.

22. Rural Drainage- Works

Prior to the use commencing, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

23. Revegetation of Disturbed Areas

Within 6 months of the commencement of the use of the land, all disturbed surfaces on land resulting from the buildings and works authorised or required by this permit shall be revegetated and stabilised to the satisfaction of the responsible authority so as to prevent any erosion or siltation either on or adjacent to the land.

24. Landscape Plan

A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan must form part of this permit. The submitted plan must include;

- a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed.
- The location of the replanting's as required by the Department of Environment, Land, Water and Planning and any additional landscaping as part of the development, including a schedule of all proposed trees and shrubs and ground

cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.

- The landscaping must be used to form an effective screen between activities on the site and adjoining land in accordance with the endorsed plans to provide an effective visual screen, and must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

25. Completion Date

All landscaping works must be completed within three (3) months of the commencement of use of the second freestall shed unless otherwise directed by the Department of Environment, Land, Water and Planning. The landscaping must be completed and maintained thereafter (including the replacement of any dead or diseased planting's) to the satisfaction of the Responsible Authority and the Department of Environment, Land, Water and Planning.

26. Advertising Signs - Amended Plans

Before the development starts, full details of signs to be displayed on site are to be submitted and approved by the Responsible Authority unless a Planning Permit is not required by the Greater Shepparton Planning Scheme. Details must include dimensions, type and location of all signs to be placed on the site, including illumination, wording and colour scheme.

27. Sign maintenance

All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

28. Waste Materials Disposal

All waste materials produced shall be removed from the site and disposed of in accordance with the relevant Australian Standards, Acts and in such a manner as to avoid nuisance, pollution or loss of amenity to the surrounding area. Waste materials should not be disposed of by burning unless approved by the Responsible Authority.

29. Site maintenance

Maintenance of all buildings, surrounds and parking areas within the site shall be carried out by the Permit holder in such a manner to render the site to be neat, tidy and clean at all times to the satisfaction of the Responsible Authority.

30. Noise from Industry

Noise levels emanating from the land must comply with the requirements of the

Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.

31. Connection to Services

Prior to the commencement of the use of the dairy, all staff and office facilities must be connected to a potable water supply to the satisfaction of the Responsible Authority. These facilities must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

32. Health Requirements

The applicant shall lodge with the Council's Health Department an application to install a septic tank system prior to the commencement of building works for the staff facilities.

33. Goulburn Broken Catchment Management Authority Requirements

1. The Whole Farm plan is carried out in accordance with the submitted plans prepared by Coomes Consulting Group (Drawing No. 130354G02, Rev. A, Options 5).
2. Spoil banks associated with existing farm drain Fd1, are to be breached to achieve a 20 metre gap for each 40 metres of drain length.
3. A 10 metre long syphon is to be installed on farm channel Fc1, near farm drain Fd1.
4. A 10 metre long syphon is constructed on farm channel Fc11, near farm drain Fd1.
5. A 10 metre long syphon is constructed on farm channel Fc12, midway along irrigation bay H1.
6. Syphons are to be installed as part of Condition 17 on Certification No. D98-074.

34. Department of Sustainability and Environment Requirements

1. All earthworks authorised by this permit shall be undertaken in a manner which will minimise soil erosion and, at completion of the works, all areas of disturbed ground shall be stabilised and revegetated to the satisfaction of the Responsible Authority.
2. Ensure that the site be developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by sediments, chemicals or gross pollutants in accordance with currently accepted best practice.
3. The environmental impact of the three trees removed for the development is to be offset by establishing and maintaining replacement plantings of 500 locally indigenous plants of local provenance that occur naturally in Riverine Woodland/Riverine plans Grassy Woodland/Gilgai Wetland mosaic. The following conditions must also be adhered to :
 - (a) Indigenous species are to be planted within the property at a ratio 3:7,

- trees to shrubs respectively.
- (b) Plants to be planted within rows or clumps at a minimum width of 40 metres, ie 3 trees across (or a total of these specifications if, for example, the planting abuts existing indigenous vegetation, such as an existing roadside).
 - (c) Tree species are to be planted along the rows at a distance of 10 metres from each other, with shrub species planted in between.
 - (d) Replanting must be protected by tree guards and/or rabbit and vermin proof fencing as appropriate until the plants are established. The plantings are to be permanently protected against stock by stock proof fencing to the satisfaction of the Department of Sustainability and Environment.
 - (e) Replacement trees and shrubs are to be planted within 12 months of tree removal.
 - (f) The location(s) of the planting and species mix are to be determined in consultation with the Department of Sustainability and Environment.
 - (g) An 80% survival rate is to be achieved after 24 months. Replanting is to be undertaken until that rate is achieved.
4. When removing the 3 grey Box, the large braches and trunks of these trees must be left in long sections, and these logs and branches placed in the areas to be planted as habitat for native wildlife.

35. Goulburn Murray Water Requirements

- a) The development shown on CAF Plan 2623 P17/B, dated 26 February 2015 submitted with the application must be endorsed and form part of the permit.
- b) Goulburn-Murray Water will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.
- c) No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.
- d) No works are to be constructed that may impact drainage flows in Goulburn-Murray Water's Ardmona Main Drain (which is located on west side of the property) without approval.
- e) All stormwater and surface water discharging from the site, buildings and works must be conveyed to a legal point of discharge to the satisfaction of Goulburn Murray Water.
- f) The use and development must be managed so that the amenity of the area is not detrimentally affected through the emission of noise, artificial light, smell, fumes, dust wastewater or waste products
- g) Dairy effluent should be managed in accordance with the '*Dairy Effluent Guidelines*' (DPI, 2008)
- h) The feedpad area and effluent treatment ponds must be constructed with a clay liner (or similar impervious material) to achieve a hydraulic conductivity less than 1×10^{-9} m/s to prevent seepage from the structure.

- i) No concentrated animal effluent shall be discharged from the development site or permitted to enter any surface drainage systems.
- j) Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). Specifically, the applicant must ensure:
 - Grading, excavation and construction must not proceed during periods of heavy rainfall.
 - Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
 - Disturbed areas must be stabilised and revegetated following the completion of works.
- k) No direct connection from the effluent system, storage/reuse pond is allowed to any surface drain which exits the subject land.
- l) Land application of litter should be undertaken at a rate appropriate for the soil type and the type of pasture/crop grown. The rate of application should ensure relevant N,P and K uptake such that there can be no discharge of excess nutrients to any waterways.

36. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- the development and use are not started within **two (2) years** of the date of this permit;
- the development is not completed within five (5) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards and upon the provision of amended plans as required by the Responsible Authority.

Application Details:

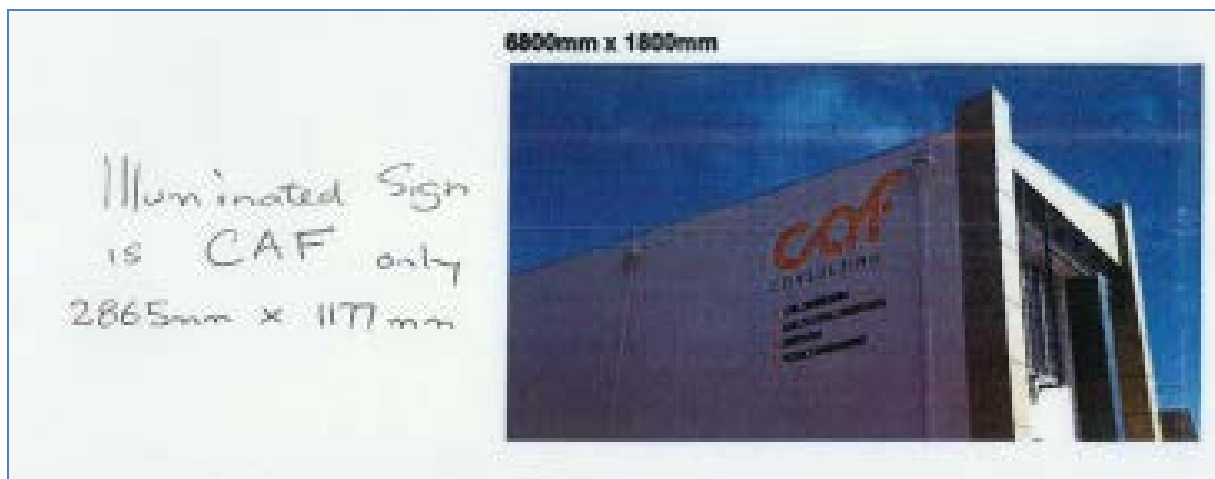
Responsible Officer:	Sarah Van Meurs
Application Number:	2014-324
Applicants Name:	Empire Signs
Date Application Received:	12 November 2014
Statutory Days:	110
Land/Address:	38 Wyndham Street SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 1 Zone Design and Development Overlay – Schedule 3
Why is a permit required (include Permit Triggers):	43.02 display of more than one business identification sign in the Design and Development Overlay 52.05-7 Internally illuminated sign exceeding 1.5 square metres and higher than 3.7m above pavement level
Are there any Restrictive Covenants on the title?	Yes

Proposal

The application is retrospective for the erection and display of three business identification signage at 38 Wyndham Street, Shepparton.

The proposed signage is as follows:

- Internally illuminated sign with a total area of 3.3721 square metres and above 3.7m above the pavement level is as per follows:



- Business identification signage as follows:



The subject land is in the Commercial 1 Zone (C1Z), Design and Development Overlay – Schedule 3 (DDO3) and adjacent to a Road Zone –Category 1 (RDZ1).

Planning permit requirements are as per advertising provisions and DDO3.

Pursuant to Clause 52.05-7 a planning permit is required for internally illuminated sign exceeding 1.5 square metres and higher than 3.7m above pavement level.

Pursuant to Clause 43.02 a planning permit is required for the display of more than one business identification sign in the DDO3.

Summary of Key Issues

The application is retrospective for the erection and display of three business identification signs (one being internally illuminated) at 38 Wyndham Street, Shepparton.

The application was advertised and one objection was received from the neighbouring property.

The application was notified to VicRoads who did not object to the issuing of a planning permit.

The application was not required to be referred.

The application is considered to achieve an acceptable outcome when assessed against the relevant policies of the Greater Shepparton Planning Scheme and it is therefore recommended that a notice of decision for the application for a planning permit be approved subject to conditions.

The planning concerns raised by the objector can be adequately addressed via a condition of the planning permit (should one issue) by controlling the hours of illumination of the internally illuminated sign.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2014-324** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **43.02 and 52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **38 Wyndham Street SHEPPARTON VIC 3630**, to **display and erect three business identification signage (one internally illuminated) in the Commercial 1 Zone and Design and Development Overlay – Schedule 3** in accordance with the Notice of Decision and the endorsed plans.

Moved by Johann Rajaratnam

Seconded by Ian Boyle

That Council having caused notice of Planning Application No. **2014-324** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **43.02 and 52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **38 Wyndham Street SHEPPARTON VIC 3630**, to **display and erect three business identification signage (one internally illuminated) in the Commercial 1 Zone and Design and Development Overlay – Schedule 3** in accordance with the amended Notice of Decision and the endorsed plans.

Amendments to the Notice of Decision are as follows:

Condition 3. Hours of Operation

The illumination of the sign must only operate between the hours of:

Monday to Sunday 6:00 pm – 10:00 pm during the hours of daylight savings

Monday to Sunday 6:00 pm – 9:00 pm during the hours outside of daylight savings

CARRIED

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **15 December 2014** Time: **8:29** am

The site has a total area of **670** square metres and currently contains:

- Existing office building

The main site/locality characteristics are:

- Located along a RDZ1

The Photos below show the existing site:



Subject site and surrounds.



Looking north-west into the site from Wyndham Street.



Looking east along Wyndham Street.



Looking east along the boundary between 38 and 42 Wyndham Street.



Looking south along Wyndham Street.



Looking south-west along the boundary between 36 and 38 Wyndham Street.



Looking north-west from Wyndham Street at the signage.



Lookin

g across the road at the signage from Wyndham Street.



Looking north along the eastern side of Wyndham Street.



Looking south along the eastern side of Wyndham Street.



Looking south long Wyndham Street.



Signage located on the eastern side of Wyndham Street.



Signage located opposite the subject land (east side of Wyndham Street)

Pre-Application Meeting Details

Has there been a pre-application meeting ? **Yes**

If yes with Whom? **Planning Officer, Sarah van Meurs**

Date of Meeting? **12 November 2014**

What advice was given by the Council Officer? **Planning permit would be required.
Application would need to be advertised.**

Permit/Site History

The history of the site includes:

- 2013-279/A Buildings and works in the Commercial 1 Zone and Design and Development Overlay – Schedule 3 for a two storey office and associated reduction in car parking
 - 2013-185 (lapsed application due to no response to Further Information request) for the same purpose as above planning permit.
 - 2012-196 for the same purpose as the above however application withdrawn prior to a decision being made.
 - 2009-204 Buildings and works for office extensions.
 - 2003-8 Business identification signage
-

Further Information

Is further information required for the application? **Yes, informally**

What additional information is required? **Certificate of Title**

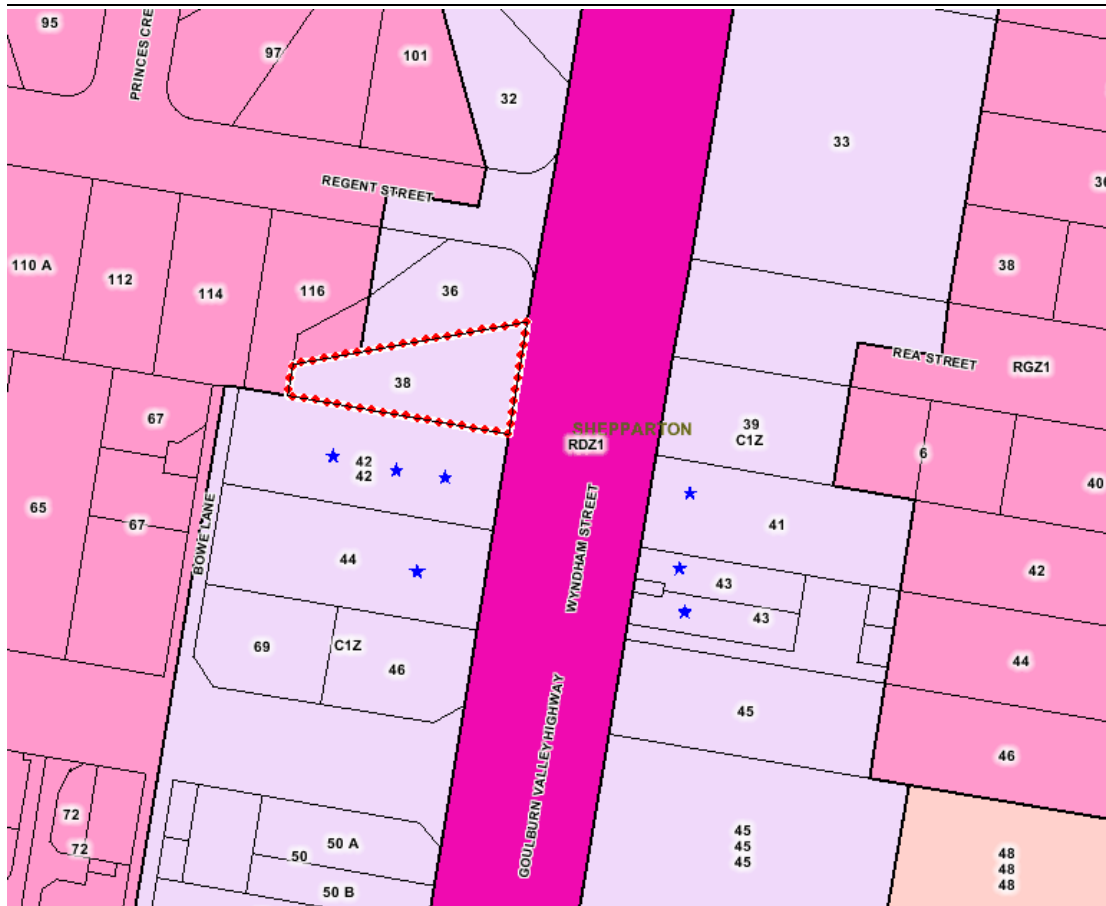
What date was the information requested?: **19/11/2014**

What date was the information received?: **27/11/2014**

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **erect and display internally illuminated business identification signage greater than 1.5 square metres and higher than 3.7 metres from the pavement level in the Commercial 1 Zone and the display of more than one business identification sign in the Design and Development Overlay – Schedule 3**, by:

- Sending notices to the owners and occupiers of adjoining land.



Map of the advertising plan.

Objections

The Council has received **one** objections to date. The objection relates to the detrimental impact on the property to the south of the land as summarised in the following table.

Reasons for objection	Officers response
Loss of privacy	The application is for signage only. No loss of privacy will result from the sign
Lights shining through windows	The applicant has stated that the illuminated signage will be turned on during the following hours April - September 8:00 -10:00 pm September – April 8:00-11:00 pm. In reviewing the application and EPA guidelines the normal sleeping hours are considered from 10:00pm to 7:00am. A

	condition will be placed on the permit to require the illumination of the sign to be turned off at 10:00 pm.
Loss of sleep	The lighting will only operate as per the above hours.
Sign attracts insects	Not a planning consideration

Title Details

The title contains a restrictive covenant. The application does not breach the restrictive covenant for the following reasons:

- The application is for signage only and does not propose earthworks or manufacture of bricks, tiles and pottery.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Pre application meeting as mentioned above.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
No Section 55 Referral requirements	N/A	N/A	N/A

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
VicRoads	The application was notified to VicRoads who did not object to the proposal.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
No Internal Notices required	N/A

Assessment

The zoning of the land
Commercial 1 Zone

The purpose of the zone is:

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

A planning permit is not required in the Commercial 1 Zone.

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

Relevant overlay provisions

Design and Development Overlay- Schedule 3

A planning permit is required to vary the Design and Development Overlay to allow more than one business identification sign per premise and for signage attached to the building exceeding the required area.

The application proposes three business identification signs. The illuminated sign located on the southern side of the building exceeds the specified height of 1 metre and proposes signage that is 2.865 metres in height.

6.0 Advertising sign requirements

- One business identification sign is permitted per development.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 1.5 metres, and a maximum width of 1.0 metre. This envelope includes the height of any supporting structure.
- Signs attached to a building are encouraged and should be a maximum height of 1.0 metre, and a maximum width of 3.0 metres.
- Signs should form an integral part of the building façade or landscaped front area and be in keeping with the scale of the building.
- All large dominating signs, V-board signs, above verandah signs and advertising elements such as banners, flags and inflatable should be avoided.
- Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided.

8.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The effect of the proposed development on the amenity of abutting residents.
- The character of the area as a whole including a design that is responsive to the streetscape and the neighbouring buildings.
- The architectural quality and innovative response of the building design.
- The interface with existing residential dwellings and the inclusion of design elements which protect the amenity of abutting residents.
- Whether the proposal promotes the continued road safety, amenity and visibility of Wyndham Street.
- Whether the design considers energy and resource efficient and sustainable design principles.
- Whether the proposal is in accordance with the Urban Design Framework – Shepparton North & South Business Areas, July 2006.

- Whether the proposal achieves a cohesive streetscape character based on the following considerations:
- Materials for all external surfaces of new developments should complement those used in existing buildings in the area, such as brickwork and timber. The use of rendered concrete may be used where it is complemented by the use of specific claddings such as timber and metals that highlight façade definition.
- Reflective glass, PVC, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems must be avoided.
- Colour schemes of all external surfaces of new developments must complement those found in the local neighbourhood. These should consider references to brickwork in red-brown tones, and other neutral colours such as whites and cream. Contrasting colours may be used to highlight architectural elements or façade definition. Bright, extravagant colour schemes are to be avoided.

The State Planning Policy Framework (SPPF)

There are no State Planning Policies which relate to the proposal.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.04-4 Urban Design

Advertising signage is a key and often highly visible component of the physical environment of the municipality and the inappropriate design or placement of advertising signs can have a significant effect on the appearance and visual amenity of an area.

Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

Objectives

- To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.
- To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.

Strategies

- Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.
- Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.

Policy Guidelines - Advertising Signs

When considering an application for an advertising sign, Council will be guided by the following provisions:

- Fewer signs displaying a simple clear message are encouraged.
- Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.

- Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.
- Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.
- Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.
- Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.
- Where possible signs should be located on the building.

Relevant Particular Provisions

52.05 Advertising Signs

Pursuant to Clause 52.05-7 a planning permit is required for internally illuminated signage greater than 1.5 sqm and higher than 3.7m above pavement level.

The purpose of the provision is:

- To regulate the display of signs and associated structures.
- To provide for signs that 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.

52.05-3 Decision Guidelines

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

- The character of the area including:
 - 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.
- Impacts on views and vistas:
 - 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.
- The relationship to the streetscape, setting or landscape:
 - 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.
- The relationship to the site and building:
 - 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.
 - The impact of structures associated with the sign:
 - 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.
 - The impact of any illumination:
 - 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.
 - The impact of any logo box associated with the sign:
 - 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.
 - The need for identification and the opportunities for adequate identification on the site or locality.
 - The impact on road safety. A sign is a safety hazard if the sign:
 - 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 which might 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.

Response:

The character of the area is a strip of small commercial (mostly office) activities located along a Road Zone Category 1 of which is the designated northern entry into Shepparton. The urban form is in transition from residential to commercial style development with examples of smaller scale commercial and residential architectural form.

The identifiable theme that has been developed for business identification signage in the area is typically pole mounted/blade signs parallel and perpendicular to the street within the landscaped area at the front of the property. Wall mounted and verandah signage also exists on building façades parallel to the street. Many of the businesses in the area display both pole mounted/blade signs and wall mounted signs (ie. more than one sign).

The proposed signage is wall mounted on the front façade, and on the northern and southern sides of the building. The signage located on the southern side of the building is internally illuminated and located over 3.7 metres above pavement level.

Whilst it is noted that there are no other signs in the locality that are attached to a side wall and are internally illuminated the signs are not considered to detrimentally impact on the existing character of the commercially zoned area. The sign is not considered to dominate the streetscape as it is appropriately set back from the road, of an appropriate scale in terms of the relationship to the building and are considered to add interest and vitality to an otherwise blank wall.

It is expected that the illumination of the sign will cause some light spill into adjoining property used for residential purposes. It is noted that the residential property is located within the Commercial 1 Zone and therefore cannot expect a perfect level of amenity. It is therefore reasonable to recommend that a planning permit condition be included on a planning permit requiring the illumination associated with the signage will only operate to 10:00 pm to limit the amenity impacts. The signage is not considered to impact on any abutting residence to the rear within residential zoned land.

The proposed signage is mounted to an existing wall and does not protrude and therefore does not physically compromise any views to the public realm or existing signage. The sign is also not considered to dominate the skyline.

There are no structures associated with the sign and the application does not propose to display a logo box.

The sign to be internally illuminated is not considered to cause any significant impact on pedestrian or road safety. The application was notified to VicRoads who did not object to the application or provide any conditions to be included on the planning permit.

The decision guidelines of Clause 65

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.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- 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 application complies in the following ways:

- The relevant matters set out in Section 60 of the Act have been considered. The application accords with the relevant provisions in the Greater Shepparton Planning Scheme and complies with the objectives of planning in Victoria.
- The application is generally in accordance with the purpose of the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- The proposed application generally is in accordance with the purpose of the Commercial 1 Zone and other provisions.
- All relevant matters have been considered in accordance with the zone, and other provisions as above.
- The proposal is generally in accordance with the orderly planning of the area.
- The surrounding area is generally commercial in character with residential zoned land to the rear of the site. The proposed signage is appropriately designed and is not expected to be detrimental to the amenity of the area.
- The subject land is not in close proximity to any public land.

Relevant incorporated or reference documents

The Shepparton North Business Areas Strategy provides for the preferred future character of the area and advises that large dominating signs should be avoided. It also stated that signs should form an integral part of the building facade or landscaped front area and be in keeping with scale of the building.

The signage is not considered to be large and dominating as it is appropriately setback from the road and is an appropriate scale with respect to the existing building form.

Other relevant adopted State policies or strategies policies

There are no adopted State policies or strategies that relate to the application.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to the application.

Are there any significant social & economic effects?

There are no significant social and economic effects that relate to the application.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

It is considered that the application does not impinge on the Charter of Human Rights and Responsibilities.

Conclusion

The application is considered to achieve an acceptable outcome when assessed against the relevant policies of the Greater Shepparton Planning Scheme and it is therefore recommended that a notice of decision for the application for a planning permit be approved subject to conditions.

Draft Notice Of Decision

APPLICATION NO: 2014-324

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 38 WYNDHAM STREET SHEPPARTON
VIC 3630

WHAT THE PERMIT WILL ALLOW:

- ERECT AND DISPLAY INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGNAGE GREATER THAN 1.5 SQUARE METRES AND HIGHER THAN 3.7 METRES FROM THE PAVEMENT LEVEL IN THE COMMERCIAL 1 ZONE
- VARIATION TO THE DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 (DISPLAY OF MORE THAN ONE BUSINESS IDENTIFICATION SIGN AND EXCEEDING 1 METRE IN HEIGHT)

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Signs Not Altered**

The signs to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority.

2. **Sign illumination**

Signs must not be illuminated by external lights except with the written consent of the Responsible Authority. Any illumination of the **sign** is such that **it** do not cause glare, dazzle or otherwise distract road users or affect the amenity of the area. External sign lighting must be baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

3. Hours of Operation

The illumination of the sign must only operate between the hours of:
Monday to Sunday 6:00 pm – 10:00 pm

4. Sign maintenance

All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority.

5. No additional signs

No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the responsible authority.

6. Sign Permit Expiry

This permit will expire if the signs permitted by this permit are not erected within (1) year from the date hereof. This permit will lapse after 15 years from the date this permit is issued subject to the written consent of the Responsible Authority

Application Details:

Responsible Officer:	Ronan Murphy
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Application Number:	2014-251
Applicant Name:	R A Diamond
Date Received:	08-Sep-2014
Statutory Days:	123

Land/Address:	257-259 Wyndham Street SHEPPARTON VIC 3630
Zoning & Overlays:	Commercial 1 Zone Heritage Overlay Parking Overlay
Why is a permit required (include Permit Triggers):	43.01-1 Construction and display of a sign in the Heritage Overlay 52.05-7 Internally illuminated above verandah sign.
Are there any Restrictive Covenants on the title?	Nil
Is a CHMP required?	No
Was the correct application fee paid?	Yes

Proposal

The proposal comprises of a business identification sign, that is above verandah and internally illuminated sign at 257-259 Wyndham Street, Shepparton.

As the sign does not exceed 8m² no planning permit is required for the business identification sign component.

The subject site is within the Commercial 1 Zone and is affected by the Heritage Overlay and the Parking Overlay.

A Planning Permit is required pursuant to the provisions of Clause 52.05-7 of the Planning Scheme to display an above verandah internally illuminated sign.

A Planning Permit is also required for the sign pursuant to the provisions of Clause 43.01-1 of the Planning Scheme for the construction and display of a sign in the Heritage Overlay.

The proposed sign would have the following elements:

- An internally illuminated sign with an area of 2.89m² on two sides
- The sign has the following wording: Two Five Seven Restaurant bar / café.

Summary of Key Issues

- The application for a planning permit proposes the display of an internally illuminated above verandah sign at 257-259 Wyndham Street, Shepparton.
- The sign is existing on site and does not have a Planning Permit, the application currently being considered was made as a result of enforcement action commenced by the Planning Department.
- At a pre application meeting, the applicant was informed that the application would most likely not be supported by the Planning Department.
- This was confirmed in numerous phone conversations with the applicant throughout the application process.
- A site meeting to discuss the proposal was arranged, the applicant did not attend.
- The applicant has been informed that, the Planning Department would support an application where the sign was attached to the façade of the building.
- The application was referred to Vic Roads, who did not have any objection to the proposal.
- The application was referred to the Council's Heritage Advisor, who objected to this issue of Planning Permit as it was considered that the signage is too prominent and will detract from the cultural heritage values of the building in the Heritage Overlay.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2014-251** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **43.01-1 and 52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **257-259 Wyndham Street SHEPPARTON VIC 3630**, for an above verandah and internally illuminated sign in the Heritage Overlay for the following reasons:

1. The application is contrary:
 - e) To Clause 21.04-4 of the Local Planning Policy Framework which specifically discourages the display of signs that project above verandahs in all areas that are not attached to the parapet; and
 - f) The adopted Shepparton CBD Strategy which seeks to avoid all kinds of above-verandah signs within the CBD.

2. The application is contrary to Clause 21.04-5 of the Local Planning Policy Framework which seeks to protect the character of heritage places from inappropriate development which detract from the significance of buildings.

Moved by Johann Rajaratnam

Seconded by Ian Boyle

That the Council having caused notice of Planning Application No. **2014-251** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **43.01-1 and 52.05-7** of the Greater Shepparton Planning Scheme in respect of the land known and described as **257-259 Wyndham Street SHEPPARTON VIC 3630**, for an above verandah and internally illuminated sign in the Heritage Overlay for the following reasons:

1. The application is contrary:
 - a) To Clause 21.04-4 of the Local Planning Policy Framework which specifically discourages the display of signs that project above verandahs in all areas that are not attached to the parapet; and
 - b) The adopted Shepparton CBD Strategy which seeks to avoid all kinds of above-verandah signs within the CBD.
2. The application is contrary to Clause 21.04-5 of the Local Planning Policy Framework which seeks to protect the character of heritage places from inappropriate development which detract from the significance of buildings.

Carried

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **20/1/14** Time: **9.52** am

The site has a total area of approximately 449 square metres and currently contains:

- The site contains an existing two storey building that is currently in use as a restaurant.

The main site/locality characteristics are:

- The subject land is within the Shepparton CBD, within a mixed use street consistent with a CBD area.

The Photos below show the existing site:





Permit/Site History

The history of the site includes:

- 1) 2004-478
Permit granted for an on premise liquor licence and reduction in car parking.
 - 2) 2004-478/A
Permit amended to allow for updated hours of operation.
 - 3) 2007-328
Application refused for an internally illuminated business identification sign at the same location as the sign currently being considered.
 - 4) 2008-78
Planning Permit granted for the erection and display of an internally illuminated business identification sign. This permit relates to a sign which was located under the verandah.
 - 5) 2013-207
Planning Permit granted for a café / liquor license.
 - 6) 2013-207/A
Planning Permit amended to allow Sunday trading.
-

Further Information

Was further information requested for this application? **NO**

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.
-

Objections

The Council has not received any objections to date.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

Pre Application meeting 5/8/14

- In this meeting the applicant was informed that an application for a sign in its current form would most likely not be supported by the Planning Department..

Numerous phone calls

- Planning Officers and the applicant had numerous phone calls throughout the process, in which the applicant was told that the application was not considered to

achieve acceptable outcomes and would not be supported by the Planning Department. The applicant was informed that should the sign be attached to the façade that the Planning Department could consider the application more favourably.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 52 - Notice Authority	Advice/Response/Conditions
No Section 52 Notices required	Vic Roads No Objection, no conditions

Internal Council Notices	Advice/Response/Conditions
Heritage Advisor	Objected to the grant of a permit as the sign is too prominent and detracts from the cultural heritage values of the building.

Assessment

The zoning of the land

Commercial 1 Zone 34.01

The purpose of the zone is to create a vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

Advertising sign requirements are at Clause 52.05. This zone is in category 1 of the signage controls set out in Clause 52.05 of the Planning Scheme. The proposal will therefore be considered under Clause 52.05 of the Planning Scheme.

Relevant overlay provisions

Heritage Overlay

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A Planning Permit is required pursuant to the provisions of Clause 43.01-1 of the Planning Scheme for buildings and works in the Heritage Overlay.

Clause 43.01-4 of the Planning Scheme sets out the following decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance, heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*

The subject site is identified as being a non-contributory place within the Central Business Area Precinct (HO160). This precinct is cited as having historic, and social significance as it provides tangible physical evidence of the settlement of the commercial area of Shepparton. The built fabric demonstrates the historic and aesthetic character associated with each major phase of development.

The application was referred to Council's Heritage Advisor who stated:

The proposed signage - illuminated projecting box signage is not supported. The sign is too prominent and will detract from the cultural heritage values.

Instead the sign should be located either below the ground floor to the underside of the porch area or be attached to the upper wall.

It is important that this sign's presence in the streetscape is modified as it compromises the overall streetscape values.

In light of the above, it is considered that the proposal would not comply with the provisions of the Heritage Overlay.

Parking Overlay 45.09

The purpose of the Parking Overlay is:

- *To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

The sign would not have any impact on the provisions of the Parking Overlay.

The State Planning Policy Framework (SPPF)

15.01-1 Urban Design

The objective of this provision is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Relevant strategies and principles of the provision include:

- Promote good urban design to make the environment more liveable and attractive.
- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Response

The sign which is currently displayed projects vertically from the existing entrance structure to the building. The location and size of the sign dominates the façade and allows the sign to become a feature in its own right.

It is considered that the sign would not promote appropriate urban design and would detract from the visual character of the site.

The details regarding the sign and how the structure associates with the urban design characteristics of the locality are discussed in more detail under the Local Planning Policy section of this report.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Urban Design 21.04-4

Advertising signage is a key and often highly visible component of the physical environment of the municipality and the inappropriate design or placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

Objectives and strategies

- *To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.*
- *Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.*
- *Ensure that the location, form and size of signs complements the dominate character of any urban or rural landscape, building, site or area on which they are erected.*

Policy Guidelines – Advertising Signs

When considering an application for an advertising sign such as this one, Council will be guided by the following relevant provisions:

- *Fewer signs displaying a simple clear message is encouraged*
- *Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.*
- *Above verandah signs should be attached to the upper façade or parapet, parallel/horizontal to the road with minimal projection.*
- *Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas*
- *Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.*
- *Where possible signs should be located on the building.*

It is considered that the sign currently being considered would not comply for the following reasons:

- The sign does not compliment the character of this area of Wyndham Street, it is noted that there are no other above verandah signs of this type along the area of Wyndham Street in which the subject land is located.
- The sign projects from the parapet, which is clearly discouraged in all areas by the policy guidelines.

In light of the above and while it is acknowledged that advertising signage is often a typical function of the landscape within the Central Business District it is considered that the sign

would detract from the established character of the street. It is apparent that the eastern side of Wyndham Street at this location does not have signage that is comparable to the signage currently being considered.

It is clear that Council does not oppose appropriately sized and located business identification signage, this is clearly articulated throughout the Shepparton CBD.

The sign which is currently being considered, will not be attached to the facade or upper parapet of the building as identified in the policy guidelines. Council's Planning Officers have made it clear in discussions with the applicant that the Department would not oppose the sign if attached to the facade or parapet of the building to project at right angles to the wall. The location of the sign above the front door to the building has become a more dominant feature than the character of the building itself and as such become a disproportionately oversized feature of the urban landscape contributing to visual clutter. This is seen as a key component and reasoning for the policy which supports such signage to be attached to the buildings on which they are displayed.

21.05-4 Cultural Heritage

The objectives of Clause 21.05-4 of the Planning Scheme are:

- *To ensure that places of cultural heritage significance are conserved or restored.*
- *To discourage the demolition of places of cultural heritage significance that are designated as Individually Significant or Contributory in heritage precincts.*
- *To ensure that development does not adversely affect places of cultural heritage significance.*
- *To conserve the historic low-scale, low-density and homogenous character of any precinct and ensure that development is compatible with this character.*
- *To ensure that new development does not become the visually dominant element in any precinct. This includes external additions and alterations.*
- *To ensure that places that are designated as Non-Contributory in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the cultural heritage significance of a heritage precinct.*
- *To conserve and enhance significant views and settings in any heritage precinct.*
- *To ensure that archaeological remains are not inadvertently damaged or destroyed.*
- *To encourage sympathetic re-use of places of cultural heritage significance, including the consideration of uses which would normally be prohibited (where permitted in the Schedule to Clause 43.01), so that such places are maintained and enhanced.*

It is considered that the sign would not comply in the following ways:

- The proposal would adversely affect the character and setting of building in the Heritage Overlay. This view is supported by Council's Heritage Advisor.

Advertising Signs 52.05

The purpose of this provision is to:

- *Regulate the display of signs and associated structures;*

- *Provide for signs that 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.*

The subject land is identified as being within a category 1 area. The purpose of the category 1 area is:

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

Pursuant to Clause 52.05-5 a planning permit is required to display an above verandah sign.

Decision Guidelines 52.05-3

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

The character of the area including:

- *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.*

It is considered that the sign would not comply for the following reasons:

- It is considered that the sign does not comply with the amenity and visual character of the area.
- The sign does not respect the heritage value of the building from which it projects and would detract from cultural heritage values.
- The sign is at variance to the character of the area as it would be the only sign of its type in this area of Wyndham Street.

As identified previously, the character of the locality can be best described as the entrance to the Shepparton's retail core, further to this, the subject site is identified as being within the Heritage Overlay and such, this is a cogent consideration for the design of the sign and its impact on the building.

The application was referred to Councils Heritage Advisor, who objected to the issue of a Planning Permit as the sign would have a detrimental impact on the character of the heritage building.

A broad assessment of the general area in which the site is located demonstrates that Policy response the signage in the locality is predominately business identification displayed on the walls and front of verandahs of the existing buildings. It clearly discernable that signs displayed above the verandahs with no attachment to the façade or upper parapet are not common within the locality.

There are no similar signage types on the eastern side of Wyndham Street in this location. It is further noted that the only existing sign for the locality still being displayed above a verandah and not attached to a building being the Newagency sign on the western side of Wyndham Street.

Taking this into account it can be seen that, by the discouraging of these types of signs, Council has clearly achieved through the policy a desired theme, which should be retained. It is considered that allowing a sign of the type currently being considered would not achieve the desired advertisement theme of the area.

Impacts on views and vistas:

- *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.*

The sign would not comply for the following reasons:

- The sign detracts from the setting of the heritage building by its prominence and would detract from the cultural heritage values.
- The sign would have a detrimental impact on the quality of views in the area.

By locating the sign above the verandah and away from the building façade the proposed sign will potentially become a feature of the upper façade within the locality, similar to the newsagency sign on the other side (western side) of Wyndham Street. Although not significant in its own right to become a major impact of the streetscape, the sign would contribute to a clutter of signs and set a precedent for each of the tenancies to have above verandah signs, which would compromise the character of the area.

The relationship to the streetscape, setting or landscape:

- *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.*

The sign would not comply for the following reasons:

- The sign does not conform with the scale or character of the area and has the potential to dominate the visual amenity of the area.
- The sign is located above the entrance parapet of the building and does not comply with the Council signage policy.

As identified above the sign could become a dominate feature of the building and furthermore it could be considered that a precedent could be set for similar signage within the CBD. This would not achieve an acceptable outcome for the character of the CBD as a such signs could have a cumulative impact on the urban landscape.

The relationship to the site and building:

- 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.

The sign would not comply for the following reasons:

- The site is within the Heritage Overlay and Council's Heritage Advisor has stated that the sign is too prominent and would detract from cultural heritage values.

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*
- *The protential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The display of the sign will require just the frame in which the sign is to be mounted and no other structures are required.

The impact of any illumination:

- *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.*

The proposed sign is internally illuminated. The illumination is not a dominant characteristic of the sign.

The impact of any logo box associated with the sign:

- *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 size of the sign.*

A logo box is not proposed to be displayed.

- *The need for identification and the opportunities for adequate identification on the site or locality.*

It is considered that there is ample opportunity on the building to provide appropriate advertising structures. In this regard the applicant was advised that, if the sign was attached to the building that the Planning Department could support an application.

The impact on road safety. A sign is a hazard if the sign:

- *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 which might 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.*

The proposed sign is not considered to be distracting to road users. The sign will display a clear and simple message of the restaurant within the building and is not envisaged to result in any traffic issues as identified in the decision guidelines above.

It is noted that the application was referred to VicRoads who did not object to the proposal.

The decision guidelines of Clause 65

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.

- The following decision guidelines are relevant to this application:
- The matters set out in Section 60 of the Act.

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

Response

The relevant decision guidelines have been considered and addressed when assessing the application for a planning permit with the following identified.

There is no significant relevant State Planning policy which relates to the proposed advertising signage other than broad Urban Design policy directions. The proposed sign is considered to be at variance with the local policy in that it specifically discourages the location of signs above verandahs.

Whilst it is acknowledged that there is an above verandah sign in the vicinity of the land at 246 Wyndham Street (Lovells Newsagency) it submitted that this sign has been in place for a number of years and that the signage policy that now prevails was not in place when that sign was put in place.

The sign is considered to be at variance to the character of the area in providing an additional above verandah sign of which there are none within this section of Wyndham Street.

The proposal is not in keeping with the orderly planning of the area, in that as identified above the sign will result in an additional above verandah signage, which is limited within this locality.

The safety display of the sign is not envisaged to result in any safety impacts to either road users or pedestrians, given the location and simple content of the sign and the sign.

Relevant incorporated or reference documents

Heritage Study Stage IIB

257-259 Wyndham Street, Shepparton was recommended for inclusion in the Heritage Overlay within the *Greater Shepparton Heritage Study Stage IIB*. The place was subsequently included in the Heritage Overlay as a non-contributory place within the Shepparton Central Business Area Precinct (HO160) by Amendment C110 to the Greater Shepparton Planning Scheme.

The *Greater Shepparton Heritage Study Stage IIB* addressed a number of particular historic themes that had not been fully identified in the *Greater Shepparton Heritage Study Stage I* and *Greater Shepparton Heritage Study Stage II*. This included the identification of a number of places in the Central Business Area that contributed to an appreciation of significant periods of development. This included the identification of a number of places in the Central

Business District that contributed to an appreciation of significant periods of development. This included:

- The establishment of Shepparton at the turn of the 20th century. It was during this period that a number of the earlier timber buildings were replaced by more substantial masonry buildings.
- The Interwar Period. This was a period of rapid growth and economic prosperity linked to the development of irrigation and Closer Settlement Policies. A number of commercial buildings were constructed during this period and the identification of these buildings is important as they assist in demonstrating the impact that changes to agricultural practices, the development of associated industries and the service sector had on the built fabric of Shepparton.
- Immediate post war growth. Post war growth and post war migration combined with favourable agricultural seasons contributed to changes in the built fabric of the Central Business Area. There is a defined style of modernist commercial architecture found within the Central Business Area that is associated with this period of development.
- The 1970s and the promoted modernisation of the Central Business Area. A number of significant 19th century buildings were replaced and this includes the demolition of the Shepparton Post Office and the construction of new bank buildings.

The *Greater Shepparton Heritage Study Stage IIB* determined that the central business district of Shepparton is of aesthetic or architectural, social and historic significance. The study recommended that the Shepparton Central Business Area Precinct be included in the Heritage Overlay to continue to conserve the cultural heritage significance of this place.

Amendment C110 to the Greater Shepparton Planning Scheme included the findings and recommendations of this study in the planning scheme on 03 October 2013.

CBD Strategy

The following guidelines are set out with regard to signage:

- *Develop a consistent and coordinated suite of signage for the CBD that is designed to serve a range of purposes, such as way finding, marking historical locations or announcing entry points.*
- *Provide for business identification but discourage cluster of business identification signs within the CBD.*
- *Ensure signs do not dominate, are of high quality and minimise the visual impact of advertising signage on streetscapes.*
- *Encourage multiple business occupancies to share space on the sign.*
- *Limit the size of freestanding business identification signs to an envelope that is a maximum height of 1.5m and a maximum width of 1m. (This envelope includes the height of any supporting structure).*
- *Limit the size of signs attached to a building.*
- *Avoid promotional signs.*
- *Avoid all kinds of V-board signs, above-verandah signs and advertising elements such as banners, flags, major promotional signs and inflatable signs within the CBD.*
- *Avoid A-frame signs within the CBD.*
- *Avoid colours and materials that interfere with the safety or efficiency of traffic circulation.*

The proposal would not comply in the following ways:

- The sign would dominate the building and would have a detrimental impact on the character of the area.
- The sign is above the parapet of the building which is discouraged.

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application

Conclusion

The application for the display of an above verandah internally illuminated business identification sign is considered to be at variance with the Local Planning Policies and characteristics of the locality as identified in the Greater Shepparton Planning Scheme.

It is considered that the sign at its current location, on the verandah would become a feature of the locality in its own right, being separated from the main built form of the site.

The application was referred to Council's Heritage Advisor, who objected to the issuing of a Planning Permit, as the sign detracts from the cultural heritage of the place. It is considered therefore that the sign would not comply with the provisions of the Heritage Overlay.

The recommendation that the proposed sign be refused is considered reasonable as the proposed sign is specifically discouraged by the Local Planning Policy, Heritage policies and the CBD Strategy.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2014-251

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 257-259 Wyndham Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Above Verandah internally illuminated signage

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The application is contrary:
 - a. To Clause 21.04-4 of the Local Planning Policy Framework which specifically discourages the display of signs that project above verandahs in all areas that are not attached to the parapet; and
 - b. The adopted Shepparton CBD Strategy seeks to avoid all kinds of above-verandah signs within the CBD.

2. The application is contrary to Clause 21.05-4 of the Local Planning Policy Framework which seeks to protect the character of heritage places from inappropriate development which detract from the significance of the building.

Meeting closed at 11.30AM