

**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

The land affected by the application is located at:	129 Macleod Street BAIRNSDALE 3875 Lot: 1 TP: 820518
The application is for a permit to:	Display of an Electronic Business Identification Sign
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
52.05-2	Construct or put up for display a Electronic Business Identification Sign
The applicant for the permit is:	Gawk
The application reference number is:	5.2025.19.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

- An objection must**
- ◆ **be made to the Responsible Authority in writing,**
  - ◆ **include the reasons for the objection, and**
  - ◆ **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

<b>The Responsible Authority will not decide on the application before:</b>	<b>Subject to the applicant giving notice</b>
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If you object, the Responsible Authority will tell you its decision.

# East Gippsland Shire Council

273 Main Street (PO Box 1618)  
 Bairnsdale VIC 3875  
 Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
 Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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ADVERTISED  
 Telephone: 03 5153 9500  
 Fax: 03 5153 9576  
 National Relay Service: 133 677  
 ABN: 81 957 967 765

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## Planning Permit Application

### Applicant Details:

Applicant name: <b>James Course</b>			
Business trading name: (if applicable) <b>Gawk</b>			
Email address:			
Postal address: <b>Suite 3, 281 Brunswick St, Fitzroy VIC</b>			
			Postcode <b>3 0 6 5</b>
Phone number: Home:	Work:	Mobile:	

### Owners Details: (if not the applicant)

Name: <b>Glen Michael &amp; Heather Anne Curtis</b>			
Business trading name: (if applicable)			
Email address:			
Postal address:			
			Postcode <b>3 8 7 5</b>
Phone number: Home:	Work:	Mobile:	

### Description of the Land:

Street number: <b>129</b>	Street name: <b>Macleod Street</b>		
Town: <b>Bairnsdale</b>	Postcode <b>3 8 7 5</b>		
Legal Description:			
Lot Number: <b>1</b>	<input type="checkbox"/> Lodged plan	<input checked="" type="checkbox"/> Title plan	<input type="checkbox"/> Plan of Subdivision
Crown Allotment Number:			Number: <b>820518X</b>
Parish/Township Name:		Section Number:	
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officers name:	
Your reference number:			

#### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

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Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of proposal:</b> Describe the use, development or other matter which needs a permit: <u>Development of an Electronic Business Identification Sign</u>	
<b>Existing conditions:</b> Describe how the land is used and developed currently: <u>Single Storey Commercial Premises</u>	
Estimated cost of development: Note: You may be required to verify this estimate	\$ 10,000

If you need more space or have more information, please attach with this form.

Please make sure that:

- Form is filled in fully and signed
- The correct fee is paid or payment enclosed
- Attached any supporting information or documents
  - **Required** - Title (must have been generated within the past 30 days)
  - Covenants or Section 173 agreements
  - Site plan/floor - plan/elevations
  - Planning report
  - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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This application has an associated cost to be determined by a town planner

Who is the invoice to be made out to? Curtis Australia

## Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature: \_\_\_\_\_

Name: Jam es Course

Date: 29 / 01 / 2025

## Submitting your application:

<b>Electronic</b>	Fax to 03 5153 9576 Email to <a href="mailto:planning@egipps.vic.gov.au">planning@egipps.vic.gov.au</a>
<b>Mail</b>	Post the signed, completed form together with any applicable fees or copies of any documentation to; PO Box 1618 BAIRNSDALE VIC 3875.
<b>In Person</b>	Bring the completed form and supporting documents to any of the following locations;  Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday.  Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm

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Printed 21/02/2025  
Oct 2024

**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958** Page 1 of 1

VOLUME 09521 FOLIO 419

Security no : 124121542307A  
Produced 29/01/2025 08:18 AM

**LAND DESCRIPTION**

Lot 1 on Title Plan 820518X (formerly known as part of Section A Township of Bairnsdale Parish of Bairnsdale).  
PARENT TITLE Volume 01904 Folio 754  
Created by instrument K396668 31/05/1983

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
GLENN MICHAEL CURTIS  
HEATHER ANNE CURTIS  
AG180562X 06/11/2008

**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP820518X FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 129 MACLEOD STREET BAIRNSDALE VIC 3875

**ADMINISTRATIVE NOTICES**

NIL

eCT Control  
Effective from

DOCUMENT END



# Imaged Document Cover Sheet

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Document Identification	<b>TP820518X</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>21/02/2025 10:30</b>

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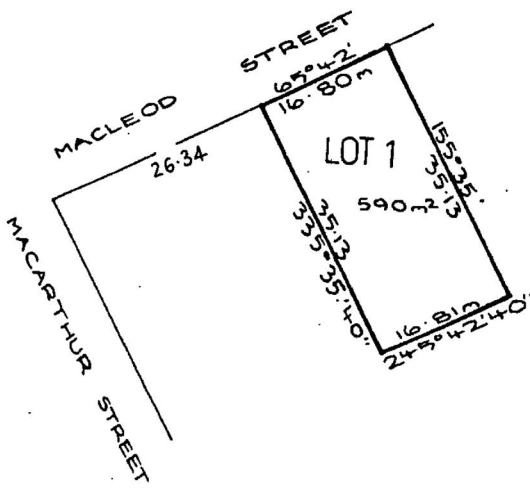
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<b>TITLE PLAN</b>		<b>EDITION 1 TP 820518X</b>		
<b>Location of Land</b> Parish: Bairnsdale Township: Bairnsdale Crown Allotment: -- Crown Portion: -- Section: A (Part) Last Plan Reference: -- Title Reference: VOL. 9521 FOL. 419 Depth Limitation: Nil				Notations Note: Lot 1 hereon formerly part of Crown Section A
Easement Information				THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by: _____  Assistant Registrar of Titles Date 26/11/2003
E - Encumbering Easement    R - Encumbering Easement (ROAD)    A - Appurtenant Easement				
Easement Reference	Purpose / Authority	Width (Metres)	Origin	



AREA IS IN SQUARE METRES (m<sup>2</sup>)  
 MEASUREMENTS ARE IN METRES

LENGTHS ARE IN METRES	SCALE	SHEET SIZE A3	
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February 19, 2025

Planning Department  
East Gippsland Shire Council,  
PO Box 1618, Bairnsdale VIC 3875

To Whom it May Concern,

**RE: Planning Permit Application – Proposed Electronic Business Identification Sign at 129 Macleod St, Bairnsdale VIC 3875.**

We work on behalf of our client: Glenn Curtis (Curtis Australia).

In support of the application, we have responded to the relevant planning scheme matters below;

**Proposed Development:**

Please find the enclosed town planning documentation, which details the proposed electronic business identification sign. The proposed sign is 1.92m x 0.96m in size, rendering a total area of 1.84m<sup>2</sup>. The sign is located in the north western corner of the lot, and approximately 3m from the ground, with a 0.5m offset from the top of the wall, and 0.15m setback from the front boundary (which abuts Macleod St).

**Permit Triggers:**

The property has a mixed use zoning (MUZ), without any additional overlay controls. The permit trigger falls under Clause 52.05, with the signage category set for the property as "Category 3 – High Amenity Areas".

The proposed sign is classified in "Section 2 – Permit Required", which provides for "business identification signage", without any further performance criteria attached. However, the secondary sign classification as an "Electronic" sign includes the conditional performance criteria stipulating a maximum display area of 3 sqm. The sign therefore requires a permit under Clause 52.05, and the area for the signs falls without the area guideline for electronic signage (1.84 sqm vs 3 sqm).



In response to the application requirements of Clause 52.05, please find the below submission:

**Site Context:**

The subject site is primarily covered with the built form, with the building footprint covering roughly 75% of the total site area. The built form is constructed with concrete tilt panels, and has a red paint finish to the exterior. There is a driveway along the eastern property boundary, which leads to a carpark at the back (to the south). The building is modest in it's presentation in the streetscape, with a total height of approx. 4.5m. There are small examples of business identification signage displayed on the site . Summarized below:

- Eastern Façade: 2m2 Wall Mounted Sign.
- Northern Façade: 0.5m2 Above Canopy Sign, 0.1m2 Canopy Sign, 2m2 Wall Mounted Sign.
- Western Façade: Proposed sign replaced a 2m2 Wall Mounted Sign (the same as the eastern façade).

The existing signage on the subject site is shown below:



**Sign Details:**

The proposed sign, as detailed in the town planning documentation has the following specifications:

- Dimensions: 1.92m wide, 0.96m tall, 0.10m Deep.
- Location: 3.04m from the ground, 0.15m from the front boundary.
- Type: Electronic LED sign.
- Operational Criteria:
  - Content: Static Images Only
  - Dwell Time: 30 Seconds per image
  - Hours of Operation: 7am – 9pm (14 hours per day).

Please note, Gawk acts on Behalf of Curtis Australia in this application due to an existing relationship. The proposed sign will always display first party content which relates to the business which operates from the site.

Should you have any queries in relation to the above matter, please do not hesitate to contact me on

Yours sincerely,

James Course  
**Regional Billboard Co.**



February 19, 2025

Neha Sharma,  
 Statutory Planning Officer,  
 East Gippsland Shire Council,  
 273 Main Street (PO Box 1618),  
 Bairnsdale, Victoria 3875

Dear Neha,

**RE: Planning Permit Application 5.2025.19.1 – 129 Macleod Street, Bairnsdale VIC 3875**

In response to the Additional Information Request dated February 12, 2025, please find the following information:

Site Boundary Confirmation



- Please see the above high-res overhead image, which shows the boundary in proximity to the wall. We are comfortable getting a letter from the adjoining owner is required.

LUX Report

The sign will be installed with a two-way brightness sensor, which is programmed with the following settings:

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS		
Lighting Condition	Dimming Level to achieve compliance	Max Permissible Luminance (cd/m2)
Full Sun on face of Signage	100 %	No Limit
Day Time Luminance (typical sunny day)	85.7%	6000
Morning and Evening Twilight and Overcast Weather	10 %	700
Nighttime	5%	350

The dimming % is based on a maximum calibrated screen brightness of 7000 cd/m2. The above adjustments have been calculated to comply with the maximum allowable veiling luminance of 0.25 cd/m2.

The above table reflects the requirements set out in AS 4282: Control of the obtrusive effects of outdoor lighting.

Content

The proposed sign will have similar content to the sign on the opposite elevation, shown below:



It will be confined to: Products (i.e the above) & Branding. Note, the sign will only display static images.

Clause 52.08 Decision Guidelines – Road Safety

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*

The proposed sign falls within the existing built form on the subject site, so, doesn't introduce any new concerns in relation to sight lines on the subject site, or on the neighbouring property.

- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.*



The sign is orientated towards traffic travelling east, and, due to its small size – will only be legible after traffic exits the roundabout. It therefore, has, no traffic control devices in its vicinity which are impacted.

- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*

The sign is at a size where its impacts are negligible, as is acknowledged by the scheme, providing for electronic signs of scale in Category 3 signage areas. The controls proposed; Static Images, 30 Second Dwell time, Instantaneous transitions etc, all mean the above decision guidelines are met throughout the permitted lifespan of the sign.

- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*

Pedestrian volumes along this stretch of road are nominal, and, there aren't any areas where particular concentration is required (zebra crossings etc).

- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*

We are comfortable introducing a permit condition relating to imagery which could be confused for traffic control devices. For Example:

- Text or images displayed on the sign must not dazzle or distract drivers due to colouring or animation.
- Text or images displayed on the sign capable of being mistaken for traffic signals because it has, for example, red, amber or green circles, octagons, crosses or triangles must not be displayed.

These permit conditions were implemented in similar setting for: DA: 66/2022/P.

- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*

The content is proposed to align with the existing signage on site (mirroring the sign on the eastern elevation), so, the impacts on passing traffic are negligible.

- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*

The sign has no turning points in close proximity. We are also open to introducing a permit condition relating to the prohibition of directions to drivers (i.e Turn Left etc).

- *Is within 100 metres of a rural railway crossing.*

The proposal is not within 100m of a railway crossing.

- *Has insufficient clearance from vehicles on the carriageway.*

The sign is wholly located within the existing building footprint, so, does not encroach on the current clearance provided.

- *Could mislead drivers or be mistaken as an instruction to drivers.*

Similar to above, we are open to including a permit condition relating to content which could be confused with instruction to drivers, this has been acceptable in other situations for us across Victoria.

### Operational Hours

- The brightness controls mean the veiling luminance will always be at an appropriate level compared to AS 4282. In saying that, if council have a strong position around the operational hours, we are open to negotiation (i.e 7am – 9pm).

### Image Dwell Time

- Please find the attached revised cover letter. We are open to revising the proposed dwell time to 30 seconds. The requested 60 seconds is not supported by policy, case law, or relevant third party evidence.

Should you have any queries in relation to the above matter, please do not hesitate to contact me on

Yours sincerely,

James Course  
**Regional Billboard Co.**





# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 28 January 2025 05:00 PM

## PROPERTY DETAILS

Address: **129 MACLEOD STREET BAIRNSDALE 3875**  
 Lot and Plan Number: **Lot 1 TP820518**  
 Standard Parcel Identifier (SPI): **1\TP820518**  
 Local Government Area (Council): **EAST GIPPSLAND**  
 Council Property Number: **8046**  
 Planning Scheme: **East Gippsland**  
 Directory Reference: **Vicroads 688 J8**

[www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)

[Planning Scheme - East Gippsland](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Urban Water Corporation: **East Gippsland Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**  
 Legislative Assembly: **GIPPSLAND EAST**

## OTHER

Registered Aboriginal Party: **Gunaikurnai Land and Waters Aboriginal Corporation**

[View location in VicPlan](#)

## PLANNING SUMMARY

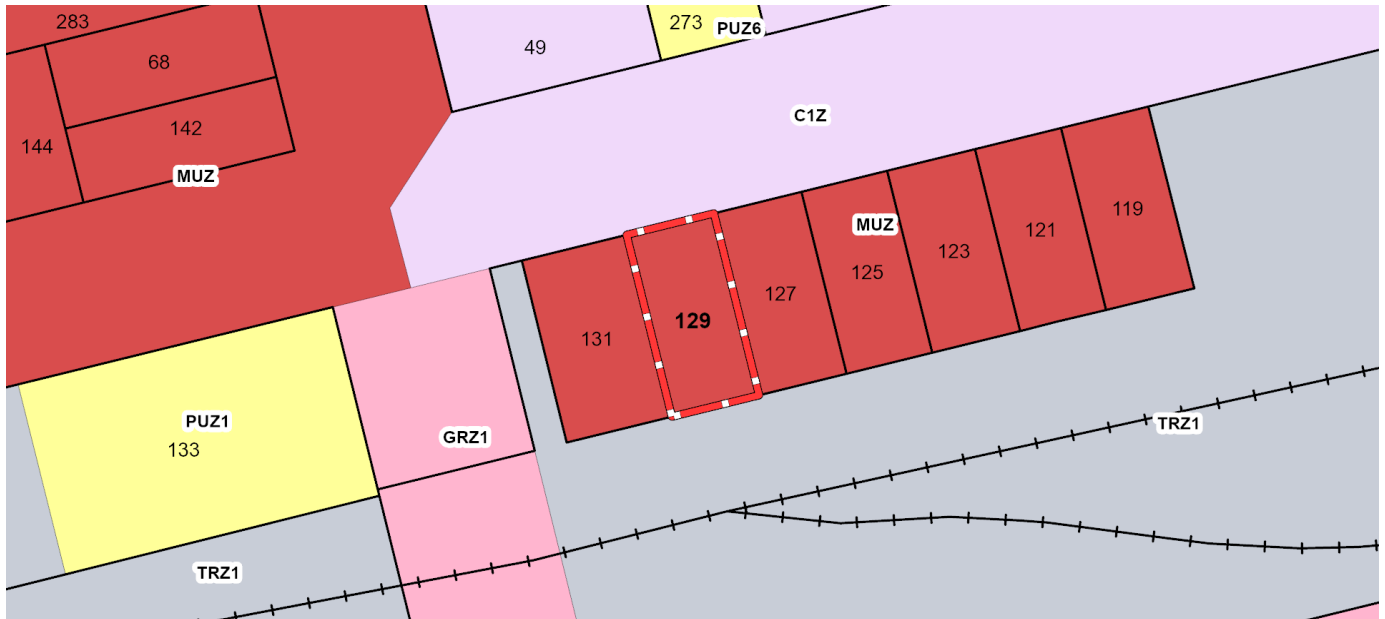
**Bushfire Prone Area** This property is not in a designated bushfire prone area.

**Planning Zone** [MIXED USE ZONE \(MUZ\)](#)  
[SCHEDULE TO THE MIXED USE ZONE \(MUZ\)](#)

**Planning Overlay** [HERITAGE OVERLAY \(HO\)](#)

## Planning Zones

[MIXED USE ZONE \(MUZ\)](#)  
[SCHEDULE TO THE MIXED USE ZONE \(MUZ\)](#)



- |                                       |                                       |                                    |
|---------------------------------------|---------------------------------------|------------------------------------|
| C1Z - Commercial 1                    | GRZ - General Residential             | IN1Z - Industrial 1                |
| MUZ - Mixed Use                       | PUZ1 - Public Use-Service and Utility | PUZ6 - Public Use-Local Government |
| TRZ1 - State Transport Infrastructure | Railway line                          |                                    |

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32(2)(b) of the Sale of Land 1962 (Vic).

# PLANNING PROPERTY REPORT

## Planning Overlay

None affecting this land - there are overlays in the vicinity

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

#### HERITAGE OVERLAY (HO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

## Further Planning Information

Planning scheme data last updated on 23 January 2025.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

# PLANNING PROPERTY REPORT

## Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area. No special bushfire construction requirements apply. Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

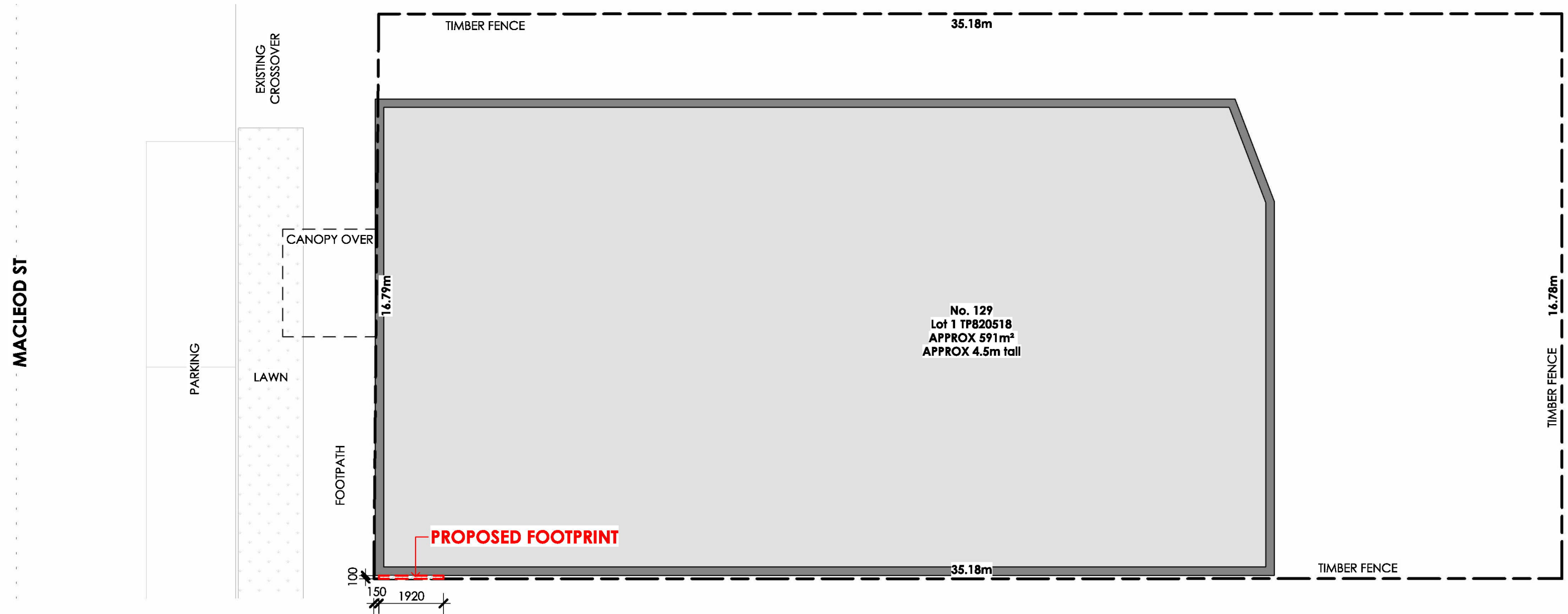
Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

## Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)




To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)



**SITE PLAN**  
 SCALE 1 : 125

**LEGEND**

-  PROPERTY BOUNDARY
-  EXISTING BUILDINGS ONSITE
-  PROPOSED ADVERTISING & PROMOTION SIGN FOOTPRINT

**ISSUE/AMMENDMENTS SCHEDULE**

01 13/01/2025  
 TOWN PLANNING ISSUE

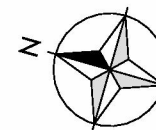
**TOWN PLANNING**  
 NOT FOR CONSTRUCTION



**PROJECT**  
 BAIRNSDALE - PROPOSED ELECTRONIC BUSINESS IDENTIFICATION SIGN

**ADDRESS**  
 129 MACLEOD STREET,  
 BAIRNSDALE 3875

**NORTH POINT**



**DATE**  
 13/01/2025

**PROJECT NO.**  
 25-006


**DRAWING NO.**  
 A01

**PAGE SIZE**  
 A3


**DRAWN BY**  
 AP

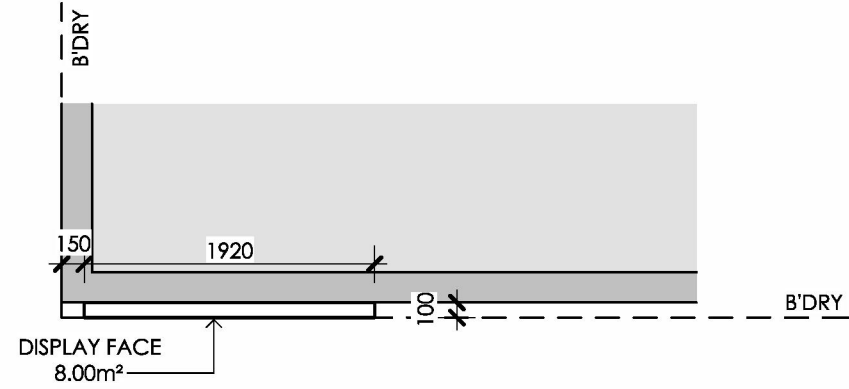
**ISSUE NO.**  
 01

**GAWK OUTDOOR**

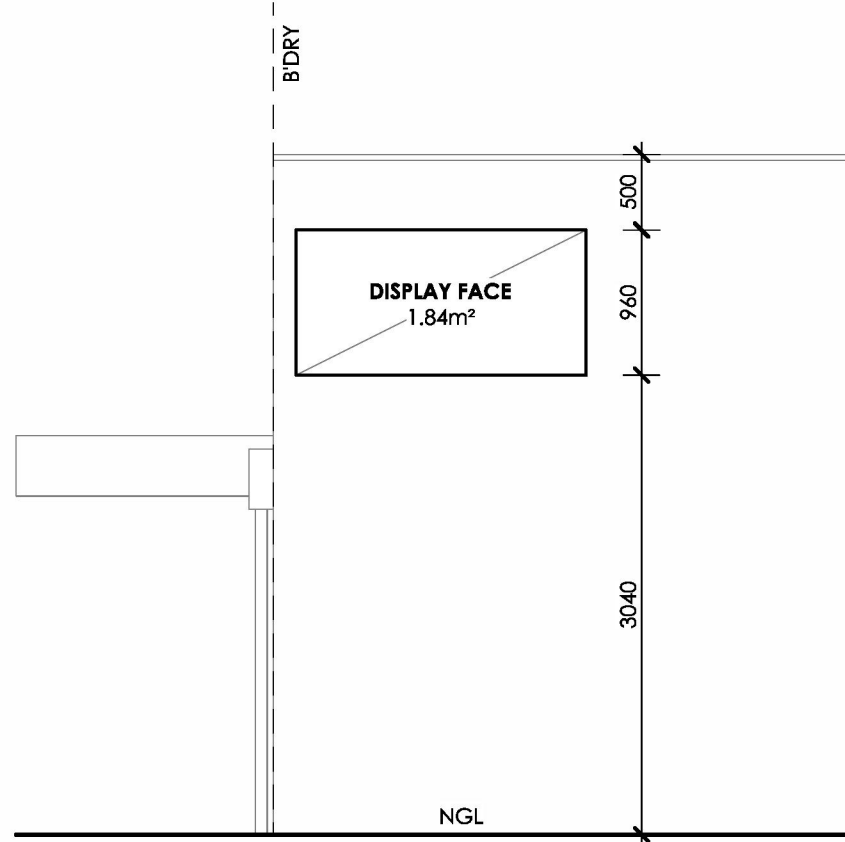
 SUITE 3/281 BRUNSWICK ST, FITZROY VIC 3065



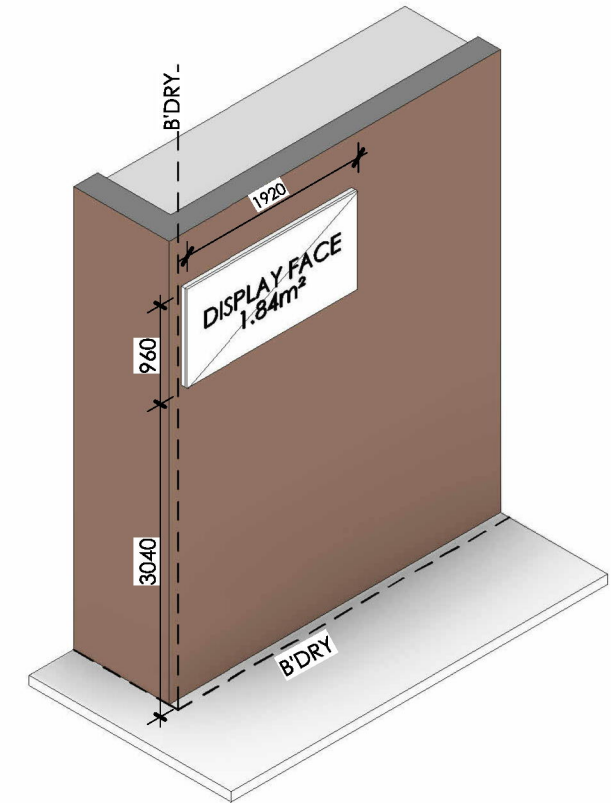
 03 5409 2655



**FLOOR PLAN**  
 SCALE 1 : 50

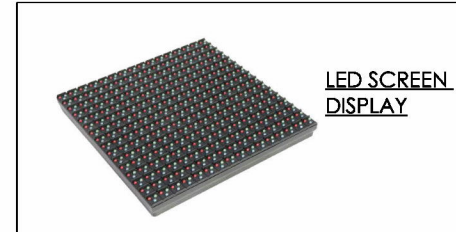


**PROPOSED WEST ELEVATION**  
 SCALE 1 : 50



**PERSPECTIVE**

**MATERIALS BOARD**



LED SCREEN  
 DISPLAY

**LEGEND**

NGL NATURAL GROUND LINE

**ISSUE/AMMENDMENTS SCHEDULE**

01 13/01/2025  
 TOWN PLANNING ISSUE

**TOWN PLANNING**

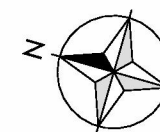
NOT FOR CONSTRUCTION



**PROJECT**  
 BAIRNSDALE - PROPOSED ELECTRONIC BUSINESS IDENTIFICATION SIGN

**ADDRESS**  
 129 MACLEOD STREET,  
 BAIRNSDALE 3875

**NORTH POINT**



**DATE**  
 13/01/2025

**PROJECT NO.**  
 25-006

**DRAWING NO.**  
 A02

**PAGE SIZE**  
 A3

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**ISSUE NO.**  
 01

**GAWK OUTDOOR**

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