



6.1 **129 WELLINGTON STREET, WINDSOR**
LOCATION/ADDRESS: **129 WELLINGTON STREET WINDSOR**
EXECUTIVE MEMBER: **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**
PREPARED BY: **PHILLIP BEARD, PRINCIPAL PLANNER**

1. PURPOSE

1.1 To assess an application for the construction and display of 4 x promotional signs.

2. EXECUTIVE SUMMARY

WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	PDPL/01135/2021
APPLICANT:	Plakkit and Co P/L
EXISTING USE:	Commercial
ABUTTING USES:	Commercial
ZONING:	Mixed Use
OVERLAYS:	Heritage Overlay (HO 494), Design and Development Overlay (DDO 35 3C)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired.

- 2.1 The application seeks approval for the construction and display of four (4) promotional signs.
- 2.2 The site contains a single storey building occupied by offices facing Wellington Street. To the rear of the site, fronting onto Queens Way is a high retaining wall. It is this wall where the proposed promotional signs will be erected.
- 2.3 A planning permit is required for promotion sign/s in a Mixed Use Zone and covered by a Heritage Overlay. Each promotion sign must not exceed 3m² due to zoning of the site (advertising signs are included in Category 3 – High Amenity Areas).
- 2.4 The application was advertised, and 17 objections were received. Concerns largely relate to the impact upon the existing and emerging neighbourhood character and the impact upon traffic safety.
- 2.5 Given the nature of the application, a consultation meeting was not held.
- 2.6 The application was referred to VicRoads (Dept of Transport) with no objections or concerns raised subject to conditions included on any permit granted.
- 2.7 The application has been assessed against the relevant provisions contained within the Port Phillip Planning scheme generally, Heritage and Design and Development



Overlays, Clause 52.05 (Signs) and relevant local planning policies and is considered appropriate and supportable.

- 2.8 The proposed signs would not be visible from nearby residential properties in Wellington Street and would not create visual clutter. The signs would also not have a detrimental effect upon the characteristics of the heritage place or adversely affect residential amenity.
- 2.9 It is also considered that the proposed signs would not affect traffic management or road safety in this location.
- 2.10 It is recommended that the application be supported subject to conditions included on any permit issued.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for the construction and display of four (4) x promotion signs each at 129 Wellington Street, Windsor
- 3.3 That the decision be issued as follows:

1. Amended Plans Required (Advertising Sign)

Before any of the permitted signs are erected and placed on the site, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans, but modified to show:

- a) The horizontal space between each of the two groups of signs increased to a minimum 300mm, with no corresponding increase in sign dimensions, such that the signage reads as four separate signs.
- b) A notation on the plans that the signs are not to be illuminated in accordance with condition 4.

2. Signs not Altered

The location of the signs (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

3. No Flashing Light

The signs must not contain any flashing, intermittent or changing colour light.

4. No Illumination

The signs must not be illuminated, internally or externally.

5. Signs maintained

The signs must be maintained in good order and condition to the satisfaction of the Responsible Authority.

Department of Transport conditions

- 6. All signs must remain static.

7. The sign is secured in a safe manner to ensure there is no public safety risk.
(End Department Transport conditions)

8. Expiry Date

This permit expires 15 years from the date of issue.

9. Time for Starting

1. This Permit will expire if the advertising sign(s) are not displayed within two (2) years from the date of this Permit.
2. The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the six (6) months after the expiry date.

4. RELEVANT BACKGROUND

- 4.1 There is no relevant planning background or previous applications that are relevant to the assessment of this proposal.
- 4.2 A current planning application on this site is under consideration (PDPL/00110/2022) for the partial demolition and construction of a four storey extension plus a basement level to the rear of the site. The existing building would retain the use as offices with the new extension to contain a large three bedroom dwelling with various living areas, roof terrace over the four levels.
- 4.3 The application was advertised and six objections were received. The application is currently under consideration.
- 4.4 Should the application be approved and the development constructed, the wall upon which the signs are proposed to be fixed would be demolished and any signage approved under this application subsequently removed.

5. PROPOSAL

- 5.1 The application proposes four promotion signs on the (generally) north facing boundary wall of the site facing Queens Way (Princess Highway). The signs would be fixed to that wall and would not project above the wall.
- 5.2 The signs are proposed to be positioned 1.7m below the top of the wall and 800mm above ground level. The signs would not be illuminated.
- 5.3 Each sign would measure 1.2m x 2.5m and would be fixed to the wall in a square 2 x 2 formation (refer to figure 1 below). The total area of each separate sign would therefore be approximately 3m².

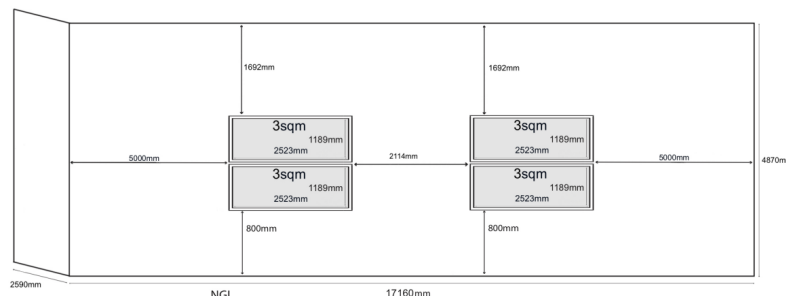



Figure 1: Proposed promotion signs

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	Approximately 410m ²
Existing Building	<p>The site contains a single storey Victorian era former dwelling. It is graded significant under the heritage overlay. It has a transverse pitched roof clad in slate.</p> <p>The front façade and side elevations of the building features timber framed double-hung sash windows.</p> <p>There is a low and transparent metal picket front fence at the front of the subject site. There is a large addition to the original dwelling to the rear which includes a blank stand alone brick wall at the rear of the site facing Queens Way. The original dwelling has been converted to offices.</p> 
Surrounding site/neighbourhood character	<p>Immediately North of the subject site is a low retaining wall with landscaping above. Beyond which is a narrow nature strip as well as a narrow pedestrian footpath adjacent to Queens Way / Princes Highway. Queens Way (Princes Highway) is a 6 lane -arterial road with tram lines in the centre. The blank wall of the rear of the site faces this interface.</p> <p>East of the subject site is a small area of open space populated by mature trees which does not form part of the subject Title (Council land) which covers approximately 240m². Beyond this open space area is a vehicle access onto the Princes Highway from Wellington Street.</p>



	<p>South of the subject site is Wellington Street, a predominately residential road with on-street parking on either side. Beyond the street on the opposite side is a two storey, red brick apartment building (Wellington Mews).</p> <p>West of the subject site is 127 Wellington Street, a renovated single storey Victorian cottage that has a 2-storey rear addition. The immediate interface of this site to the subject site is a driveway approximately 3m wide, beyond which is a side wall facing the subject site. That site has a high and solid brick front fence.</p>
Scale, height and style of buildings on neighbouring properties	<p>The north side of Wellington Street in this vicinity is generally one to two storey (some larger) in scale and residential in nature. Larger scale built form is located closer to St. Kilda junction to the west of Wellington Street. Built form of three storeys and above is evident within the vicinity of the subject site (Nos. 113 and 115 being four storeys).</p> <p>The south side of Wellington Street is also residential in nature and features a greater degree of heritage graded properties between one and two storey-infill development and is generally less prominent on the south side of Wellington Street.</p>

7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
Clause 32.04 Mixed Use 1 Zone	Pursuant to Clause 32.04-15, advertising signs are included in Category 3 – High Amenity Areas. Advertising sign requirements are at Clause 52.05 of the Port Phillip Planning Scheme.
Clause 52.05 Advertising Signs	Pursuant to Clause 52.05-7, a planning permit is required for 'Promotion Sign'. The area of each sign must not exceed 3m ² .
Clause 43.02 Design and Development Overlay Schedule 6-2	Pursuant to Clause 43.02-4, advertising sign controls are at Clause 52.05 (unless otherwise specified in a schedule to this overlay). Signage controls are not specified under Schedule 6 to the Design and Development Overlay.
Clause 43.01 Heritage Overlay 5	Pursuant to Clause 43.01-1, a planning permit is required to construct or display a sign.



8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (PPF)

The application needs to be assessed against the state provisions of the PPF, including:

Clause 15 Built Environment and Heritage, including

Clause 15.01 Built Environment

Clause 15.01-5S: Neighbourhood character

8.2 Local Planning Policy Framework (LPPF)

The application needs to be assessed against the following clauses of the LPPF:

Clause 22.04 Heritage Policy

Clause 22.08 Outdoor Advertising Policy

8.3 Other Relevant General or Particular Provisions

Clause 65.01 Decision Guidelines – Approval of an Application or Plan

Clause 66 Statutory Referral requirements

Clause 71.02 Operation of the Planning Policy Framework

9. EXTERNAL REFERRALS

Referral Authority	Referral comments
Vic Roads/Department of Transport (Non-statutory)	<p>No objection, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. All signs must remain static. 2. The sign is secured in a safe manner to ensure there is no public safety risk. <p><u>Planning comments</u> - the above conditions are included in recommendation conditions at no. 6 and 7.</p>

10. INTERNAL REFERRALS

Internal Department	Referral comments (summarised)
Heritage Advisor	<p>As the proposed signage is located on the rear wall facing Queens Way, there are no concerns in regard to the proposed signage from a heritage perspective. This aspect of the site does not have any heritage value and Queens Way is not a heritage streetscape.</p>



11. PUBLIC NOTIFICATION

- 11.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of the neighbouring properties (70 notices sent) and directed that the applicant give notice of the proposal by posting two notices on the site for an 18 day period in accordance with Section 52 of the Planning and Environment Act 1987. Stonnington Council, as an abutting Municipality was also notified of the application.
- 11.2 The application has received 17 objections. The key concerns raised are summarised below (officer comments will follow in *italics*).

Negative Impact
<p><input type="checkbox"/> Negative effect on the area's character, Wellington Street being residential, would add to the clutter at nearby St. Kilda junction and add to the clutter of the immediate area. Signs not well proportioned and/or responsive to local urban form.</p> <p><i>It is considered that there would be no effect on the existing or emerging residential/neighbourhood character of Wellington Street noting that the signs would not be visible from that street. The signs would not add to any clutter as there are no other low mounted wall signs. Similarly, it is considered that the urban form to which the signs would relate is wide and robust. The signs would be well proportioned within this context and would appear as relatively limited visual elements.</i></p> <p><i>It is, however, recommended that the horizontal gap/space between the two groups of signs be increased. The current plans indicate that the signs would read as two 6m² panels as opposed to four 3m² panels. It is considered that the robust-context within which the four signs would be read would not introduce visual elements that would be out of keeping within this location.</i> (Refer condition 1 (a))</p>
Negative effect on nearby residential amenity
<p><i>It is not considered there would be adverse off-site adverse amenity impacts as a result of the proposed signs. The signs would not be visible from any residential properties in Wellington Street. The nearest residential properties that could view the signs would be those properties located across Queens Way at a distance in excess of 90m. Given the proposed signs are not illuminated or animated and to a modest scale, it is not considered any adverse residential amenity impacts would result from the proposed signs.</i></p>
Application relies on nearby historical approvals
<p><i>It is not considered that this proposal relies on any previous (large) sign approval or is based on the existence of existing signs. There are no low mounted wall signs in the immediate vicinity of the subject site and in any event, all applications must be considered on their merits. It is not considered that there are any nearby signs that would either positively or negatively affect assessment of this proposal.</i></p>



Inconsistent with a VCAT decision at 23-27 Wellington Street for refusal of sky signs
<i>This ground is discussed in more detail later in this report but in summary, it is considered that the decision referred to is of limited relevance to assisting in the assessment of this proposal.</i>
Potentially dangerous to nearby traffic
<i>No objections on any safety grounds were raised through the VicRoads referral. Given that the signs would not be illuminated and would be well separated from the nearest traffic light controlled intersection (approximately 130m to the intersection of Chapel Street and Dandenong Road) it is considered extremely unlikely that there would be any traffic safety effects.</i>
Potentially attract more graffiti
<i>This is not a relevant planning consideration, however, it is considered that the blank wall that currently exists is more likely to attract-graffiti than if no signs were placed in this location.</i>

12. OFFICERS ASSESSMENT

12.1 Decision Guidelines for Advertising Signage from Clause 52.05

Decision Guidelines	Officer's Assessment
<p>Would the proposal impact the character of the area including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Natural environment, heritage, waterway, open space and rural landscape values. <input type="checkbox"/> The desired future character of the area. <input type="checkbox"/> The cumulative impact of signs on the character of an area or route. <input type="checkbox"/> Consistency with any identifiable signage theme in the area 	<p>The signs would not have any notable detrimental effects on the area's character, as noted in the above assessment of the objections. The building is graded a significant building in a Heritage Overlay, however the signs would not negatively affect the heritage fabric and would be removed from any key heritage views or streetscape. The future character of 'the area' (The rear section of this and other buildings facing Queens Way) is anticipated to be one of large scale built form as a result of the Design and development Overlay.</p> <p>There are no other nearby low mounted wall signs to which the proposal would add to a cumulative impact (clutter). There is therefore no clear signage theme in the immediate vicinity of the site.</p>



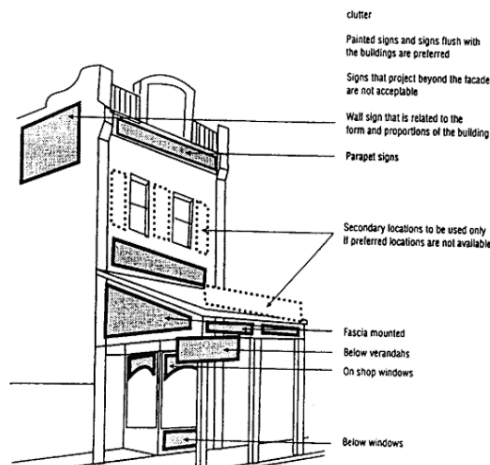
<p>Would the proposal impact views and vistas including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The potential to obscure or compromise important views from the public realm. <input type="checkbox"/> The potential to dominate the skyline. <input type="checkbox"/> The potential to impact on the quality of significant public views. <input type="checkbox"/> The potential to impede views to existing signs 	<p>The location of the proposed signs would not offend any of these matters. They would not obscure any views or public vistas to important buildings or landmarks, they would not project above the roofline of the host building and no views to existing signs would be blocked.</p>
<p>Does the proportion, scale and form of the proposed signs relate to the site, building, streetscape, setting or landscape including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The position of the proposed sign, including if it protrudes above existing buildings or landscape and natural elements (see above). <input type="checkbox"/> Screening of unsightly elements. <input type="checkbox"/> The ability to rationalise or simplify the number of signs. <input type="checkbox"/> The ability to include landscaping to reduce the visual impact of the proposed sign structure. <input type="checkbox"/> The extent to which the proposed sign requires the removal of vegetation or includes new landscaping. 	<p>As assessed in the objections summary, It is not considered that the signs would have any detrimental effects in relation to these guidelines. As noted, they would not protrude into the skyline and would not have any unsightly elements that need to be screened. There are also no nearby signs that need to be rationalised into the proposed signs and no landscaping or removal of vegetation would be needed.</p>
<p>Is the proposed sign consistent with any outdoor advertising theme?</p>	<p>As previously noted, there is no consistent advertising theme in the vicinity of the rear of the subject site, to where the signs would be fixed.</p>



<p>Would the following elements in terms of the signs' relationship to the host building be appropriate?</p> <ul style="list-style-type: none"> <input type="checkbox"/> The scale and form of the sign relative to the scale, <input type="checkbox"/> proportion and any other significant characteristics of the host site and host building. <input type="checkbox"/> The extent to which the sign displays innovation relative to the host site and host building. <input type="checkbox"/> The extent to which the sign requires the removal of vegetation or includes new landscaping. 	<p>Several of these matters have been previously discussed and in summary, it is not considered that the signs would have any negative proportional, form, heritage or character impacts on the host building.</p>
<p>Would the proposed sign adversely impact road safety?</p>	<p>No objections have been received from Dept of Transport/VicRoads. It is therefore concluded that the signs would not pose any safety risk.</p>

12.2 Local Planning Policy Framework: Outdoor Advertising Policy

Clause 22.08	Officer's Assessment
<p>Signage should not dominate the building or site.</p>	<p>The proposed signage is not considered excessive in relation to the subject site and the signs would not dominate the building, being four discreet elements on the rear wall. They would not increase the building's mass and bulk.</p>
<p>Signs should not project above the skyline or profile of the building.</p>	<p>This would be achieved.</p>
<p>Sign should not obscure architectural features, particularly on heritage buildings.</p>	<p>This would be achieved.</p>
<p>Signs should not interfere with traffic signals or signs.</p>	<p>This would be achieved. No concerns or objections were raised by Department of Transport (VicRoads).</p>

<p>Heritage Area: Location acceptable as per Diagram 2?</p> <p style="text-align: center;">Diagram 2 Signs in Heritage Overlay Areas</p>  <p>Figure 2: Diagram 2 referred to above</p>	<p>The proposed signs would comply with the stated appropriate locations and would not project outside any part of the existing host building's envelope. Additionally, the signs would not be illuminated.</p>
<p>Electrical supply concealed.</p>	<p>N/A.</p>
<p>Specific Areas:</p>	<p>This site is not in one of the areas listed in this Clause. Where this clause refers to 'freeways' it seeks to minimise the effects of Pole signs and Sky signs, neither of which the proposal is.</p>

12.3 Design and Development Overlay (43.02) -

DDO 35-3C (WELLINGTON STREET)

Is the proposal acceptable to its context including the required of Design and Development Overlay Schedule 35-3C (Wellington Street).

The design objectives include;

- *To support development that encourages a mixed residential and commercial character of Wellington Street.*
- *To enhance the human scale and 'village feel' of Wellington Street, through consistency of the street wall height and overall building scale. To ensure the built form responds to the lower scale of heritage sites and residential interfaces, while transitioning to a higher scale of development in the commercial area close to the St Kilda Junction.*
- *To support development of emerging activity hubs, at the western end of the street and immediately east of Upton Road, by providing spaces for active ground level uses that contribute to a vibrant streetlife such as cafes and shops.*



- *To maintain solar access to the southern footpath of Wellington Street as the primary pedestrian link connecting Chapel Street, St Kilda Road and Albert Park.*

It is not considered that the proposed signs would offend any of these outcomes. They are not a form of commercial development and in relation to the stated built form objectives for Wellington Street, it is again noted that the signs would not be visible from that street.

Signage would not have any effects on land use (type or intensity) in terms of overall strategic land use outcomes or any effects on solar access.

Built Form Outcomes.

These relate to building heights, but for the sake of completeness, are included. It is noted that the maximum height for new buildings in this precinct of the DDO is 14.5m (four storeys). The built form outcomes that need to be achieved are:

- *Ensure that the height of new development respects and responds to the lower scale and heritage values of residential buildings on the southern side of the street.*
- *Ensure the southern footpath is not overshadowed – protecting the Wellington Street Primary Pedestrian Link*

The signs would either clearly achieve or not offend these outcomes.

There are also requirements in the DDO related to Architectural quality and design details. Once again, they relate to the sought outcomes that new development (buildings) should achieve.

The new signs do not involve construction of a new building and as such, there are no aspects of architectural detail or quality that the signs would need to achieve or comply with.

12.4 Heritage Overlay Decision Guidelines

The Decision Guidelines and matters that must be considered under this overlay are as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *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 (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guideline specified in the schedule to this overlay.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place*

All these matters have been appropriately assessed and it is considered that the signs would not offend any of these guidelines. Most notably, the signs would not detrimentally affect the heritage values of the host building nor would they conflict with any aspects of the Heritage Overlay or local policies or design guidelines. All important heritage fabric of the building would remain unaffected.



12.5 Is the signage consistent with recent nearby VCAT decisions?

Several objections have referred to a VCAT decision at 23-27 Wellington Street (**VCAT reference P3392/2012**) which was for sky signs. Whilst relatively close to the subject site – and being an application for a form of signage – this decision is only considered of limited if any relevance due to the following:

- That application was for two internally-illuminated major promotion signs in a Vshape mounted on top of the existing building that would have projected above the roof line of the building.
- The proposed signs in that instance would have been visible from the front of the site in Wellington Street.
- The proportions and nature of the signs in that instance were very different from those proposed in this application.

It is noted that this decision refused the proposed signs and indicated that they did not take account of the emerging residential nature of Wellington Street and that they were not well proportioned. Again, these concerns were expressed in the context of the signs being visible from what was (and remains) a clearly residential area, being that western section of Wellington Street.

The application under assessment does not include signs that would project above the roof of the building nor would they be visible from Wellington Street, noting the existing residential character of this eastern section and the heritage grading of the host building. The matters of concern expressed by the Tribunal at no. 23-27 Wellington Street cannot be drawn as parallels in this instance. Additionally, all applications must be assessed on their merits and in that light, the current proposal is considered fundamentally different from the above VCAT decision.

Relevantly, the *Look Outdoor Advertising* decision quotes the following regarding signage:

...are discouraged in various places including where they would form a dominant visual element from residential areas or where they would obstruct viewlines. In areas with a strong built form character, they are encouraged where they would not be a dominant element in the streetscape, and except for transparent feature signs, are discouraged from being erected on the roof of a building

The proposed signs would not do any of these things.

The *Look Outdoor Advertising* decision also specifically noted some of the Decision Guidelines at Clause 52.05, specifically:

The character of the local environment including the location of any other signs and the need to avoid visual clutter;

The need to ensure that there is an equitable distribution of signage between premises in commercial precincts to avoid visual dominance of one business over another; and

Whether the signage will detract from the important characteristics of the area and responds to the policy directions specified for particular areas.



Again, it is not considered that any of these matters would be conflicted with. The built form character-where the signs would be visible from – consists of an arterial road environment. It is not considered that the proposed signs would constitute visual clutter in this instance. There are no similar signs in this immediate area. The matter of visual clutter was raised by the objections in the context of adding to the existing signage character of St. Kilda junction. This is not considered to be a relevant matter as St. Kilda junction is almost 700m from the subject site and the proposed signs in this application and those at the junction would never be read and/or visible in the same sightline context.

It is also not considered that any ‘important’ characteristics of the area would be poorly responded to again noting that the residential (and partly heritage) character of Wellington Street would be unaffected by the proposal. The quoted VCAT decision above refers to a site which is far closer to St. Kilda junction at a distance of approximately 150m.

However, it is noted that it was the size and position of the signs, that would have projected above the roofline of the building and thus, not been in accordance with several Planning Scheme Policies and objectives, which led to the greatest concerns. Again, these issues are not considered to affect the current application under assessment.

13 COVENANTS

13.1 There are no covenants that prevent assessment of this proposal.

14. OFFICER DIRECT OR INDIRECT INTEREST

14.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

15. OPTIONS

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions
- 15.3 Refuse - on key issues

16. CONCLUSION

16.1 The proposal would be consistent with relevant Local Planning Policy including the Outdoor Advertising Policy (Clause 22.08), the Heritage Overlay and other relevant provisions. The signs would not have a detrimental impact on nearby residential amenity nor the built form character of the surrounding area or heritage characteristics of the subject site.

ATTACHMENTS

- 1. Advertised Plans**
- 2. Photo - Proposed signage**