

52.05

19/01/2006
VC37

ADVERTISING SIGNS**Purpose**

To allow adequate and effective signs appropriate to each zone.

To provide for the orderly display of signs.

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.

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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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:

- The effect of the sign on the amenity of the area including the need to avoid visual disorder or clutter of signs.
- The effect of the sign on the built environment or the landscape, with particular thought to its effect on any objects of scenic, historic, architectural, scientific or cultural interest.
- The need for identification and the opportunities for adequate identification on the site and nearby.
- The advertising pattern and theme in the area and the number of signs of the same type.
- The effect of the sign on existing signs.
- The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.
- The effect of the sign on the safety, warning and security of premises and public areas.

- The effect of the sign on the appearance and efficiency of a road, railway, waterway or other public way, having particular regard to the sign's colour, brightness and location.
- The views of the Roads Corporation if the sign is an animated, floodlit, internally-illuminated, panel, reflective or sky sign to be displayed within 60 metres of, or to project over, a freeway, state highway, metropolitan bridge or other road declared as a freeway or an arterial road under the Road Management Act 2004.

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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 which promotes or provides information about the construction or operation of the Melbourne City Link Project or the South Eastern Arterial Grade Separations Project provided that it is displayed at the direction of a government department or agency. The sign must be removed upon the practical completion date of the project.
- 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:

- To renew or replace the advertisement of an animated or internally-illuminated sign.
- 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 appeal

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:

- An expiry date, which is not less than 10 years or more than 25 years from the date of issue of the permit unless a local policy specifies a different expiry requirement.
- 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.

A major promotion sign displayed in accordance with a permit granted between 19 September 1993, and 18 September 1997, may continue to be displayed until 18 September 2007.

Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect of the sign 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 sign or signal, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic sign or signal.
 - Could dazzle or distract drivers due to its size or design, or it being illuminated, animated or flashing.
 - Is at a location where particular driver concentration is required.
 - Is likely to be mistaken for a traffic signal, for example because it contains red, green or yellow lighting or has large reflective or illuminated 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 not time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway.
- The effect of the proposed 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 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

SIGN	CONDITION
Bed and breakfast sign Business identification sign Home occupation sign Promotion sign	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.
Direction sign	
Internally-illuminated sign	The total advertisement area to each premises must not exceed 1.5 sq m. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. 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 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 Business identification sign Home occupation sign Pole sign	The total advertisement area of all signs to each premises must not exceed 8 sq m. This does not include a direction 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 Home occupation sign	Only one to each premises. The advertisement area must not exceed 0.2 sq m.
Direction sign	

Section 2 - Permit required

SIGN	CONDITION
Above-verandah sign 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	