



Submission for a review of the determination of a development application under Division 8.2 of the *Environmental Planning and Assessment Act, 1979*

DA/0061/2425 - Construction and operation of a service station 136 Hume Street, Goulburn

Introduction

This submission has been prepared in support of a request for a review of the determination of a development application under Division 8.2 of the *Environmental Planning and Assessment Act, 1979*. The review relates to a condition of consent that was imposed by Council in their determination.

The application is DA/0061/2425, for the construction and operation of a service station on 136 Hume Street, Goulburn, to be operated by 7 Eleven.

Development application DA/0061/2425 was determined by Goulburn Mulwaree Council under staff delegation on 31 January 2025. The application was approved subject to conditions, including the following condition

3. Parameters of Consent –Signage

The pylon sign perpendicular to Hume Street must be no taller than RL 672.95 resulting in the sign being no greater than 4.5m tall from the finished ground level of the service station bowser area, whichever is the lesser.

The pillar/blade architectural feature and the 2 x business identification signs installed upon it, above the convenience store roofline, are not approved.

Signage (7 Eleven logo) on the Canopy Facia is not approved to be illuminated.

Signage (7 Eleven logo) on the western and southern elevation of the Canopy Facia are not approved. The southern elevation signage (7 Eleven logo) may be relocated to the eastern end of the southern elevation Canopy Facia.

Note: *Plans have been marked up to reflect this Condition.*

(Reason: *To ensure the scale, proportion and quantity of signs are appropriate for the locality, and to ensure the development can comply with powerline blowout requirements)*

The applicant seeks a review of the determination, and the deletion of Condition 3 and associated plan mark ups, for the reasons set out in this submission. Part of Condition 3 is also satisfied with amended plans which remove the 7 Eleven logos on two of the elevations of the canopy fascia, consistent with the requirements of Condition 3.

Capacity to review the Determination

Division 8.2 of the *Environmental Planning and Assessment Act 1979* (“the Act”) makes provision for the review of determinations and decisions of consent authorities, and this includes in Section 8.2(1)(a) “*the determination of an application for development consent by a council...*”.

Section 8.3(1) of the Act provides that the applicant may request the consent authority to review its determination and that the consent authority is to review the determination if duly requested to do so under Division 8.2 of the Act.

Section 8.3(2) of the Act provides that:

“A determination or decision cannot be reviewed under this Division:

- (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
- (b) after the Court has disposed of an appeal against the determination or decision.*

The date of Council’s decision was 31 January 2025, and the period within an appeal may be lodged under section 8.10(1)(a) of the Act is 6 months, making the relevant date under Section 8.3(2)(a) 31 July 2025.

Amended plans (**Attachment 1**) have been prepared, which make the following changes to the approved plans:

1. The architectural blade feature above the convenience store has been reduced in height from 8m to 7m;
2. The 7 Eleven logo on the eastern side of the blade feature has been removed;
3. The 7 Eleven logos have been removed from the eastern and northern canopy fascias (as required under the last part of Condition 3, and noting the applicant separately confirmed with Council which canopy fascia signs were intended for removal); and
4. The western and southern canopy fascia 7 Eleven logos are to be non-illuminated.

The review relies on these amended plans, and the additional information provided in this submission and attachments.

The Proposal

The proposal is for a service station and convenience store, operating 24 hours a day, with associated signage including the following signage relevant to Condition 3:

- a 5.855m pylon sign, including a minimum of 4 fuel prices as required under NSW Fair Trading requirements,
- small 1m² non-illuminated signs on the southern and western elevations of the canopy fascia, and

- signage on the western side of the architectural blade feature at the front of the convenience store, which has also been reduced in height, and is of a type commonly found on 7 Eleven stores.

The application initially sought approval for an 8m pylon sign, in the same location, and this was subsequently reduced to 5.855m in height as part of amended plans, and additional information was provided to Council with respect to powerline blowouts.

Reasons for the Condition

Council's reasons for condition 3 were *"to ensure the scale, proportion and quantity of signs are appropriate for the locality, and to ensure the development can comply with powerline blowout requirements"*.

Relevant to the reasons for the condition, the following responses are provided:

Site Location and Setting

The site is zoned E3 Productivity Support under Goulburn Mulwaree LEP 2009, as is surrounding land, including the adjoining former Wool Store.

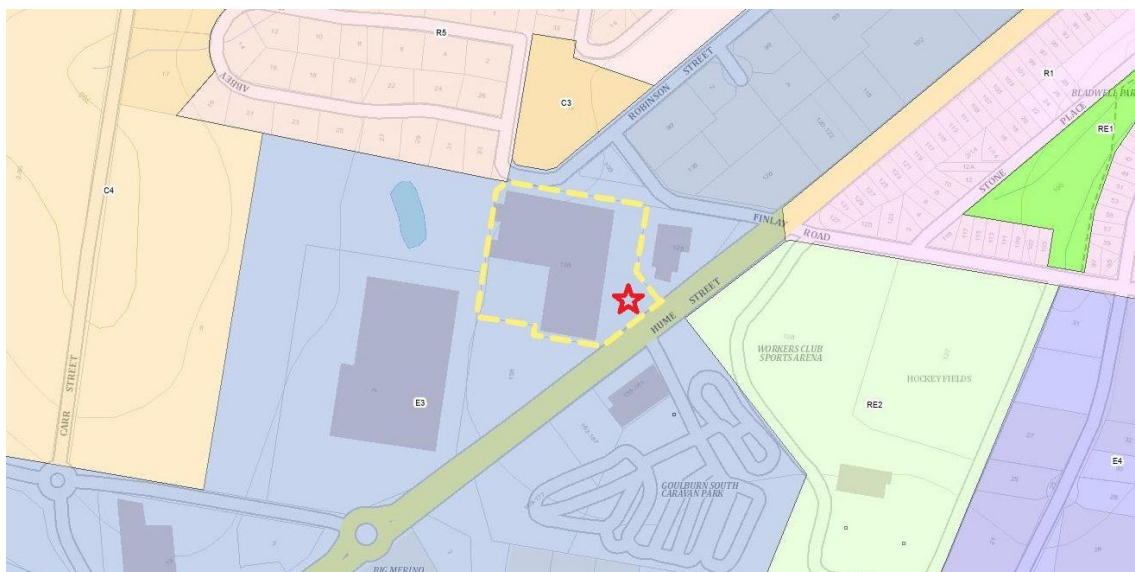


Figure 1 – Site and Surrounding Zoning

The site forms part of a larger area of E3 Productivity Support zoned land, which extends along the north-western side of Hume Street, from the Hume Highway to Landsdowne Street. This zone has a frontage of 1.3km to Hume Street, and the subject land is at a mid-point along the Hume Street E3 zoned frontage. Land to the south-east, on the other side of Hume Street, is also zoned E3 immediately opposite the site, and to the south-west.

The site is removed from residential zoned land, including R5 zoned land in Abbey Road, and the closest house is 215m away, and is physically separated by the former wool store building. There is also R1 General Residential land to the north-east, on the northern side of Finlay Road and the Goulburn Workers sports field, which is a minimum of 200m from the site.

The site is not identified as being a heritage item, or in a heritage conservation area, under either Goulburn Mulwaree LEP 2009 or Goulburn Mulwaree DCP 2009.

The site is also not identified as being in a locality precinct under Part 2.2 and Figure 2-1 of Goulburn Mulwaree DCP 2009, and there are no *locality objectives* applying to the site under the DCP.

Surrounding and Nearby Development

The site is located in a service business zone which contains non-residential land uses and development forms. Along the north-western side of Hume Street from the Highway are a large Bunnings, Caltex service station, Red Rooster, a brewery, bulky goods/ retail premises, a number of car yards, agricultural supplies and a car wash. On the other side of Hume Street are bulky goods/ retail premises and a KFC. The overall character of the area is service commercial, and non-residential in nature. A number of buildings along Hume Street also contain architectural features that extend above the roof line of the buildings, and have a similar height to the proposed architectural blade.

Signage along Hume Street E3 Zoned Land

There is a mixture of signage types and locations along the E3 Zoned Land in Hume Street, and many signs are taller than the proposed pylon sign in the application. Further details are provided below:

- Bunnings - a large wall sign facing Hume Street, which extends higher than 6m
- Caltex service station - 2 x pylon signs (including fuel prices) approximately 9m and 8.5m tall, and with illuminated corporate advertising on the canopy fascia;
- Red Rooster – 8.5m pylon sign
- BCF – building wrap advertising around most of the building, approximately 6m high, and a 4m pylon sign
- Adjoining business to the south (Autobarn, Pets Domain, Studio 4, Original Mattress Factory) – building wrap advertising, above awning advertising (to a height of approximately 6m) and 3 x 4m pylon signs
- Adjoining business to the north (Kia motor showroom and yard) – 6m pylon sign, and above awning advertising
- Signage for the South Goulburn Caravan Park (other side of Hume Street, opposite the site) – 6m pylon sign
- Suzuki/ Nissan/ Toyota motor showroom and yard – 3 x 6m pylon signs, and above awning advertising
- Nutrien Ag Solutions – 6m pylon sign and above awning advertising
- Goulburn Farm Machinery – 6m pylon sign
- 102 Hume Street – large pylon sign of 8m or higher
- Elders – 8.5m pylon sign
- Shell Goulburn (Cnr Cowper & Clinton Streets) – Pylon sign of greater than 6m

Examples and details of these are provided as **Attachment 2**.

Proposed Signage

The application as amended proposes:

- a 5.855m pylon sign, including a minimum of 4 fuel prices as required under NSW Fair Trading requirements,
- small 1m² non-illuminated signs on the southern and western elevations of the canopy fascia, and
- signage on the western side of the architectural blade feature at the front of the convenience store, which has also been reduced in height, and is of a type commonly found on 7 Eleven stores.

The advertising scheme, and sign content overall is simple in nature, with a corporate 7 Eleven logo used consistently, and common to all 7 Eleven stores. The siting and design of the signage has been integrated into the design of the development, including the canopy fascia and architectural blade feature, and provides a coherent approach to identifying and advertising the use. The scheme proposed has consistency in appearance, and avoids the clutter involved with many other sites along Hume Street, including large areas of building advertising and multiple images and messages.

The proposed pylon sign will also sit below the level of the approved canopy behind, which is 6.5m high, which will reduce any visual impacts of the pylon height. The proposed architectural blade feature on the convenience store will also comply with the allowed building height for the site, and will be similar to other architectural features on nearby sites which extend above the roof line and have similar heights, including 2 features on 158 Hume Street to the south, as well as features on 155-161 Hume Street opposite the site and 126 Hume Street to the north, and these can be seen in Attachment 1.

The proposed pylon sign is appropriate for the site and the nature of the use, and will be lower than, and compatible with many existing pylon signs along Hume Street, and in particular proposes a much lesser extent of pylon signs than the nearby Caltex service station, which has 2 separate pylon signs, together with a Red Rooster pylon sign, which are of much greater heights than what is proposed for the 7 Eleven site. These signs are between 2.5m and 3m higher than the proposed sign, being almost 50% higher. The proposed pylon sign will also have a lower height than the Shell pylon Sign located on the corner of Cowper and Clinton Streets.

The pylon sign shows 4 fuel prices, which is the minimum requirement under NSW Fair Trading requirements, as the service station will sell 4 fuels or more.

<https://www.fairtrading.nsw.gov.au/buying-products-and-services/buying-products/petrol/petrol-price-signs>

The sign also provides reasonable corporate identification, which constitutes less than half of the sign area, and NSW Fair Trading also requires the fuel price sign to be positioned and lit so that the prices can be easily seen by motorists approaching the service station. This assists motorists to make an informed choice and helps drive competition.

The proposed sign will sit below the level of the fuelling area canopy, which is a standard height and a more dominant visual feature, which reduces the visual impact of the pylon sign as proposed. The applicant seeks Council support for the sign as proposed, which will be compatible with other signs along Hume Street, including taller signs, and will be reasonable for the nature of the use, and having regard to NSW Fair Trading requirements.

The narrow blade element above the sales area is not “a tower” as such, and is consistent with almost all 7-Eleven service stations across the state and country, including the existing 7-Eleven at Clinton Street, Goulburn, and the architectural feature will be consistent with similar features on nearby developments.

Relevant Requirement and Considerations

The Statement of Environmental Effects assesses the proposed signage against the requirements of Chapter 3 of SEPP (Industry and Employment) 2021, Goulburn Mulwaree LEP 2009 and Goulburn Mulwaree DCP 2009, and the proposal meets, and is consistent with all relevant requirements. The proposal provides signage compatible with the nature of the site and the development, and will result in lesser signage, and reduced clutter compared to many other sites and developments along Hume Street.

Compatibility with the Locality

The proposed signage, and its simple messaging and integration with the design, will be compatible with the location of the site on a major thoroughfare, zoned and surrounded by E3 land, and well removed from residential properties. The signage as proposed will provide a simpler, and more coherent approach to signage compared to many other properties along the street, and will not be out of keeping with the character of the site and surrounding areas.

Additionally, with respect to character and locality objectives under Goulburn Mulwaree DCP 2009, the proposal meets every one of the *General development objectives* under Part 2.1 of the DCP, and the site is not otherwise identified as being in a *locality precinct* under Part 2.2 and Figure 2-1 of the DCP. The site is not within a heritage conservation area, and the signage as proposed otherwise meets all relevant requirements under the DCP, including Chapter 6.4 – Advertising and Signage, and Chapter 6.10 - Development in the Enterprise Corridor.

Impacts on Residential Properties and Amenity

The closest houses to the site are more than 200m away, to the north-west and north-east, and residential land to the north-west is also physically separated by the existing Wool Store Building.

The proposed pylon sign, and its illumination, will not impact on the amenity of any residential properties, including general visual impacts, or glare impacts, given the zoning and existing development in the surrounding E3 land, the large distances between the proposed signs the nearest houses, and separation provided by the wool store building. The canopy fascia signs have also been amended to be non-illuminated.

Powerline Blowouts

Additional information is provided from JLE Group at **Attachment 3** confirming that the proposed pylon sign will meet:

- ISSC20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure. September 2012. Clause 7.2.13.
- AS7000 – Overhead Line Design. 2016. Clause 3.11.2.2 - Figure 3.11. Table 3.7.
- Developments near Essential Energy's infrastructure – DA Guidelines. Page 11, table 6.

and a compliant AS7000 blowout assessment completed using Neara powerline design software is provided.

Additionally, Condition 19 will still apply to the development, and the applicant will also need to demonstrate compliance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure*, prior to the release of any Construction Certificate.

Conclusion

The applicant is seeking a review of the determination of development application DA/0061/2425, and in particular the deletion of Condition 3, which puts the entire project and investment at risk. Amended plans have been provided to reduce the extent of signage, and also to lower the height of the architectural blade feature.

Supporting information is provided to demonstrate that the proposed signage is reasonable, complying with all DCP requirements, and will be appropriate for the development, compatible with the surrounding area and development, will have lesser heights and reduced signage compared to other signs along Hume Street, and will not adversely impact on any residential properties. Advice is also provided to confirm the pylon sign will comply with the relevant Australian Standard relating to power lines and blowouts. 3.

The submission addresses the reasons given for applying Condition 3, and on this basis the applicant requests that Council review the determination, and deletes Condition 3 and associated plan mark ups.



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31 March 2025

Attachment 1 – Amended Architectural Plans – Stevens Group

Attachment 2 – Examples of nearby signage and architecture features (prepared by the applicant)

Attachment 3 – Powerline Blowout Certification – JLE Group