

**52.05**  
18/02/2013  
VC81

## **ADVERTISING SIGNS**

### **Purpose**

To regulate the display of signs and associated structures.

To provide for signs that 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.

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### **Requirements**

#### **Advertising categories**

Clauses 52.05-7 to 52.05-10 specify categories of advertising control. The zone provisions specify which category of advertising control applies to the zone.

A sign in Section 1 of the category may be displayed without a permit, but a condition opposite the sign must be met. If the condition is not met, the sign requires a permit unless specifically included in Section 3 as a sign that does not meet the Section 1 condition.

A sign in Section 2 may be displayed only with a permit and a condition opposite the sign must be met. If the condition is not met, the sign is prohibited.

A sign in Section 3 is prohibited and must not be displayed.

Some overlays require a permit for Section 1 signs.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

#### **Referral of an application for permit**

An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the referral authority specified in Clause 66.03 or a schedule to that clause.

#### **Expiry of permit**

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

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### **Application requirements**

An application to display an advertising sign must be accompanied by the following information, as appropriate:

- 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.
- The 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 advertising area including all sides of a multi-sided sign).
- The location of any corporate 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 52.05-3 relating to road safety.
- Any landscaping details.
- For any sign over 18 square metres in area:
  - 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 Road Zone, residential zone, public use zone or Business 5 zone;
    - the dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

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### **Decision guidelines**

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

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
  - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
  - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.

- The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views.
  - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
  - The extent to which associated structures integrate with the sign.
  - 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.
- The impact of any illumination:
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
  - 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.
  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
  - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.

- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- 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.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- 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.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

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#### **Signs not requiring a permit**

A permit is not required to display the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve which gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station for the information of people using the station.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the advertisement cannot be seen from nearby land.
- A sign with an advertisement area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally-illuminated sign.
- A sign inside a building that cannot generally be seen outside.
- A sign with an advertisement area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally-illuminated sign and it must be removed when the work is completed.
- A sign with an advertisement area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally-illuminated sign and it must not be displayed longer than 14

days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

- A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.
- A sign with an advertisement area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally-illuminated sign and it must not be displayed longer than 3 months without a permit.
- A sign with an advertisement area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:
  - The advertisement area to exceed 10 square metres if the sign concerns more than 20 lots.
  - The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
  - The sign to be displayed longer than 7 days after the sale date.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

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#### **Existing signs**

A sign that was lawfully displayed on the approval date or that was being constructed on that date may be displayed or continue to be displayed and may be repaired and maintained.

A lawfully displayed advertisement may be renewed or replaced. However, a permit is required:

- If the advertisement area is to be increased.
- If the renewal or replacement would result in a different type of sign.

A sign that is reconstructed must meet the relevant advertising sign requirements.

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#### **Major promotion sign**

##### **Purpose**

To achieve high quality visual standards for the siting of major promotion signs.

To ensure that the signs are not detrimental to the appearance of their surroundings or the safe and efficient operation of the route through the application of consistent planning controls.

##### **Exemption from notice and review**

An application for a major promotion sign is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82 (1) of the Act provided the sign:

- Is to be displayed within an area listed in the schedule to this clause.

- Meets any condition listed in the schedule to this clause.

### **Permit requirement**

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.
- An expiry date which is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

### **Alternative expiry date condition**

- A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:
  - The purpose of the sign.
  - The existing or desired character of the area.
  - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
  - The extent to which the signage is physically and visually integrated into the architecture of the building.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995, and 18 September 1997, may continue to be displayed:

- until 31 December 2008, or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 52.05-2 and Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:

- Major promotion signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area.
- Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
- Major promotion signs are discouraged within open space reserves or corridors and around waterways.
- 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.
- In areas with a strong built form character, major promotion signs are encouraged only 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.

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### **Category 1 - Business areas**

Minimum limitation

#### **Purpose**

To provide for identification and promotion signs and signs that add vitality and colour to business areas.

#### **Section 1 - Permit not required**

| <b>Sign</b>                         | <b>Condition</b>   |
|-------------------------------------|--|
| <b>Bed and breakfast sign</b>       | The total advertisement area of all signs to each premises must not exceed 8 sq m. This does not include a sign with an advertisement area not exceeding 1.5 sq m that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.                         |
| <b>Business identification sign</b> |  |
| <b>Home occupation sign</b>         |  |
| <b>Promotion sign</b>               |  |
| <b>Direction sign</b>               |  |
| <b>Internally-illuminated sign</b>  | The total advertisement area to each premises must not exceed 1.5 sq m.<br><br>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.<br><br>The sign must be more than 30 m from a residential zone or pedestrian or traffic lights. |

#### **Section 2 - Permit required**

| <b>Sign</b>                      | <b>Condition</b> |
|----------------------------------|------------------|
| <b>Any sign not in Section 1</b> |                  |

#### **Section 3 - Prohibited**

| <b>Sign</b> | <b>Condition</b> |
|-------------|------------------|
| <b>Nil</b>  |                  |

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## Category 2 - Office and industrial

Low limitation

### Purpose

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

#### Section 1 - Permit not required

| Sign                         | Condition   |
|------------------------------|---|
| Bed and breakfast sign       | The total advertisement area of all signs to each premises must not exceed 8 sq m. This does not include a direction sign.                |
| Business identification sign |   |
| Home occupation sign         |   |
| Pole sign                    |   |
| Direction sign               | Only one to each premises.  |
| Internally-illuminated sign  | The advertisement area must not exceed 1.5 sq m. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights. |

#### Section 2 - Permit required

| Sign                      | Condition |
|---------------------------|-----------|
| Any sign not in Section 1 |           |

#### Section 3 - Prohibited

| Sign | Condition |
|------|-----------|
| Nil  |           |

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## Category 3 - High amenity areas

Medium limitation

### Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

#### Section 1 - Permit not required

| Sign                   | Condition  |
|------------------------|--|
| Bed and breakfast sign | Only one to each premises.                       |
| Home occupation sign   | The advertisement area must not exceed 0.2 sq m. |
| Direction sign         |  |

#### Section 2 - Permit required

| Sign                | Condition |
|---------------------|-----------|
| Above-verandah sign |           |



| Sign                         | Condition                                      |
|------------------------------|--|
| Business identification sign |  |
| Floodlit sign                |  |
| High-wall sign               | Must be a business logo or street number.      |
| Internally-illuminated sign  |  |
| Pole sign                    |  |
| Promotion sign               | The advertisement area must not exceed 2 sq m. |
| Reflective sign              |  |

### Section 3 - Prohibited

| Sign                            | Condition |
|---------------------------------|-----------|
| Any sign not in Sections 1 or 2 |           |

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### Category 4 - Sensitive areas

Maximum limitation

#### Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

#### Section 1 - Permit not required

| Sign                   | Condition  |
|------------------------|--|
| Bed and breakfast sign | Only one to each premises.                       |
| Home occupation sign   | The advertisement area must not exceed 0.2 sq m. |
| Direction sign         |  |

#### Section 2 - Permit required

| Sign                         | Condition   |
|------------------------------|---|
| Business identification sign | The total advertisement area to each premises must not exceed 3 sq m. |
| Floodlit sign                |   |

### Section 3 - Prohibited

| Sign                            | Condition |
|---------------------------------|-----------|
| Any sign not in Sections 1 or 2 |           |