

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 13 NOVEMBER 2017



GLENORCHY CITY COUNCIL

- * *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*
- * Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.
- * All application information is available to Aldermen for inspection upon request to the relevant Planning Officer.

Chairperson: Commissioner Sue Smith

Hour: 3.00 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	2
2.	APOLOGIES/LEAVE OF ABSENCE	2
3.	PECUNIARY INTERESTS.....	2
4.	CONFIRMATION OF MINUTES	2
5.	PROPOSED USE AND DEVELOPMENT - ABOVE AWNING SIGN RELYING ON PERFORMANCE CRITERIA - 1-31 / 113 MAIN ROAD, MOONAH	3

1. PLANNING AUTHORITY DECLARATION
--

The Chairperson stated that the Glenorchy Planning Authority intended to act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 16 October 2017 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - ABOVE AWNING SIGN
RELYING ON PERFORMANCE CRITERIA - 1-31 / 113 MAIN
ROAD, MOONAH**

Author: Planning Officer (Angela Dionysopoulos)
 Qualified Person: Senior Statutory Planner (Vanessa Tomlin)
 Property ID: 5437631

REPORT SUMMARY:

Application No.:	PLN-17-238
Applicant:	J Haddad
Owner:	L Liu, R A Craig & K S Craig, Klimate Solutions Pty Ltd, Fattened Calf Pty Ltd, Xin Wang, S J Paplos, Karen E Jones Estate, P Vitchunilubol & T Toasutkanok, B M White & C T White, L D Hudson & L M Hudson, L F Rose & M A Rose, Y Lu, R C Young, M Cook & M L Mason, L B L Cordwell, P Solda-Tenko, B A Eccles & C M Douglas-Eccles, N Haddad & J Haddad, M K Gordon, G C Dibley & C M Dibley & 1 other, Rail Tram and Bus Union, B Lisowska, S J Tossel, J A Pickin & S M Pickin
Zone:	General Business
Use Class	Signage
Application Status:	Discretionary
Discretions:	E17.7.1 Standards for Signs (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16 November 2017

Existing Land Use:	General retail and hire / Business and professional services / Food services
Proposal in Brief:	Above awning sign relying on performance criteria
Representations:	Seven representations from four representors
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application is seeking a permit for an Above Awning Sign which was installed prior to obtaining planning approval.

The proposed sign consists of three faces, and is attached to the corner awning of a strata titled building (Figure 1).

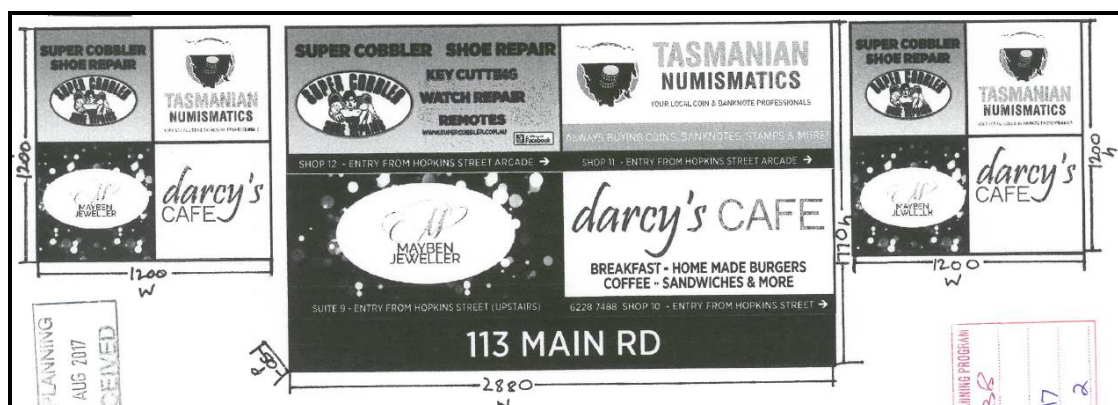


Figure 1. Snapshot of a schematic showing the three faces of the proposed sign – PLN-17-238 P1 Plans

The front face of the proposed sign is aligned with the angled awning on the corner of the site, at the intersection of Main Road and Hopkins Street. The front face has a height of 1.77m, a length of 2.88m and a width of 0.05m.

The left and right-hand side faces of the proposed sign are aligned with Main Road and Hopkins Street, respectively. Each of the side faces measure 1.2m high x 1.2m long, and are aligned with the top of the front face of the sign.

Each face of the proposed sign advertises the following businesses, which are located within the subject site:

- Mayben Jeweller –9/113 Main Road, Moonah;
- Darcy's Café –10/113 Main Road, Moonah;

- Tasmanian Numismatics –11/113 Main Road, Moonah; and
- Super Cobbler –12/113 Main Road, Moonah.

Each of the advertised businesses is accessed via the Hopkins Street frontage of the site, at a distance of between approximately 23-37m from the proposed sign.

The sign is located in proximity to two unrelated shops on the site, being:

- Shop 4/113 Main Road, Moonah (ground floor); and
- Shop 24/113 Main Road, Moonah (first floor).

SITE and LOCALITY

The site is located at the north-eastern side of the intersection between Main Road and Hopkins Street in the Moonah CBD (Figure 2).

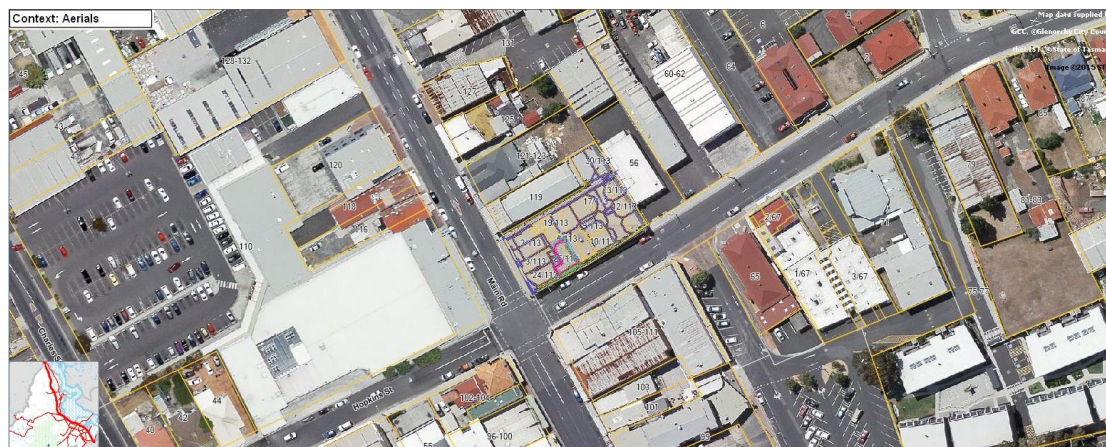


Figure 2. Aerial photograph of the site (highlighted) and surrounds – Council database 2015

The site is a strata-titled shop and office complex with thirty-one separate lots.

The local area is predominated by shops and offices along Main Road, with a variety of uses located along Hopkins Street, including offices, warehouses, showrooms, car parks and community purpose buildings.

There are a number of existing signs in proximity to the site. These include numerous signs of the following types located on the subject building:

- Wall Signs;
- Window Signs;
- Awning Fascia Signs;
- Below Awning Signs;
- Open/Closed Signs;
- A Business Directory Sign; and
- Several Portable Signs.

Also in close proximity are various signs for business located in nearby buildings, including:

- Awning Fascia Signs for Subway (110 Main Road), Pizza Capers (110 Main Road) and others;
- Above Awning Signs for Dickenson's Arcade (105-111 Main Road), Mounting and Laminating (121-123 Main Road), Moonah Hotel (99 Main Road), Windjammer (105-111 Main Road), adultshop.com (96-100 Main Road) and others;
- Horizontal Projecting Wall Signs located above awning height for Chinese Garden Restaurant (116 Main Road), Moonah Central (110 Main Road) and others; and
- A Sky Sign for Westpac Bank (84 Main Road).

ZONE

The site is located wholly within the General Business zone (Figure 3).

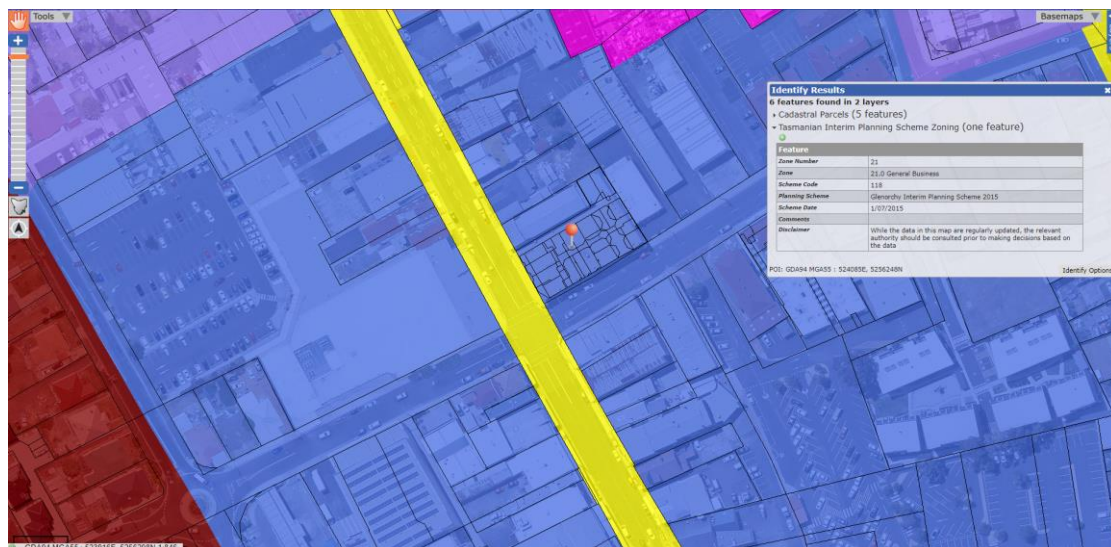


Figure 3. The site is located in the General Business Zone (royal blue), adjoining a Utilities zone (yellow). An Inner Residential zone (maroon) is located approximately 152m from the site - *Glenorchy Interim Planning Scheme 2015*

BACKGROUND

Building Application No. 370/78 Building approval issued for a Shopping and Office Development.

October 1987 Council approval issued for registration of a food premises at 10/113 Main Road, Moonah, and licence to operate the business.

July 2006	Planning advice given stating that the building would be categorised as a Major Shop/Shopping Centre, allowing for a range of uses otherwise separately categorised. No planning permit required for use for a hypnotherapist.
May 2015	Planning advice given stating that beauty treatments, massages etc. would be classified as a beauty salon which is a Shop under the <i>Glenorchy Planning Scheme 1992</i> . No planning permit required for hydrotherapy.

No previous planning permits for the site were identified in a search of Council's records.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the Land Use Planning and Approvals Act 1993 (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

5.10 Signs

Clause 5.10 Signs provides a general exemption for signs which are exempt under Clause E17.4 of the E17.0 Signs Code.

Clause E17.4.1 states that signs listed in *Table E.17.1 Exempt Signs* are exempt from requiring a permit under the planning scheme provided that, amongst other requirements, the standards in *Table E17.2 Sign Standards* are complied with. As detailed in the Part E Codes section of this report, the proposed sign does not comply with the standards in Table E17.2, and is therefore not exempt under Clause E17.4.1.

Clause E17.4.2 provides an exemption for signs within a building or site that cannot be seen from outside of the building or site. The proposed sign is located on the exterior of the building and is not exempt under clause E17.4.2.

Clause E17.4.3 provides an exemption for changes to the graphics of a legally existing sign. The proposed sign is a new sign and is not exempt under clause E17.4.3.

The sign is not exempt under clause E17.4 of the Signs Code, and is therefore not exempted under clause 5.10.

Limited Exemptions

Nil.

Planning Scheme Operation (Does a SAP or Code override Zone provisions?)

No Specific Area Plan applies. The E27.0 Signs Code applies, and therefore prevails over the zone provisions, where there is any conflict.

Use Class Description (Table 8.2):

The use classes of the businesses advertised on the proposed sign are:

- **Food Services**, which means use of land for preparing or selling food or drink for consumption on or off their premises. Examples include a café, restaurant and take-away food premises; and
- **General Retail and Hire**, which means use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop.

Other use classes located within the building include:

- **Business and Professional Services**, which means use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

Other relevant definitions (Clause 4.1):

Amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

Site means the lot or lots on which a use or development is located or proposed to be located.

Streetscape means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.

Lot means a piece or parcel of land in respect of which there is only one title other than a lot within the meaning of the *Strata Titles Act 1998*. The definition of 'lot' does not exclude the meaning of a lot under the *Strata Titles Act 1998*. Rather, the definition extends to the meaning of 'lot' under the *Strata Titles Act 1998* when dealing with Strata titles. The *Strata Title Act 1998* defines 'lot' to mean a part of the site allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner.

The term 'neighbouring properties' is used in several standards in the Scheme. In accordance with Clause 4.1.1, terms have their ordinary meaning, unless specifically defined in the Clause 4.1.3, a Code or a Specific Area Plan of the Scheme, or in the Act. Therefore, the term '**neighbouring properties**' is taken to include any lots, including strata lots, located near the subject site.

Clause E17.3 of the Scheme includes the following relevant definitions:

- **Above Awning Sign** means a sign attached to and supported above an awning.
- **Awning Fascia Sign** means a sign on the fascia or return ends of cantilever or suspended awnings.
- **Internal Sign** means a sign within a building intended to be seen from outside the building.

A '**shopping and office development**' under the Glenorchy Planning Scheme 1964 would have been categorised as:

- Use Class 6. Shops, Department Stores, Restaurants, Cafes, Ticket Office, Receiving Offices, Forwarding Agencies, Beauty Parlours, Baths, Decorators, Dispensaries, Dressmakers, Gunsmiths, Hairdressers, Jewellers, Lending Libraries, Locksmiths, Opticians, Post Offices, Studios, Tailors, Undertaker Parlours, Watchmakers, Cinemas, Theatres, Concert Halls, Supermarkets, Take Away Food Bars.
- Use Class 9. Office, Banks, Stock Exchange, Auction Rooms.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

The land is within the General Business zone and the following Scheme zone purpose statements, use table, use standards and/or development standards apply to this proposal:

Zone Purpose Statements

The purpose of the General Business zone is to:

- *Provide for business, community, food, professional and retail facilities serving a town or group of suburbs;*
- *Ensure the major centres provide for a range of convenience and goods and services as well as some community services and facilities for the municipal area and surrounds;*
- *Provide a focus for employment at the municipal level primarily in retailing, but complemented by a range of office based employment mainly in professional and personal services;*
- *Facilitate residential use above ground floor level;*

- *Ensure development is highly accessible by public transport, walking and cycling; and*
- *Provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.*

The installation of signs advertising on-site food and retail businesses is appropriate in the zone.

Use Table

The proposed signs are for Food Services and General Retail and Hire, which are permitted uses in the zone. However, the application is not to determine the appropriate use class of uses on site. The application is for signage and is a discretionary application owing to reliance on performance criteria for compliance with the E17.1.1 Standards for Signs standard.

Use Standards

The application is for a Sign and is assessed under the use standards of the E17.0 Signs Code. The zone use standards do not apply.

Development Standards for Buildings or Works

The application is for a Sign and is assessed under the development standards of the E17.0 Signs Code. The zone development standards do not apply.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The E6.0 Parking and Access Code applies to all use and development, with no exemptions. However, no standards within the Code are applicable to the proposal.

E17.0 Signs Code

E17.7.1 Standards for Signs (A1)

Acceptable Solution A1 requires that signs must comply with the standards listed in *Table E17.2 Sign Standards*. The standards for Above Awning Signs require that the sign has a depth (height) no more than 500mm, and a length no more than 2700mm. The proposed sign has a height of 1770mm and a length of 2880mm, and therefore relies on Performance Criterion P1 in order to comply with the standard.

The objective of the standard is to ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

To achieve that end, the Performance Criterion P1 requires that a sign not complying with the standards in Table E17.2 must satisfy all of the following:

- a) *Be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;*

The size of the sign is substantial, but is mitigated by visual fragmentation of the design into smaller components, and in relation to the scale of the building on which it is located. The proposed sign projects substantially above the awning at the corner of the building. Nevertheless, the building to which it is attached is a two-storey building with a hipped roof. The proposed sign is substantially lower than the overall profile of the building, and is therefore not considered to dominate the building.

Similarly the sign is not considered to dominate the streetscape, which is a local 'central business district'. This area includes numerous two-storey buildings and a large number of signs. Any potential dominance of the sign is further reduced by the use of relatively small text and muted colours.

The question of attractiveness is subjective. The sign incorporates graphic elements, stylised text and varying colours. It is considered that the sign does not provide any particular aesthetic merit or detriment to the premises.

The sign is for the purpose of business identification, that highlights the presence of businesses within the building, which otherwise are not visible from Main Road.

- b) *Be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*

The proposed sign is to be situated above an awning of a double storey building. The sign is assessed as not dominating the premises to which it is located and so in turn, does not dominate the streetscape. The following photographs show the proposed sign in the context of the streetscape and the building to which it is attached (see Figure 4, Figure 5, Figure 6 and 7). From some angles the sign seems to protrude into the skyline. However, for the most part, the sign is contained within the profile of the existing buildings.



Figure 4. Photograph of the site from the south-west (on Hopkins Street) – Council records 2017



Figure 5. Photograph of the site from the south-east (intersection of Main Road and Hopkins Street) – Council records 2017



Figure 6. Photographs of the site from the north-east (on Hopkins Street)– Council records 2017

- c) *Be constructed of materials which are able to be maintained in a satisfactory manner at all times;*

The proposed sign is constructed of 3mm thick aluminium composite panels with a laminated digital print, fastened to an aluminium frame which is bolted to the fascia using metal fixtures. The materials are weather proof and designed for outdoor use.

The proposal meets the requirement for the sign to be capable of being satisfactorily maintained.

d) Not result in loss of amenity to neighbouring properties;

The term amenity may include factors such as views and sunlight. The sign may impede the view from the window of the adjacent first-floor lot and, to a lesser extent, other strata lots located on the first floor of the building. The potential loss of view is considered to marginally reduce the amenity of nearby first-floor lots, by partially obstructing the view. However, the sign only appears to obstruct the view towards the intersection and along the streetscape in a south-east direction. The majority of the view may be unimpeded by the sign (Figure 7).



Figure 7. Photograph of the site showing the sign relative to the adjacent first floor window, taken from the opposite side of Main Road, Moonah – Council records 2017

The adjacent lot also has a window in the south-eastern wall of the building, which provides that lot with additional amenity in the form of views and natural light. The siting of the sign is not considered to cause an unreasonable reduction in sunlight to the affected lots.

Another lot in close proximity to the proposed sign is located at the corner of the building, on the ground floor. The proposed sign is located on the awning above this lot, and is not considered to cause any additional shading or unreasonable reduction of view for that lot, relative to that caused by the existing awning.

The sign may impede the view from the street to the adjacent first-floor window, and therefore to the visibility of potential window signs in that location. However, there are no window signs currently installed in that location, and the planning authority is unable to consider impacts on potential, future proposals.

On the whole, the proposal is assessed as not causing an unreasonable loss of amenity that would justify refusal of the application.

e) Not involve the repetition of messages or information on the same street frontage;

Two of the advertised businesses have existing signage located on the Hopkins Street frontage at the eastern end of the building (Figure 8).



Figure 8. Photograph of the eastern end of the Hopkins Street façade of the building, showing existing signage for Tasmanian Numismatics and Darcy's Café (circled in red) – Google Street view 2016

The signs include the names of the businesses. In a literal sense, this may be interpreted as a repetition of information on the same street frontage. However, Acceptable Solution A2 of the same standard allows for up to six signs per business, per street frontage, provided there is a maximum of one of each sign type; and an unlimited number of Name Plate Signs. It is therefore considered that the intention of the standard is not to prevent business names from being repeated.

Furthermore, the orientation of the sign is angled towards the intersection with Main Road, and is taken to not be on the same street frontage as the existing signs for those businesses.

The proposal is assessed as meeting the requirement to avoid repetition of messages or information on the same street frontage.

f) *Not contribute to or exacerbate visual clutter;*

There are numerous signs for each business within the shopping precinct. Some signs dominate the façade of those buildings and others are integrated into the overall design of the buildings (Figure 9 and Figure 10).



Figure 9. Photographs of the sign in the context of the surrounding streetscape – Council records 2017

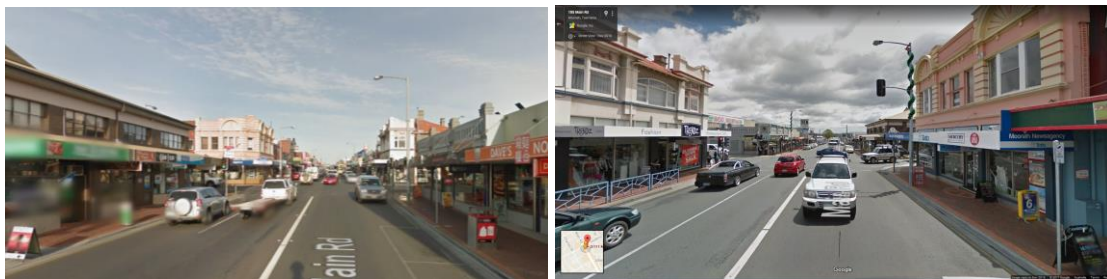


Figure 10. Photographs of the streetscape prior to installation of the site – Google Streetview 2015

The impact of the sign on the existing visual clutter of the streetscape is considered to be minimal, since the presence or absence of the sign does not unreasonably add to or intensify the sense of visual clutter in the streetscape. This is further illustrated in Figure 11 and 13.



Figure 11. Photograph of the site prior to installation of the sign – Google Street view 2016



Figure 12. Photograph of the site after installation of the sign – Council database 2017

On this basis, the proposal is assessed as not unreasonably contributing to or exacerbating the existing visual clutter. This accords with the objective of the standard, which is to ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located. The dominant characteristics of the locality in which the sign is placed relate to its function as a busy shopping precinct, and the large number of signs in the immediate vicinity of the subject site. In this context, the impact of the proposed sign on the visual clutter of the streetscape is considered minor.

g) Not cause a safety hazard.

The scope of the planning Scheme, with regard to sign safety is interpreted with reference to the objective of the standard, which is to ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located. In this context, the standard is taken to relate to the safety considerations arising from the siting of the sign, and does not relate to the structural integrity of the sign.

Table E17.2 *Sign Standards* does not specify a required setback from the kerb for Above Awning Signs. However, the sign standards for Awning Fascia Signs require a minimum setback of 300mm from the kerb alignment. This requirement is taken as a proxy for the required setback for Above Awning Signs. The proposed sign has a minimum setback of 500mm from the kerb, which is greater than that required for Awning Fascia Signs, and is therefore considered adequate. In addition, Council's Development Engineer has reviewed the proposal and does not object on this basis.

The proposed sign is considered to meet the performance criteria and complies with the standard.

The proposal complies with the acceptable solutions for all of the remaining applicable standards of the E17.0 Signs Code, as detailed at Appendix A.

PART F: Specific Area Plans

No Specific Area Plan applies to the site.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has reviewed the proposal and made the following comments:

The development proposes an awning sign to the existing shop façade. A condition is recommended regarding the loading and unloading of goods.

EXTERNAL REFERRALS

TasWater

TasWater has reviewed the proposal and does not object or impose any conditions.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with three representations being received. The application was re-advertised for the statutory 14-day period with seven representations being received from four representors, comprising:

- Three representations submitted during the original advertising period, and subsequently requested to be treated as being made in relation to the re-advertised application;
- Three additional representations from two existing representors; and
- One new representation.

The issues raised are as follows:

1. Safety

Four representations state that the sign is in a dangerous position, and that during the past three years trucks have struck the side of the building where the sign is now located. It is claimed that current damage to the fascia provides evidence of this.

Two representations highlight that there is now additional weight on a vulnerable part of the building infrastructure, and is concerned that in the event of a significant impact on the awning on the corner, or as a result of high winds, the likelihood of structural collapse onto the footpath is increased. The representors mention that the application does not include evidence of engineering design for the sign, or certification of qualified installation of the sign. There are concerns about potentially increased public liability impacts on strata owners and the body corporate.

The representations express concern for the safety of pedestrians, as well as for the risk of potential damage to the building.

Planner's Comment:

This issue relates to standard *E17.7.1 Standards for Signs* – Performance Criteria P1 (g), which has been addressed in Part E of this report. Council's Development Engineer has reviewed the proposal and does not object on this basis. The structural integrity of the awing and the sign is a matter regulated under the Building Act 2016.

2. Loss of amenity

Two representations state that potential tenants have been lost due to the view from the nearby window being blocked by the proposed sign.

Three representors state that the sign has impeded views of the streetscape and natural light to the suites affected by the sign.

Planner's Comment:

This issue relates to standard *E17.7.1 Standards for Signs* – Performance Criteria P1(d), which has been addressed in Part E of this report. In summary, the proposed sign does not substantially obstruct the relevant window and the minor impact on amenity is not considered to form adequate grounds for refusal.

3. Visual impact

Two representations state that the sign has dramatically changed and devalued the image of the building. It is stated that the building is characterised by ground floor shops; an awning and first floor suites with uninterrupted views of the streetscape. The representors claim the sign has changed the shape of the building on the Hopkins Street and Main Road corner.

One representor states that the sign dominates, does not integrate into, and detracts from the streetscape. It is claimed that the sign creates visual clutter and is contrary to a recent body corporate decision to disallow real estate advertising signs to be installed above the awning.

Planner's Comment:

This issue relates to standard *E17.7.1 Standards for Signs* – Performance Criteria P1 (a) and (f), which have been addressed in Part E of this report. In summary, the proposed sign is not considered to provide any particular aesthetic merit or detriment to the building, and is generally in keeping with the character of the surrounding streetscape.

Enforcement of body corporate decisions is governed by the *Strata Title Act 1998* and is not a matter that can be considered as part of this application.

4. Opportunity cost

Two representations state that the use of the sign is limited to a few individuals, to the detriment of other businesses at the site.

One representation states that the sign reduces the visibility of potential signage they may wish to install in other tenancy windows.

One representation states that the sign has put their tenancy under threat. Claiming that the tenant has complained about the sign detracting from their business, which is located on the ground floor underneath the location of the sign.

Planner's Comment:

Opportunity cost and associated disputes between owners are not planning issues that can be considered as part of this application.

5. Owner's consent

Three representors, who are owners of the site, state that the applicant did not inform them of the intention to install the sign or to submit a planning application for the sign.

One representation states that the application has not been agreed to by the body corporate or other owners of the building.

Three representations states that the body corporate has not approved the installation of the sign.

Planner's Comment:

The applicant originally signed the planning permit application form submitted on 16/08/2017, which includes a declaration that:

I/we own the land, or have notified the owner/s of the land of the intention to make this application in accordance with Section 52 of the Land Use Planning and Approvals Act 1993.

On receipt of advice from the representor that they had not been notified, clarification was sought from the applicant. The applicant subsequently provided evidence of notification and a newly signed declaration, dated 9 October 2017. The application therefore became valid at that date. Whilst it is not a standard practice to question a signed declaration, the applicant was agreeable to restarting the assessment period from the date when the newly signed declaration was received.

Section 52(3) of the *Land Use Planning and Approvals Act 1993* sets out the requirements for owner's consent to the making of an application. This entails a signed declaration from the applicant declaring that the owners have been notified of the intention to make an application. It is important to note that owner's consent for the construction or installation of the proposal is not required in order to submit a planning application. Furthermore, the operation and authority of the body corporate is governed by the *Strata Titles Act 1998*, and is not a planning matter than can be considered as part of this application.

6. Ownership of the space

One representation states that the space in which the sign is located belongs to the shop below, and not to the shops advertised on the proposed sign.

Two representations highlight that the advertised businesses are located at some distance from the sign.

Planner's Comment:

This issue relates to the *E17.6.1 Use of Signs standard*, for which the acceptable solution requires a sign associated with the sale of goods or services to relate directly to the use of the building or site to which it is affixed.

The sign is located on the same building in which the advertised businesses are located, albeit at some distance from the sign. The proposal therefore complies with the acceptable solution for the relevant standard, as detailed at Appendix A.

7. Maintenance

Two representations dispute the applicants' statement that the sign will be checked and maintained by the body corporate during regular inspections of the roof and awning.

Planner's Comment:

This issue relates to standard *E17.7.1 Standards for Signs* – Performance Criteria P1(c), which has been addressed in Part E of this report. The Scheme does not require evidence of a plan to maintain the sign. Rather, the standard merely requires that the materials are able to be maintained. The proposal satisfies this requirement.

A condition is recommended to require regular maintenance of the sign.

8. Lack of permit

Two representations highlight the fact that the sign was installed without a planning permit.

Planner's Comment:

The planning application was originally sought by Council in response to receipt of a complaint about the sign. A number of complaints were received in quick succession from the same complainant. The opportunity to submit a planning application for illegally undertaken works is part of Council's standard compliance process.

9. Timeframe and process of assessment

Three representations highlight the fact that they have submitted complaints and representations earlier in the process. They indicate they are dissatisfied with the timeframe for assessment and the need to make multiple representations.

Planner's Comment:

In accordance with sections 57(6)(b) and 54(2) of the *Land Use Planning and Approvals Act 1993*, the planning assessment processes has a statutory timeframe of 42 calendar days, commencing from the date on which the application becomes valid, and excluding any period during which the application is on hold awaiting receipt of additional information. Owing to the issue with owner consent as detailed above, the application became valid on 9 October 2017. The 42 day assessment period expires on 16 November 2017.

The application was originally advertised prior to receiving advice that the applicant had not notified all the owners of the site. This meant the application was originally advertised while the application was not valid. Re-advertising was required once the application became valid, on receipt of the updated applicant declaration. Representors were advised of the re-advertised plans and provided with the opportunity to have their original representation treated as a representation made in relation to the re-advertised planning permit application.

These factors do not impact on the application's compliance with the Scheme, or the recommended decision.

10. Cost of removal

One representor is concerned to ensure that any cost associated with removing the sign is borne by the applicants.

Planner's Comment:

In the case that removal is required by Council or any other party, the responsibility for the cost of removal is not a planning matter than can be considered as part of this application.

11. Lack of compliance with sign standards

Three representations highlight the sign's non-compliance with the standards for signs as specified in Table E17.2 *Standards for Signs*.

Planner's Comment:

Compliance with the standards listed in Table E17.2 is part of Acceptable Solution A1 for development standard E17.7.1 *Standards for Signs*. The proposal does not meet the standards listed in Table E17.2, and therefore relies on Performance Criterion P1 in order to satisfy the development standard. P1 does not refer to the standards for signs as specified in Table E17.2. The application is assessed as complying with the performance criteria, as detailed in Part E of this report and all applicable standards.

CONCLUSION

The proposal relies on performance criteria for compliance with the standards for signs standard. The proposal is assessed as satisfying the performance criteria and complies with the standard. The proposal is assessed as complying with all other applicable use and development standards in the General Business zone, as well as all the remaining relevant standards of the Signs Code. The application was publicly advertised for the statutory 14-day period and four representations were received. The representations concerns are taken into account through the assessment of the proposal. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of above awning sign relying on performance criteria at 1-31/113 Main Road, Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-238 and Drawing No. P1 submitted on 16/08/2017 and Drawing No. P2 submitted on 12/09/2017, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

3. The sign must be maintained in satisfactory manner at all times. In doing so, the sign must not cause a safety hazard and must be attractive and informative without dominating the built environment.

Engineering

4. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.

Advice to Applicant

This advice does not form part of the permit but is provided for the information of the applicant.

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the Building Act 2016 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX A**E17.0 Signs Code**

Standard	Acceptable Solution	Proposed	Complies?
E17.6 Use Standards			
E17.6.1 Use of Signs	A1 A sign must be a permitted sign in Table E17.3	The site is located in the General Business zone. The proposed sign is an Above Awning Sign, which is permitted in the zone.	Yes
	A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	The proposed sign displays information for four businesses which are located within the subject site.	Yes
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	No flashing lights, moving parts or changing messages or graphics are proposed.	Yes
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	No illumination is proposed.	Yes
E17.7 Development Standards			
E17.7.1 Standards for Signs	A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	The sign does not comply with the standards listed in Table E17.2.	No

Standard	Acceptable Solution	Proposed	Complies?
	A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.	The proposed sign is located diagonally across the corner of Hopkins Street Road and Main Road, Moonah. None of the advertised businesses have signs on the Main Road frontage. The proposed sign is an Above Awning Sign. The Hopkins Street frontage is approximately 43m long, allowing for a maximum of six signs per business on that frontage. The following previously existing signs (for the businesses included on the proposed sign) are located on the Hopkins Street Frontage: Tasmanian Numismatics • One Awning Fascia Sign • Two Window Signs (on separate windows) • One Transom Sign Darcy's Café • One Awning Fascia Sign • One Below Awning Sign • One Window Sign. Super Cobbler • No signs visible from the street frontage. Mayben Jeweller • One sign included in a Business Directory Sign.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	The proposed sign is located above an awning, and does not impact on the visibility of a Statutory Sign or a Tourist Information Sign.	Yes
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	The proposed sign does not resemble a Statutory Sign.	Yes
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	Not applicable.	NA
E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	A1 No acceptable solution	Not applicable.	NA

Attachments/Annexures

- 1 [Attachment - 1-31 / 113 Main Road, Moonah](#)