

2 1 AUG 2020

Shire of Denmarl

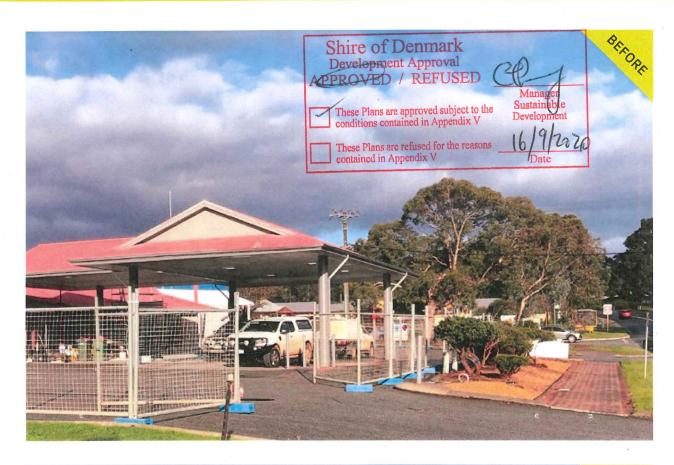


Date Created: 19/08/2020 Project Manager: John Moth Author: Jacynta Revision: 5

2 Investment Road, Wangara WA 6065

Ph: 08 9302 5766

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NAME\_

DATE

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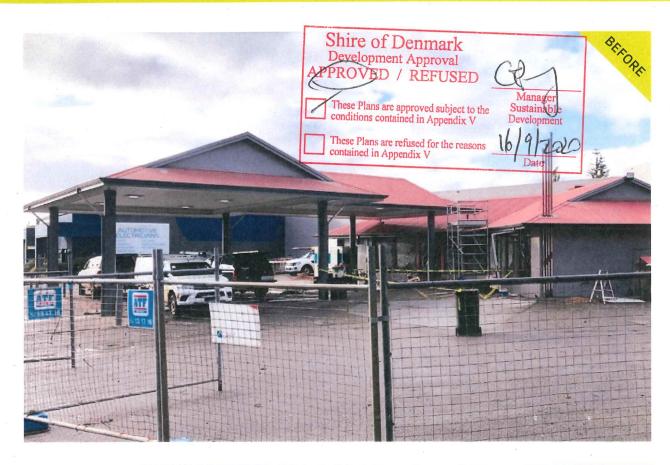


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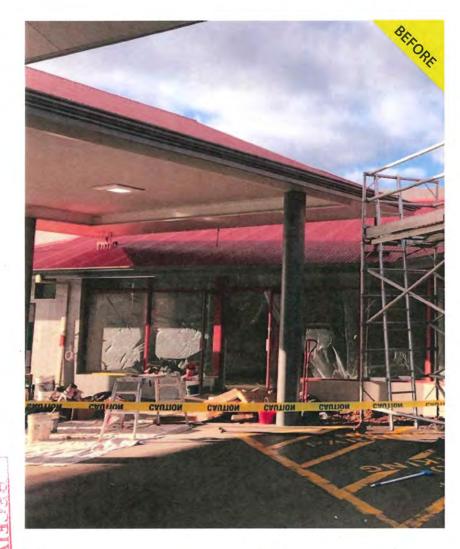
# Viva Energy Shell Denmark Shop Signage

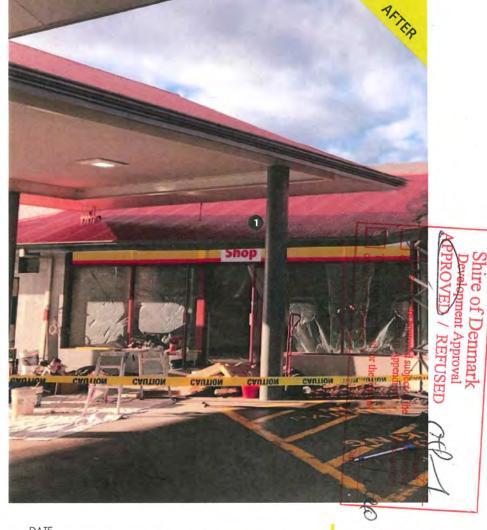
19/08/2020 Date Created: Project Manager: John M Author: Jacynta Revision: 5

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APPROVED AS IS REVISION REQUIRED



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Email: enquiries@aztecsignsandmurals.com.au



: SHELL PECTONS DESC

QTY :2

: 1200MM W x 1200MM H SIZE METHOD: INSTALL 2x ILLUMINATED SHELL

PECTONS TO EACH SIDE OF CANOPY



: PUMP BRANDING DESC

OTY

SIZE MM W x \_MM H

METHOD: INSTALL SHELL BRANDING TO PUMP

BODIES, FUEL GRADES, DIALFACE DECALS, PUMP NUMBERS TO SUIT WAYNE PUMPS





DESC : COLUMN SPREADERS

OTY

: 1600MM W x 1000MM H

SIZE METHOD: INSTALL V-POWER COLUMN SPREADERS

TO EACH CANOPY SUPPORT POLE









**DESC** : COLUMN FIN NUMBERS :8

QTY

SIZE : 350MM W x 300MM H

METHOD: INSTALL COLUMN NUMBERS TO EACH

CANOPY SUPPORT WITH CUT VINYL **GRAPHICS APPLIED FOR PUMP NUMBERS** 





: LEADERBOARDS DESC

QTY

SIZE : 800MM W x 1200MM H

METHOD: INSTALL NEW LEADERBOARDS TO

EACH END WITH CUT VINYL GRAPHICS,

APPLIED FOR FUEL GRADES

metres Maximum height

DESC : HEIGHT MARKERS

QTY :2

SIZE : 2800MM W x 200MM H

METHOD: INSTALL NEW HEIGHT MARKERS

TO EACH END OF CANOPY WITH CUT VINYL GRAPHICS APPLIED FOR HEIGHT

#### **Shell Lubricants**

Recommended and available here

: SHELL LUBRICANTS SIGN DESC

OTY

SIZE : 2400MM W x 600M H TBC METHOD: COMPUTER CUT VINYL GRAPHICS

APPLIED TO ACM PANEL

SIGNATURE

NAME

DATE \_

APPROVED AS IS

REVISION REQUIRED 020

Share of Denmark

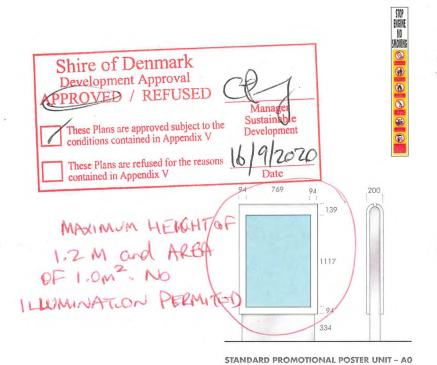


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DESC : HSSE DECALS

QTY

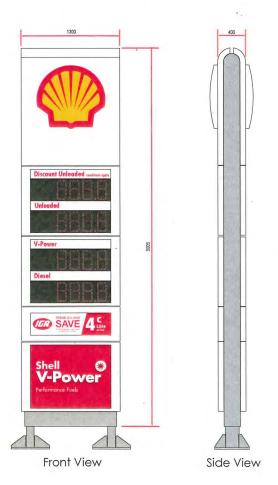
: 100MM W x 870MM H SIZE

METHOD: INSTALL 2X ILLUMINATED SHELL

PECTONS TO EACH SIDE OF CANOPY

DESC : A0 POSTERS QTY :TBC : REFER LAYOUT SI7F

METHOD: INSTALL ONLY OF POSTER UNIT **POSTERS BY OTHERS** 



: 5MT PRIME SIGN DESC OTY

: 1300MM W x 5005MM H SIZE

METHOD: INSTALL NEW SHELL 7MT PRIME

SIGN WITH NEW CONCRETE

**FOOTING** 

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Viva Energy Shell Denmark Shop Signage

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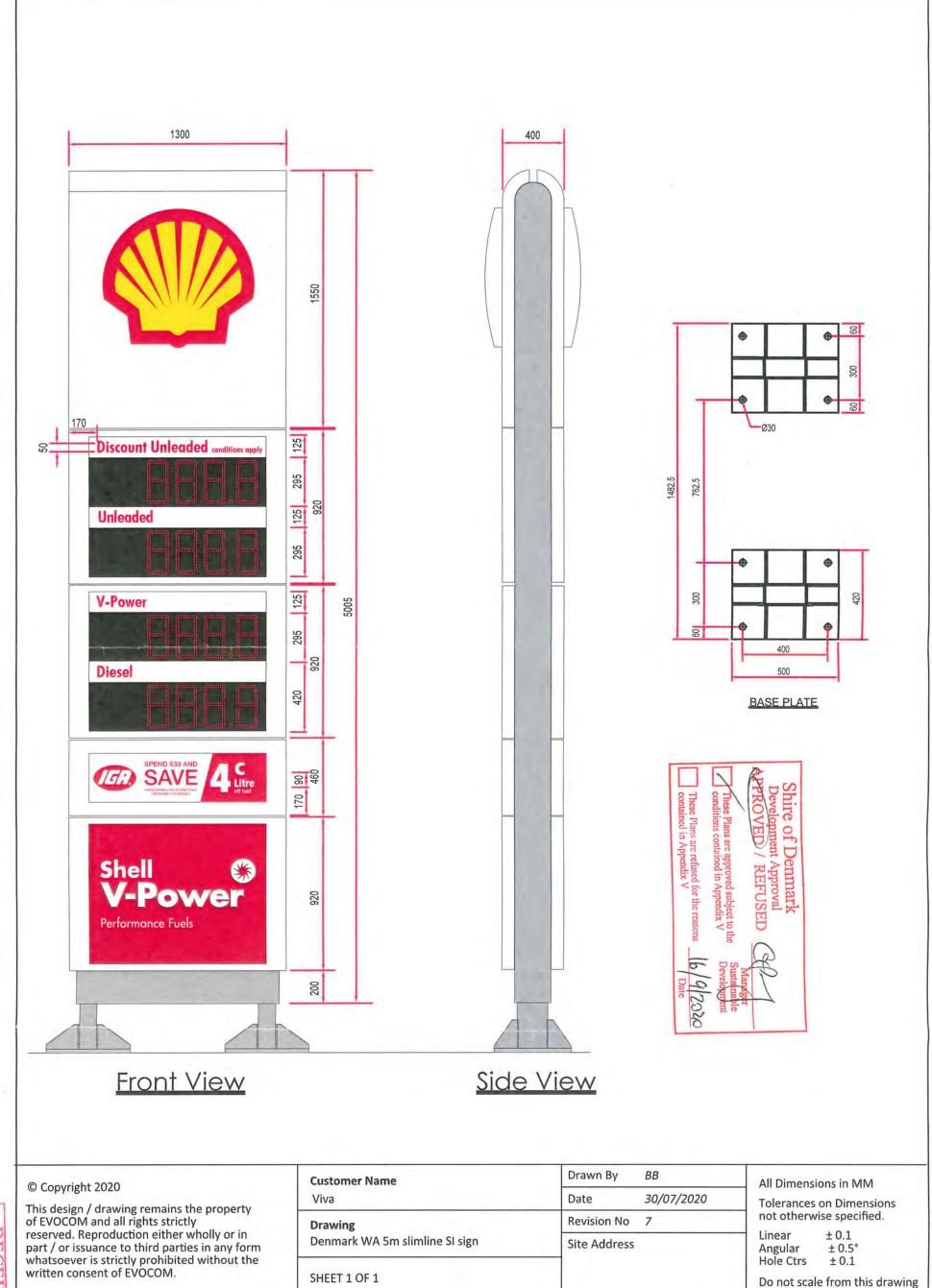
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### LK ADVISORY

Urban & Regional Planning | Strategy | Policy | Governance | Performance

Your Ref: A4122 (2020/108)

23 November 2020

Mr Craig Pursey Manager Sustainable Development Shire of Denmark P.O. Box 183 Denmark WA 6333

By email: craig.pursey@denmark.wa.gov.au

Dear Mr Pursey,

#### State Administrative Tribunal (SAT) Matter DR 227 of 2020 – Thornton v Shire of Denmark

In accordance with the SAT Orders dated 6 November 2020 regarding the above matter, we are pleased to provide this submission on behalf of our client, Mr Ross Thornton, to enable the Shire's reconsideration of Condition 1 of its Development Approval dated 16 September 2020 for signage at No. 69 (Strata Lot 1 / Lot 75) South Coast Highway, Denmark.

For the avoidance of doubt, our client's application for review is confined to the two approved poster signs proposed along the South Coast Highway frontage of the subject lot, to the east and west of the pylon sign. These two signs were approved by the Shire on 16 September 2020, as part of the Total Signage Plan for the re-branded Shell service station on the site. Condition 1 (and the corresponding modifications marked in red on the approved plan) relate to the two poster signs and require the signs to:

- Have a maximum height of 1.2 metres;
- Have a maximum surface area of 1.0m<sup>2</sup>; and
- Not be illuminated.

By comparison, the proposed poster signs (as applied for) are 1.684 metres high and have an advertising surface area of only  $0.86m^2$ , with a total surface area of  $1.29m^2$  (comprising the sign and frame, but excluding the small plinth of about  $0.2m^2$  which each sign sits on). The poster signs will not be illuminated.

Despite the dimensions of the poster signs originally applied for by our client, in the interests of compromise, our client is willing to reduce the height of both signs by 0.2m, from 1.684m to 1.484m (overall height), by reducing the height of the plinth upon which the sign sits from 0.334m to 0.134m. On this basis, all subsequent reference in this submission to the "proposed signs" means and refers to the two poster signs applied for by our client, but now with a reduced overall height of 1.484m achieved by reducing the plinth height of the signs to 0.134m.

In considering this submission it is vital to note that the two poster signs were approved by the Shire in its decision of 16 September 2020. Therefore, the <u>only</u> issue currently in dispute is not whether the signs themselves are acceptable, but whether the marginal difference in their dimensions between what was applied for (now reduced in height by 0.2m) and what was approved is significant enough to justify upholding the Shire's Condition 1 and related modification on plan.

We contend that the difference between the proposed (now reduced height) poster signs and approved poster signs is insignificant, would have no greater visual impact than the approved signs, and would be indistinguishable to customers of the service station, other road users, and pedestrians. Our reasons for this are outlined over the following pages, in response to the key issues and concerns raised by the Shire during the SAT Directions Hearing on 6 November 2020.

#### 1. Compliance with Shire Policy No. 32 – Signs

- 1.1 Shire staff have advised that the dimensions of the two approved poster signs were conditioned to comply with clauses 11.2.1 and 11.2.3 (second dot-point) of Policy No. 32 Signs.
- 1.2 Policy No. 32 was adopted by the Shire of Denmark Council on 22 May 2001 and, to our knowledge, has never been amended since its adoption.
- 1.3 The proposed signs will replace a price sign and poster sign that were previously approved by the Shire on 2 October 2003 under Policy No. 32. Under that previous approval:
  - The price sign was approved with dimensions of 2.7m (H) x 1.22m (W) and a surface area of 2.93m<sup>2</sup> (excluding support legs); and
  - The promotional sign was approved with dimensions of 2.2m (H) x 1.2m (W) and a surface area of 2.04m<sup>2</sup> (excluding support legs).

These previously approved signs are denoted with a grey border in the extract of the Shire's 2003 planning approval in Figure 1, below.

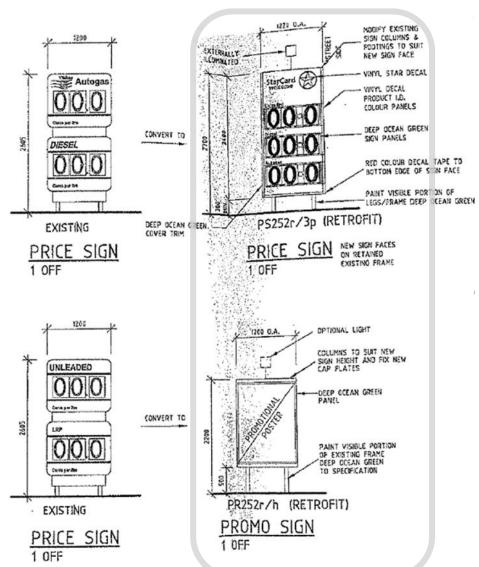
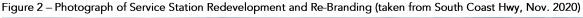


Figure 1 – Extract of Shire's 2 October 2003 Planning Approval (grey border denotes approved signs)

1.4 Our client's proposed (reduced height) signs are between 0.7m and 1.2m shorter in overall height than the two signs they are replacing, which were approved by the Shire in 2003 under the same Signs Policy that still applies today. We therefore contend that our client's proposed signs will have

less impact and will be more compliant with the Signs Policy than the two signs they are replacing, that were approved under that Policy.

- 1.5 Clause 15.3 of the Signs Policy states that where a sign is proposed to depart from the requirements listed in the Policy, then the application will be considered in the context of the aims and objectives of the Policy. In this regard, it is reasonable to assume the two previously approved (price and promotional) signs were acceptable to the Shire when considering the aims and objectives of the Signs Policy. Therefore, in our opinion, the reduced height signs now proposed by our client will be even more consistent with the aims and objectives of the Policy than the signs they are replacing.
- 1.6 The aims of the Policy only relate to its operational purpose and intent and are therefore not applicable to this proposal. However, the following objectives of the Policy are considered relevant:
  - 1. To preserve the heritage and landscape values and qualities of Denmark with a diverse economy ranging from rural production, retailing to tourism.
  - 2. To provide relevant information at appropriate locations to guide visitors to businesses and properties.
  - 3. To coordinate the style of signage through the use of components and features to achieve a strong distinct identity.
  - 6. To reduce visual clutter, driver confusion, landscape detraction and traffic hazards caused by poor and indiscriminate signage.
- 1.7 Our client's proposed (reduced height) signs will satisfy the above objectives, as the proposed signs:
  - Are typical of all modern service stations and will provide relevant information relating to products available for purchase on site;
  - Are simple in design and will incorporate simple, large format promotional advertising that will not be distracting or confusing to road users;
  - Will not be illuminated;
  - Incorporate a simpler and more sophisticated colour palette (compared to what previously existed on site) with tones that are more earthy and sympathetic to the character and charm of Denmark;
  - Will be only 0.284m taller than the 1.2m heights stated in the Policy with an advertising surface area smaller than allowed by the Policy; and
  - Form part of a comprehensive and coordinated redevelopment and re-branding of the existing service station, which will dramatically enhance the aesthetic character and appeal of the site when viewed from all directions (see Figure 2 below and Landscape Plan and Concept Design included as Attachment 1).





#### 2. Traffic and Pedestrian Safety

- 2.1 At the recent SAT Directions Hearing, Shire Staff expressed concern about the potential obstruction of vehicle and pedestrian sight lines caused by the proposed poster sign nearest Ocean Beach Road.
- 2.2 In response to this concern, it must be understood that the Shire has already approved the sign in that location. Therefore, the only question to be considered is whether the proposed sign with a reduced overall height of 1.484m will have any greater impact on traffic and pedestrian safety than a 1.2m high sign in the same location.
- 2.3 Figure 3 below clearly demonstrates the proposed poster sign nearest Ocean Beach Road will not cause any visual obstruction whatsoever for vehicles exiting Ocean Beach Road onto South Coast Highway or for pedestrians using the footpath on either road.
- 2.4 In the below image, the second vehicle shown waiting to exit Ocean Beach Road enjoys an unobstructed sight line of at least 100m eastward, even when the vehicle is situated 6.6m behind the intersection stop line at the junction with South Coast Highway. The first vehicle waiting to exit Ocean Beach Road onto the Highway will enjoy a completely unobstructed sightline.

Figure 3 – Sight Lines (Aerial)



Source: PlanWA (Accessed: Nov. 2020)

- 2.5 In the broader context of traffic and pedestrian safety, the proposed signs need to be considered in relation to the following facts (see also Figure 4 over page):
  - The subject site is situated in a low speed environment, with both South Coast Highway and Ocean Beach Road posted as 50km/h speed zones in this location;
  - South Coast Highway is a wide, generally straight and virtually flat, single carriageway in this location allowing for good sight lines in all directions;
  - Pedestrian movements within the road reserves surrounding the site are separated and set back from the property boundaries and the proposed signs.

Figure 3 – Sight Lines (Street View)



Source: Google StreetView (Image capture: Dec. 2019)

#### 3. Signage Content and Clutter

- 3.1 Shire staff have commented that compared to the fuel price signs they are replacing, the proposed poster signs will contribute to visual clutter on the site; are not necessary; and will incorporate superfluous advertising.
- 3.2 We do not agree with these assertions because:
  - The signs have already been approved by the Shire for the purposes of promotional advertising, as part of the Total Signage Plan for the site;
  - The Shire's Development Approval does not incorporate any condition relating to the advertising content on the proposed signs; and
  - The only issue to be considered is whether the difference in height between the approved signs (1.2m) and the proposed signs (with a reduced overall height of 1.484m) is so significant as to constitute excessive visual clutter and unnecessary advertising on site, beyond what has already been approved by the Shire. We contend that this difference in height will be completely unrecognisable to pedestrians, road users and customers of the site, and will therefore be of no greater consequence than what has now been approved.

In light of the additional information and justification provided in this submission, we respectfully request that the Shire amends its notation on the plan corresponding to Condition 1 of its development approval dated 16 September 2020 to read as follows (tracked change shown):

"On ground signs to be a maximum of  $\frac{1.2m}{1.484m}$  high  $\frac{1.484m}{1.0m^2}$  in area. No illumination of on ground signs is permitted."

The reference to 1.0m² has been struck out of the above text, as the advertising surface area of the proposed signs is less than 1.0m² and therefore compliant, as depicted on the approved plan. Therefore, installation of signage in accordance with the approved plan will, by default, comply with this requirement.

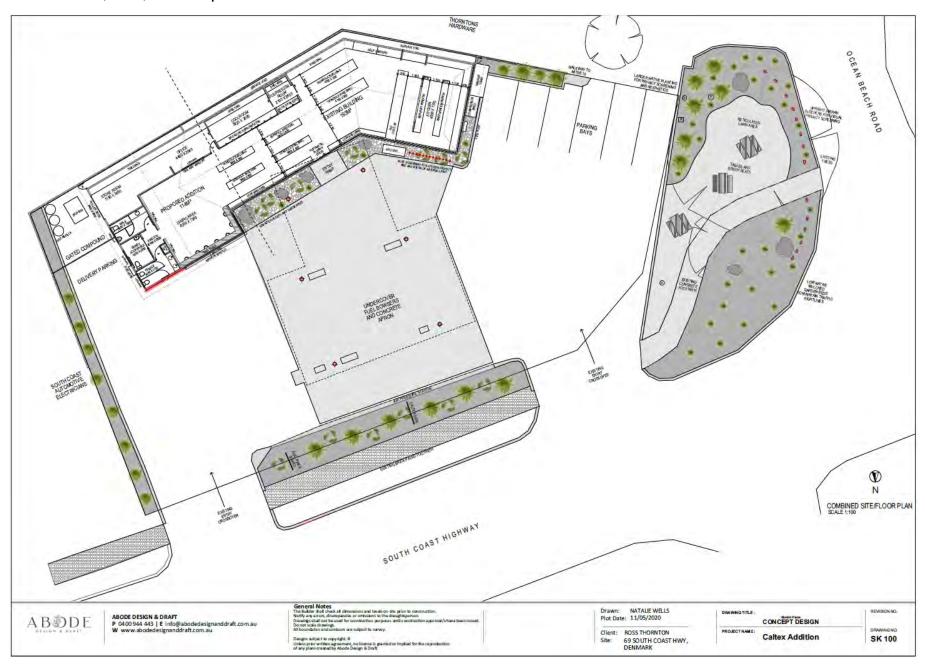
Please do not hesitate to contact me on 6500 7800 or 0439 044 967 or via email at <u>len@lkadvisory.com.au</u> if you have any queries.

Yours sincerely,

LEN KOSOVA

Director

#### Attachment 1 (1 of 2) – Landscape Plan



#### Attachment 1 (2 of 2) – Concept Design





CONCEPT DESIGN - LOT 69 SOUTH COAST HIGHWAY

**ROSS THORNTON** 













#### **GROUNDS**

#### Site History

The site has recently been leased to Shell after Caltex had leased the site for the past 25 years. As part of the Caltex lease requirement to clean and exit the site signs were removed, although discussion did occur around leaving frames and Shell rebranding existing frames. It was not possible to adapt frames with Shell standard signage and accordingly an application to amend the previous approval was sought under Section 77 of the Deemed Provisions. Smaller height and width signs were considered appropriate, subject to high existing shrubs being removed and lower landscaping installed.

#### **Application**

Development Application (Signs) dated 6/8/20 submitted with email advising that Application under Schedule 2 Part 9 Section 77 (1) (c)

- 77 (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following
  - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved.

Original development approval dated 2/10/03.

Proposed signs - Attachment 2 sizes.

Signs approv	<u>red 2003</u>	Signs proposed 2020
Pylon sign	6000 x 1820	5000 x 1300
Promo sign	2200 x 1200	1684 x 957
Promo sign (price sign)	2605 x 1200	1684 x 957

Visual impact of proposed signs is substantially less as width and height reduced.

Email dated 20/8/20 (Attachment 3) from Craig Pursey, Manager Sustainable Development, rejects the consideration of the amended development approval under Section 77.

Points 1, 3 & 4 are seriously challenged in that the application is not an amendment to a previous development approval.

1. "nature, type and purpose significantly different".

Proposal is for 3 smaller signs than previously approved. The purpose and nature of the site has not changed (service station/convenience store).

3. "The approved signs have been removed".

Removed 2 weeks prior – does not invalidate a previous approval under the Act.

"The previous approval was approved 'that long ago'".

Previous approval issued in 2003 (17 years ago). The signage policy without review is dated 2001. The previous development approval was issued post signage policy.

#### Conclusion

The Development Application is to reduce the size of three previously approved signs. The deemed provisions gives the right for an application to amend the previous approval.

If approval is not forthcoming the previous approval for sign sizes prevails.

Furthermore proposed amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 have been advertised and are seriously considered.

The following is proposed in the deemed provisions -

# Development for which development approval not required as shown in Attachment 5

Column 1 Works Column 2 Conditions

11 Works to change an existing sign that has been erected or installed on land

The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.

The Development Application proposes signs which are smaller than the previously approved DA and should be approved. The proposed changes to the regulations permit signs to be reinstated without approval.



# RETAIL UPGRADE PROJECT

CALTEX DENMARK - WA OCEAN BEACH ROAD CNR MOORE STREET

# ARCHITECTURAL DRAWINGS DRAWING TITLE DRAWING LIST SITE SIGNAGE PLAN 55333-022 PROPOSED ELEVATIONS - SHEET 1 55333-024 SITE SIGNAGE DETAILS - SHEET 1 55333-025 SITE SIGNAGE DETAILS - SHEET 2

# STAR SHOP DELTA SIGNAGE DEVELOPMENT APPLICATION DRAWING LIST

TITLE

SIGNAGE

CAITEX

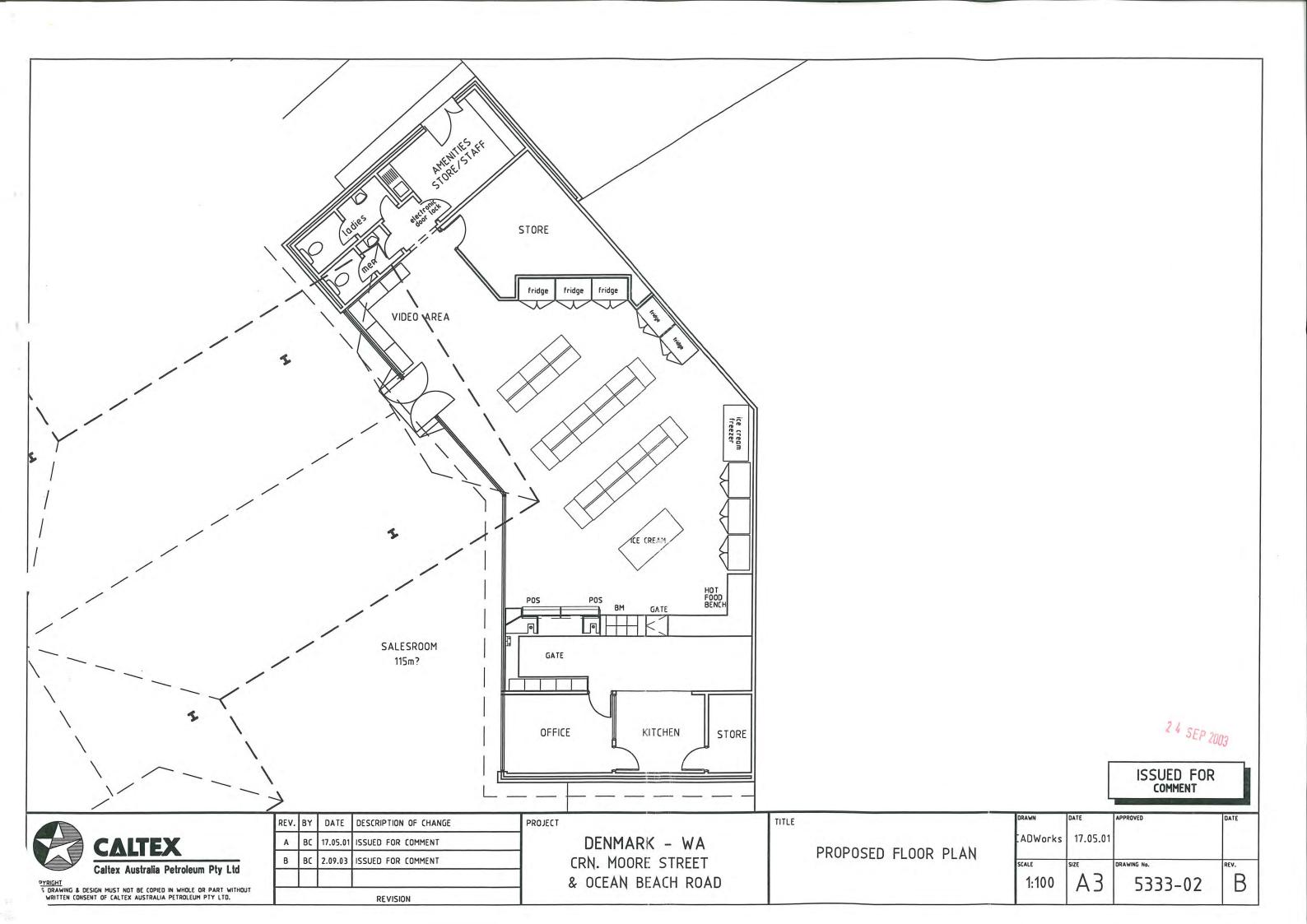
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OPYRIGHT	SIGN MUST	NOT BE COPIE	D IN WHOLF OR	PART WITHOUT
THE WRITTEN CONS				

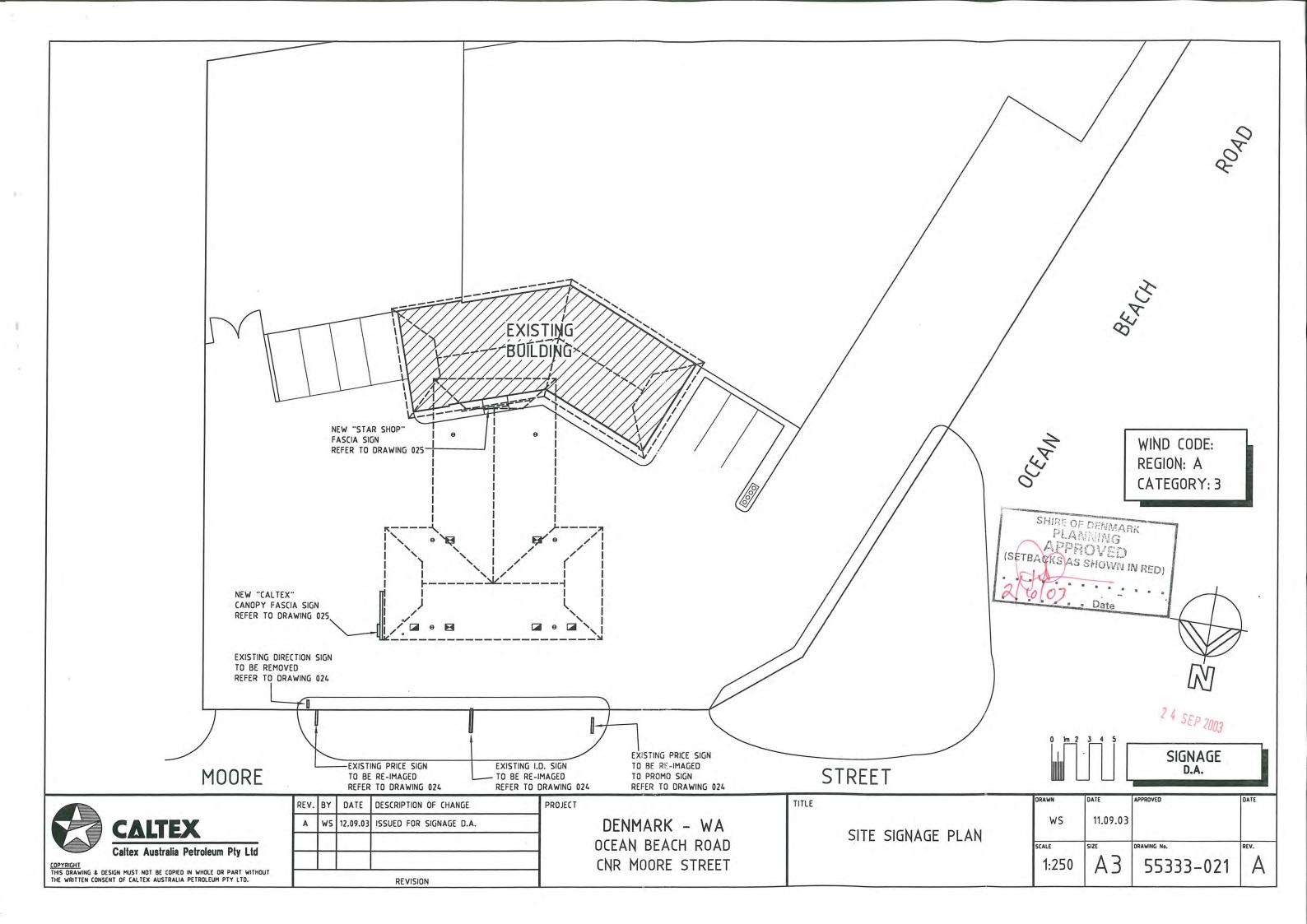
PROJECT DESCRIPTION OF CHANGE ISSUED FOR SIGNAGE D.A. REVISION

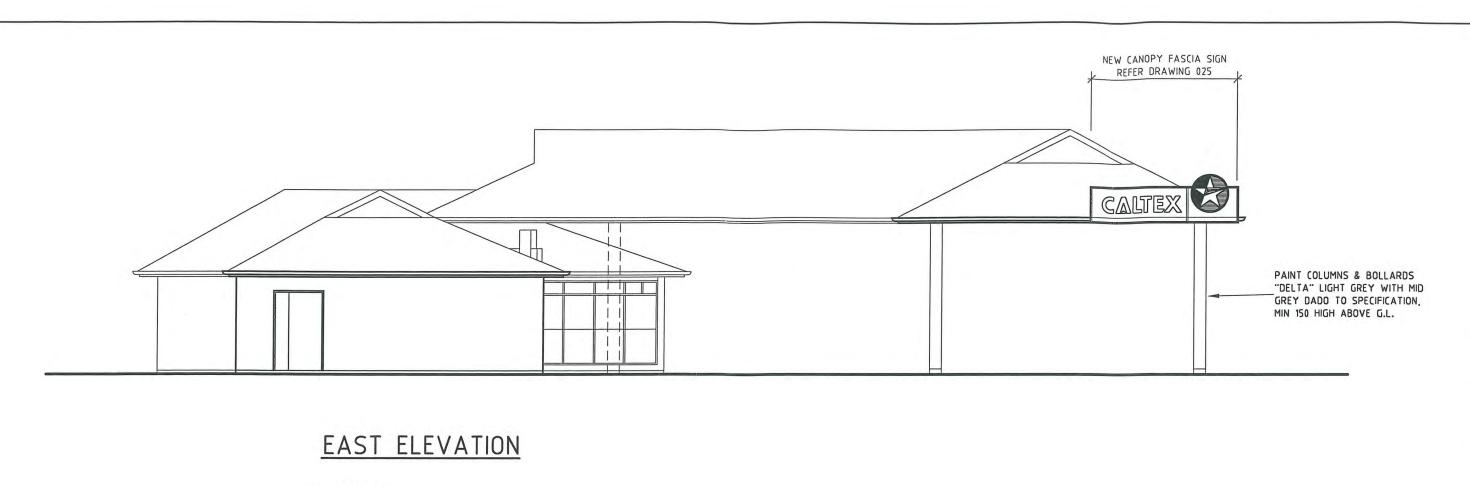
DENMARK - WA OCEAN BEACH ROAD CNR MOORE STREET

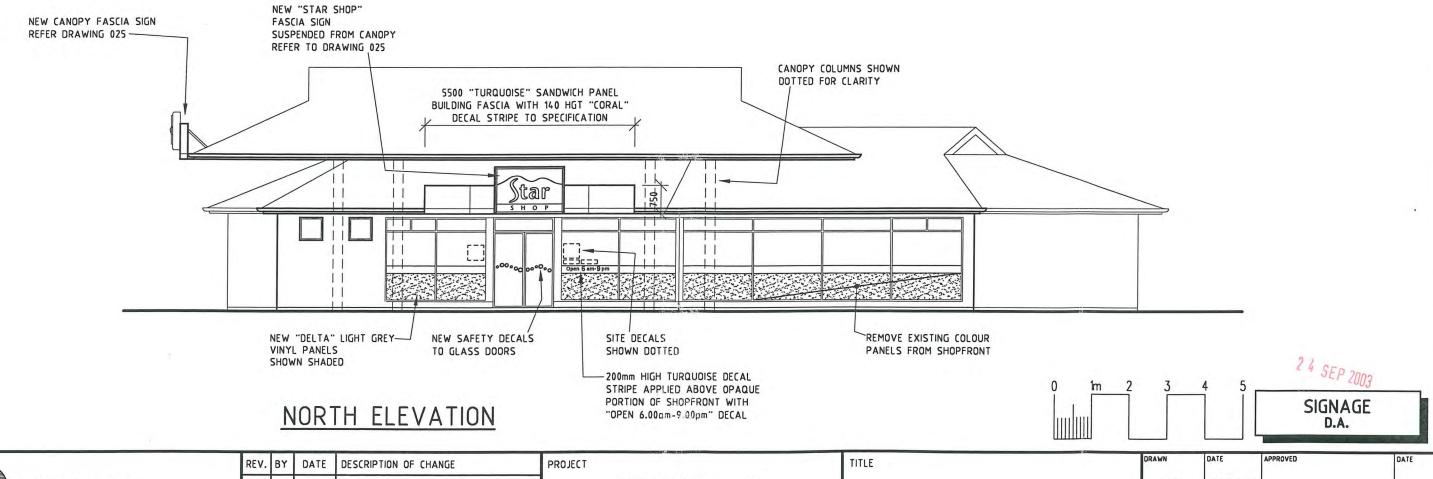
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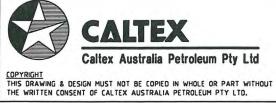
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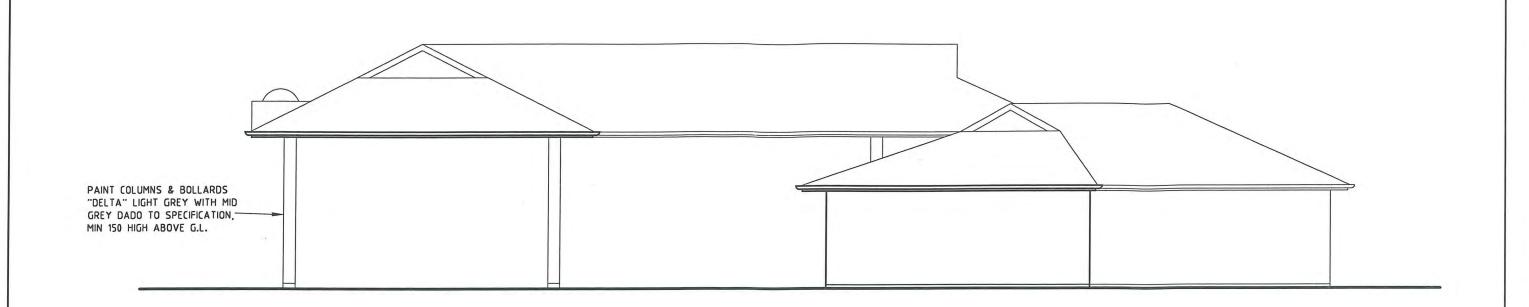


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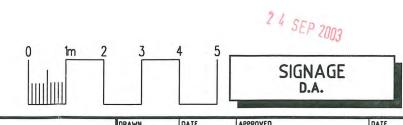
DENMARK - WA OCEAN BEACH ROAD CNR MOORE STREET

PROPOSED ELEVATIONS
SHEET 1

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# WEST ELEVATION





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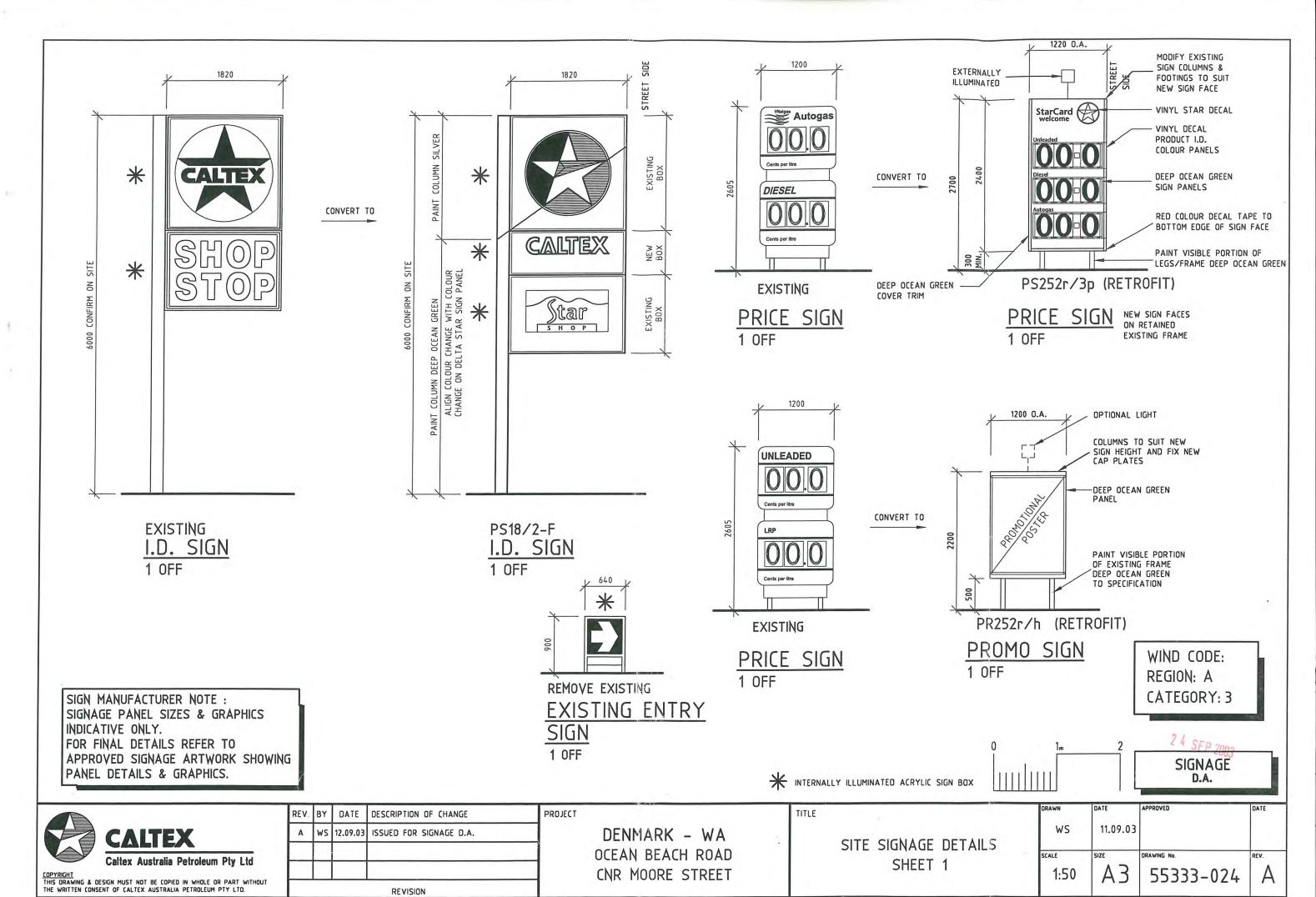
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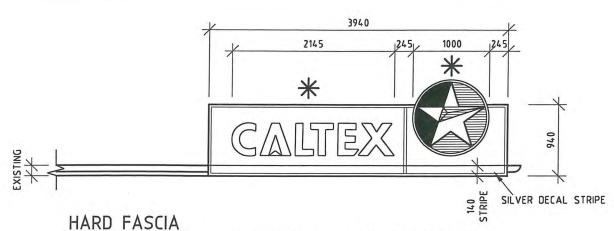
DENMARK - WA OCEAN BEACH ROAD CNR MOORE STREET

PROPOSED ELEVATIONS
SHEET 2

TITLE

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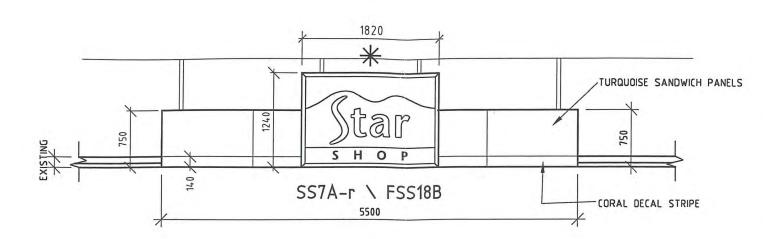




PS5AH-CX & PS5AH-CXB (NO EXISTING SIGN BOX)

CANOPY FASCIA SIGN

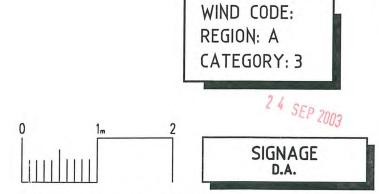
1 OFF



SHOP FASCIA SIGN

\* INTERNALLY ILLUMINATED ACRYLIC SIGN BOX

SIGN MANUFACTURER NOTE:
SIGNAGE PANEL SIZES & GRAPHICS
INDICATIVE ONLY.
FOR FINAL DETAILS REFER TO
APPROVED SIGNAGE ARTWORK SHOWING
PANEL DETAILS & GRAPHICS.





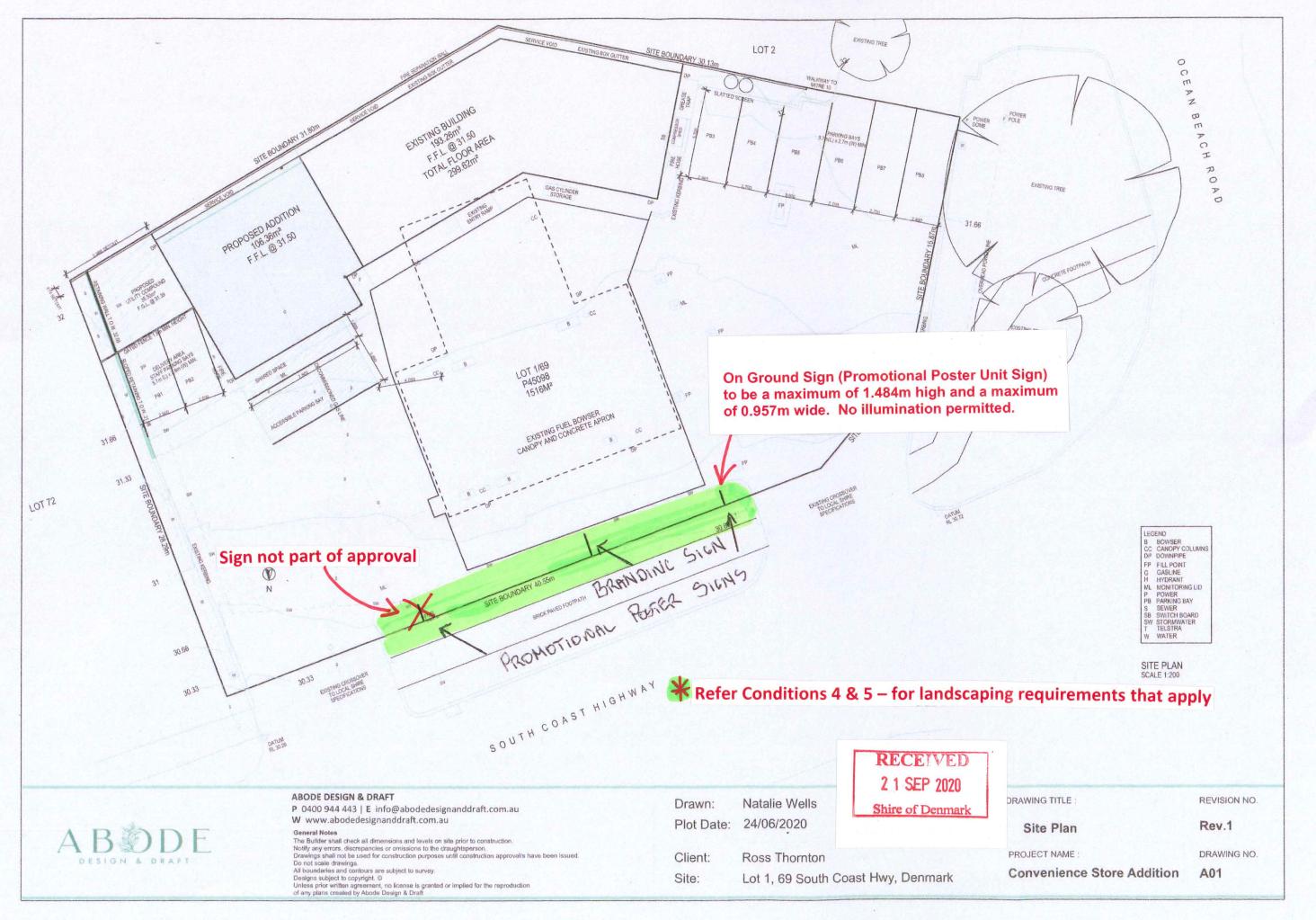
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Α	ws	12.09.03	ISSUED FOR SIGNAGE D.A.	
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DENMARK - WA OCEAN BEACH ROAD CNR MOORE STREET

SITE	SIGNAGE	DETAILS
	SHEET	2

TITLE

DRAWN	DATE	APPROVED	DATE
WS	11.09.03		
SCALE	SIZE	DRAWING No.	REV.
1:50	A3	55333-025	A





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DESC : SHELL PECTONS

QTY : 2

SIZE : 1200MM W x 1200MM H METHOD: INSTALL 2x ILLUMINATED SHELL

PECTONS TO EACH SIDE OF CANOPY

DESC : PUMP BRANDING

QTY :4

SIZE MM W x MM H

METHOD: INSTALL SHELL BRANDING TO PUMP

BODIES, FUEL GRADES, DIALFACE DECALS, PUMP NUMBERS TO SUIT WAYNE PUMPS





DESC : COLUMN SPREADERS

QTY

SIZE : 1600MM W x 1000MM H

METHOD: INSTALL V-POWER COLUMN SPREADERS

TO EACH CANOPY SUPPORT POLE

**DESC** : COLUMN FIN NUMBERS QTY :8

SIZE : 350MM W x 300MM H

**METHOD** : INSTALL COLUMN NUMBERS TO EACH CANOPY SUPPORT WITH CUT VINYL

**GRAPHICS APPLIED FOR PUMP NUMBERS** 





DESC : LEADERBOARDS

QTY :4

: 800MM W x 1200MM H SIZE

METHOD: INSTALL NEW LEADERBOARDS TO

EACH END WITH CUT VINYL GRAPHICS'

APPLIED FOR FUEL GRADES

RECEIVED 2 1 SEP 2020 Shire of Denmark Maximum height metres DESC : HEIGHT MARKERS

QTY : 2

SIZE : 2800MM W x 200MM H

METHOD: INSTALL NEW HEIGHT MARKERS

TO EACH END OF CANOPY WITH CUT VINYL GRAPHICS APPLIED FOR HEIGHT

**Shell Lubricants** 

Recommended and available here

: SHELL LUBRICANTS SIGN

QTY

DESC

: 2400MM W x 600M H TBC SIZE METHOD: COMPUTER CUT VINYL GRAPHICS

APPLIED TO ACM PANEL

SIGNATURE NAME DATE

APPROVED AS IS REVISION REQUIRED

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Date Created: Project Manager: John Moth Author: Jacynta Revision: 5

2 Investment Road, Wangara WA 6065

Ph: 08 9302 5766

Email: enquiries@aztecsignsandmurals.com.au

STOP ENGINE NO SMOKING 1 **(** 

DESC : HSSE DECALS

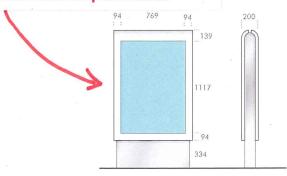
QTY :8

SIZE : 100MM W x 870MM H

METHOD: INSTALL 2X ILLUMINATED SHELL

PECTONS TO EACH SIDE OF CANOPY

On Ground Sign (Promotional Poster Unit Sign) to be a maximum of 1.484m high and a maximum of 0.957m wide. No illumination permitted.

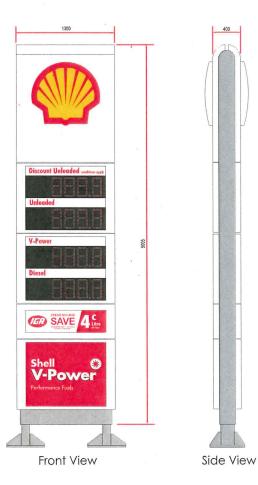


STANDARD PROMOTIONAL POSTER UNIT - A0

**DESC** : A0 POSTERS :TBC OTY : REFER LAYOUT SIZE

METHOD: INSTALL ONLY OF POSTER UNIT

**POSTERS BY OTHERS** 



DESC : 5MT PRIME SIGN QTY

SIZE : 1300MM W x 5005MM H

METHOD: INSTALL NEW SHELL 7MT PRIME

SIGN WITH NEW CONCRETE

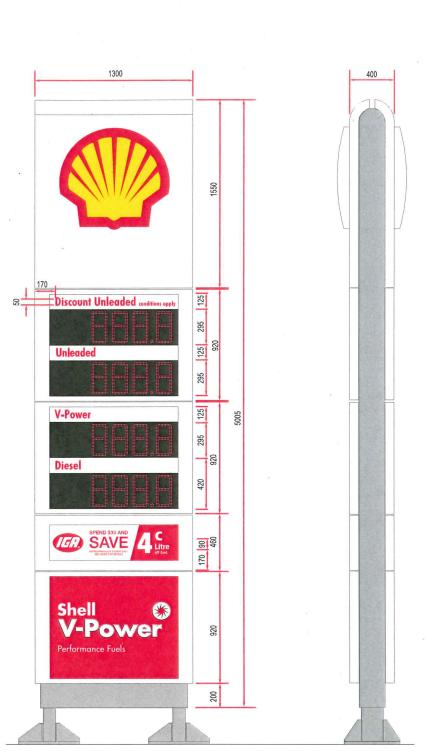
**FOOTING** 

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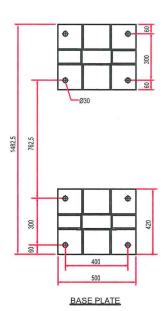
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SHEET 1 OF 1



Front View

Side View

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Drawn By	BB
Date	30/07/2020
Revision No	7
Site Address	
	Date

All Dimensions in MM Tolerances on Dimensions not otherwise specified.

 $\begin{array}{ll} \text{Linear} & \pm \ 0.1 \\ \text{Angular} & \pm \ 0.5^{\circ} \\ \text{Hole Ctrs} & \pm \ 0.1 \end{array}$ 

Do not scale from this drawing



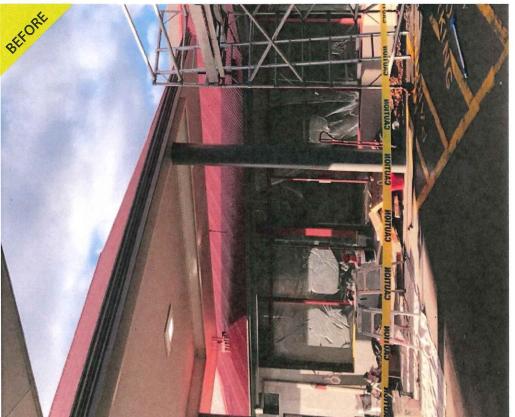
Viva Energy Shell Denmark Shop Signage

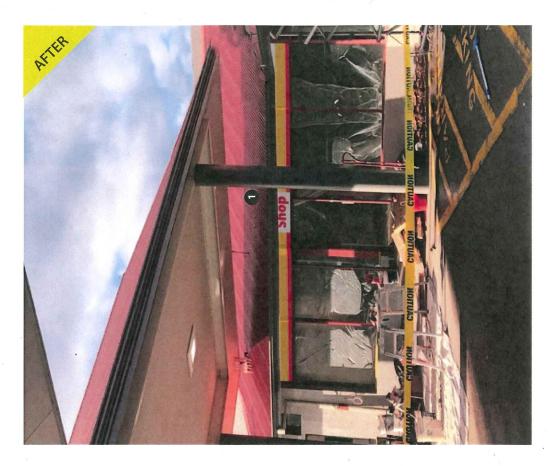
19/08/2020 Project Manager: John M Date Created:

Revision: 5 Author: Jacynta

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2 1 SEP 2020

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# Viva Energy

Shell Denmark Shop Signage

Date Created: 19/08/2020

Revision: 5 Project Manager: John M Author: Jacynta

2 Investment Road, Wangara WA 6065

Email: enquiries@aztecsignsandmurals.com.au

REPRESENTS MULLION SECTIONS

: SHOP SIGNAGE DESC

METHOD: DIGITALLY PRINTED SAV APPLIED WITH

UV LAMINATE TO UPPER WINDOW

SECTIONS AND MULLIONS OF SHOP ENTRY

1 SEP 2020 Shire of Denmark NAME

SIGNATURE

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