

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

LAND AND ENVIRONMENT DIVISION

VCAT REFERENCE NO. P839/2025
PERMIT APPLICATION NO. P012-25

CATCHWORDS

Section 77 of the *Planning and Environment Act 1987* (Vic); Benalla Planning Scheme; Commercial 1 Zone; Design and Development Overlay Schedule 6; Matters for which a permit is required; Electronic, promotional, panel sign; Character; Lake Benalla environs.

APPLICANT	Regional Billboard Co Pty Ltd
RESPONSIBLE AUTHORITY	Benalla Rural City Council
SUBJECT LAND	26 Bridge Street East BENALLA VIC 3672
HEARING TYPE	Hearing
DATE OF HEARING	6 March 2026
DATE OF ORDER	31 March 2026
CITATION	Regional Billboard Co Pty Ltd v Benalla Rural CC [2026] VCAT 226

ORDER

Amend permit application

- Pursuant to cl 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
 - Prepared by: Gawk Outdoor
 - Drawing numbers: Project No. 24-085, Drawings A01 Rev 01, A02 Rev 01, A03 Rev 01, A04 Rev 01 and A06
 - Dated: 16 December 2025

Permit granted

- In application P839/2025 the decision of the responsible authority is set aside.
- In planning permit application P012-25 a permit is granted and directed to be issued for the land at 26 Bridge Street East, Benalla VIC 3672 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

Planning scheme clause	Matter for which the permit has been granted
Clause 52.05-2	Construction and putting up for display an electronic, promotional, panel sign.

Seuna Byrne
Member

APPEARANCES

For applicant

Peter Jewell, town planner, Jewell Partnership Pty Ltd. Evidence was called from:

- Dr Aron Paul, Senior Heritage Consultant, Trethowan Architecture

For responsible authority

Nicola McGowan, town planner, Urban Design and Management Pty Ltd

INFORMATION

Description of proposal	The construction of and putting up for display an electronic, promotional, panel sign, including an extension of a wall parapet specifically built to support the sign.
Nature of proceeding	Application under s 77 of the <i>Planning and Environment Act 1987</i> (Vic) – to review the refusal to grant a permit.
Planning scheme	Benalla Planning Scheme
Zone and overlays	Commercial 1 Zone Design and Development Overlay Schedule 1 – Aerodrome Environs Area Benalla Design and Development Overlay Schedule 6 – Fawckner Drive and Lowry Place – Business 1 Zone Land Subject to Inundation Overlay Parking Overlay Schedule 1 – Benalla Central Business Area Abuttal to a road in Transport Zone 2 (Bridge Street East, also known as Midland Highway)
Permit requirements	Clause 52.05-2 – construction and putting up for display an electronic, promotional, panel sign.
Key scheme policies and provisions	Clauses 02, 12.03, 15, 52.05, 65 and 71.02.

Land description

The subject land is located on the south-east corner of Bridge Street East and Nunn Street in Benalla and forms part of the Benalla Central Business Area. It is a rectangular allotment with an 8.17 metre frontage, a 40.23 metre sideage and an overall area of approximately 329 square metres.

Occupying the land is a single storey, brick commercial building. The original building has been altered, with the front façade replaced with floor-to-ceiling clear glass windows and an extended parapet wall above with a business identification sign affixed to the north and west facades. A cantilevered canopy extends over the northern and western abutting footpaths, marking the corner.

A mural, by the artist Buff Diss, has been painted on the western wall, facing Nunn Street.

The intersection is controlled by traffic signals.

On the north side of Bridge Street East is a row of single and two-storey commercial buildings, including the Art Deco two-storey former Say's Building located on the north-east corner of the intersection.

To the east, on the opposite side of Nunn Street, is a brightly coloured, two-storey commercial building located on the south-west corner of the intersection.

To the south and further west is the Lake Benalla and river environs, which includes a number of civic buildings and spaces in a parkland setting, including the Benalla Library, Benalla skate park, Benalla Visitor Centre, Benalla Historical Society Museum, Benalla Aquatic Centre, Benalla Botanic Gardens, Benalla War Memorial, Benalla Art Gallery and the Benalla-Monash Bridge.

Tribunal inspection

An inspection of the site and surrounds was undertaken after the hearing, on 15 March 2026.

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 The Benalla Rural City Council ('Council') has refused to grant a planning permit 'to construct and display an electronic promotion sign' on the subject land.² The grounds of refusal refer to the sign's impact on the streetscape, heritage character and lake environs.
- 2 This is an application to the Tribunal for a review of the Council's decision.
- 3 On the basis of the submissions, the key issue for determination in this matter is whether the sign is an acceptable response to the physical context and to policy.
- 4 Having considered the submissions and evidence, with regard to the relevant policies and provisions of the Benalla Planning Scheme ('Scheme'), assisted by my inspection, I have determined to set aside Council's decision. My reasons follow.

WHAT IS PROPOSED?

- 5 It is proposed to construct and put up for display an advertising sign, attached to a single-storey parapet wall of the building on the subject land. The existing parapet wall would be extended to support the sign.
- 6 Before the hearing, Regional Billboard Co Pty Ltd ('applicant') prepared and circulated amended plans of the proposal.
- 7 The amended plans show the sign reduced in size, with dimensions of 8.0 metres long and 2.0 metres high for a display area of 16 square metres. The sign, including its supporting structure, would have a maximum height above ground level of 6.7 metres, which matches the height of the existing parapet wall. This is shown in Figure 1, below. A logo box would be displayed below the electronic sign. The logo box is not proposed to be internally illuminated or floodlit.
- 8 Council maintains its opposition to the grant of a permit.

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

² Notice of Decision to Refuse to Grant a Planning Permit No. P012-25, dated 10 September 2025 ('Notice of Refusal').

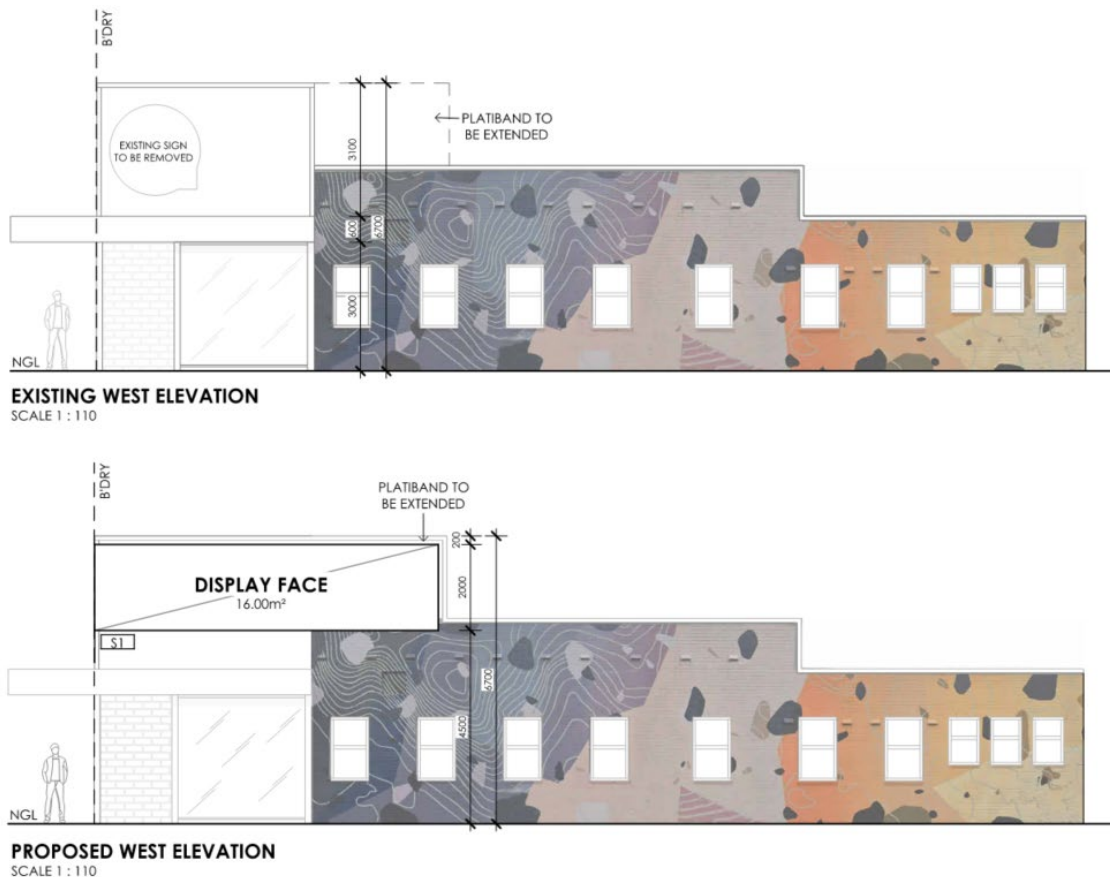


Figure 1: The existing and proposed west elevation, extracted from the amended plans.

WHAT PLANNING PERMISSION IS REQUIRED?

- 9 At the hearing there was discussion of what permission is, or permissions are, required under the Scheme.³ Council and the applicant were not in agreement.
- 10 Council assessed the proposed sign as an electronic promotion sign. The Notice of Refusal and the Council delegate's report list only cl 52.05-2 as the permission sought. However, Council's grounds of refusal refer to matters under the Design and Development Overlay Schedule 6 ('DDO6').
- 11 Council's written submissions state permission is also required under cl 34.01-4 in the Commercial 1 Zone ('C1Z') and cl 43.02-4 in DDO6, to construct a building or construct or carry out works, associated with the construction of the extension to the parapet wall that will support the proposed sign.
- 12 The applicant submits permission is only required under cl 52.05-2 (Signs).

³ At the hearing, I referred the parties to cl 66 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) ('VCAT Act') as I am not an Australian lawyer or judicial member. No party present at the hearing disagree with me determining the question of law.

Clause 62.02-2 Buildings and works not requiring a permit unless specifically required by the planning scheme

- 13 In determining whether permission is required for buildings and works in the C1Z and DDO6, it is important to first consider and be mindful of the exemption detailed in cl 62.02-2, which states:

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

...

- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).

...

- 14 This means, unless specifically required by a provision in the applicable planning controls, any requirement relating to the construction of a building or the construction or carrying out of works does not apply to the construction and putting up for display a sign.

- 15 It is useful to set out the definition of a sign provided at cl 73.02 of the Scheme:

Sign

Includes a structure specifically built to support or illuminate a sign.

- 16 In accordance with cl 73.02, as the extended parapet is a structure specifically built to support the sign, it is part of the sign. It is not a separate structure⁴ to be assessed independently.

Commercial 1 Zone

- 17 The land is within the C1Z. Pursuant to cl 34.01-9, the sign requirements are at cl 52.05, and the C1Z is in category 1, commercial areas, minimum limitation.
- 18 While cl 34.01-4 states a permit is required to construct a building or to construct or carry out works, it does not state that this includes the construction and putting up for display a sign.
- 19 By operation of cl 62.02-2, a permit for the sign is not required pursuant to the provisions of the C1Z at cl 34.01.
- 20 Accordingly, the purpose and decision guidelines of the C1Z are not relevant considerations in the assessment of the proposed sign and determination of this application.

⁴ Pursuant to s 3 of the *Planning and Environment Act 1987* (Vic), the definition of ‘building’ includes a structure and part of a building or a structure.

Design and Development Overlay Schedule 6

- 21 The land is also in DDO6. Pursuant to cl 43.02-2, a permit is required to construct a building or construct or carry out works. Again, the clause does not state this includes the construction or putting up for display a sign.
- 22 The exemption at cl 62.02-2 applies and the sign does not require a permit pursuant to cl 43.02-2.
- 23 Pursuant to cl 43.02-4:
Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.
- 24 Clause 4.0 (Signs) of Schedule 6 to the DDO⁵ states:
In addition to decision guidelines at Clause 52.05.02, signs must be designed to integrate with the architectural style and character of the building and streetscape image and should be included as an integral part of the design theme of the development or shopfront façade treatment.
- 25 Council submits cl 4.0 is the basis for it forming the view a permit is required under DDO6 for the sign. It says there would be no need for the text, if no permit is required for a sign under the DDO.
- 26 The text at cl 4.0 of DDO6 appears to describe a design requirement or decision guideline for signs, however there is nothing in this wording that specifically requires a permit to construct or put up for display a sign.
- 27 The parties were unable to direct me to anywhere in the provisions of DDO6 where it is specifically stated that a permit is required to construct or put up for display a sign.
- 28 Accordingly, a permit is not required for the construction and putting up for display the proposed sign under the provisions of DDO6.
- 29 Therefore, the purpose and decision guidelines of DDO6, including that set out at cl 4.0, are not relevant considerations in the assessment of the proposed sign and determination of this application.
- 30 As a consequence of my finding, Council did not pursue grounds 7 and 8 in its Notice of Refusal, as they concerned matters arising under DDO6.

Clause 52.05

- 31 Pursuant to cl 52.05-3:

An application to construct or put up for 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* (Vic) to the referral authority specified in Clause 66.03 or a schedule to that clause.

⁵ Design and Development Overlay.

- 32 Pursuant to cl 66.03, the relevant referral authority is Head, Transport for Victoria ('HTfV'). The planning permit application was referred to HTfV.
- 33 HTfV has no objection to the grant of a permit, subject to conditions which address road safety considerations and which are not contested by the applicant.
- 34 Clause 52.05-8 sets out a series of decision guidelines which must be considered, in addition to the decision guidelines in cl 65, before deciding on an application.
- 35 Decision guidelines which apply to all signs address:
- the character of the area, including the sensitivity of the area in terms of the natural environment and heritage values
 - impacts on views and vistas
 - the relationship to the streetscape, setting or landscape
 - the relationship to the site and building
 - the impact of any illumination
 - the impact of any logo box associated with the sign
 - the need for identification and the opportunities for adequate identification on the site or locality
 - the impact on road safety.

WHAT IS THE RELEVANT PHYSICAL AND POLICY CONTEXT?

- 36 Council submits Benalla's natural setting, developed on both sides of Broken River and Lake Benalla, is the essence of the town's neighbourhood character and provides an attractive focus for the town.



Figure 2: Aerial photo of the subject land (outlined in white) and surrounds, showing the proximity to the river and lake environs (Source: Council PowerPoint images)

- 37 Surrounded by properties to its north, north-west and west in the Heritage Overlay, the subject land is flanked by heritage buildings and places.

Council submits illumination from the electronic sign, together with its large size, will dominate the streetscape, detract from the heritage character of the streetscape and intrude into the highly valued natural lakeside setting.

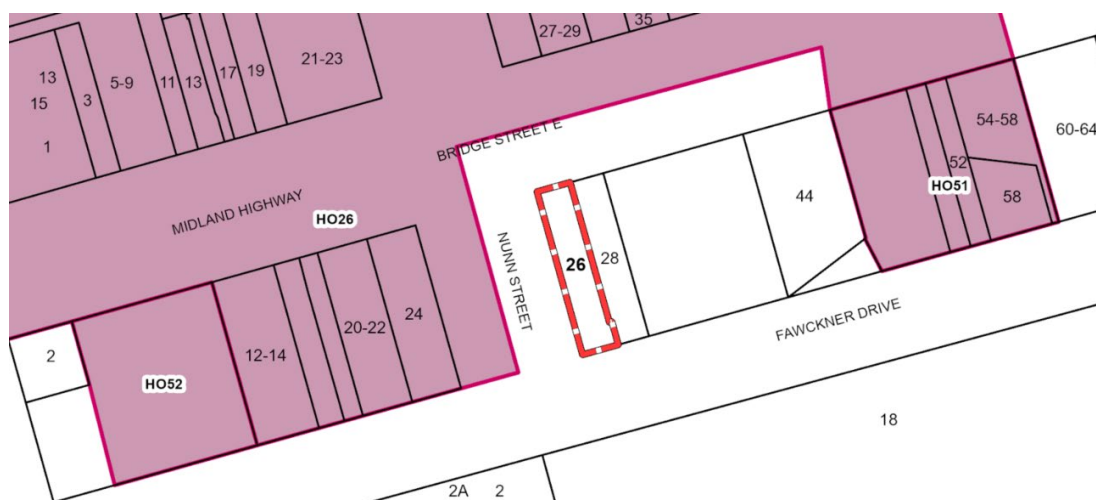


Figure 3: VicPlan Planning Report extract showing the extent of application of the Heritage Overlay in the vicinity of the subject land (Source: VicPlan)

- 38 Further, Council submits the sign will partially mask a work of public street art that makes an important contribution to Benalla’s sense of place and character and identification as a place of artistic value, which culminates in an annual street art festival.



Figure 4: Photo of the subject land taken from the north-west corner of the intersection of Bridge Street East and Nunn Street, showing the mural on the western wall (Source: Planning report submitted with the permit application, dated 12 December 2024)

- 39 In relation to the mural on the subject land, Council advises:

The street art is funded by Regional Events Victoria (Visit Victoria), Council also contribute an amount and sponsorship money is also provided from businesses in the area.

For all street art walls there is a contract that outlines that the street art must be on the wall for at least 12 months, after this timeframe, the street art can be painted over with a new design subject to another (new) contract. The art cannot be painted over as a blank wall, it must always be an artwork.

40 However, in response to my questions, Council concedes planning permission is not required to cover, paint over or remove the mural and any contractual requirements relating to the mural are not a relevant planning consideration.



Figure 5: Pamphlet promoting Benalla's street art trail. The mural on the subject land is marked as No. 66, by artist Buff Diss (Source: Council PowerPoint images).

41 Policy for waterway settings, including land in proximity to rivers and lakes, is found at cl 12.03-1S, the objective of which is to protect and enhance waterway systems. Related strategies include protecting and conserving waterway systems, including the landscapes and environmental values surrounding them. This includes sensitively designing and siting development to maintain the natural environment and surrounding landscape setting and minimising the visual intrusion of development, so it is visually subordinate to the local landscape setting.

42 The map at cl 12.03-1L (Lake Benalla Environs – Benalla) identifies the subject land as being within Study Area 4 of the Lake Benalla Environs. The following strategies apply:

Protect the lake's landscape setting from large, obtrusive development that overwhelms the lake.

Encourage landscape improvements, such as canopy trees and new plantings, as part of new developments.

Protect views to and from cultural and heritage buildings and places, including the Art Gallery, Rose Gardens, and Weary Dunlop Statue.

Encourage uses that attract large numbers of people such as festivals, markets and concerts.

Encourage use and development that supports recreation and provides improved pedestrian links.

Ensure residential development respects the character of the lake environs, including the urban character of the street frontage and riverine character of the rear frontage.

Encourage fencing that has a low visual impact.

Develop Fawkner (sic) Drive and Lowry Place as a primary lakeside node through business and tourism uses.

- 43 The *Lake Benalla Environs Study*⁶ ('Environs Study') is a policy document to be considered, as relevant. The Environs Study recommends amendments to the Scheme, relevantly including objectives and strategies for the 'promotion of Fawkner Drive and an active business and tourism precinct', and 'promotion of the natural ecosystems, waterways and habitat values of the riverine environment'.⁷

- 44 Study Area Precinct 4 is described as follows:⁸

Precinct		Land use and activity themes
4	South of bridge east of lake	Administrative, commercial and passive open space. Administrative, community and commercial buildings in Fawkner (sic) Drive and Lowry Place and passive open space to lake reserve.

- 45 Policy for urban design is found at cl 15.01-1S, the objective of which is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. A related 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. Fawkner Drive is identified as one of the only commercial precincts in the Environs Study that overlooks the lake and its environs, so is 'well placed to perform an increased role as the commercial focus within Lake Benalla Environs'⁹ and has the 'potential to become active business precinct and primary commercial node'.¹⁰ The Environs Study notes that 'changes to the role and character of the

⁶ Regional Planning Services and Planit, 2007.

⁷ Environs Study, [iii].

⁸ Ibid, [10].

⁹ Environs Study, [54].

¹⁰ Ibid, [31].

commercial strips are required if they are to fulfil this potential'.¹¹ Signage in the commercial area that complements the lake setting should be encouraged.¹²

IS THE SIGN AN ACCEPTABLE RESPONSE TO THE PHYSICAL CONTEXT AND TO POLICY?

- 46 The subject land is located in a cross-linear commercial strip, at the intersection of Bridge Street East and Nunn Street. The buildings located at the four corners of the intersection vary in height, the extent of signage displayed and era of construction, with the former Say's Building being 'significant' within Heritage Overlay HO26.
- 47 The existing use and development on the subject land and nearby properties is reflective of its C1Z zoning, which has purposes including to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- 48 The subject land benefits from not being affected by the Heritage Overlay and is not located proximate to any residential properties. The scale and illumination of the proposed sign will not impact existing residential amenity.
- 49 The subject land is within a Category 1 area (Minimum limitation) under cl 52.05 of the Scheme, which is the least restrictive of the four identified categories. The purpose of Category 1 areas is 'to provide for identification and promotion signs and signs that add vitality and colour to commercial areas'.¹³
- 50 Council submits Nunn Street and Fawckner Street are quiet side streets, with little activity or lightspill from business tenancies and street lighting. As a result, Council submits glare from the sign will be noticeable and will detract from the amenity of the lake environs. I am not persuaded that any lightspill is inconsistent with the preferred character of the area, having regard to the location in the C1Z and policy encouraging increased commercial development and activation of Fawckner Street.
- 51 I accept Dr Paul's evidence that there are a number of above-verandah signs along Bridge Street East, although none are electronic. In his opinion, some are a similar size to the proposal, such as those for the 'The Reject Shop' and 'Rodwells', to the north-west. This is consistent with my observations. Notably, these examples are located on land within the Heritage Overlay.
- 52 Council further submits the proposal is inconsistent with the character of the area because it will obscure and compromise an important view from the public realm, being the street art on the western wall of the building. Council describes the artwork on the subject land as being 'of regional

¹¹ Ibid, [54].

¹² Ibid, [55].

¹³ Cl 52.05-11 Category 1 – Commercial areas, Purpose.

significance because of [the annual street] art festival and contributions [funding] from Regional Events Victoria’.

- 53 I am persuaded that street art forms an integral part of the character and identity of Benalla. As confirmed by my site visit, an extensive network of curated street art is located throughout the town, adding whimsy and vitality to the town centre and surrounds. The proposal obscures a very small proportion of an existing piece of street art – approximately 0.4 square metres of a mural that is approximately 76 square metres in area.
- 54 In my view, the temporary nature of images displayed on an electronic sign is analogous to the transient nature of street art, adding to the colour and vibrancy of the public realm, complementing the character of the area, rather than detracting from it.
- 55 I am persuaded the sign is an acceptable response to the physical context and to policy for the following reasons:
- The sign is located within an established commercial area.
 - The subject land has no identified heritage significance and does not abut land in the Heritage Overlay.
 - The sign faces west, not south towards the lake environs. Any views of the sign from the lake environs will be on a sharp angle and in the context of commercial buildings, road infrastructure and the Council library in the foreground.
 - Views of the sign from the lake environs to the south and south-west will be filtered by the canopies of street trees in Nunn Street.¹⁴ It is separated by a distance of approximately 90 metres from the Council library building and car park, and 160 metres to the lake foreshore.
 - The sign is integrated with the building façade and does not protrude above the parapet, so will not dominate the skyline.
 - The size of the sign is proportionate to the size of the host building.
 - When viewed from the south, the sign would not project above the skyline, with a backdrop of street tree canopies in Bridge Street East.
 - The sign replaces an existing sign, does not impede views to existing signs and will not contribute to visual clutter.
 - The sign will not be visible from any residential properties.
 - There is no evidence or submissions before me suggesting glare and illumination from the sign will impact the safety of pedestrians or vehicles.

¹⁴ Acknowledging that as the street trees are deciduous, views will be filtered to a lesser extent in winter, late autumn and early spring.

- Illumination intensity can be appropriately controlled and managed via conditions in the permit.
- The logo box is integrated with the building facade, located beneath the electronic sign.

56 Consequently, I find the sign is compatible with the amenity and visual appearance of the area, including the desired future character of the area described in the Environs Study. By virtue of the distance separation, its orientation and relatively modest size, the sign will not be intrusive when viewed from the lake environs, so will not adversely affect the natural environment.

ARE THERE ANY OTHER ISSUES?

What comprises the subject land?

57 Council submits the sign will be displayed outside the title boundaries of the subject land, in the Nunn Street road reserve, so the road reserve properly forms part of the subject land and should be described as such.

58 The applicant disagrees, submitting it is very common for signs to be affixed to a building façade and in the applicant’s experience, permits do not include the road reserve in the description of the subject land. The applicant strongly discouraged me from making a finding to the effect sought by Council, suggesting it would have ‘significant consequences for many permit applications’.

59 The sign is proposed to be affixed to the western façade of the building, to the existing and proposed extended parapet. The Site Plan¹⁵ indicates the existing building is sited within and abutting the western title boundary and shows the sign protruding 300 millimetres into the road reserve, as shown below.

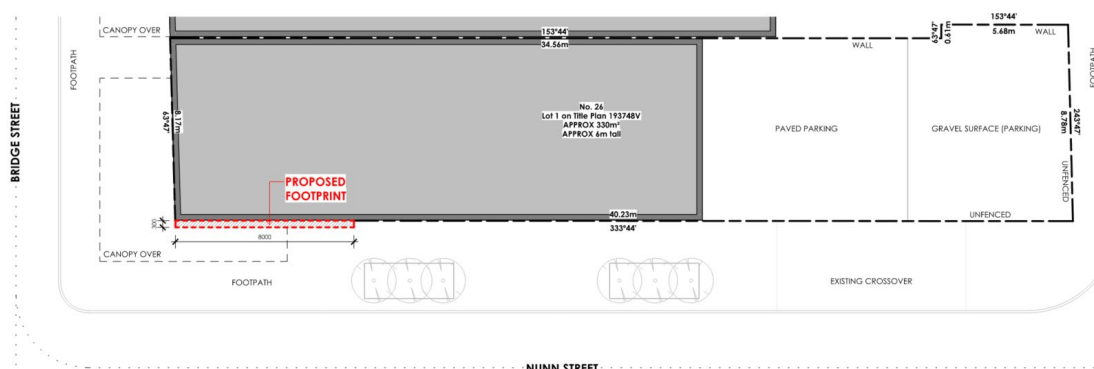


Figure 6: Proposed site plan, extracted from the amended plans.

60 There is no material before me, such as a feature and re-establishment survey, that confirms the location of the western façade relative to the title

¹⁵ Drawing A02, Revision 01, dated 16 December 2025.

boundary. I have proceeded on the basis that the Site Plan is correct. There were no submissions to the contrary.

- 61 Adjacent to the subject land, Nunn Street road reserve is in the C1Z.
- 62 The proposed sign requires a permit 'to construct or put up for display a sign'. No construction is proposed within the road reserve and the sign being put up for display is affixed to a structure (existing and proposed) located within the title boundaries of 26 Bridge Street East.
- 63 This leads me to find that even though the sign occupies airspace in the road reserve, it is being constructed and 'put up for display' at 26 Bridge Street East.
- 64 Any other permissions that may be required to occupy the road reserve are not before me.
- 65 Having found that there is no construction proposed in the road reserve and that the sign is to be constructed and put up for display at 26 Bridge Road East, it follows that the subject land is properly described with no reference to the road reserve.

WHAT CONDITIONS ARE APPROPRIATE?

- 66 Permit conditions were discussed at the conclusion of the hearing. I have had regard to the draft conditions prepared by Council and the submissions of the parties at the hearing.
- 67 I have edited the conditions for clarity without changing their effect.

CONCLUSION

- 68 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Seuna Byrne
Member

APPENDIX A – PERMIT DESCRIPTION AND CONDITIONS

PERMIT NO.	P012-25
PLANNING SCHEME	Benalla Planning Scheme
RESPONSIBLE AUTHORITY	Benalla Rural City Council
ADDRESS OF THE LAND	26 Bridge Street East BENALLA VIC 3672

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
Clause 52.05-2	Construction and putting up for display an electronic, promotional, panel sign.

CONDITIONS TO APPLY TO THE PERMIT:

Endorsed Plans

- 1 Before the construction and putting up for display of the signs, plans to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions, in electronic format and be generally in accordance with the application plans (Project No. 24-085, Drawings A01 Rev 01, A02 Rev 01, A03 Rev 01, A04 Rev 01 and A06, prepared by Gawk Outdoor, dated 16 December 2025).

Existing sign to be removed

- 2 Before the sign is constructed or put up for display, the existing 'Living here' sign located above the verandah on the western wall of the existing building must be removed.

Location and details not to be altered

- 3 The location and details of the sign, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

Sign to be maintained

- 4 The sign, including the structure it is affixed to, must be constructed and maintained in good order and appearance to the satisfaction of the responsible authority.

Head, Transport for Victoria conditions

- 5 Prior to the operation of the sign, any mitigation measures identified in the Transport Impact Assessment Report or Lighting Impact Assessment

Report must be provided to the satisfaction of and at no cost to the Head, Transport for Victoria.

- 6 Prior to the operation of the sign, a Lighting Compliance Report must be submitted to and approved by the Responsible Authority and the Head, Transport for Victoria. The Lighting Compliance Report must demonstrate that the sign has been commissioned according to the requirements of the Lighting Impact Assessment prepared in accordance with condition 4. The Compliance Report must include the following:
 - (a) On site luminance measurements for Daytime, Evening/Morning Twilight and Nighttime, based on a 100% white screen set to the maximum value for each lighting condition.
 - (b) Date and times of luminance measurements for the relevant lighting conditions.
 - (c) Details of the luminance meter used, including serial number. The luminance meter must have been calibrated by an appropriately certified Lab within the last 12 months. The date of calibration and Calibration Report Number must be provided.
 - (d) A description of the luminance methodology used, including location and orientation of the luminance meter relative to sign, the image/content displayed on sign and number of measurement points taken. The signage should be measured with a 100% white image displayed, unless signage is a fixed colour/design.
 - (e) Photos of the sign for each sky condition measured, taken from the meter location.
 - (f) Indicative elevation plans of the signage showing the values of luminance at each measurement point.
 - (g) A summary showing the final average luminance of the signage for each relevant sky condition.
 - (h) A certification signed by a suitably qualified lighting consultant to undertake luminance measurements
- 7 The sign must operate in accordance with the Lighting Impact Assessment Report submitted in accordance with condition 5.
- 8 During the operation of the sign, the following maximum average luminance and threshold increment values must not be exceeded:
 - (a) Maximum average luminance:
 - i Full sun on face of signage: no limit
 - ii Daytime luminance: 6000 cd/m²
 - iii Morning and evening twilight and overcast weather: 700 cd/m²
 - iv Nighttime: 350 cd/m²
 - (b) Threshold increment max %:

- i 20%
- (c) Adaptation luminance:
 - i 5 / 1 / 0.25
- 9 The sign must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.
- 10 Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.
- 11 Any change to brightness levels must be applied during an image transition, not while an image is being displayed.
- 12 No image may be displayed for less than 30 seconds.
- 13 Any changes in image must occur in 0.1 seconds or less.
- 14 The operator must keep a Compliance Record of the operation of the sign. This must be provided to the Head, Transport for Victoria within 5 days of a written request. The Compliance Record must include:
 - (a) The sign's luminance (cd/m²) in minimum 10-minute intervals.
 - (b) The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.
 - (c) The dwell time and transition time between successive images.
 - (d) The 10% highest luminance measurements must be clearly highlighted.
 - (e) All record information must be time and date stamped to show the time of measurement. Compliance Records must be maintained for a minimum of 12 months.
- 15 The sign must not display content, images or text:
 - (a) Giving the illusion of continuous movement.
 - (b) Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
 - (c) Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
 - (d) With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
 - (e) Containing any animation.
 - (f) Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
 - (g) Consisting of present time or other contemporary update information relating to news, weather or time.

- (h) Containing video, movie or television broadcasts.

Time Limit

- 16 This permit will expire in fifteen (15) years from the issue date of this permit.

On expiry of the permit, the sign and structures built specifically to support it must be removed.

Expiry - Development

- 17 This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three (3) years of the issued date of this permit.
 - (b) The development is not completed within five (5) years of the issued date of this permit.

In accordance with s 69 of the *Planning and Environment Act 1987* (Vic), an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

– End of conditions –