

# Assessment Report – PInApp20/006

## Application Details:

<i>Application Details</i>	
<b>Planning Application Number:</b>	PInApp20/006
<b>Proposal</b>	Development and Installation of a major promotional sign
<b>Application lodged</b>	15/01/2020
<b>Notice and submissions</b>	Yes, letters to neighbours. 5 objections were received.
<i>Property Details</i>	
<b>Property Address</b>	5/22A Tone Road Wangaratta
<b>Land Description</b>	Lot5 PS415047 Vol 10418 Fol49
<b>Restrictive Covenants</b>	None.
<b>Existing Use</b>	Retail premises
<b>Land Area</b>	126Sqm
<i>Planning Provisions</i>	
<b>Planning Policy Framework</b>	Clause 15.01S – Urban Design
<b>Local Planning Policy Framework</b>	Clause 22.08 – Advertising Signs Policy
<b>Zone</b>	Clause 33.01 Industrial 1 Zone
<b>Overlays</b>	Nil.
<b>Particular Provisions</b>	Clause 52.05 – Signs Clause 52.06 – Car parking 52.29 – Land Adjacent to a Road Zone Category 1
<b>General Provisions</b>	Clause 65.01 Decision Guidelines – Approval of an application or plan
<i>Permit Triggers</i>	
<b>Farming Zone</b>	Clause 33.01 – Building or works for construction of a parapet and skirting permit is required to subdivide land.
<b>Signs</b>	Clause 52.05 a permit is required to develop or display a major promotion sign
<i>Other</i>	
<b>Area of Aboriginal Cultural Heritage Sensitivity</b>	Yes
<b>Special Water Supply Catchment</b>	No
<b>Agricultural Versatility</b>	Not applicable

## **Executive Summary**

This planning permit application is for the development and display of a major promotion sign and an associated construction of a parapet and skirting board at 5/22A Tone Road, Wangaratta. This is the third application since 2018 for a similar type of sign within the immediate vicinity of the subject land.

The subject land is located within the Industrial 1 Zone and has frontage to Tone Road and is approximately 1.3 kilometres south west of the central core of Wangaratta's Central Activities Area.

Formal notice of the application was given to nearby affected land owners and occupiers on 10 February 2020. At the time of writing this report a total of five submissions have been received, all of which are considered to be objections to the proposal.

The proposal has been assessed against the relevant Planning Scheme provisions and is not considered acceptable.

## **Recommendation**

That Council:

1. Issues a Notice of Decision to Refuse to Grant a Permit with respect to Application 20/006 for Development and Display of a Major Promotion Sign and Construction of Parapet and Skirting Board at 5/22A Tone Road Wangaratta based on the following grounds:
  - a) The proposal does not comply with the requirements and objectives of Clause 22.08 (Advertising Signs Policy) of the Wangaratta Planning Scheme.
  - b) The proposal does not comply with the strategies and objectives of Clause 15.01-1S (Urban Design).
  - c) The proposal does not comply with the decision guidelines of Clause 52.05 (Signs).
  - d) The proposal would cause visual detriment and is inconsistent with the character of the local area.
  - e) The proposal is inconsistent with the objectives of the Wangaratta Industrial Land Use Strategy, specifically the objectives and guidelines of the Design and Development Overlay proposed to be applied to the land as part of Amendment C76.
2. Advises the applicant and all submitters of Council's decision.

## **Property Details**

The subject land is located within the Industrial 1 Zone, approximately 1.3 kilometres south west of the central core of Wangaratta's Central Activities Area. The subject land is not affected by any overlays and is a small, rectangular 126 square metre lot, which is located nearby to five other similar sized lots all sharing common property with the subject land. The overall area of the subject land, the lots it shares common property with and the common property is approximately 0.43 hectares. The subject land and the lots that share common property are part of a larger, approximately 1.5 hectares triangle shaped area of land zoned Industrial 1 Zone located east of the Tone Road/Sisley Avenue intersection and in between Tone Road to the south and the railway line to the north.

The common property to the subject land has a frontage to Tone Road of approximately 95 metres and includes two crossovers, one at either end of the common property. Areas of public car parking are located at the western end of the common property area and along the southern boundary of the common property. Some staff car parking and/or loading and unloading space is located along the northern boundary of the common property. Access to the subject land is available to eastbound traffic only.

The subject land comprises one separately leasable/saleable industrial unit which is part of a larger single storey building which includes four other separately leasable/saleable spaces. All spaces in this building except for the subject land appear to currently be used for retail purposes. The subject land currently appears to be vacant. Common property surrounds the subject building and provides for car parking and access to all tenancies within it. The common property also provides car parking and access for a separate building located to the west which is used for self-storage units.

Land/Address	5/22A Tone Road Wangaratta
Zones and Overlays	Industrial 1 Zone
Why is a permit required	Buildings and works for construction of a parapet and skirting board (Clause 33.01-4 (Buildings and Works, Industrial 1 Zone). Develop or display a major promotion sign (Clause 52.05-12 – Category 2 – Office and Industrial, Signs)

## **Proposal in Detail**

The application is for the development and display of a major promotion sign. The proposed sign is to be mounted to the western wall of the building located on the subject land and facing eastward. The proposed major promotion sign is to cover the majority of the western wall of the building with the southern end of the sign being flush with the southern end of the building and the northern end of the sign being setback approximately 2.5 metres from the northern end of the building. The bottom of the major promotion sign is to be raised approximately 1.1 metres above natural ground level with the top of the sign being approximately 4.5 metres above natural ground level and equal to

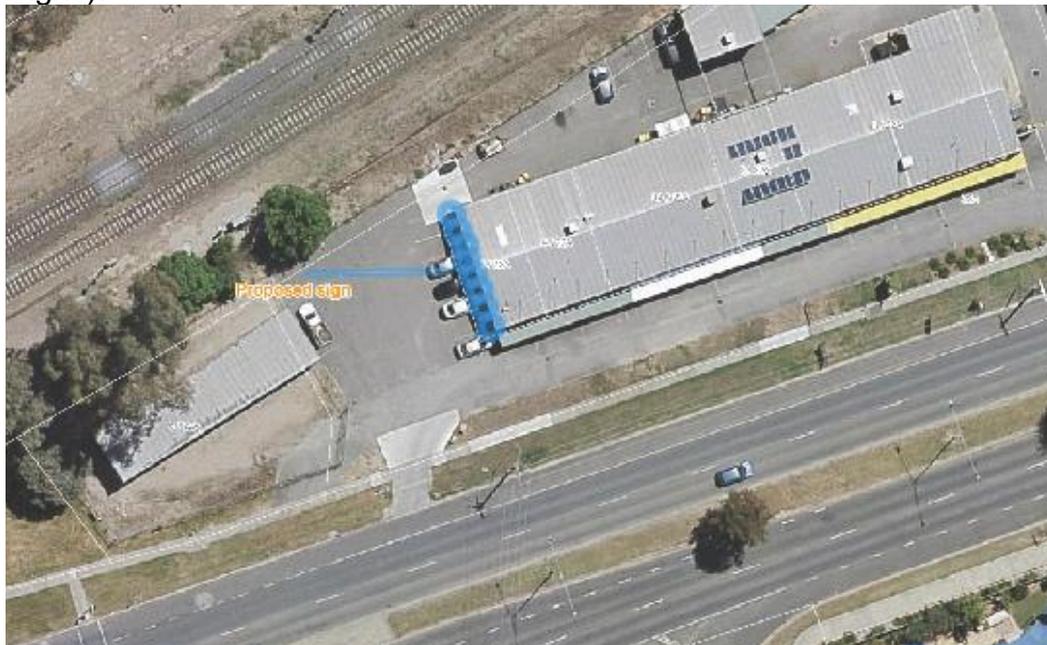
the ridge height of the building. This gives the sign dimensions of approximately 3.4 metres in height and 12.6 metres in width. The plans indicate a display area of 42.41 square metres.

The proposed major promotion sign is to be used in the typical way such signs are used which is to rent out the advertising space for periods of time to businesses with no direct relationship with the subject land.

The proposal includes constructing a parapet at the northern end of the western wall of the building to a height equal to the ridge height of the building and the height of the proposed major promotion sign. This parapet is to be constructed using the same colours and materials as the existing wall below. The purpose of this parapet is to ensure that the proposed major promotion sign does not appear to protrude above the wall height of the building.

The proposal also includes the installation of a Colorbond skirting board immediately below the proposed major promotion sign. This skirting board is to be approximately 12.6 metres in length and 0.8 metres in height and is to be coloured 'Night Sky.' The purpose of this skirting board appears to be to provide a better contrasting colour to the proposed major promotion sign.

The proposal also includes the installation of a business identification sign which is to sport the business name of the company proposing to install and manage the major promotion sign. This business identification sign is proposed to be located immediately below the major promotion sign at the southern end of the building. This sign is to have a height of 0.55 metres and a width of 1.3 metres and total area of 0.72 square metres. It should be noted that the proposed business identification sign does not require a planning permit pursuant to Clause 52.05-12 (Category 2 – Office and Industrial, Signs).



Aerial Imagery from Wangaratta Online Mapping 2019.

## **Referrals**

### **External Referrals**

The application was referred to the following referral authorities under Section 52 of the *Planning and Environment Act 1987*.

<b>Referral Authority</b>	<b>Response</b>
VicRoads	No objection subject to conditions

### **Internal Departmental Advice**

<b>Department</b>	<b>Response</b>
Strategic Planning Unit	<p>Proposed planning scheme amendment C76 if approved would rezone the subject land to Commercial 2 Zone and apply a Design and Development Overlay to the subject land also.</p> <p>The Wangaratta Industrial Land Strategy which includes the proposal to carry out this planning scheme amendment has been adopted by Council. This proposed amendment therefore may be considered in the assessment of this application pursuant to Section 60 (1A) (g) of the <i>Planning and Environment Act 1987</i>.</p>

## **Advertising**

Notice of the application was given on 10 February 2020 under Section 52 of the *Planning and Environment Act 1987*, to all land owners and occupiers who could be affected by the proposal.

Five submissions have been received, all of which are objections to the proposal. Concerns raised by objectors are summarised as follows:

<b>Ground for Submission</b>	<b>Concern Raised</b>	<b>Comments/Response</b>
Road and pedestrian safety	<p>The proposed major promotion sign will create a safety hazard to the nearby Tone Road/Sisley Avenue intersection.</p> <p>The proposed major promotion sign will create a safety hazard due to the proximity of the sign to the crossover from Tone Road to the common property of 22A Tone Road.</p> <p>Safety issues associated with the proposed major promotion sign will be exacerbated by the increasing amount of traffic using the nearby Tone Road/Sisley Avenue intersection.</p>	<p>The application was referred to VicRoads who responded without raising any particular concerns with regard to safety. VicRoads have suggested conditions which would have the effect of minimising safety risks.</p> <p>There are no dramatic or significant increases in traffic expected for the nearby major intersection however existing traffic volumes are significant enough to warrant significant consideration of the impact of the proposal on safety. VicRoads have however not raised any concerns in this regard.</p>
Character of the area	<p>The proposed major promotion sign will appear unattractive and have an adverse aesthetic impact on the primary northbound entrance to Wangaratta.</p>	<p>Local planning policy on advertising signs highlights the importance of protecting the visual amenity of the municipality from the impact of major promotion signs and specifically discourages them. A more detailed assessment of the impact of the proposal on</p>

	<p>The proposed major promotion sign is not consistent with the character of the local area.</p> <p>The size of the proposed major promotion sign is excessive.</p> <p>The proposed major promotion sign would likely be a target for graffiti vandalism which would adversely impact the character of the local area.</p>	<p>the character of the local area is included later in this report.</p> <p>The local area contains a significant amount of prominent signage however there are no existing promotion signs in the local area. A more detailed assessment of the impact of the proposal on the character of the local area is included later in this report.</p> <p>The size of the proposed major promotion sign is a relatively typical size for that type of sign. In the context of the local area the size of the sign would stand out as being large and may appear dominant. A more detailed assessment of the impact of the proposal on the character of the local area is included later in this report.</p> <p>Typically signs of this type are frequently updated with different advertisers renting the major promotion sign for different periods of time. For this reason any graffiti vandalism is unlikely to be a serious or prolonged issue. It is also not reasonable to attribute any responsibility to the permit applicant for potential criminal activity which may be carried out by others.</p>
Existing businesses in the area	The proposed major promotion sign will disadvantage existing nearby businesses by reducing the prominence of the business identification signs of those businesses.	It is not appropriate for planning to interfere in competition between businesses except to the

	<p>Businesses hiring space for advertising on the proposed major promotion sign may be competitors to existing businesses in the local area and therefore may adversely impact those businesses.</p> <p>Allowing a major promotion sign as is proposed would be inconsistent with limits on the amount of signage which can be displayed by existing businesses in the local area.</p>	<p>extent that considerations in the broader public interest are relevant which includes but is not limited to matters such as the character of the area, safety and visual disorder.</p> <p>The amount of signage currently displayed by nearby businesses, particularly the shopfronts located within the same building as the proposed major promotion sign is to be mounted on, appear to be within the limits set out in the planning scheme for signage permitted without requiring a planning permit. It is permissible (with a planning permit) for businesses in the local area to increase the amount of signage they have. The proposal therefore may be inconsistent with the size and style of signage in the local area but it would not be inconsistent with the limits on nearby signage because the same decision guidelines would be relevant to the assessment of the proposal as to any hypothetical proposal to increase the amount of signage for any nearby business.</p>
<p>Previous similar applications in the immediate vicinity</p>	<p>Planning application PInApp18/040 was an application for an illuminated major promotion sign at 6/22A Tone Road Wangaratta and was refused by both Council and the Victorian Civil and Administrative Tribunal (VCAT).</p>	<p>Council is aware of the history of the subject land and immediate vicinity with regard to applications for promotion signs. As PInApp18/040 has been refused by VCAT it is not relevant to the assessment of this application.</p>

	<p>Planning application PInApp19/186 is an application for an electronic promotion sign at 6/22A Tone Road which was refused by Council and subsequently the permit applicant sought a review to VCAT. This review is yet to be heard by VCAT and if VCAT approve the proposed sign and this current application is also approved then this could lead to two promotion signs located in very close proximity.</p>	<p>The various potential adverse impacts from the proposed sign would be exacerbated if VCAT decide to set aside Council's decision with regard to PInApp19/186 and direct that a permit be issued in that case. This could result in two large promotion signs within very close proximity. This is an issue which will be discussed in greater detail later in this report.</p>
<p>Justification of proposal by applicant</p>	<p>The application justifies the proposed major promotion sign by referring to existing business identification signage in the local area which is not appropriate because it is a different type of signage to what is proposed.</p>	<p>Consideration of the merits of the proposal will have regard to matters such as the impact on local character. Although promotion signs are separately distinguished within the planning scheme and are explicitly discouraged by local planning policies, it remains relevant to consider the physical presence of any type of sign within the local area when considering a variety of decision guidelines including the character of the local area. A more detailed assessment of the impact of the proposal on the character of the local area is included later in this report.</p>

## **Assessment under the Planning and Environment Act 1987**

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
Planning Policy Framework	15.01-1S	Urban Design
Municipal Planning Policy	22.08	Advertising Signs Policy
Zoning	33.01	Industrial 1 Zone
Overlays	Nil	Not applicable
Particular Provisions	52.05 52.06 52.29	Signs Car Parking Land Adjacent to a Road Zone Category 1
Decision Guidelines	65.01	Approval of an Application or a Plan

### **Planning Policy Framework**

#### **Clause 15.01-1S – Urban Design**

This policy has the objective to ensure that urban environments are *safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity*. The policy sets out several strategies that sit under this objective.

One relevant strategy is to *require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate*. The proposal is not considered to respond to its context because the proposed sign is disproportionate in size to the building on which it is to be mounted and whilst signage is a significant feature in the character of the surrounding area, the proposed sign is generally more dominant than nearby signage.

Another relevant strategy is to *ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads*. Whilst the proposal is not expected to create any safety impacts, there is expected to be adverse impacts on the built environment as a result of the proposed sign.

It is therefore considered that the proposal is inconsistent with this state policy.

### **Municipal Planning Policy**

#### **Clause 22.08 – Advertising Signs Policy**

This policy seeks to provide guidance on outdoor signage within the municipality. Objectives set out under this policy include siting outdoor advertising in a manner that complements the landscape and built form, maintaining a degree of uniformity to outdoor advertising, supporting well proportioned signage and protecting the visual amenity of localities and transport corridors by avoiding visual disorder and clutter.

This policy sets out clear directives explicitly against the development of major promotion signs. The policy discourages major promotion signs stating that they are contrary to the rural character of the municipality due to their size and prominence. The policy also states that major promotion signs should not be located at gateway approaches, adjoining local or regional tourist routes, displayed on heritage sites. If a major promotion sign is approved the policy states that it should be affixed to a building and wholly within the boundaries of the building footprint. The policy also provides direction on high wall signs stating that they should not project beyond the lines of a building.

The application provided arguments which attempted to demonstrate that the proposal was consistent with this policy. The proposed parapet is included in the design to ensure that the proposed sign does not appear to project beyond the lines of the building. It is considered that this design response does meet the objective with regard to this aspect of the policy. Another argument put forward in the application is that the proposed sign is consistent with the character of the locality in which it is proposed and therefore is consistent with the broader objectives of the policy. This argument is rejected on the basis that the policy makes clear that major promotion signs would not be consistent with the desired local character in any context in the municipality.

Another argument put forward is that the proposal complies with the policy to the greatest extent possible, being affixed to a building and not located along gateway approaches, tourist routes or heritage sites. These points are accepted as being accurate. The applicant does acknowledge however that it would be impossible for the proposal to be consistent with the policy direction which states that major promotion signs are discouraged. In response to this point the applicant argues that it is an established legal precedent that local planning policies cannot act as a prohibition on particular development such as major promotion signs. While the proposal is not prohibited as a result of this policy, the policy does give a clear direction with regard to major promotion signs.

A previous, recent and very similar application at a location approximately only 20 metres west of the site of this proposed development was recently determined by the Victorian Civil and Administrative Tribunal. The case was Total Outdoor Media Pty Ltd v Wangaratta Rural CC [2019] VCAT 188 (19 February 2019). In this case the member found that the proposed sign was inconsistent with the same advertising signs policy and that this presented a major case for refusal of the proposal. The member cited the need for other strongly positive features of the proposal which would mean that overall the proposal would create a net community benefit to justify approval of the proposal. In the absence of such positive features the member decided to refuse the application. This is an extremely similar application and therefore it is appropriate to take the same approach. The application does not include substantial or convincing arguments that the proposal would create net community benefit which would justify approval of the application. There is an argument mounted that there is a need for local businesses to have outdoor advertising opportunities to grow their business. This argument is not substantial or compelling enough because other avenues for advertising local

businesses exist and the negative impacts of the sign outweighs any benefits which may be relevant.

For the reasons discussed above the proposal is considered to be inconsistent with this policy.

## **Zoning**

### **Clause 33.01 – Industrial 1 Zone**

The subject land is located within the Industrial 1 Zone and Schedule 1 applies. The proposal includes two distinct components. The first is the proposed sign which includes any supporting structure to the sign. The second component is 'other development' which forms part of the proposal but is not actually part of the sign. This second component includes the skirting board proposed to be attached below the sign and the parapet proposed to be constructed at the north western corner of the building. The skirting board and parapet are obviously intended to improve the contrast and overall appearance of the proposal however they are not proposed to form part of the sign or sign supporting structure itself.

Pursuant to Clause 62.01 (Uses not requiring a permit) and Clause 62.02-2 (Buildings and works not requiring a permit unless specifically required by the planning scheme) a planning permit is not required for the use and development of a sign under the provisions of the Industrial 1 Zone. Pursuant to Clause 33.01-5 (Signs, Industrial 1 Zone) sign requirements for the Industrial 1 Zone are at Clause 52.05 (Signs) and Category 2 applies.

Pursuant to Clause 33.01-4 (Buildings and Works, Industrial 1 Zone) a planning permit is required for the proposed parapet and skirting board.

The proposed skirting board is to sit below the proposed sign and is to be coloured black. It is presumed that the intention of this skirting board is to improve the aesthetics of the proposed sign above it. The proposed parapet is to be constructed of the same material and colour as the existing western wall to which the proposed signage is to be attached. The application makes clear that the intention of this parapet is to ensure that the proposed sign does not appear to project above the roof line of the building to which it is attached.

The proposed skirting board and parapet are relatively minor components of the proposal and are considered acceptable as they would not on their own have any significant impact on the streetscape. These aspects of the proposal are not particularly prominent and do not have a direct interface with the street. Attention to these parts of the building would generally only be drawn by the proposed sign. The proposal is considered to be consistent with the decision guidelines set out in the Industrial 1 Zone.

## **Overlays**

The subject land is not affected by any overlays.

## **Particular Provisions**

### **Clause 52.05 – Signs**

The subject land is located within the Industrial 1 Zone. Pursuant to Clause 33.01-5 (Signs, Industrial 1 Zone) signs requirements are at Clause 52.05 (Signs) and Category 2 applies. Pursuant to Clause 52.05-12 (Category 2 – Office and Industrial, Signs) a permit is required for the development and display of a major promotion sign.

The proposed business identification sign does not require a planning permit because the area of the proposed business identification sign is 0.72 square metres which is less than the maximum 8 square metres condition to be met for the sign to not require a planning permit. As the proposed major promotion sign is a use in itself and is not ancillary to any other use, a business identification sign associated with that use is permitted.

The proposed sign is not considered to present a safety hazard in relation to nearby roads with particular regard to the adjacent Tone Road and the intersection of Tone Road and Sisley Avenue. The proposed sign is to be mounted on an existing wall and well setback from the road and therefore will not obstruct any line of sight. The proposed is not to be electronic or illuminated. VicRoads have suggested conditions to apply to any permit granted and have raised no concerns with safety. These conditions would ensure that any advertising displayed on the proposed sign was designed so as not to cause a safety hazard.

The proposed sign will only marginally project above the height of the existing wall to which it is to be attached. As such there is no prospect for the proposal to significantly impact upon any significant views. In addition the surrounding area of the subject land is not identified as having any significant vistas. There are no existing signs which will be impacted by the proposal. The proposal is not considered to have any significant impact on views.

The proposed sign is of a much larger scale than the majority of existing signage in the surrounding area. While signage in general is a significant feature on nearby buildings such signage is generally proportionate to the scale of the buildings on which it is attached. The proposal is for a sign which would be disproportionate to the size of the building on which it is to be mounted because it will cover almost the entire western wall of the building. For this reason the proposed sign is considered to be inconsistent with the existing character of the area and will have an unacceptable impact on the streetscape.

In addition to the proposed sign being inconsistent with the existing character of the area, it is also considered that the proposal is inconsistent with the desired future character of the area. The desired future character of the area is expressed partly through Clause 22.08 (Advertising Signs Policy) discussed previously in this report and also through Amendment C76 which by the date

of the Council meeting in which this application is due to be determined, will be on exhibition. This amendment seeks to implement the Council endorsed Wangaratta Industrial Land Use Strategy 2017. This amendment having being endorsed by Council is therefore able to be considered in the assessment of an application pursuant to Section 60 (1A) (g) of the *Planning and Environment Act 1987*.

If gazetted Amendment C76 will rezone the subject land to Commercial 2 Zone and apply the Design and Development Overlay to the subject land. The schedule of that overlay which would apply is Schedule 4 which is titled 'Commercial 2 Zoned Land with Main Road Frontage.' The design objectives of this proposed schedule relate to the interface with the street and ensuring that development contributes positively to the character of the area. The proposed schedule also includes a statement about signage stating that one of the design objectives is *to ensure signage is appropriate and minimises visual clutter*. The proposal is considered to be inconsistent with the desired future character of the area as espoused through Amendment C76 because the proposed signage will generate visual clutter and the scale of the proposed signage will be disproportionate to the scale of the building to which it is to be attached and is therefore not appropriate.

The proposed development if approved would also change the character of the local area in a way which may lead to further inappropriate development which may lead to outcomes which are even more inconsistent with the desired future character of the area. It is acknowledged that there is one other live application for a promotion sign in very close proximity to the subject land which would be more likely to gain approval if the proposed development were approved first. The cumulative impacts which could flow from a decision to approve this application may therefore jeopardise the desired future character of the area. Established legal principle directs that the nearby proposal which remains a live application (PInApp19/186) and is due to be heard by VCAT, cannot be considered in the assessment of this proposal. The assessment of this proposal can however consider what precedent approval this proposal might create and how that may affect other proposals to be determined in the future such as PInApp19/186.

While the proposed major promotion sign is not considered to present any safety issues or adverse impacts on views, the proposal is considered to be inconsistent with the existing and desired character of the area and would have an unacceptable impact on the streetscape. The proposal is therefore considered to be inconsistent with Clause 52.05-8 (Decision Guidelines, Signs).

#### **Clause 52.06 – Car Parking**

The proposal is not expected to create any significant impacts upon existing car parking arrangements on the subject land. The proposed sign and other related development will not encroach on existing car parking spaces. During construction of the proposed development there may be minor impacts on car parking on the subject land however this is considered negligible. There is no

mandated rate of car parking spaces required for the use of land for a sign and it is considered that adequate space exists to accommodate the very minimal car parking demand that may be generated by the proposal during ongoing use.

### **Clause 52.29 – Land Adjacent to a Road Zone Category 1**

The subject land is adjacent to Tone Road which is a Road Zone Category 1 road. The proposal does not involve the creation of or alteration of access to Tone Road therefore pursuant to Clause 52.29-4 (Referral of Applications, Land Adjacent to a Road Zone Category 1) referral of the application to VicRoads was not required. Council did however decide to give notice of the application to VicRoads in the form of a Section 52 referral and VicRoads provided a referral response which included some suggested permit conditions should Council decide to grant a permit.

### **Decision Guidelines**

#### **Clause 65.01 – Approval of an Application or Plan**

The proposal is assessed against the decision guidelines of Clause 65.01 below:

- The matters set out in Section 60 of the Act.

The proposal is considered to be inconsistent with some of the matters set out in Section 60 of the Act. Specifically as mentioned previously in this report, the proposal is inconsistent with particular relevant policies and clauses within the Wangaratta Planning Scheme and the proposal is inconsistent with a proposed planning scheme amendment.

- The Municipal Planning Strategy and Planning Policy Framework.

The Municipal Planning Strategy and Planning Policy Framework have been addressed previously in this report.

- The purpose of the zone, overlay or other provision.

The zone provisions have been addressed previously in this report. No overlays apply to the subject land.

- Any matter required to be considered in the zone, overlay or other provision.

The relevant decision guidelines of the zone and relevant particular provisions have been addressed previously in this report.

- The orderly planning of the area.

The proposal is considered to represent disorderly planning because the proposal is inconsistent with the existing and desired future character of the local area.

- The effect on the amenity of the area.

The proposal is considered to be inconsistent with the character of the local area and therefore would cause unacceptable amenity impacts. The proposal is therefore considered to be inconsistent with this decision guideline.

- The proximity of the land to any public land.

The subject land is not located within close proximity to any public land.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The proposal does not have the potential to cause any of the types of issues mentioned.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

The proposal will not generate any additional stormwater.

- The extent and character of native vegetation and the likelihood of its destruction.

The proposal will not cause any impacts on native vegetation.

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

The proposal will not cause any impacts on native vegetation.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The proposal is not subject to any significant hazard of the types mentioned.

- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

The proposed sign would require occasional replacement of the advertisements attached to it. It is considered that the common property area and car parking spaces provide an appropriate amount of space to carry out these activities when required.

## **Conclusion**

The proposal is for the development and display of a major promotion sign and construction of a parapet and skirting board. The proposed sign is inconsistent with the existing character and desired future character of the local area and is considered to be inconsistent with Clause 15.01-1S (Urban Design), Clause 22.08 (Advertising Signs Policy) and Clause 52.05 (Signs). The proposal is also considered to represent disorderly planning given that an application for a similar sign within very close proximity to the proposed development site remains undetermined and is set to be heard at the Victorian Civil and Administrative Tribunal. The proposal is therefore considered to be inconsistent with Clause 65.01 (Approval of an Application or Plan). It is therefore recommended that the application is refused.