

Planning Report

Tract



Planning Permit Application

Installation of illuminated advertising signage (bus shelter) at 355 Lower Plenty Road, Yallambie

Prepared for CPB Contractors

Quality Assurance

Planning Report

Planning Permit Application

Installation of illuminated advertising signage (bus shelter) at 355 Lower Plenty Road,
Yallambie

Project Number

320.0236.01

Revision (see below)

01

Prepared By

Kate Matthews

Date of Issue

19 October 2020

Contents

1	Site & Surrounds	4
1.1	Site Context	4
2	Proposal	6
3	Planning Framework	8
3.1	Planning Controls	8
3.2	Planning Permit Triggers	8
4	Stakeholder Views	15
4.1	Public Notification	15
5	Planning Assessment	16
6	Conclusion	17

1 Site & Surrounds

1.1 Background

The North East Link is new freeway which, once completed, will provide a link to the M80 Ring Road (M80) and follow the Greensborough Bypass south to connect with the Eastern Freeway near Bulleen Road. The alignment includes a tunnel under residential areas in Rosanna, Heidelberg, Ivanhoe East and Bulleen, to avoid environmentally and culturally sensitive areas in the Yarra River valley, Banyule Flats and Bolin Bolin wetlands. Works will also be carried out on the M80 and the Eastern Freeway to facilitate connection of this section into the existing road network, including upgrades/widening to the Eastern Freeway to increase its capacity in both directions.

Whilst the construction of a freeway link in this general location has been discussed since the late 1970s, detailed work on the proposed alignment and business case, including development of a reference design, did not commence until 2017. Key steps in the project approvals process can be summarised as follows:

- January 2018 - North East Link Project (NELP, the proponent) submitted a proposal to the Victorian Government for North East Link (the project).
- February 2018 - The Minister for Planning declared the works proposed for the North East Link Project as 'public works' under section 3(1) of the *Environment Effects Act 1978 (Vic)*, requiring an Environment Effects Statement (EES) be prepared.

NELP also referred the project to the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Commonwealth determined that the project was a 'controlled action' under the EPBC Act, and required assessment through a Public Environment Report (PER)

- April-June 2019 – The project EES, along with a draft Planning Scheme Amendment and EPA Works Approval application, were placed on public exhibition. The Minister for Planning appointed an independent Inquiry and Advisory Committee to review the EES and public submissions, chair a public hearing and make a report of recommendations
- July-September 2019 – Public hearing into the EES and public submissions was held.
- October 2019 – The Inquiry and Advisory Committee submitted their final recommendations to the Minister for Planning
- December 2019 – The Minister for Planning released his assessment of the EES. Approval for the project was granted by the Commonwealth under the EPBC Act.
- January 2020 – Planning Scheme Amendment GC98 was approved and gazetted into the Boroondara, Banyule, Manningham, Whitehorse, Nillumbik, Yarra and Whittlesea Planning Schemes. This Amendment provided overarching planning approval for the project via the *North East Link Project Incorporated Document, December 2019*, which is given effect within the relevant local planning schemes via the application of a Specific Control Overlay.

CPB Contractors were selected by the Victorian Government in September 2018 to deliver the North East Link – Early Works (NEL-EW) package. These works involve the design, development and removal, relocation and/or protection of utility services including 220 KV

transmission towers, other electrical assets, telecommunication assets, water and sewerage assets, and drainage and gas pipelines in order to facilitate delivery of the main North East Link works package.

It is noted that under the approved planning control framework for North East Link, all works associated with the project (including early works) which are located within the area covered by the Specific Control Overlay do not require separate planning permission. A planning permit is required for works outside the Specific Control Overlay, if triggered under the applicable local planning scheme.

The Minister for Planning is the Responsible Authority for all planning permits associated with North East Link.

1.2 Site Context

The proposed advertising signage is to be installed within a bus shelter located at the southern end of the Drysdale Street road reserve, at its intersection with Lower Plenty Road, in Yallambie.

Lower Plenty Road is a four lane divided arterial road. Department of Transport is the coordinating road authority for Lower Plenty Road.

Drysdale Street is a local road managed by Council. It currently terminates in a 'hammerhead' approximately 20m from Lower Plenty Road. Land between the current termination of Drysdale Street and Lower Plenty Road, as well as the abutting property to the west (355 Lower Plenty Road) is currently used for open space. Notwithstanding this current use, the land in question is formally a road reserve, reflecting historical subdivision arrangements when Drysdale Street originally connected to Lower Plenty Road and was open to traffic.

There is an existing bus stop and shelter located at the south-east corner of the reserve providing access to the 513 Eltham-Glenroy (via Lower Plenty) service travelling east on Lower Plenty Road.

Whilst land within the road reserve is clear of all vegetation, there are a number of large native trees located within the abutting open space to the west (355 Lower Plenty Road).

The proposed works location is shown in yellow in the image below.



Figure 1 Subject Site

2 Proposal

The application proposes to construct a new (relocated) bus shelter and install illuminated advertising signage.

Plans showing the extent of the works are included at **Appendix A**.

The key elements of the proposal are described as follows:

- Buildings and works associated with the bus shelter relocation. The existing bus shelter is to be removed and a new bus stop constructed approximately 15m to the west, comprising a 5m x 2.4m concrete hardstand and the relocation of the bus shelter currently located at the southern end of Borlase Street. Details of the proposed bus shelter are as follows:
 - Length: 4m
 - Width: 1.631m
 - Maximum height: 2.4m
 - The shelter is constructed from an aluminium frame with glass panels, with a fibreglass roof canopy.

- A 1.35m x 1.945m internally illuminated signage panel is mounted on the east elevation of the bus shelter. This panel is internally illuminated on both sides with 3 x 58w fluorescent lamps, incorporated within the panel.

An arboricultural assessment has been undertaken of the proposed works and their potential impacts on nearby trees. This identified 8 trees in proximity to the works, all of which can be retained. This assessment is summarised in the table below:

Table 1: Summary of Arboricultural Assessment

Tree no.	Species	Common name	TPZ	SRZ	% encroachment	Comments
2211	<i>E.camaldulensis</i>	River Gum Red	11.5m	3.2m	9.6%	Retain subject to clearance pruning (note that this only relates to the adjoining roadworks on Drysdale Street and not the bus shelter)
2212	<i>E.camaldulensis</i>	River Gum Red	5.2m	2.4m	0	
2213	<i>E.camaldulensis</i>	River Gum Red	8.8m	3m	0	
2214	<i>Liquidambar styraciflua</i>	Liquidambar	4.2m	2.2m	0	
2215	<i>Crataegus monogyna</i>	Common Hawthorn	4.6m	2.3m	0	
2216	<i>Crataegus monogyna</i>	Common Hawthorn	4.6m	2.3m	0	
2217	<i>E. camaldulensis</i>	River Gum Red	NA	NA	0	Dead
2218	<i>E. melliodora</i>	Yellow Box	9.2m	3m	0	

A copy of this report is included at **Appendix B**.

3 Planning Framework

3.1 Land Use Definitions

The Banyule Planning Scheme does not specifically mention bus stops/shelters. However, as there is a general exemption under Clause 62.02-2 for street furniture, which includes bus shelters, it is considered that the relocation of the bus stop would generally fall within this exemption.

Based on review of the proposal and the applicable planning controls, it is considered that a permit is only required for the following elements of the proposal:

- Installation of internally illuminated advertising signage.

The relevant permit requirements are discussed in detail in the section below.

3.1.1 Permit requirements

The proposed works are partially located outside of the North East Link project boundary, as defined by the Specific Control Overlay (SCO12) mapping included in the Banyule Planning Scheme. As discussed above, whilst the Special Control Overlay applies to Lower Plenty Road, it does not apply to land within the Drysdale Street road reserve or the adjoining open space at 355 Lower Plenty Road.

As the above works are located outside the SCO boundary, they do not benefit from the existing planning approval for the project included in the *North East Link Project Incorporated Document, December 2019* and must be assessed against the relevant provisions of the Banyule Planning Scheme.

3.2 Planning Controls

3.2.1 Zones

The following land use zones apply to the proposed works area:

- Road Zone (Category 1) – Lower Plenty Road Road reserve
- Public Park and Recreation Zone – 355 Lower Plenty Road.

The location of the proposed works in relation to the above zones is shown in the figure below:



Figure 2 – Location of works (red) in relation to land use zones. Drysdale Street and surrounding land are zoned General Residential (light pink) whilst Lower Plenty Road is located in the Road Zone – Category 1 (dark pink). Land to the south west of the works area is zoned Public Park and Recreation (green)

Based on an assessment against the relevant permit triggers under each zone, a planning permit is not required for the proposal, as follows:

- Road Zone (Category 1) – No permit required for signage
- Public Park and Recreation Zone – No permit required for signage

3.2.2 Overlays

The following planning overlays apply to the works area:

Specific Controls Overlay (Schedule 12 – North East Link Incorporated Document December 2019)

The Specific Controls Overlay 12 (SCO12) applies to land required for the North East Link project, as identified through the EES and PSA approvals process. The Overlay provides for the use and development of the North East Link, in accordance with the specific control included in the *North East Link Project Incorporated Document, December 2019*, without the need for additional planning approvals within the SCO area.

As per the overlay mapping shown below, the proposed works area is only partially located within the SCO as the boundary runs along the north side of Lower Plenty Road. The Drysdale Street road reserve and the public open space at 355 Lower Plenty Road are both located outside the Overlay boundary.

Consequently, the proposed advertising signage does not benefit from the existing planning approval under the Incorporated Document and is subject to assessment against the relevant planning controls under the Banyule Planning Scheme.



Figure 3 – Land subject to Specific Controls Overlay Schedule 12 (grey).

Vegetation Protection Overlay (Schedule 5 – Substantial Tree Protection Area)

Vegetation Protection Overlay 5 (VPO5) applies to the majority of residentially zoned land within the Banyule Council area and seeks to retain and protect existing large trees. Under this Overlay, a planning permit is required for the removal of any tree (native or exotic) over 12m in height or with a combined diameter at breast height (DBH) greater than 400mm.

A planning permit is not required under this overlay, as based on the arboricultural assessment included with the application no trees are required to be removed as a result of the works.



Figure 4 – Land subject to Vegetation Protection Overlay Schedule 5 (green)

3.2.3 Particular Provisions

The following particular provisions are relevant to the proposed works.

Clause 52.05 Signs

This provision applies to the development of land for advertising signage.

The signage within the bus shelter is defined as “internally illuminated signage” under Clause 73.02 (Sign terms) of the Scheme. This signage is proposed to be located within the park at 355 Lower Plenty Road, which is zoned Public Park and Recreation (PPRZ). This is identified as a Category 3 signage location (High Amenity Locations) under the schedule to the Public Park and Recreation Zone.

Under Clause 52.05-13, a planning permit is required for internally illuminated signage within Category 3 signage areas.

internally illuminated signage’

Clause 52.17 Native Vegetation

This provision applies to applications to remove, lop or destroy native vegetation.

A planning permit is not required under this provision for the proposed works, as no vegetation is required to be removed to facilitate the bus shelter relocation or signage.

3.2.4 Planning Policy Framework

State Planning Policy

The key state planning policies relevant to the assessment of this application are:

- Clause 18.01-1S Land Use and Transport Planning
- Clause 18.02-2S Public Transport
- Clause 18.02-3S Road System

Local Planning Policy

The key local policy relevant to the assessment of the application is Clause 22.01 Outdoor Advertising. This policy applies to all applications for advertising signage and includes the following key policy objectives:

- Signs should enhance the physical character of the City of Banyule.
- Signs should be adequate and effective, given the legitimate need for business promotion.
- Visual clutter should be minimised and rationalise existing and proposed signs.
- The appearance, size, illumination and other aspects of signs should complement the developments on which they are displayed and the character of the surrounding locality.
- Signs should identify the business, not the individual products which are sold.
- Signs should not adversely affect the advertising capability of adjacent premises.
- Signs should not interrupt or detract from views of major natural and built environment features.
- Signs should not significantly impact on the character or amenity of residential areas.
- Signs should not be located where they are hazardous to motorists and pedestrians.
- Operators of all sites should improve the effectiveness of advertising on their site

4 Stakeholder Views

4.1 Banyule City Council

Banyule City Council is the relevant public land manager for 355 Lower Plenty Road.

The proposal has been discussed with Council and a copy of plans provided for their review. Council agrees that a planning permit is triggered 52.05 and refer to this in their response (noting that this response also refers to a separate application for works associated with the temporary opening of Drysdale Street). Council have indicated that they have no objection to the issue of a planning permit for the proposed signage, subject to the inclusion of standard conditions relating to tree protection.

Council's response is included at **Appendix C**.

5 Planning Assessment

Based on the permit triggers identified above, the key matters for consideration are limited to an assessment against the following:

- The design and impact of the proposed advertising signage, in line with the policies and decision guidelines under Clause 52.05 (Signs) and Council's local policy at Clause 22.01 (Outdoor Advertising).

Advertising signage

The proposed internally illuminated signage is considered to be satisfactory when assessed against the above framework, as follows:

- Lower Plenty Road is a busy, well-lit arterial road with existing bus services and bus stops, many of which also include internally illuminated signage of the type proposed. It is considered that the proposed signage would not detract from the character or general appearance of the area, given the immediately surrounding context and the co-location of internally illuminated signage with bus shelters is common throughout Melbourne.
- The proposed signage is located on the departure (east) side of the shelter and directed to bus passengers and passing traffic. They are not oriented towards residential properties and would not result in adverse amenity impacts on habitable rooms within nearby dwellings, due to the current level of illumination within Lower Plenty Road at night from street lighting and/or passing traffic as well as the separation distance from houses.
- The sign will not impact on road safety, Given the level of existing illumination within Lower Plenty Road and generally low light levels proposed within the sign it will not dazzle or distract passing drivers. The sign is also located on a long, straight stretch of road with good sight lines. It is also noted that DoT, as the coordinating road authority, has not objected to the proposal.
- The bus shelter containing the proposed internally illuminated signage is to be relocated from its current location at the intersection of Borlase Street and Lower Plenty Road. As a consequence, the overall number of internally illuminated signs on Lower Plenty Road will not increase as a result of the proposal.

6 Conclusion

Based on the above assessment it is considered that the proposal is satisfactory when considered against the relevant policies and provisions of the Banyule Planning Scheme, and accordingly it is requested that a planning permit be issued, subject to appropriate conditions.