

12 June 2015

Planning Department
South Gippsland Shire Council
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Leongatha VIC 3953



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Dear Sir/Madam,

**Re: PLANNING PERMIT APPLICATION FOR ADVERTISING SIGNAGE AT AN
EXISTING SERVICE STATION**
Address: 49-51 RIVER DRIVE, TARWIN LOWER

We act on behalf of Liberty Oil with respect to this application.

Please find enclosed an Application for a Planning Permit for advertising signage at the above address.

The application is accompanied by the following information:

- Completed Application for a Planning Permit form.
- Certificate of Title
- 3 x A3 copies of site plan and elevations
- Cheque for the requisite of \$120.00

The application seeks to replace signage on the site with the following:

- One (1) 5.0m x 2.01m internally illuminated Station Identification (SI) Sign (lighting within the new SI sign will be energy efficient LEDs).

Currently, the site is operating as a Shell Service Station and the signage is to re-brand the site from Caltex. In addition, the proposed 5m sign is part of a national roll-out that will be improving the signage at Shell Service Stations.

No further on-site changes are proposed.

Please see attached plans for further details of the dimensions and location of the proposed signage.

Site Context

The subject site is located on the corner of River Drive and Walkerville Road. River Drive is the main road in Tarwin Lower. The site is appropriately located within the town to provide a range of land uses that serves local community needs. Land adjoining to the north is a post office. To the south is a vacant allotment and further south is residential. Residential properties are located to the rear. The subject land contains an existing Shell service station which can be accessed via River Drive and Walkerville Road. Existing signage on the site is an A-frame price

board sign located to the front of the property and a logo above the canopy. No change in land use or intensification of this use is proposed.



Figure 1: Aerial view of subject site



Figure 2: View of the site from River Drive looking to the north-west

Title Particulars

The land is shown on the attached copy of Title and is known as Lot 1 on Plan of Subdivision 093029. The land parcel is irregular in shape. There are no covenants or encumbrances which would be breached by this proposal.

State Planning Policy Framework

The State Planning Policy Framework (SPPF) contains the broad strategic land use and development policies for planning across Victoria.

The following clauses contained in the SPPF are relevant to this application:

- **Clause 15 (Built Environment and Heritage – Urban Environment).**
- **Clause 17 (Economic Development – Commercial).**

Local Planning Policy Framework

The following clauses contained in the MSS and LPPF are relevant to this application:

- **Clause 21.05-1 (Growth of towns)** provides policy to ensure that the growth of towns occur in accordance with their role and function. The role and function of Tarwin Lower is *“Small country hamlet with a healthy commercial precinct servicing Venus Bay and surrounding rural areas.”*
- **Clause 21.09-3 (Signage and infrastructure)** ensures that signage and infrastructure are required for information and service provision respectively for residents, businesses and visitors. Sensitivity is required in design and location of these necessary structures so they do not detract from the Shire’s significant landscapes and natural environments. The objective of the strategy is *‘to minimise the visual impact of signage and infrastructure on the landscape’*.
- **Clause 21.15 (Local Areas)** and more specifically, **Clause 21.15-12 (Tarwin Lower)** ensures that the future population growth for Tarwin Lower will be promoted within the existing zoned land and in the growth areas defined on the *Tarwin Lower Framework Plan*.

Particularly relevant to this application is the *‘Focus new commercial and industrial use and development within the existing commercial precinct in Evergreen Road between Walkerville Road and School Road.’* This site is located within this existing commercial precinct.

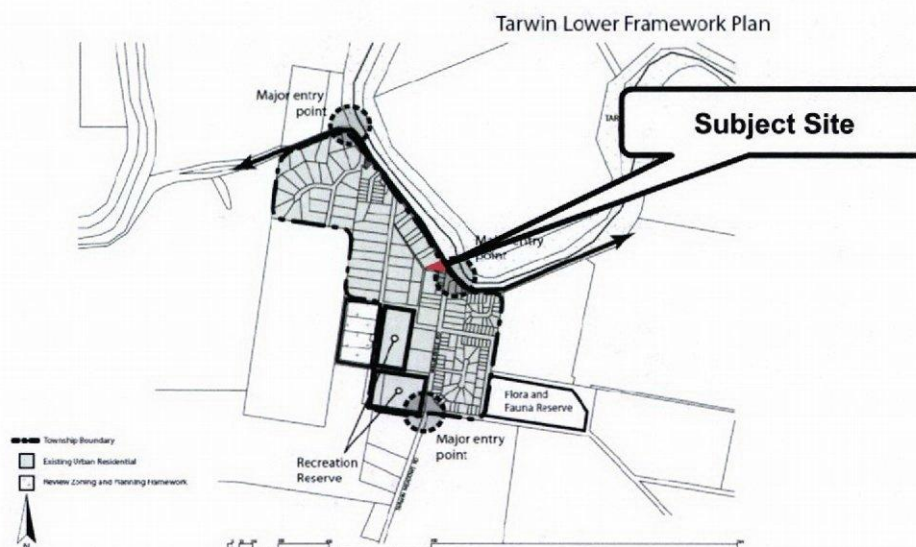


Figure 3: Tarwin Lower Framework Plan (South Gippsland Planning Scheme)

- **Clause 22.01 (Advertising Signs)** identifies the need for signs to be designed and located so that they enhance the appearance of urban, rural and coastal areas of the Shire. Advertising signs should not only be effective in advertising a product or promoting a business or event, but also complement the surrounding environment. The inappropriate design or placement of signs can have a significant effect on the visual amenity of an area.

Key objectives include:

- *To encourage signs that will enhance the visual amenity of the built and natural environment*

- To ensure that signs relate to the use and development of land on which they are located
- To ensure that signs do not interfere with the safety and efficiency of a road, railway or other public way

When assessing signage it should be against the following Performance Measures:

- signs should not obscure architectural features and detailing, windows and door openings or verandahs, particularly on buildings of identified heritage significance or in Heritage Overlay areas.
- suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten (10) metres of shopfront
- above-verandah signs should not be mounted directly to a verandah, but mounted to the building upper fascia or parapet at right angles to the road
- signs should not project above the skyline or profile of a building
- home occupation signs should not be illuminated or exceed one (1) square metres in size
- pole signs should not exceed the building height of adjacent buildings or project over a footpath or road formation

Proposals that do not meet these criteria may still meet the objectives of the policy.

Zone

The subject site is situated within the **Township Zone (TZ)** pursuant to the South Gippsland Planning Scheme.

Pursuant to **Clause 32.05** of the South Gippsland Planning Scheme, in addition to implementing State and Local Policy, the purpose of the TZ includes:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

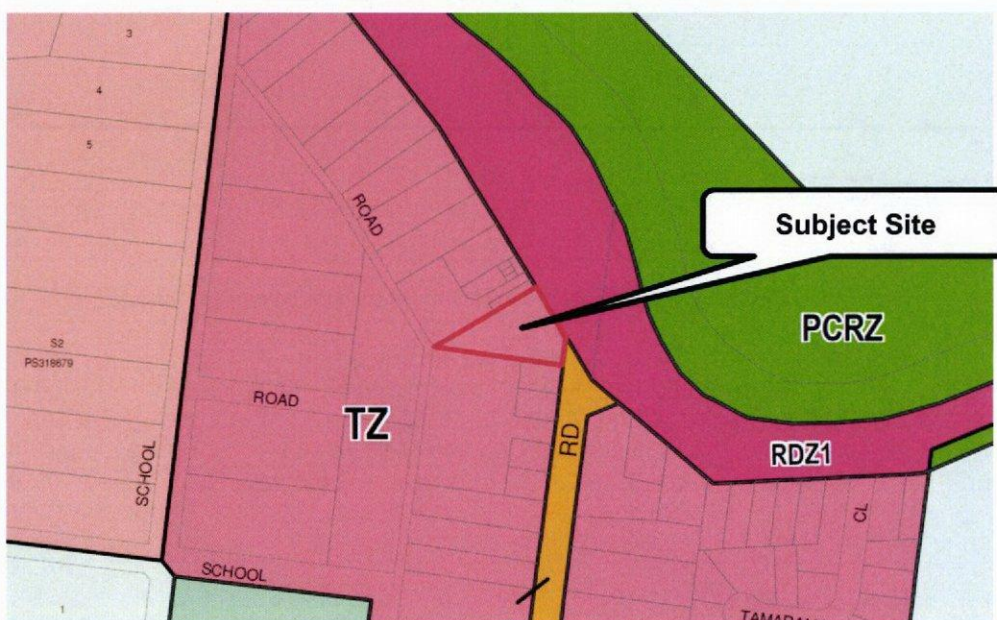


Figure 4: Zoning Map

Pursuant to **Clause 32.05-12** all advertising signage within this zone is classed as **Category 3 – High amenity areas**.

Overlays

The subject site is located within the **Design and Development Overlay – Schedule 6 (DDO6)** pursuant to the South Gippsland Planning Scheme. Pursuant to **Clause 43.02** of the South Gippsland Planning Scheme, the key objectives of DDO6 include:

All Types of development

- To protect and manage the character of this small rural hamlet and commercial precinct.

Commercial Development fronting Evergreen Road between Walkerville Road and School Road

- To improve the visual appearance and image of the Tarwin Lower retailing areas through well designed, site responsive developments.
- To consolidate and distinguish the commercial precinct of Tarwin Lower from adjacent residential areas.
- To ensure new development within the commercial precinct will respect the rural character of the hamlet and be sympathetic to the distinguishing elements of the Tarwin River frontage and associated recreational area which abuts the precinct.
- To encourage urban design improvements to provide variety, interest, safety, shelter and convenience for people using the commercial precinct.
- To ensure that new commercial development is consistent in style, scale, height, mass and form, and respects the low profile character of Tarwin Lower.
- To encourage buildings to abut front property boundaries to create a consistent building line, and to abut side boundaries where possible.
- To create active frontages onto Evergreen Road and provide clear views between the building and street through the use of clear glazing.
- To encourage the provision of verandahs or other pedestrian shelter above the footpath in front of new commercial or industrial buildings.
- To encourage appropriate business identification signage, and discourage signage above verandahs or signage which dominates or is out of scale with the building or the streetscape.
- To discourage the provision of car parking areas within the front setback to development.

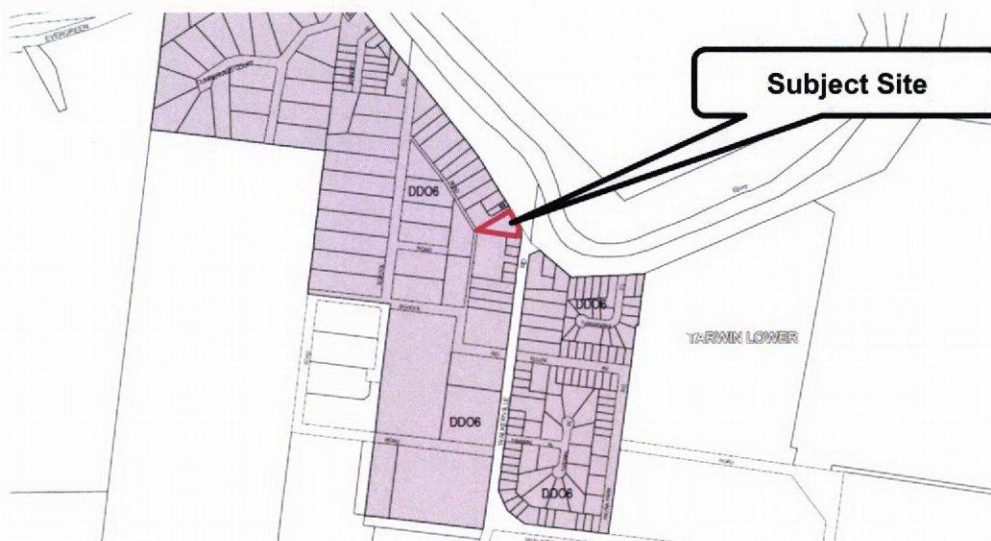


Figure 5: Design and Development Overlay Map

The subject site is located within the **Environmental Significance Overlay – Schedule 7 (ESO7)** pursuant to the South Gippsland Planning Scheme. Pursuant to **Clause 42.01** of the South Gippsland Planning Scheme, in addition to implementing State and Local Policy, the purpose of the ESO7 includes:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

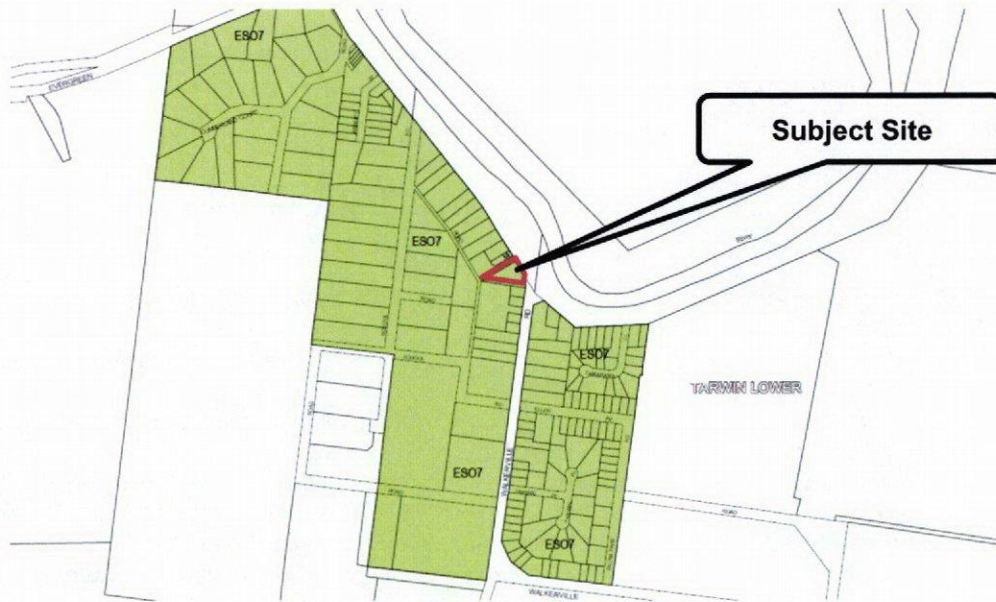


Figure 6: Environmental Significance Overlay Map

A permit is not required under the Overlays for signage.

Other Planning Provisions

Other relevant planning controls include:

Clause 52.05 Advertising Signs

The purpose of this particular provision is:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

A business identification sign is defined at **Clause 73 – Outdoor Advertising Terms** of the South Gippsland Planning Scheme as:

A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.

An internally illuminated sign is defined at **Clause 73 – Outdoor Advertising Terms** of the South Gippsland Planning Scheme as:

A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.

Advertising signage within the Township Zone is assessed against the requirements of **Category 3 – High amenity areas**. The purpose of **Category 3 – High amenity areas** is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Pursuant to **Clause 52.05-9 'Category 3 – High amenity areas'**, permit requirements for signage are as follows:

Business Identification and Internally illuminated signage is listed within Section 2, **a permit is required for business identification and internally illuminated signage.**

*Pursuant to **Clause 52.05-3** before deciding on an application to display a sign, the responsible authority must consider, as appropriate:*

- *The character of the area;*
- *Impacts on views and vistas;*
- *The relationship to the streetscape, setting or landscape;*
- *The relationship to the site or building;*
- *The impact of structures associated with the sign;*
- *The impact of illumination;*
- *The need for identification and the opportunities for adequate identification on the site or locality; and*
- *The impact on road safety.*

Summary of Permit Requirements

Under the provisions of Clause 52.05-9 a permit is required for signage (business identification and internally illuminated signage)

Referrals:

Under **Clause 66 – Referral and Notice Provisions**, the application does not require any referrals or notice.

NOTE: Pursuant to Section 55(1) of the Planning and Environment Act 1987, the application does not require a referral to VicRoads (Roads Corporation). In VCAT decisions, Metro Signs Pty Ltd v Wyndham City Council [2010] VCAT and Metro Signs Pty Ltd v Greater Dandenong CC [2010] VCAT it was held that the proposed displays (petrol pricing) are only capable of a very limited degree of change and for this reason, is not considered an animated or electronic sign.

Planning Assessment

As detailed above, the purpose of **Category 3 – High amenity areas** is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

The proposal responds to this, ensuring the signage has a clear and specific purpose to avoid visual clutter and the style and colours proposed are all consistent with the corporate Shell colour scheme.

An assessment has been undertaken against the relevant planning controls listed above. We submit:

- The proposal achieves a high level of consistency with the State and Local Planning Policy Frameworks, as well as the guidelines set out in Clauses 22.01 and 52.05-3;
- The proposal for signage responds to the purposes of the Township Zone and its location on the main road and an identified commercial area in Tarwin Lower ensures

that the site provides for adequate identification signs and signs that are appropriate to commercial areas.

- The signage delivers an upgrade of the existing service station facilities and result in a net community benefit;
- The signage will complement the existing service station;
- The illumination and new Shell branded colour scheme of the signage is not too bright, excessive or inappropriate in the context of its frontage to River Drive or the surrounding properties. Residential properties are located at a reasonable distance to not be affected by the proposed signage;
- Signage illumination will be contained to appropriate levels, to ensure no adverse impact on surrounding land;
- The proposed signage does not contain flashing or animated elements which would create traffic confusion. It should also be noted that the LED's are significantly dimmer than that of traffic signals;
- There would be no impact on traffic signage;
- Whilst there are few illuminated signs along this street, it is considered reasonable for the following reasons:
 - There is no specific policy prohibiting business identification and internally illuminated signage. In fact this type of signage is contemplated in High amenity areas;
 - There will be only 2 business identification signs on the site and this will appropriately limit the amount of signage being used;
 - The site is relatively large and the building is setback some distance from the street, creating a sense of space whereby the proposed sign will not dominate the built form;
 - Sight lines will not be disturbed and there will be no visual intrusion of the skyline;
 - The proposed sign will not exceed 5m which is lower than the existing signage on the subject site;
 - Development between Walkerville Road and School Road is commercial and in this part of Tarwin Lower is encouraged under the Framework. Signage in this commercial context will not be intrusive;
- As with most service stations, especially those located adjacent to a Road 1 Zone, the need for adequate business identification is justified. In this instance, the siting of the signage is suitable for alerting motorists to the location of the service station without having any detrimental impacts on neither their safety nor the amenity of its surrounds;
- The height and size of the proposed sign will not be visually dominant in the commercial setting and is necessary to ensure the appropriate display of fuel prices which are typically seen at service stations.
- The appearance, size, shape, and illumination of the signage would not affect the amenity of the locality;
- The proposed signage will not detract from the character of the area, streetscape, views and vistas and general amenity of the area;
- The signage has been strategically sited to ensure it makes a valuable contribution to the site and making the most of opportunities for adequate identification on the site.

Summary

In summary we submit that the proposed signage upgrade to the existing Service Station to Shell signage is appropriate within the proposed setting and is consistent with the aims, objectives and provisions of the South Gippsland Planning Scheme.

The proposed signage is complimentary to the existing service station, improving an existing service and supporting the surrounding community.

We submit that the proposal is appropriate for the following reasons:

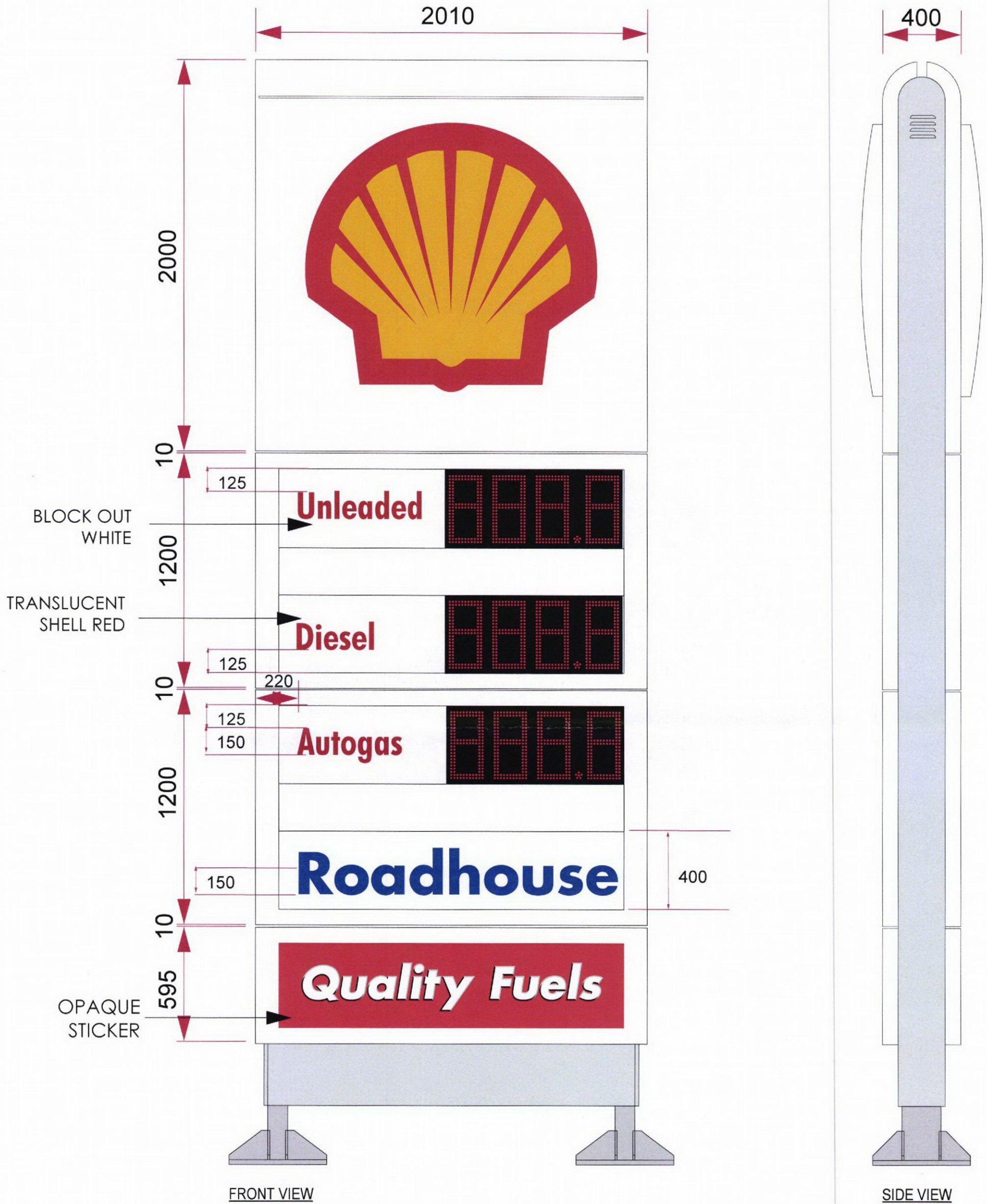
- The proposal is minor in nature and allows the re-branding of the site.
- The proposal achieves a high level of consistency with the objectives of the South Gippsland Planning Scheme.
- Overall, the proposal makes a positive contribution to the amenity of the surrounding area and improves the long term viability of the existing service station.
- There will be no detrimental impacts associated with the proposal.

We look forward to Council's favourable consideration of this application. Should you have any queries, please do not hesitate to contact me on (03) 8676 1443 or patrick.iwanyshyn@meinhardtgroup.com

Yours sincerely,
Meinhardt Pty Ltd



Patrick Iwanyshyn
Planner



NOTE : STRUCTURE 5.6M

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		<div>Date</div> <div>06/03/2015</div>	
	<div>Drawing</div> <div>5m SI sign 3 prices - ULP DSL LPG</div>	<div>Revision No</div> <div>1</div>	
		<div>Site Address</div>	
	<div>SHEET 1 OF 1</div>		