

MINUTES OF THE ORDINARY MEETING OF COUNCIL

28 MAY 2018

Cr Kesic returned to the Chamber at 7.53pm.

Cr De Santis left the Chamber at 7.53pm.

12.11 AMENDMENT C188 TO THE MELTON PLANNING SCHEME - ADVERTISING SIGNAGE DESIGN GUIDELINES

Author: Christine Renkin - Senior Strategic Planner

Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider submissions received in response to Amendment C188 to the Melton Planning Scheme during the exhibition period.

RECOMMENDATION:

That Council:

1. Request the Minister for Planning to convene a Planning Panel to consider the unresolved submissions received in response to Amendment C188 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the General Manager Planning and Development and Manager City Design, Strategy & Environment to negotiate and resolve issues that are raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

Amendment C188 seeks to amend the Melton Planning Scheme to implement the recommendations of the *Melton Advertising Signage Design Guidelines (2017)* (the Guidelines). The Guidelines were adopted by Council at the Ordinary Meeting of 18 September 2017 (**Appendix 1**).

At its Ordinary Meeting on 18 September 2017, Council resolved to prepare and exhibit Amendment C188 to the Melton Planning Scheme to implement the recommendations of the Guidelines.

Following this resolution, Council Officers sought Authorisation to commence the amendment from the Department of Environment, Land, Water and Planning (DELWP). Subsequently the draft amendment was publicly exhibited during the period of 27 March 2018 – 27 April 2018 and four submissions were received (submissions are summarised in section five of this report).

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It is recommended that Council request the Minister for Planning consider submissions received in response to Amendment C188 and request establishment of an independent Planning Panel to consider the unresolved submissions received in accordance with the Planning and Environment Act 1987.

2. Background/Issues

City of Melton Advertising Signage Design Guidelines

The Guidelines update the Shire of Melton's Outdoor Advertising Policy and Guidelines prepared in 2005 and revised in 2010 and City of Melton Highway Advertising Signage Policy for Residential Subdivisions September 2014.

The Guidelines apply to all planning permit applications for signage in the municipality and establish a set of objectives, general policy and design guidelines for specific signage types and for specific land uses. Advertising signs are important to identify, communicate and market businesses, institutions and buildings across the municipality.

Advertising signs have a significant impact on the public realm and the quality of the streetscape and the building with which they are visually associated. Well integrated signage in appropriate locations can add colour, vibrancy and interest to an area. A proliferation of signs and poorly designed and located signs can significantly detract from the attractiveness and amenity of the City's urban and rural environments and gateways, as well as reducing the effectiveness of signs.

A draft of the Guidelines was released for public consultation from Monday 10 July 2017 – 4 August 2017. Six submissions were received during this period by way of an online survey, which resulted in changes being made to the Guidelines.

Further revisions were made with feedback from internal Council departments and guidance from the Department of Environment, Land, Water and Planning before they were adopted by Council at the Ordinary Meeting of 17 September 2017 (**Appendix 1**).

Amendment C188 seeks to amend the Melton Planning Scheme to implement the recommendations of the *Melton Advertising Signage Design Guidelines (2017)*. At its Ordinary Meeting on 18 September 2017, Council resolved to prepare and exhibit Amendment C188 to the Melton Planning Scheme to implement the recommendations of the Guidelines.

Amendment C188

In 2017 Council officers translated the Guidelines into planning scheme ordinance to form part of Amendment C188 to the Melton Planning Scheme (**Appendix 2**).

Amendment C188 amends the Melton Planning Scheme by:

- inserting a new planning objective related to ensuring advertising signage supports business and contributes to an attractive image for the municipality in Clause 21.03-2 of Council's Municipal Strategic Statement.
- inserting a new Clause 22.17 Advertising Signage Policy to give effect to the City of Melton Advertising Signage Design Guidelines, September 2017.

Council officers sought Authorisation to commenced Amendment C188 to the Melton Planning Scheme, which was granted on 2 February 2018. The amendment was placed on public exhibition from 27 March 2018 to 27 April 2018.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.1 *A City that strategically plans for growth and development.*

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the Amendment.

The budget for Planning Scheme Amendments, including the planning panel, is within the City Design, Strategy and Environment unit's recurrent budget.

5. Consultation/Public Submissions

Public Exhibition

The amendment was publicly exhibited from 27 March 2018 – 27 April 2018 and involved giving notice in the following ways:

- A notice was placed in the Melton and Moorabool, and Brimbank and Northwest, editions of the Star Weekly on 27 March 2018.
- Letters and a brochure explaining the Amendment were sent to all landowners and occupiers subject to the Industrial 1 or 3 Zone, Commercial 1 or 2 Zone, Comprehensive Development Zone, Mixed Use Zone (excluding Eynesbury), and the Urban Growth Zone where the applied zone is one of the aforementioned and where there is no approved Urban Design Framework, on 27 March 2018 (**Appendix 3**).
- Letters were also sent to Prescribed Ministers, adjoining Councils, and Government bodies (VicTrack, V/Line, VicRoads, Melbourne Water, and the Victorian Planning Authority) on 27 March 2018.
- A notice was placed in the Government Gazette on 29 April 2018.
- Details of the amendment were placed on Council's website, under the Planning Scheme Amendment section.

A brochure written in plain English was also sent to landowners and occupiers, which explained the amendment to the Melton Planning Scheme.

The amendment was placed on exhibition concurrently with Amendment C174, which seeks to introduce *Industrial Design Guidelines* (2016), in the City of Melton.

Submissions

A total of four submissions were received in response to Amendment C188.

A letter of support for the amendment was received from Transport for Victoria, two submissions opposed the amendment in some form, and one submission was critical of Council undertaking the project but did not object to the amendment.

Following exhibition, Council officers contacted the two submitters with an objection to the amendment to discuss their issues and attempt to resolve the matters raised. To date Council has not received a response and the submission remain unresolved. A summary of issues raised through submissions to be considered by the Planning Panel are detailed below:

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Submission	Officer Response
<p>The current strategy and guidelines are adequate and do not need to be revised or implemented through the Melton Planning Scheme as proposed. There are bigger issues facing Melton than signage.</p>	<p>The proposed Local Policy strengthens Council's decision making on applications for advertising signage by giving statutory weight through the Melton Planning Scheme.</p> <p>No change proposed</p>
<p>The Amendment only seeks to increase work and effort involved and limits the opportunity for business to be unique.</p>	<p>The proposed Local Policy and Guidelines with Application Checklist will provide a clear and consistent message to applicants about Council's expectations for the design and siting of signage, and what to include as part of a planning permit application for signage.</p> <p>Further, they aim to balance the expectations of business and economic development by recognising the importance of advertising signage with that of the expectations of Melton's broader community in managing an attractive and quality public realm.</p> <p>No change proposed</p>
<p>The Amendment is a waste of Council's time and rate payer's space and time. What happened to the Council changes to real estate signage?</p>	<p>Council's Council and Wellbeing Plan objective for a well-planned and built City requires a clear vision to manage growth. The Advertising Signs Policy and Guidelines contribute to achieving this outcome through ensuring signage contributes to an attractive environment.</p> <p>Real Estate signage is a local laws matter and not dealt with as part of this Amendment.</p> <p>No change proposed.</p>
<p>Place on hold until outcome of Smart Planning process.</p>	<p>Smart Planning is being rolled out incrementally and the extent of changes proposed in the <i>Reforming the Victoria Planning Provisions Discussion Paper, October 2017</i> will not be known until at least mid-2018.</p> <p>Council has prepared the strategic policy with the oversight of DELWP and has been directed to proceed with the amendment on the basis that any new Smart Planning provisions will need to be considered during the amendment process and changes to the Policy or otherwise made.</p> <p>No change proposed.</p>
<p>The metrics for sign areas, height, setbacks are considered restrictive and the Guidelines do not explain how the figures were arrived at.</p>	<p>The design guidelines build on the two existing policies for signage, and have been derived further through consultation with statutory planning services, referring to other Council policies with similar locational contexts i.e. Wyndham, and consideration for the local context and urban</p>

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Submission	Officer Response
	design outcomes desired across the municipality. No change proposed.
The language in Clause 22.17 is ambiguous and in cases repeats policies and directions contained in Clause 52.05.	The submitter has not identified where repetition exists. Council will continue to resolve matters raised in this submission with the submitter. The Local Policy has been developed in conjunction with DELWP and has been written to tailor specific requirements for signage in the local context so as not to repeat Clause 52.05. No change proposed.
Policy is over restrictive in relation to promotion signs that are not affixed to a building.	Promotion Signs not affixed to a building are generally associated with signage displayed on subdivision and new residential estates. Given the extent of growth areas across the Melton municipality, it is important for Council to provide clear direction for promotion and major promotion signs in growth areas to avoid excessive signage and clutter, and avoid negative impacts on the amenity of sensitive areas such as residential, green wedge and rural areas, and gateways. It is considered that the Guidelines provide for adequate signage to advertise a subdivision and residential estate. No change proposed.
The policy relies upon terms that are not defined (e.g. Free standing shopping centres and free standing pad sites).	The purpose of local policy is to tailor provisions to its local context. The land use terms are specifically defined in the Guidelines and Local Policy to determine their application. No change proposed.
Some of the policy is ultra vires (conflict with UGZ signage allowances)	The UGZ provisions at Clause 37.07-1 Part A – Provisions For Land Where No Precinct Structure Plan Applies require at Clause 37.07-8 Advertising signs. <i>“Despite the provisions of Clause 52.05-9, a permit may be granted, for a period of not more than 5 years, to display an advertising sign that promotes the sale of land or dwellings.”</i> The proposed Local Policy is not inconsistent with the intent of the UGZ and provides additional design guidance for signage in new subdivision and residential estates. No change proposed.

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Submission	Officer Response
<p>The policies for <i>Subdivision and new estate promotion signs</i>, the signage allowance is unreasonably restrictive e.g. one sign per road frontage does not allow sufficient area to convey the range of information about the estate's features, facilities and precincts.</p> <p>The setback requirements are excessive, particularly in areas where the road reserve has been widened to accommodate road duplication.</p>	<p>The Local Policy includes opportunity for a second promotion sign where the road frontage is greater than one kilometre in length. Further, it permits on-site promotion signage, such as pole signs with banners along the main entrance road to the estate, to communicate such things as the estate's features, facilities and precincts.</p> <p>The Local Policy also includes that signage on a highway or freeway frontage should only promote the residential estate. Signage should not be promoting the details of products sold i.e. sense of community or features and precincts.</p> <p>The requirements for setbacks were established in the <i>Highway Advertising Signage Policy for Residential Subdivisions</i> adopted by Council at an Ordinary Meeting of Council on 21 October 2014, including:</p> <p><i>"Council will not permit signage located within a road reserve. Signage must be setback a minimum of 10 metres from the Title boundaries of private land, where the land fronts either of the Western or Melton Highways."</i></p> <p>The proposed Local Policy states signs should be set back five metres from the title boundary for roads other than highways and freeways.</p> <p>No change proposed.</p>
<p>Objectives for signage to 'enhance' the character of buildings and landscapes is an unreasonable test that can be used to preclude almost any signage proposal.</p>	<p>The overarching Objectives of the Local Policy and Guidelines is to achieve advertising signage that responds to and is designed to enhance its landscape, site and built form character context.</p> <p>It is a requirement of the applicant to demonstrate how the sign meets this objective by applying the general policy and specific land use policy guidelines to the design and siting of the sign.</p> <p>No change proposed.</p>

Given that there are two submissions remain unresolved, it is recommended that Council request the Minister for Planning establish a Planning Panel to hear Amendment C188.

6. Risk Analysis

Proceeding with a Planning Panel will provide submitters the opportunity to be heard by an independent third party and for Council to present their position on the issues referred to the Panel in accordance with the *Planning and Environment Act 1987*. The recommendations of the Panel and Council officers proposed response to these recommendations, will be reported to Council for consideration.

Should Council choose not to proceed with the amendment, the absence of a Local Planning Policy in the Melton Planning Scheme will result in a lack of direction for Council Officers in

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assessing future planning permit applications for advertising signage in a consistent and efficient manner. It will also undermine the policy direction of an adopted Council Guidelines and the amendment process undertaken to date.

If the Amendment is abandoned Council will not be able to reinstate it and therefore would not be implementing an adopted Council Guidelines.

7. Options

Council can resolve to either:

1. Request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C188 in accordance with the *Planning and Environment Act 1987*, and authorise the General Manager of Planning and Development and Manager City Design, Strategy & Environment to negotiate and resolve any issues raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.
2. Abandon Amendment C188 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Council Minutes - dated 18 September 2017
2. Draft Advertising Signs Local Policy - undated
3. Information Brochure - undated