



# Assessment against Planning Scheme

Planning Application No. P017-25

Responsible Officer: Nicole Embling, Senior Coordinator Planning

## Conflict of Interest

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes ☐ No ☒

Application Details	
<b>APPLICANT</b>	Gawk Outdoor
<b>PROPOSAL</b>	Display of an externally illuminated (double-sided) Major Promotion Sign
Property Details	
<b>PROPERTY ADDRESS</b>	215 Dead Horse Lane, Mansfield
<b>LAND DESCRIPTION</b>	Lot 1 PS126001

## Mansfield Planning Scheme and Context Assessment

Mansfield Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

## Municipal Planning Strategy (MPS)

### Clause 02.03-1 – Settlement

*The settlement pattern in the Shire is characterised by Mansfield Township as the major urban centre, with a number of surrounding smaller settlements, significant areas for rural living and a number of isolated 'legacy' settlements principally located around the shores of Lake Eildon. The 4 major valleys: Upper Delatite, Upper Goulburn, Howqua and Jamieson provide a distinctive and valued landscape setting for all settlements.*

### Mansfield Township

*The Hume Regional Growth Plan 2014 considers Mansfield Township a sub-regional moderate growth centre in the Central Hume sub-region that is serviced by larger regional towns further west and north. It is the only urban centre with significant growth potential in the Shire and provides all major services and infrastructure for the community. Commercial and retail growth will occur within and around the shopping centre. There is a need for more industrial land to service demand. Existing infrastructure is capable of servicing growth however there is a need to increase water storage capacity.*

Officer Response:

The subject land is within the Mansfield Township and positioned in the Industrial precinct on Dead Horse Lane.

## **Clause 02.03-2 – Environmental and Landscape Values**

### Biodiversity

*Large areas of native vegetation have been cleared for agriculture, especially in the Mansfield basin. Although the current rate of clearing has reduced, the incremental loss of remaining habitat is a major issue. Potential threats to remnant vegetation include clearing (including removal of single paddock trees), salinity, roadside management, lack of regeneration, inappropriate fire regimes, disturbance and damage; including that caused by livestock grazing, timber harvesting and intensification of use and development.*

*There are a number of endangered, vulnerable or depleted Ecological Vegetation Classes (including Plains Grassy Woodland, Grassy Woodland, Herb-rich Woodland and Valley Grassy Forest). and numerous threatened plant and fauna species including the nationally-listed Grassy White Box Woodland.*

*Protection of remnant vegetation is a high priority including in:*

- *Roadsides, which provide some of the most significant native habitats and are under threat through pressures from development and degradation.*
- *Riparian zones, where vegetation is particularly important for the protection of native habitat and biodiversity values, but also for its benefits to water quality that result from riparian buffer zones with a width of at least 30 metres.*

Officer Response:

The subject land and the adjoining road reserve include large remnant native trees, close to the proposed development area. Concern has been raised by Councils Environment Team that the proposed illumination of the sign could impact on native nocturnal animals who use the trees and its hollows.

Additionally, the application has not provided any details of Tree Protection Zones or the structural root zones of the nearby trees to ensure the sign and its footings would not impact on the trees.

### Landscapes

*The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and of intrinsic importance to its landscape.*

*Rural areas are acknowledged as one of the Shire's and the region's greatest assets. Significant for rural production as well as from a natural landscape perspective promoting tourism and attracting visitors to the Shire, many of the rural valleys are recognised as having significant landscape qualities unique to the State and worthy of protection.*

*Significant landscape and natural features include Mounts Buller, Stirling, Terrible and the Great Dividing Range, and parts of the Eildon and Alpine National Parks. Mount Buller and Mount Stirling are in the Alpine National Park.*

*Development along ridgelines or highly visible slopes can impact the landscape character of the area. Approaches to the mountains also need to be protected for their significance and high visual amenity, particularly the state significant Mount Buller and Mount Stirling alpine vista.*

*Council's strategic directions for environmental and landscapes values are to:*

- Protect areas of remnant vegetation for their environmental, habitat and scenic values, including roadside vegetation, riparian environments, scattered trees and native grasslands.*
- Protect the landscape character of the Shire and significant landscape features including large old trees, visually significant ridges and view corridors.*
- Protect the environmental, landscape and visual significance of rural areas, mountain and environmental features and alpine approach areas.*

#### Officer Response:

The location of the proposed sign is on the interface between Mansfield rural and township areas, adjacent to the open area of the Mansfield Racecourse and the need to protect the overall rural character of Mansfield is critical and specified through the strategic directions.

The subject land is visibly prominent on the approach to Mansfield and when travelling from Mansfield towards Lake Nillahcootie on the Midland Highway, where views to rural areas are prominent. The landscape in this area is characterised by the large native trees which line the road reserve.

It is considered that the proposed sign would detract from the natural landscape character.

### **Clause 02.03-4 – Natural Resource Management**

#### Agriculture

*Rural land is under increasing pressure for residential use and development not associated with the rural use of the land. Productive agricultural land must be maintained to remain agriculturally viable and ensure the ongoing ability to farm is protected. To do so, it is important that only marginal rural land in areas with a minimal visual impact be developed for small scale rural or rural living style development.*

*Maintaining large rural allotments in the rural zones plays a vital role in maintaining agriculture and rural amenity. A legacy from past decisions is the large number of 'undersized' lots created in rural areas for the purpose of rural residential living without the appropriate zoning changes to reflect that purpose. As a result, landowners have an expectation that those lots can be developed for dwellings. A balance needs to be struck between this and the need to protect agricultural land for agricultural use.*

*Council's strategic directions for the management of agricultural land are to:*

- *Protect productive agricultural land from land fragmentation and incompatible use and development.*
- *Protecting the on-going viability of agricultural land for agricultural purposes particularly from amenity conflicts arising from dwellings.*
- *Support diversifying the agricultural base to include the development of viticulture, horticulture, and more intensified agricultural pursuits.*

Officer Response:

Through objections received, Council became aware of the existing warning sign positioned on the property boundary, warning of Chilean Needle Grass being present on the land. There is a risk to agricultural land in Mansfield from Chilean Needle Grass if it is spread, this particular application could spread Chilean Needle Grass by the use of the development vehicles travelling across the subject land.

The application documents submitted have not included any detail of how this risk could be mitigated and managed to an acceptable standard.

Water and Declared Special Water Supply Catchments

*Council's strategic directions for catchment planning and management are to:*

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- *Avoid development in catchments that is detrimental to water quality.*
- *Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

Officer Response:

The subject land is located in the Water Catchment Area for Lake Eildon and has been considered by the Responsible Authority for the Catchment Area, being Goulburn Murray Water (GMW) who have provided unconditional support for the proposal. Overall, it is considered that the installation of the sign would not impact on the Special Water Supply Catchment.

**Clause 02.03-5 – Built Environment and Heritage**

Township and Neighbourhood Character

*Development of land along the Maroondah Highway and other major routes such as Mount Buller Road in the Shire need to be sensitive to their role as gateways to the Alpine areas*

*Mansfield Township's residential areas are characterised by wide streets with on street parking, large lots and street trees. Infill and medium density development will challenge the urban character of some areas in town but key attributes such as their spacious garden settings and identified heritage buildings should remain and be protected.*

Officer Response:

The proposed development area is adjacent to the Midland Highway which is considered a major transport route in Mansfield Shire and is visible from the formally identified Heavy Vehicle

Alternative Route (HVAR) which includes Dead Horse Lane. The entrance to Mansfield along the Midland Highway is the gateway to the Alpine areas from the north.

## **Clause 02.03-7 – Economic Development**

### Industrial Development

*Mansfield Township is the only location that provides significant industrial development opportunities. There are 90 hectares of industrial zoned land. The industrial areas are relatively fragmented and poorly connected by suitable heavy vehicle routes.*

*There has been very little recent activity in Mansfield Township's industrial land sector, reflecting the existing situation in which any latent demand cannot be realised because of the lack of available industrial land for sale or lease.*

### Officer Response:

The subject land is within the recognised industrial precinct of Dead Horse Lane where additional development is expected in the near future adjacent the subject land to the west. The site is considered to be high impact as it is visible from the Midland Highway and the HVAR along Dead Horse Lane. It is expected that signs within the industrial precinct will represent the operating businesses to identify services available. The use of a promotion sign will not align with the key characteristics of the future expansion of the industrial precinct.

### Tourism

*With the significant visual, cultural and environmental value of many areas in the Shire, tourism is a key local economic driver, particularly around nature-based, food and wine, (on- and off-road) bicycle tourism. Popular tourist destinations in and around Mansfield include:*

- *Mount Buller, one of Victoria's most popular ski resorts.*
- *Mount Stirling, a very popular cross country skiing and bushwalking area.*
- *Lake Eildon, Lake Nillahcootie and local rivers, for water-based activities such as house boating, fishing and water skiing.*

*Other key nature-based tourism infrastructure and recreational facilities include the Great Victorian Rail Trail (Australia's longest dedicated rail trail) and the Epic Mountain Bike trail on Mount Buller.*

*The proximity of Lake Eildon to Melbourne has also made its environs popular for the establishment of 'weekenders' and holiday homes, similarly to other local townships providing both close access to Melbourne, Mansfield infrastructure and services and nature.*

*The increasing number of visitors and added pressure to provide entertainment and recreation facilities that help reinforce Mansfield's competitive advantage in the tourism sector can negatively impact the built and natural environment and landscape character of the area.*

*Council's strategic directions for economic development are to:*

- *Diversify the economic base, particularly to reinforce the role of the Shire as a year-round*

*tourism destination.*

- *Provide sufficient retail/commercial and industrial land to meet demand.*
- *Support commercial and retail development that complements anticipated urban growth and infrastructure improvements.*
- *Support viable industrial business opportunities.*
- *Support environmentally sustainable industries as alternatives to the traditional forms of industry.*
- *Support the continued growth of the agricultural sector.*
- *Support traditional and emerging forms of agriculture.*
- *Attract high quality tourism development that is compatible with the environmental attributes and character of the area.*
- *Support Mount Buller as Victoria's premier snow skiing destination.*
- *Minimise the negative impact that tourism can have on the built and natural environment.*

Officer Response:

The submitted Planning Report provides:

*"Companies within a small radius to our advertising signs will always take preference over large nationwide advertising campaigns. Typically, at least 50% of the advertising content is for businesses located within a 5km radius of the sign. Road safety messages from the TAC are also very common across regional billboards.*

*"Our billboards help grow local businesses as well as attract visitors to the town. Advertisements often prompt travellers to stop in that town which puts money in the local economy when motorists may have not otherwise stopped.*

As provided by Councils Tourism and Economic Development Team the use of signs promoting local businesses and events could provide benefits to encourage additional tourism to Mansfield Shire. However, should a permit issue it could not control the content of the sign and it would be very likely that the content of the sign would not always be local. For example, the existing Major Promotion Sign located at 185 Mt Buller Road regularly includes content for business and events outside Mansfield Shire.

The use of the sign to promote Mansfield Shire would not be guaranteed or able to be controlled if a permit was to issue. On balance, the potential for the sign to sometimes provide local content to boost tourism is not reason enough to support the proposal.

### **Clause 02.03-8 – Transport**

*The region is characterised by east-west transport connections providing access to the Hume and Goulburn Valley corridors, with many of these roads playing an additional role as Alpine approaches and major tourism routes.*

*It is becoming increasingly important to provide freight access to the regional centre to minimise its adverse impacts on existing road networks. Council in conjunction with VicRoads has identified an interim and ultimate Heavy Vehicle Alternative Route through Mansfield Township.*

*The ultimate northern route will require further road augmentation works to divert traffic away from the shopping centre.*

*Council's strategic directions for transport are to:*

- *Facilitate improved transport linkages and east/west connections to the Hume and Goulburn Valley Highway corridors in particular.*
- *Protect the Alpine approaches as major transport and tourism routes.*
- *Facilitate use and development that directs heavy vehicle/freight traffic away from Mansfield Township and minimises any adverse impact on existing road networks and local traffic.*
- *Improve road safety by supporting the provision of an efficient movement network for vehicles, pedestrians and cyclists.*

Officer Response:

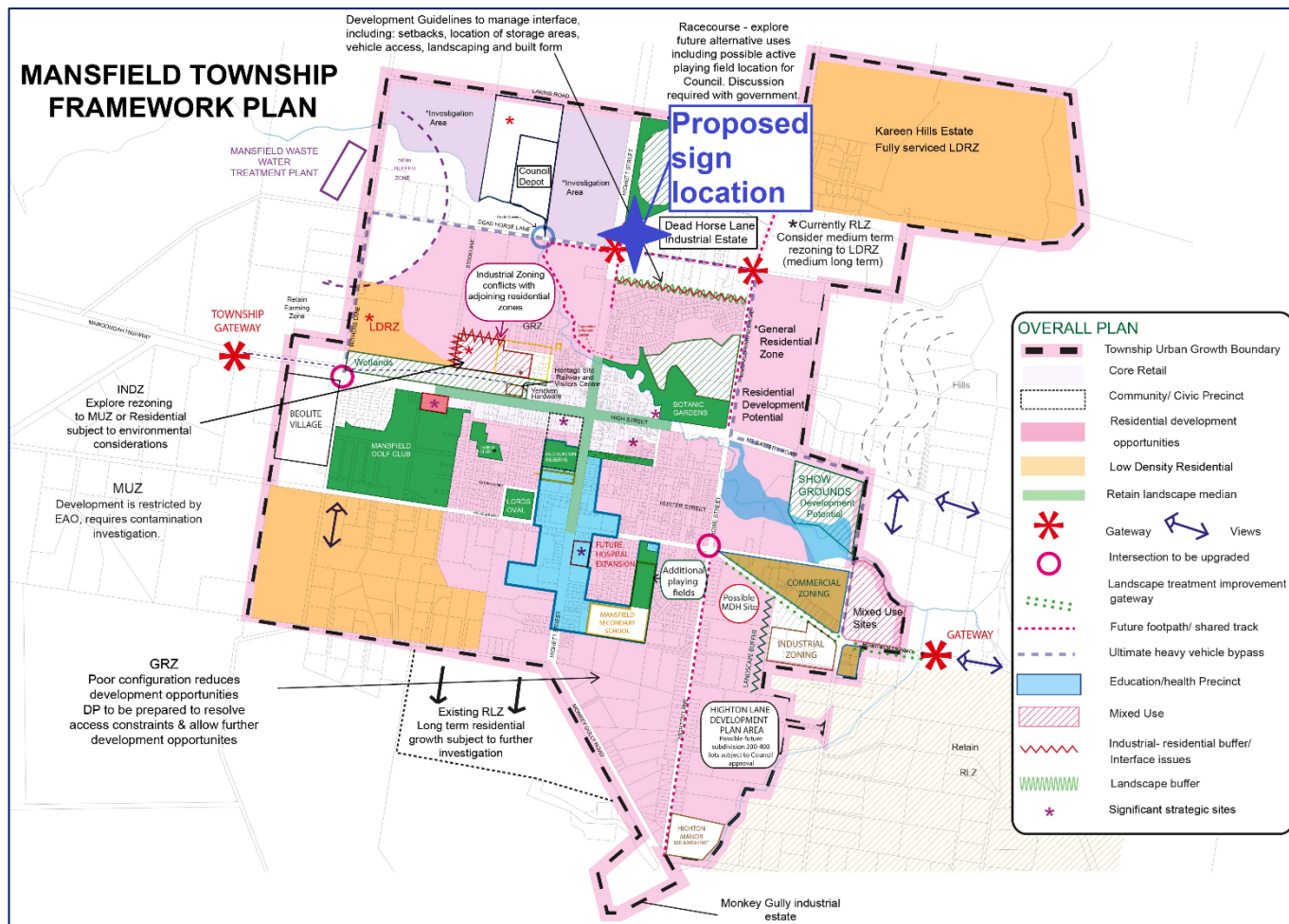
The sign would be located on the corner of Midland Highway, being one of the four key Township Approaches to Mansfield and the HVAR which re-directs heavy traffic away from the Township.

Councils Engineering Team have provided a response to the proposal which outlines concerns for traffic safety with the sign potentially impacting driver views and distracting at an already high risk intersection where there has previously been serious accidents.

## **Planning Policy Framework (PPF)**

### **Clause 11.01-1L-01 – Mansfield Township**

*This policy applies to all land identified in the Mansfield Township Strategic Framework Plan and Mansfield CBD Framework Plan to this clause.*



## Objectives

To support the growth of Mansfield township as the focus of development in the Shire.

To consolidate the Mansfield Township Central Business District (CBD) shopping centre.

To protect the development and future growth of the Lakins Road precinct as the Shire's primary industrial area.

## Industrial Strategies

Encourage relocation of service industries, light industrial, rural supplies and vehicle repair uses from the town centre to new industrial areas, including Mount Buller Road and Lakins Road once subdivided.

Protect Lakins Road industrial precinct from residential encroachment.

Site and design industrial development in Dead Horse Lane to reduce amenity conflicts with neighbouring residential properties to the south by incorporating the necessary landscape and acoustic buffers.

Support the continuity of the Dead Horse Lane industrial area as an established industrial area.

*Support the rejuvenation and redevelopment of Dead Horse Lane through improved road infrastructure.*

*Implement buffering treatments to manage interactions between existing industrial uses and growing residential dwellings to the south of Dead Horse Lane.*

*Encourage relocation of manufacturing, construction, rural supplies and vehicle repair uses to new industrial land in Dead Horse Lane.*

*Require new development in Dead Horse Lane to maintain a suitable landscape and acoustic buffer to the residential properties to the south to reduce amenity conflicts.*

### Transport Strategies

*Improve connectivity by using existing mid-block connections such as Bank Place and Eisners Lane) as pedestrian links.*

*Provide on-site car parking as part of retail and commercial development, wherever possible.*

*Support development and growth in Lakins Road industrial area through improvements to transport infrastructure.*

### Officer Response:

The relevant strategies for the Mansfield Township provide for the protection of industrial land and the future expansion of the industrial precinct. The affects of a major promotion sign within the industrial precinct and along the HVAR would not be an improvement to traffic safety and would not provide any detail of businesses on the subject land.

## **Clause 12.01-1S – Protection of Biodiversity**

### *Objective*

*To protect and enhance Victoria's biodiversity.*

### *Strategies*

*Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*

*Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.*

*Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*

- Cumulative impacts.*
- Fragmentation of habitat.*
- The spread of pest plants, animals and pathogens into natural ecosystems.*

*Avoid impacts of land use and development on important areas of biodiversity.*

*Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).*

*Assist in the identification, protection and management of important areas of biodiversity.*

*Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.*

*Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.*

Officer Response:

The proposal includes use of external illumination of the sign between 4am and midnight. A response from Councils Environment Team has raised concerns that the use of illumination in an open area with many large native trees could create a fragmentation of habitat, whereby native animals will not pass under or over the illumination line creating a disconnect between natural habitat areas.

Additionally, as previously mentioned, there is a risk for pest plants, being Chilean Needle Grass, to be spread by vehicles entering and exiting the land, particularly during installation.

**Clause 12.01-1L – Protection of Biodiversity**

*Strategies*

*Protect significant vegetation communities, especially from higher residential densities that lead to fragmentation and incremental clearing and disturbance.*

*Protect large old paddock trees for their significant habitat and landscape value, especially in the context of the intensification of land use, including residential and rural living developments.*

*Prevent unjustified removal of native vegetation and encourage the recovery of threatened species and communities.*

Officer Response:

The installation of an illuminated major promotion sign in an area currently covered by large native trees could impact the existing habitat areas of native fauna.

**Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches**

*Objective*

*To protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity.*

## Strategies

*Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.*

*Site and design development to be responsive to the topography of the land and unobtrusive in the landscape.*

*Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.*

*Avoid development on visually exposed ridgelines, unless its visual impact can be minimised by using designs and colours that blend with or compliment the landscape.*

*Incorporate building setbacks from property boundaries, roads and waterways that are consistent with the scale of the building, site characteristics, and potential impact on the environment and rural activities conducted on the site.*

*Use building materials with external finishes that:*

- Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural environment.*
- Have a low reflectivity to minimise glare and visual impact.*

## Policy Guidelines

*Consider as relevant:*

- Designing buildings located on or close to a visually exposed ridgeline to not exceed 1 storey or 6 metres in height from natural ground level.*

## Officer Response:

The subject land is considered to be in a significant landscape, at the gateway to Mansfield, in an area characterised by large native trees, open spaces, farmland and a growing industrial precinct. The impacts from a major promotion sign would change the character of the area and create a visual eyesore in the landscape, particularly when the colours and content of the sign would regularly change and may not be respectful to the surrounding landscape. It is likely that bright colours would be used, as shown on the example plans, to draw attention, detracting from the natural landscape.

The illumination of the sign could also cause glare and visual impact, not only to surrounding businesses but also to passing traffic, causing a traffic hazard.

The application has not provided for any landscaping treatments around the base of the sign, or to include any detail as to how the land around the sign might be used in the future.

The purpose of this policy is create development which is reflective of, and responds to, the natural rural character of Mansfield. It is considered that a, probably brightly coloured, major promotion sign would detract from that preferred character and would be visually imposing in the landscape.

## **Clause 14.01-1S – Protection of Agricultural Land**

### *Objective*

*To protect the state's agricultural base by preserving productive farmland.*

### Officer Response:

The subject land is located near existing productive farmland, which is a critical industry in Mansfield producing high quality stock and cropping.

The application has not addressed how the risk of pest plants (Chilean Needle Grass) spreading will be managed to protect our agricultural land.

## **Clause 14.02-1L – Catchment Planning and Management**

### *Policy application:*

*This policy applies to land within a Declared Special Water Supply Catchment Area, as shown on the Mansfield Shire catchments map to this clause.*

### *Strategies:*

- *Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.*
- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Discourage further development, particularly new rural residential estates on the lakes' shores.*
- *Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*
- *Support redevelopment and extensions of existing unsewered dwellings only if an incremental cumulative benefit will be gained by way of upgrading the existing system.*
- *Incorporate integrated Water Sensitive Urban Design (WSUD) techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development, particularly in high risk areas as per Schedule 1 to the Environmental Significance Overlay.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

### Officer Response:

As previously discussed, the subject land is within the declared Special Water Supply Catchment Area. However, the proposal does not pose any risk to water quality or the catchment which is reflected by the supportive referral response of GMW who raised no concerns.

## **Clause 15.01-5S – Neighbourhood Character**

### *Objective*

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

### *Strategies*

*Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

*Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*

*Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*

- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Neighbourhood character values and built form that reflect community identity.*

Officer Response:

The area around the subject land has a natural character with significant vegetation and this proposal threatens to change that character.

**Clause 15.01-5L – Mansfield Township Approaches**

*Objective*

*To ensure future development along the four key Mansfield Township Approaches is compatible with and reinforces the existing and preferred future character of these areas.*

*Strategies*

*Require subdivision layouts to appropriately address identified township approaches.*

*Ensure future development within identified township approach corridors meets stipulated built form design outcomes.*

*Retain and enhance the landscape qualities of each approach.*

*Minimise the impact of visual clutter from signs through controls to ensure local streetscapes and key view lines to the surrounding alpine foothills are retained and enhanced over time.*

*Policy Documents*

*Consider as relevant:*

- *Mansfield Township Structure Plan, 2015*
- *Township Approaches Planning Controls and Guidelines Study (Mansfield Shire Council, 2018).*

Officer Response:

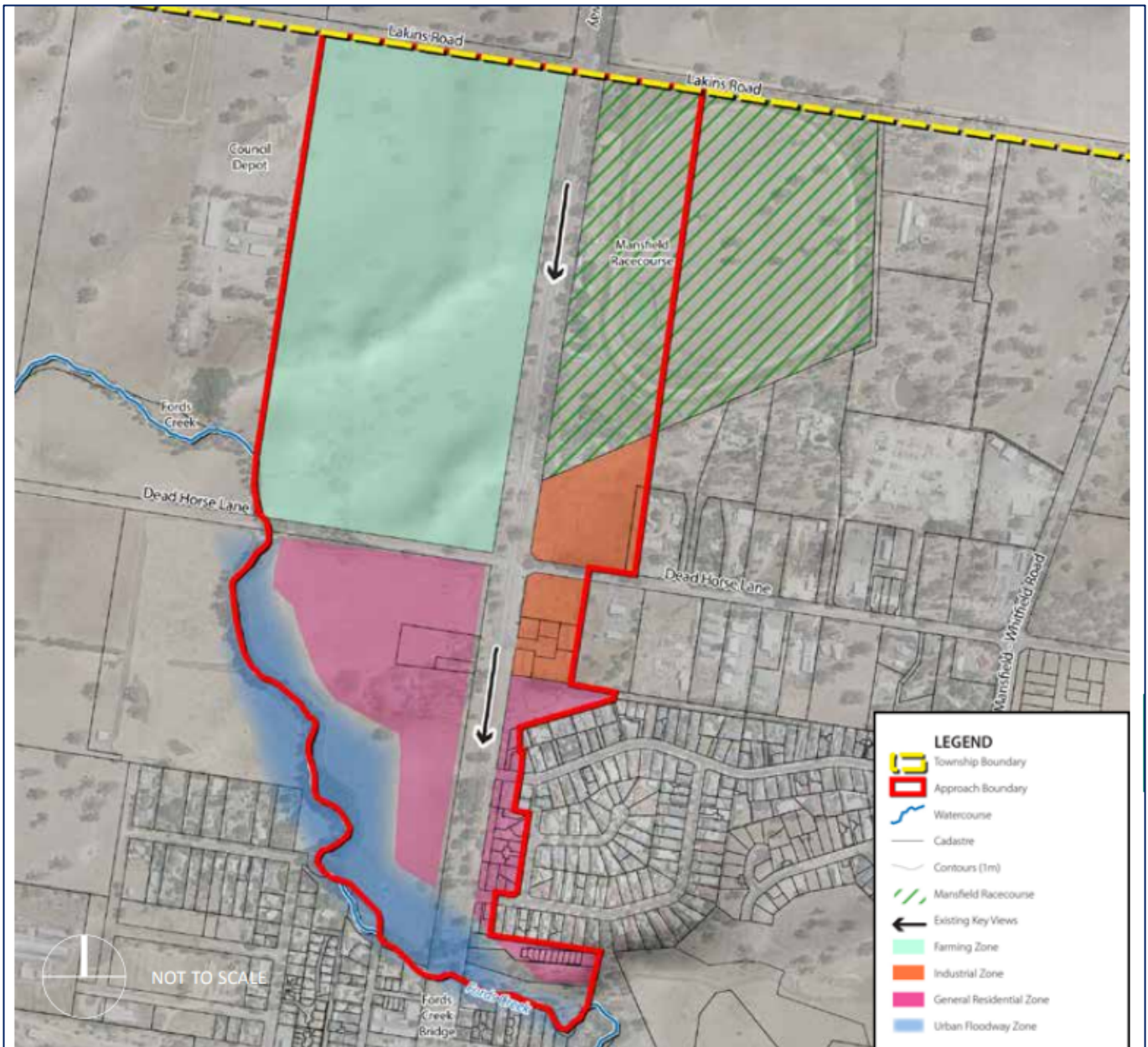
The *Mansfield Township Approach Planning Controls and Guidelines Study* includes a Preferred Character Description of the Midland Highway approach:

*“The sense of enclosure and presence of Mansfield Racecourse and Fords Creek are important elements of the approach that will be built upon. This will be achieved through the use of native and indigenous species that reinforce the environmental qualities of Fords Creek and the retention of existing street trees.*

*“New residential areas sit comfortably next to established residential areas and provide an appropriate transition between the adjacent agricultural uses and more intensive development towards the town centre. Industrial areas are*

*discrete with mounding and landscaping used to screen these uses along the approach.*

*“Buildings are high quality and contemporary, while the approach has a spacious character facilitated by generous front and side setbacks that allow for landscaping. On-site car park areas, sheds, loading and storage areas particularly associated with industrial / commercial uses and rural residential lots, are sited to the rear or side of buildings, allowing a stronger presence of landscaping along the approach.*



**Figure 6** Midland Highway (north) Approach

The application has not suitably responded to the importance of the subject land as part of the Township Approach, nor how the major promotion sign would align with the preferred character.

It is considered that the proposal fails to comply with the preferred character as it would intrude into the 'spacious character facilitated by generous front and side setbacks that allow for landscaping'. The preferred character also required mounding and landscaping to screen industrial uses. Whilst signage might be quite common and expected in industrial areas there are specific guidelines which aim to minimise the visual impact of industrial land uses along the Township Approach.

As part of the assessment process, Councils Strategic Planning Team provided a response which considered the proposal against the relevant strategic documents, including the *Mansfield Township Approach Planning Controls and Guidelines Study* and have concluded that the proposal is inconsistent with the Guidelines Study, Clause 15.01-5L and Planning Scheme Amendment C56mans Part 1.

C56mans Part 1 proposes to apply the Design and Development Overlay (DDO3) to the subject land, which implements the *Mansfield Township Approach Planning Controls and Guidelines Study* and applies development and character controls. At the time of this report being written C56mans Part 1 has been submitted to the Minister for approval, following an extensive public exhibition process, where no submissions were made.

### **Clause 15.01-6S – Design for Rural Areas**

#### *Objective*

*To ensure development respects valued areas of rural character.*

#### *Strategies*

*Ensure that the siting, scale and appearance of development protects and enhances rural character.*

*Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*

*Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

#### Officer Response:

The proposal does not respect the valued rural character of the area of the township approach. It is considered that the affects of a major promotion sign would reduce the visual amenity of the area, in an area that is a sensitive and high-traffic tourist route.

### **Clause 18.02-4S – Roads**

#### *Objective*

*To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

#### *Relevant Strategies*

*Plan and develop the road network to:*

- *Ensure people are safe on and around roads.*
- *Improve people's perceptions of safety on and around roads.*
- *Improve road connections for all road users.*
- *Facilitate the use of public transport, cycling and walking.*
- *Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.*
- *Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.*

*Protect and develop the Principal Road Network to:*

- *Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.*
- *Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.*
- *Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.*
- *Improve high-capacity on-road public transport.*

*Design road space to complement land use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.*

*Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres, around schools and around community facilities.*

#### Officer Response:

The intersection of Midland Highway and Dead Horse Lane has been identified by Councils Engineering Team as high risk and a 'Black Spot' intersection where there have been previous accidents. The visual impact and illumination of the proposed sign has caused concern that it might impact traffic safety, particularly for vehicles turning at the intersection.

## **Zoning**

### **Clause 33.01 – Industrial 1 Zone**

#### *Purpose*

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

#### *Decision Guidelines*

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

- *The Municipal Planning Strategy and the Planning Policy Framework.*

- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Built form.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*
- *Parking and site access.*
- *Loading and service areas.*
- *Outdoor storage.*
- *Lighting.*
- *Stormwater discharge.*

#### *Signs*

*Sign requirements are at Clause 52.05. This zone is in Category 2 – Office and Industrial Areas.*

#### Officer Response:

The subject land is currently occupied by a few different industrial-type businesses, each with their own business identification signs at the entrance to the property on Dead Horse Lane and some signs on the buildings within the site. Currently the west boundary of the property, where the major promotion sign is proposed to be installed, is mostly vacant with scattered remnant native vegetation, no buildings front or face the Midland Highway property boundary.

The proposal will occupy industrial-zoned land for a major promotion sign which is not an industrial use, nor does it align with the purpose of the zone *to provide for manufacturing industry, the storage and distribution of goods and associated uses...*

The decision guidelines of relevance include the natural values, streetscape character, built form, landscape treatment, and lighting, which have not been addressed as part of the application.

It is noted that the subject land and surrounding land to the east, south and west are in the Industrial 1 Zone with relevant strategic policies and an Industrial and Commercial Land Use Study which is encouraging more industrial land uses to the Dead Horse Lane area.

It is considered that on the balance of the existing land use and future Industrial Precinct of Dead Horse Lane that the proposed major promotion sign is not suitable as proposed as it will detract from the natural surrounding landscape and is not going to be used to identify the businesses on the subject land.

### **Overlays**

No Overlays apply to the subject land.

The adjacent land to the west (across Midland Highway) is affected by the Development Plan Overlay for future industrial development, and the adjacent land to the south-west is affected by the Development Plan Overlay for future residential development and the Design and Development Overlay for residential areas.

### **Particular Provisions**

#### **Clause 52.05 – Signs**

## *Purpose*

*To regulate the development of land for signs and associated structures.*

*To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*

*To ensure signs do not contribute to excessive visual clutter or visual disorder.*

*To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

## *Application requirements*

*An application must be accompanied by the following information, as appropriate:*

### *Site context*

*A site context report, using a site plan, photographs or other methods to accurately describe:*

- *The location of the proposed sign on the site or building and distance from property boundaries.*
- *The location and size of existing signage on the site including details of any signs to be retained or removed.*
- *The location and form of existing signage on abutting properties and in the locality.*
- *The location of closest traffic control signs.*
- *Identification of any view lines or vistas that could be affected by the proposed sign.*

### *Sign details*

- *The location, dimensions, height above ground level and extent of projection of the proposed sign.*
- *The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.*
- *Details of associated on-site works.*
- *Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.*
- *The colour, lettering style and materials of the proposed sign.*
- *The size of the display (total display area, including all sides of a multi-sided sign).*
- *The location of any logo box and proportion of display area occupied by such a logo box.*
- *For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.*
- *Any landscaping details.*

### *Signs with a display area of 18 square metres or more*

- *For a sign with a display area of 18 square metres or more:*

- *A description of the existing character of the area including built form and landscapes.*
- *The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.*
- *Any existing identifiable advertising theme in the area.*
- *Photo montages or a streetscape perspective of the proposed sign.*
- *Level of illumination including:*
  - *Lux levels for any sign on or within 60 metres of a Transport Zone 2, Transport Zone 3, a residential zone or public land zone.*
  - *The dwell and change time for any non-static images.*
- *The relationship to any significant or prominent views and vistas.*

#### Officer Response:

As previously stated, the preferred future character of the Township Approach along the Midland Highway is to protect and retain native vegetation and the natural rural landscape setting, which the proposal does not comply with. Overall, it is considered that the proposed sign does not comply with the purpose of the policy as it will impact the visual amenity of the area and will likely affect the function and safety of the road and intersection.

The application has not provided any detail or proposal to include landscaping around the sign.

The application documents have directly addressed the application requirements for a sign over 18 square metres. The application indicates that the area is characterised by retail and industrial businesses with identification signs. This is true for properties to the south of Dead Horse Lane along Midland Highway and into Highett Street however, the existing character of signs north of Dead Horse Lane is currently non-existent. With the pending industrial development on the west side of the Midland Highway, the only signs are identification signs for the Mansfield Racecourse, which are fairly un-imposing and have a background of trees. It is considered that the proposed major promotion sign contradicts the existing streetscape character and would be visually obtrusive.

#### *Decision Guidelines*

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

Decision Guideline	Officer Response
<p><i>The character of the area including:</i></p> <ul style="list-style-type: none"> <li>• <i>The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.</i></li> <li>• <i>The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.</i></li> <li>• <i>The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.</i></li> </ul>	<p>The Township Approach along the Midland Highway has been identified as a sensitive area and requiring protection to ensure the visual amenity of the area is retained. The area is significant for its natural and rural characteristics.</p> <p>The preferred future character of the Midland Highway is explicitly stated in the <i>Mansfield Township Approach Planning Controls and Guidelines Study</i> which is a policy document of the Planning Scheme and a Study adopted by</p>

<ul style="list-style-type: none"> <li><i>The consistency with any identifiable outdoor advertising theme in the area.</i></li> </ul>	<p>Council. A thorough assessment of the application against the Study has been included above and has determined that the proposed is not consistent with the requirements.</p> <p>There is an existing permitted For Sale sign on the adjacent land, for the sale of the Industrial Precinct. This sign has relevant permit expiry conditions and will consequently be removed once the land is sold.</p> <p>As there are very limited signs in the immediate surrounds it is considered that there is no 'advertising theme' and therefore the proposal could not comply with this decision guideline.</p>
<p><i>Impacts on views and vistas:</i></p> <ul style="list-style-type: none"> <li><i>The potential to obscure or compromise important views from the public realm.</i></li> <li><i>The potential to dominate the skyline.</i></li> <li><i>The potential to impact on the quality of significant public views.</i></li> <li><i>The potential to impede views to existing signs.</i></li> </ul>	<p>Whilst the proposed sign is likely to be visually dominant in the landscape, the proposed location would not likely impact on any 'important views from the public realm' as there would be a backdrop of existing large native vegetation.</p> <p>As stated previously, the proposal would impact on the quality of the significant visual amenity and views along the Mansfield Township Approach.</p>
<p><i>The relationship to the streetscape, setting or landscape:</i></p> <ul style="list-style-type: none"> <li><i>The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.</i></li> <li><i>The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.</i></li> <li><i>The ability to screen unsightly built or other elements.</i></li> <li><i>The ability to reduce the number of signs by rationalising or simplifying signs.</i></li> <li><i>The ability to include landscaping to reduce the visual impact of parts of the sign structure.</i></li> </ul>	<p>The proportion of the sign is not in keeping with the existing signage in the area, which is relatively minimal and provides business identification on building facades and property boundaries.</p> <p>The location of the sign will be prominent when viewed from Midland Highway, when travelling north and south.</p> <p>The application has not included any landscaping to reduce visual impact of the sign structure.</p>
<p><i>The relationship to the site and building:</i></p> <ul style="list-style-type: none"> <li><i>The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.</i></li> <li><i>The extent to which the sign displays innovation relative to the host site and host building.</i></li> </ul>	<p>The overall height of the sign is expected to be similar height to the existing buildings on the land however, the existing buildings have much greater setbacks from the Midland Highway and are separated by vegetation.</p> <p>The sign would not likely be advertising and of the businesses on the subject land.</p>

<ul style="list-style-type: none"> <li><i>The extent to which the sign requires the removal of vegetation or includes new landscaping.</i></li> </ul>	<p>No vegetation is required to be removed however, the application has not included details of any impacts to nearby native vegetation, including any impacts to Tree Protection Zones.</p>
<p><i>The impact of structures associated with the sign:</i></p> <ul style="list-style-type: none"> <li><i>The extent to which associated structures integrate with the sign.</i></li> <li><i>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.</i></li> </ul>	<p>The structure proposed for the sign is coloured black and would match the surrounds of the sign.</p> <p>No landscaping has been proposed.</p> <p>It is considered that the structure associated with the sign would not have any significant impacts on the streetscape or views.</p>
<p><i>The impact of any illumination:</i></p> <ul style="list-style-type: none"> <li><i>The impact of glare and illumination on the safety of pedestrians and vehicles.</i></li> <li><i>The impact of illumination on the amenity of nearby residents and the amenity of the area.</i></li> <li><i>The potential to control illumination temporally or in terms of intensity.</i></li> </ul>	<p>The levels of illumination have been provided with the application.</p> <p>Councils Engineering Team have raised concerns about the illumination causing traffic safety issues, and Councils Environment Team has concerns about impacts to native fauna in the surrounding area.</p>
<p><i>The impact of any logo box associated with the sign:</i></p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.</i></li> </ul>	<p>The logo box is purple and would be located close to the west boundary on both sides of the sign.</p> <p>In relation to the overall size of the sign the logo box is considered reasonable and will not be overly imposing on the black skirting board at the bottom of the sign.</p>
<p><i>The need for identification and the opportunities for adequate identification on the site or locality.</i></p>	<p>The subject land does not require any additional identification as all existing businesses have suitable signs at their entrance on Dead Horse Lane.</p> <p>The major promotion sign is considered unnecessary and would not promote the businesses on the land.</p>
<p><i>The impact on road safety. A sign is a safety hazard if the sign:</i></p> <ul style="list-style-type: none"> <li><i>Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.</i></li> <li><i>Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.</i></li> </ul>	<p>Councils Engineering Team have raised concerns about the lack of information provided with the application to ensure the sign would not cause any impact to traffic safety.</p> <p>Concerns raised include:</p> <ul style="list-style-type: none"> <li>- Line of sight could be impacted</li> <li>- Functionality of the HVAR and intersection of Midland Highway and Dead Horse Lane</li> </ul>

<ul style="list-style-type: none"> <li>• <i>Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.</i></li> <li>• <i>Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</i></li> <li>• <i>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.</i></li> <li>• <i>Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</i></li> <li>• <i>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.</i></li> <li>• <i>Is within 100 metres of a rural railway crossing.</i></li> <li>• <i>Has insufficient clearance from vehicles on the carriageway.</i></li> <li>• <i>Could mislead drivers or be mistaken as an instruction to drivers.</i></li> </ul>	<ul style="list-style-type: none"> <li>- Illumination could be a traffic hazard</li> </ul> <p>The application has not provided suitable information to confirm that the sign would not dazzle or distract drivers.</p>
<p><i>The effect of the proposed major promotion sign on:</i></p> <ul style="list-style-type: none"> <li>• <i>Significant streetscapes, buildings and skylines.</i></li> <li>• <i>The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.</i></li> <li>• <i>Residential areas and heritage places.</i></li> <li>• <i>Open space and waterways.</i></li> </ul>	<p>As previously discussed, the major promotion sign would negatively impact on the significant streetscape of the Mansfield Township Approach and the gateway to Mansfield from the north.</p>
<p><i>When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:</i></p> <ul style="list-style-type: none"> <li>• <i>Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.</i></li> <li>• <i>Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.</i></li> <li>• <i>Major promotion signs are discouraged within open space reserves or corridors and around waterways.</i></li> <li>• <i>Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.</i></li> <li>• <i>In areas with a strong built form character, major promotion signs are encouraged only</i></li> </ul>	<p>It is considered that the introduction of a major promotion sign along the Midland Highway would not complement or enhance the natural rural character of the area.</p> <p>The Midland Highway is a tourist route from the Hume Highway to the Alpine areas of Mt Buller and Mt Stirling, proving a key connection and therefore is considered to be discouraged.</p> <p>The preferred character of the area is detailed in the <i>Mansfield Township Approach Planning Controls and Guidelines Study</i> and discourages excessive signage and signs which are not on a building façade.</p>

<p><i>where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.</i></p>	
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