

2.6: SHOP - (SHOPPING CENTRE SIGNS - MONOLITH X1; PYLON X1; HORIZONTAL X 5)

Land Description	:	Lot 508 Bayonet Head Road, Bayonet Head
Proponent	:	Formworks Architecture
Owner	:	Cuscuna Nominees Pty Ltd
Business Entity Name	:	Future Bayonet Head Shopping Centre
Attachments	:	Site plan and elevations.
Councillor Workstation	:	Town Planning Scheme 3; Local Planning Scheme No 1A & 3 Policy Manual – refer LPP2 General Development policy – 2B Signs
Responsible Officer	:	Executive Director Planning & Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Proposed signage for Bayonet Head Shopping Centre does not comply with Signs policy.
- As per Planning Applications guideline, Council's consideration is requested to vary the policy requirements.

RECOMMENDATION

ITEM 2.6 RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HORTIN

SECONDED: COUNCILLOR GREGSON

THAT Council ISSUE A Notice of Planning Scheme Consent for Shopping Centre signs – Monolith x 1; Pylon x 1; Horizontal x 5 at Lot 508 Bayonet Head Road, Bayonet Head subject to the following conditions:

- i) any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Council;
- ii) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition;
- iii) any illuminated signage hereby approved being illuminated only during hours of business and when so illuminated shall not comprise flashing, intermittent or running lights; and
- iv) no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign or so as otherwise to render hazardous the use of any public road.

CARRIED 12-0

BACKGROUND

1. The application site is the site of the proposed Bayonet Head Shopping Centre, currently under construction. The site is 16949m² in area and is zoned Local Shopping in Town Planning Scheme 3.
2. The Local Planning Policy – Signs sets the objectives and scope of Council control over advertisements. Signs complying with the specifications contained in Table 1 of the policy are exempt from requiring specific planning scheme consent. Additional requirements and stipulations are set down within the policy and some discretion for acceptable deviation can be exercised.
3. The application is presented to Council as the number and height of the pylon/monolith signs and the height of a horizontal sign proposed exceed that stated in the policy.

DISCUSSION

4. The application seeks Planning Scheme Consent for multiple signs on the site of the proposed Bayonet Head Shopping Centre which is currently under construction. The signs proposed are 1 illuminated Pylon Sign to be located on the Bayonet Head Road entrance; 1 illuminated Monolith Sign to be located on the Lower King Road entrance and 5 illuminated Horizontal Signs on the building facade.
5. The horizontal signs include the shopping centre name; two for tenant Woolworths; and two for tenant Woolworths Liquor. The proponent is seeking approval for the Liquor tenant signs at this stage although the design is unknown. The reason given for this is that Woolworths are in the process of reviewing the design of the Liquor Signage and it may be subject to change.
6. Illuminated signs are permitted, in accordance with the Signs policy, and must “*1) have any boxing or casing in which it is enclosed constructed of non combustible material; 2) not have a light of such intensity or colour as to cause annoyance to the general public or to owners and patrons of adjacent land; 3) not comprise flashing, intermittent or running lights; 4) have a minimum clearance of 2.75 metres from finished ground level; and 5) not be located in a heritage precinct...*”. An approval should be conditioned to include these requirements as well as an additional requirement to encourage energy efficiency by only illuminating the signs during business hours.
7. The proposal was referred internally to the City of Albany Planning and Development Services Engineer who has commented that the monolith and pylon signs both seem appropriately placed to ensure sight distance is not hindered and collision risk is minimised.
8. The pylon sign complies with policy requirements in so far as dimensions and location on the site, however only one pylon or monolith site is permitted per site. In this location the site has access from two roads and the proposed signs are to be positioned at both entrances.
9. The monolith sign is over the height permitted by the policy. The policy allows a maximum height above natural ground level of 6m. The proposed height is 7.7m above natural ground level. Apart from the relaxation to the height, the sign complies with the policy dimensions and setbacks. The larger monolith sign has been justified by the proponent as the site is significantly lower and screened in part by mature trees on the road reserve at this point and the extra height is needed in order for the sign to be visible by both north and south bound traffic on Lower King Road.
10. The number of horizontal signs proposed complies with Council policy of 6 per stand alone shopping centre; however the horizontal sign on the northern elevation is over height. The policy specifies a maximum height of the sign face at 1.2m. The proposed sign is 2.9m high. The tenant, Woolworths, do not wish to reduce the height of their sign as it is a standard sing they use on all buildings throughout Australia. The overall area of the sign is 8.99m² and is below the maximum allowed of 12m². The size of the sign is not out of proportion to the wall it is positioned on or the overall size of the shopping centre building.

GOVERNMENT CONSULTATION

11. Not applicable.

PUBLIC CONSULTATION / ENGAGEMENT

12. Broader consultation with the Community has not been undertaken. This has also been the case in previous applications for relaxations of number and size of signs in shopping centres. The shopping centre is an approved use and signs are permitted as a right, in accordance with Council policy. The policy allows for variations to signage at Council's discretion.

STATUTORY IMPLICATIONS

13. Town Planning Scheme 3 states at Clause 5.16.1 "*Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*"
14. Town Planning Scheme Clause 6.9.4 (A) states that "*A Town Planning Scheme Policy shall not bind the Council in respect of an application for Planning Consent...*" .

STRATEGIC IMPLICATIONS

15. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Organisational performance.

Community Priority

Policy and Procedures

Proposed Strategies

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

POLICY IMPLICATIONS

16. Local Planning Policy 2B Signs states at B3.2 (Acceptable deviation): "*Council may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely effect of the location, height, bulk, scale, orientation and appearance of the advertisement will not: 1) conflict with or detrimentally affect the amenity of the locality; or 2) interfere with traffic safety.*"
17. The relaxations to the policy that have been requested in this proposal have been assessed by staff to not be detrimental to the local amenity. The site is approved as a shopping centre and the number of pylon/monolith signs can be justified by the two road frontage; the over height monolith sign has been justified by the proponent and in its proposed locality will not be overly prominent in the landscape; and the over height horizontal sign is not out of proportion to the size of the shopping centre and its position on the facade.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The applicant may appeal to a State Administrative Tribunal if the proposal is refused.</i>	Likely	Minor	Medium	<i>If a decision is made to refuse the application, sound reasoning is required to provide solid defence at a State Administrative Tribunal.</i>
<i>A third party may lodge an application to appeal to the State Administrative Tribunal if the proposal is approved.</i>	Unknown	Moderate	Moderate	<i>An approval decision would be based on sound planning grounds and would also be consistent with previous sign approvals for other shopping centres and the same tenant within the City of Albany.</i>

FINANCIAL IMPLICATIONS

19. All costs associated with the development will be borne by the proponent.

LEGAL IMPLICATIONS

20. Council's determination could allow the proponent or a third party to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

ALTERNATE OPTIONS

21. Council may determine to refuse the application. Reason for a refusal determination would need to be provided as part of the determination.

SUMMARY CONCLUSION

22. This application proposes variations to Council's Sign policy. Council may exercise its discretion to approve a variation from the specific standards of the policy and in this instance it can be justified that the number of pylon/monolith signs are warranted considering the lot has frontage and access to two roads. It can also be argued that the additional height of the monolith sign would not seem out of place or unnecessary considering the topography of the area and the need to be visible to north and south bound traffic.
23. Although the proposed major tenants' horizontal sign exceeds the size permitted under the Council policy, it is in proportion to the scale of the building and is, as advised by the proponent, a standard sign of the tenant. Previous approvals for over height horizontal signs have been granted for this same tenant within the City of Albany.
24. It is considered that in this instance the relaxations requested can be justified and will not affect the amenity of the area and are suitable for this development.

Consulted References	:	City of Albany Town Planning Scheme No. 3 City of Albany Local Planning Scheme No. 1A & 3 Policy Manual
File Number (Name of Ward)	:	A71182 (and/or Ward Name if applicable)
Previous Reference	:	Details previous reference this has been presented to Council (Type of Meeting, Date, Item Number) Abbreviations: OCM = Ordinary Council Meeting SCM Special Council Meeting. Example: OCM 30/06/10 - Item 12.3.4