

9.1 NOS. 596-598 (LOT: 116; D/P: 2360) NEWCASTLE STREET, WEST PERTH - PROPOSED AMENDMENT TO PREVIOUS APPROVAL: BILLBOARD SIGNS (UNLISTED USE)

Ward: South

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Applicant Supporting Information
4. Road Safety Audit

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for an Amendment to Approved Billboard Signs at Nos. 596-598 (Lot: 116; D/P: 2360) Newcastle Street, West Perth, in accordance with the plans shown in Attachment 2, for the following reasons:

1. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with the objectives of the City's Policy No. 7.5.2 – Signs and Advertising, the objectives of the Commercial Zone under the City's Local Planning Scheme No. 2, and Clauses 67(2)(m) and (n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the permanent approval of this signage would be incompatible with the desired future character of and adversely impact on the amenity of the locality; and
2. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with Clauses 67(2)(b) and (w) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The permanent approval of this signage would be contrary to the purposes of orderly and proper planning, as:
 - The City is reviewing its planning framework in relation to third party advertising. The permanent approval would have the potential to prejudice this outcome; and
 - The planning framework as it relates to the site has not substantially changed since the previous time limit was approved and would result in inconsistent decision-making.

PURPOSE OF REPORT:

To consider an application for development approval for an amendment to a previous approval for Billboard Signs (Unlisted Use) at Nos. 596-598 Newcastle Street, West Perth (subject site). The location of the subject site is shown in **Attachment 1**.

PROPOSAL:

The application proposes to amend the development approval for the subject site by deleting Condition 1. In accordance with Condition 1 the development approval is valid until 21 October 2029.

This application seeks to delete Condition 1 of the previous development approval. This would remove the time limit on the approval and grant permanent approval for the two billboard signs.

The development plans are included in **Attachment 2**. The plans remain unchanged from the previous approval.

Applicant Justification

The applicant submitted written justification to support the proposal, as included in **Attachment 3**. The justification is summarised as follows:

- The billboard signs have existed since 2004 and now form part of the area's character;
- The billboard signs are positioned to the rear of the subject site to minimise their visual prominence when viewed from the public realm and adjoining residential properties;
- The intersection of Newcastle and Loftus Streets are characterised by commercial properties and signage is a prominent feature in the area;
- No complaints have been received regarding the billboard signs, including their appearance, content, safety or length of time they have occupied the site;
- Vehicle access to the site is constrained due to the narrow frontage and proximity to the signalised intersection of Newcastle and Loftus Streets. It is unlikely these constraints could be resolved to facilitate redevelopment of the site;
- The site will be redeveloped in the future when vehicle access issues could be resolved; and
- Approval of the billboard signs in perpetuity would not preclude a more optimal planning outcome from being achieved.

Overall, the applicant considers that no beneficial planning purpose is served by continuing to impose a time limit on the approval and should be approved in perpetuity.

BACKGROUND:

Landowner:	Graham Cerini
Applicant:	Lateral Planning
Date of Application:	22 October 2021
Zoning:	MRS: Urban LPS2: Commercial R Code: R-AC3
Built Form Area:	Activity Corridor
Existing Land Use:	Billboard Signs (Unlisted Use)
Proposed Use Class:	Billboard Signs (Unlisted Use)
Lot Area:	641m ²
Right of Way (ROW):	N/A
Heritage List:	N/A

Location & Planning Context

The subject site is located on the corner of Loftus Street and Newcastle Street and adjoins a vacant lot of land to the north, an office building to the east, Newcastle Street to the south and Loftus Street to the west.

The subject site is zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2). The adjoining property to the east is zoned Mixed Use R160 under LPS2 and the adjoining property to the north is zoned Residential R80 under LPS2. Adjacent properties across Loftus Street are within the Regional Centre zone under LPS2.

The subject site and the eastern adjoining properties along Newcastle Street are within the Activity Corridor built form area and have a building height standard of six storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The northern properties that orientate towards Kingston Avenue are within the Residential built form area and have a building height standard of three storeys under the Built Form Policy.

The City's Built Form Policy allocates the R Code of R-AC3 to Commercial zoned lots.

Relationship to Strategic Sites

The City's current Local Planning Strategy does not identify the subject site as a strategic development site.

Properties located on the other side of Newcastle Street that are bound by Loftus Street, Newcastle Street, Charles Street and the Mitchell Freeway are within the Pickle District. This is identified as a key redevelopment area under the Local Planning Strategy.

Properties to the west of the subject site, across Loftus Street, are within the Leederville Regional Centre under LPS2 and would be subject to requirements of the Leederville Precinct Structure Plan, which seeks to increase density close to the town centre and train station.

Subject Site

The subject site has an 11.0 metre frontage to Newcastle Street and 28.7 metre frontage to Loftus Street, with a truncation provided at the intersection of Newcastle and Loftus Streets.

Both Loftus Street and Newcastle Street are designated as District Distributor A roads under the Main Roads road hierarchy. They have a primary purpose of carrying high volumes of traffic between industrial, commercial, and residential areas.

Loftus Street is also classified as an Other Regional Road (ORR) under the care of the Department of Planning, Lands and Heritage (DPLH). The ORR road reservation does not extend into the subject site and ends at the lot boundaries. Newcastle Street is not an ORR and is under the care of the City.

Existing Development

The subject site currently accommodates two billboard signs that advertise third party content and a landscaped area.

Each billboard has dimensions of 12.6 metres x 3.36 metres. The billboards are situated on top of a 1.7 metre high colourbond stand.

The surrounding landscaping of the subject site was required to be provided as a condition of the previous billboard signs approval in 2018. Since its installation it has been maintained to the satisfaction of the City.

Planning Approval History

Summary of Approval History

The existing billboards were first approved by Council in 2004 and have been in place since 2004. The billboards have regularly received renewals of the initial approval and have been located on the subject site for approximately 18 years.

A list of all the approvals granted by Council for the existing billboards are as follows:

- 9 March 2004 – Council resolved to grant conditional development approval for the two Billboards for a period of three years. The minutes of this meeting are available [here](#).
- 8 August 2006 – Council resolved to grant conditional development approval for the two Billboards for a period of three years. The minutes of this meeting are available [here](#).
- 23 February 2010 – Council resolved to grant conditional development approval for the two Billboards on the subject site for a period of five years. The minutes of this meeting are available [here](#).
- 21 October 2014 – Council resolved to grant conditional development approval for the two Billboards for a period of five years. The minutes of this meeting are available [here](#).
- 6 March 2018 – Council resolved to grant conditional development approval for the two Billboard Signs for a period of 10 years. The minutes of this meeting are available [here](#).

The original development approval and subsequent approvals were granted in recognition that the future development of the site is constrained by vehicle access issues from Loftus and Newcastle Streets.

The City has no record of receiving any complaints from the community or any government agencies in relation to the billboard signs since their construction in 2004.

Background on Current Approval

The applicant proposed for the billboard signs to be permanently approved as part of the 2018 development application.

In considering the acceptability of permanent approval at the time, Administration recognised the potential for the subject site to be developed in the future, particularly given the Commercial zoning and the recent adoption of the Built Form Policy in December 2016.

The Built Form Policy introduced increased building height and other built form standards for the subject site that increases the ability for high-density development to occur. Administration also recognised the potential for the site to coordinate development and access arrangements with adjoining properties.

Administration did not support the proposal for the billboard signs to be approved in perpetuity and considered it appropriate for the time limited condition on the existing approval to be amended to allow the billboards for an additional 10 years.

Council resolved to time limit the approval for an additional 10 years until 21 October 2029 in line with Administration's recommendation.

DETAILS:

Summary Assessment

Assessment of billboard signs is required under the City's LPS2 and the City's Policy No. 7.5.2 – Signs and Advertising (Signage Policy).

The table below summarises the planning assessment of the proposal against the provisions of LPS2 and the Signage Policy. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Signage		✓

Detailed Assessment

The elements that require the discretion of Council are as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
Local Planning Scheme No. 2 – Zoning Table 'P' use	Unlisted use. The proposed billboard signs are not a use referred to within LPS2.
Signage	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.2 – Signs and Advertising The definition for billboard signs is: <i>'A sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected'.</i> <i>Part 3(iiii) – Bill Posting and Billboards –</i> Bill Posting, Billboards and the structures of a similar or identical type are not permitted within the City of Vincent.	The application proposes to retain the two existing billboard signs on the subject site in perpetuity. The signage is not related to a business on site and seeks to advertise third-party content.

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:Public Consultation

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days commencing on 8 November 2021 and concluding on 22 November 2021. Community consultation was undertaken by way of a notice displayed on the City's website and written notification with 13 letters being sent to adjoining landowners and occupiers as shown in **Attachment 1**, in accordance with the City's Community and Stakeholder Engagement Policy.

The City received a total of two submissions from community members during the consultation period. This included two letters of support which provided the following comments:

- The site is well maintained;
- The billboard signs do not provide adverse impacts to surrounding properties; and
- Support the billboard signs to remain on-site in perpetuity.

Administration notes these comments of support.

External Agency Consultation

The MRS designates Primary Regional Roads (PRR) and Other Regional Roads (ORR). Main Roads Western Australia (MRWA) is responsible for managing PRRs, while the DPLH are responsible for managing ORRs.

The Instrument of Delegation 2022/03 – Powers of Local Government outlines when applications are required to be referred to either MRWA or DPLH to provide transport planning-related comments and recommendations in respect to PRRs or ORRs.

The application was not required to be referred to DPLH under the Instrument of Delegation. This is because the application does not propose development within or that would impact on the ORR reservation that Loftus Street is designated, and does not propose new access points.

The application was not required to be referred to MRWA under the Instrument of Delegation because neither Loftus nor Newcastle Streets are designated as PRR's.

Notwithstanding that the application was not required to be referred, both MRWA and DPLH provided comments to the City on the application. These comments are outlined below.

Main Roads– Objection

MRWA is a landowner within the consultation radius and provided a submission on the application.

On 16 December 2021, MRWA advised that it did not support the permanent installation of the signage for the following reasons:

1. *The billboard signage is located on a local road reserve and is in close proximity to traffic signals;*
2. *The signs are located within the Device Restriction Area of the intersection, and Main Roads' review identified that the intersection has a vehicle crash history of 8 Killed or Seriously Injured (KSI) crashes. This is a public safety concern; and*
3. *The development is inconsistent with the Planning and Development (Local Planning Schemes) Regulation 2015 schedule 2 Part 9, Clause 67 (r) due to public safety risk.*

Department of Planning, Lands and Heritage – Support

Administration contacted the DPLH in relation to the traffic safety issues raised by MRWA in its comments to the City. This is because the DPLH is responsible for managing Loftus Street as an ORR.

On 17 February 2022, the DPLH advised that it had no objection to the signage being permanently installed on the basis that:

- *The signage complies with Regulation 297(5) of the Road Traffic Code 2000; and*
- *The signage development does not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1.*

The DPLH also provided the following advice in respect to the ability for vehicle access to be provided to Loftus Street through potential redevelopment of the site:

- *The Department has no objection to a single point of access in principle. Any future access should be located as far as practical (preferably upstream) from the signalised intersection. Alternatively, the site could be amalgamated with a neighbouring lot and future access be obtained from the lower order road network. This is in accordance with the Commission's Regional Roads (Vehicular Access) Development Control Policy (D.C. 5.1), which seeks to minimise the number of new crossovers onto regional roads.*

Main Roads – No Objection

Following the receipt of the DPLH comments, Administration had further discussions with MRWA in relation to its previous comments.

MRWA requested additional time to conduct further investigation of the impact of the signs on the Loftus Street and Newcastle Street intersection.

On 29 March 2022, MRWA advised that it withdrew its previous objection on the basis that the signs are located:

- *On the local road reserve;*
- *Not visible from State roads; and*
- *Therefore the criteria within the current MRWA Policy and Guidelines for Static Billboard Advertising Signs would therefore not apply.*

The acceptability of the billboard signs in relation to public safety is discussed in further detail in the Comments section of this report.

Design Review Panel (DRP):

Referred to DRP: No

The built form is not proposed to change from what was previously approved.

LEGAL/POLICY:

Relevant Legislation & Policy

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Metropolitan Region Scheme;*
- *City of Vincent Local Planning Scheme No. 2;*

Local Policies

- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form; and*
- *Policy No. 7.5.2 – Signs and Advertising.*

Planning and Development Act 2005

In accordance with Part 14 of the *Planning and Development Act 2005* and Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

The following matters set out in Schedule 2, Clause 67 of the LPS Regulations are relevant matters Council is to have due regard to as part of determining this application:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (g) *any local planning policy for the Scheme area*
- (m) *the compatibility of the development with its setting including –*
 - (i) *the compatibility of the development with the desired future character of its setting;*
 - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely affect of the height, bulk, scale, orientation and appearance of the development; and*
 - (iii) *social impacts of the development.*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development.*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety.*
- (w) *the history of the site where the development is located.*
- (y) *any submissions received on the application.*

City of Vincent Local Planning Scheme No. 2Zone Objectives

In considering the acceptability of the Unlisted Use (Billboard Signs), Council is to have regard to the objectives of the relevant zone.

The objectives of the Commercial zone under LPS2 are as follows:

- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

Amendments to LPS2

At its Ordinary Meeting on 14 December 2021, Council requested Administration to amend LPS2 to prohibit third party advertising / billboards throughout Vincent as part of the next LPS2 review. The review of LPS2 has commenced and is scheduled to be completed in mid-to-late 2024.

Policy No. 7.5.2 – Signs and Advertising

In considering the acceptability of the billboard signs, Council is to have due regard to the objectives of the Signage Policy.

The objective of the Signage Policy is as follows:

To ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

There is a deemed-to-comply provision in the Signage Policy that sets out that billboards are not permitted within the City of Vincent.

Amendments to Signage Policy

At its Ordinary Meeting on 14 December 2021, Council approved for Administration to undertake advertising for public comment on amendments to the Signage Policy.

Amendments to the Signage Policy clarify that variations to the deemed-to-comply provision which prohibits billboards within the City shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy.

The advertising for the amended Signage Policy concluded on 19 March 2022. Administration is reviewing the comments received from community consultation. The final draft policy is intended to be presented to Council for its approval before the end of the financial year.

Delegation to Determine Applications:

The application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because it proposes to amend a development approval previously determined by Council and would impact the conditions previously imposed.

RISK MANAGEMENT IMPLICATIONS:

Low: There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

The Environmentally Sustainable Design Provisions of the City's Built Form Policy, which is informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024 are not applicable to this proposal. This is because the application does not propose to modify the existing building on site.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

In determining the application, the City is required to consider the extent that the proposal satisfies the objective of the Signage Policy, the objectives of the Commercial zone under LPS2 and the relevant matters to be considered under Clause 67(2) of the LPS Regulations.

These relevant matters to consider when in determining this application are detailed below, together with Administration's comments.

Local Planning Scheme No. 2 and Signage Policy

Clauses 67(a) and 67(g) of the LPS Regulations requires Council to have due regard to the aims and provisions of LPS2 and the City's Signage Policy.

Current LPS2

Since the most recent extension of time for the billboard signs which was granted on 6 March 2018, there have been changes to the local planning framework. These were as a result of the gazettal of LPS2, which replaced the previous Town Planning Scheme No. 1 (TPS1) on 23 May 2018.

The subject site was not affected by any changes, with the zoning and applicable density code remaining as Commercial R-AC3.

Changes did occur to the adjoining properties to the east, located north of Newcastle Street. These changes resulted in these properties being rezoned from Residential R80 to Mixed Use R160.

This change in zoning resulted in subsequent changes to permissible land uses and built form standards for these adjoining properties, including:

- The plot ratio standard was previously 1.0 under Residential R80. It is 2.0 under the current zoning of Mixed Use R160. This doubles the amount of plot ratio permitted on these sites;
- The building height increased from the previous standard of two storeys to six storeys under the Built Form Policy; and
- The change from the Residential zone to Mixed Use zone results in the ability for a compatible mix of high density residential and commercial development to be provided.

Billboard signage remains an unlisted use under LPS2, as it was under TPS1.

Review of LPS2

At its Ordinary Meeting on 14 December 2021, Council requested Administration to amend LPS2 to prohibit third party advertising / billboards throughout Vincent as part of the next LPS2 review.

The review of LPS2 has commenced and is scheduled to be completed in mid-to-late 2024.

Current Signage Policy

The City's Signage Policy sets out that billboard signage advertising products or services which are not being offered on the site (third party content) are not permitted within the City.

The City's Signage Policy also sets out that variations to the deemed-to-comply provision, which prohibits billboards within the City, shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy.

Review of Signage Policy

At its Ordinary Meeting on 20 October 2020, Council resolved to:

- Amend the Signage Policy to clarify that variations to the deemed-to-comply provision which prohibits billboards within the City shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy; and
- Request that Administration investigate the suitability of billboards through community consultation and a review of the Signage Policy by December 2021.

The review of the City's Signage Policy is currently progressing. Relevant to the current application, the draft amended Signage Policy includes a new provision that would set an end date for the further extension of existing time limited approvals for billboard signs in line with the current LPS2 review.

Consultation on the draft Signage Policy concluded on 19 March 2022 and is anticipated to be presented to Council for approval mid-2022. If approved, it would then come into effect. In the meantime Council is to give due regard to the draft Signage Policy in considering the application.

Administration Comment

- Existing Approval – Administration's report for the most recent extension of time development approval for the billboard signs in 2018 noted that there were constraints with developing the site. It also noted that the billboards would be appropriate for the medium term while the context of area changes in line with the Activity Corridor vision envisaged under the Built Form Policy. Administration maintains that the approval of the billboard signs in perpetuity would not be consistent with the intent of the Commercial zone under LPS2 or the objectives of the Signage Policy;
- Context and Amenity – The objectives of the Commercial zone and the Signage Policy requires signage to not adversely impact on the amenity of the area, and to be compatible with and appropriate to the area. The permanent installation of third-party advertising content would detrimentally impact on the amenity of the locality. The locality currently consists of predominantly residential development along the northern side of Newcastle Street and commercial development along the southern side. To the north of the subject site, Kingston Avenue is zoned Residential R80 and currently consists of generally low-scale residential development. The presence of permanently installed advertising content that does not bear relevance to the site could result in a proliferation of signage and would adversely impact on the locality by way of its visual prominence. This would be inconsistent with the existing and desired built form outcome for the locality;
- Planning Framework Review – Since the most recent time limited approval of the billboard signage on the site was issued in 2018, the City has commenced the process of amending the Signage Policy and LPS2 to prohibit billboard signs absolutely. This relevant because:
 - Signage Policy – Consultation on the draft Signage Policy has concluded, and is intended to be presented to Council for approval in mid-2022. The draft policy includes a provision which clarifies that when existing time limited billboards and third party advertising planning approvals expire, these should only be extended until 2024 to coincide with the completion of the LPS2 review. The current approval for the site that is due to expire in 2029 would be consistent with the intent of this draft policy provision. The proposed permanent approval would not be. Although this draft policy provision would provide further guidance relating to the prohibition of billboards, it would ultimately not change the position that the City does not support billboard signage. This position was established when the Signage Policy was first adopted in 2001 and states that billboards are not permitted within the City. This was in effect at the time that the previous approvals for the subject site were granted and has remained unchanged; and
 - LPS2 – The review of LPS2 is progressing to include provisions relating to third party advertising and billboard signage. The review process of LPS2 has only recently commenced. The retention of the existing time limited approval timeframe is appropriate to allow this review to occur, while not prejudicing the potential outcome in the interim;
- Complaints – There is no record of any complaints regarding the billboards or site maintenance since they were constructed in 2004;

- Redevelopment Potential – The opportunity and potential for the subject site to be redeveloped exists and remains unchanged since the previous approval was issued in 2018. The ability to provide alternative development outcomes on the site that would better reflect the highest and best use of the site in itself is not a relevant planning consideration in the determination of this application, as the proposal needs to be determined on its own merits. Notwithstanding this, the redevelopment potential that exists is based on the current Commercial zoning and the building height standard of six-storeys, as well as the potential for the site to be amalgamated with adjoining properties. While vehicle access to the site may present some challenges, due to the site being located on the corner of Newcastle Street and Loftus Street, the following is noted:
 - Newcastle Street – Potential access to the site from Newcastle Street would not be supported on safety grounds due to the proximity of the site to the intersection of Newcastle Street and Loftus Street. This is because MRWA requires new crossovers to be located 50 metres from signalised intersections. This 50 metre distance is referred to as the acceleration lane. The purpose of this separation distance is to avoid potential conflicts between vehicles accelerating out of the intersection and vehicles entering or exiting from the subject site. The subject site has a frontage of 11 metres to Newcastle Street and would mean that any new crossover would be located at its furthest approximately 8 metres from this intersection and within the acceleration lane;
 - Loftus Street – Potential access to the site would be restricted to Loftus Street. This is because there is an existing level difference between the subject site and the existing road pavement, with the site approximately 2.2 metres higher. This would require upgrades to the road including the provision of a slip lane and modification to the shared path to provide safe access and egress;
 - Alternative Access – The DPLH advised it had no objection to supporting vehicle access in principle based on the current site conditions. DPLH advised that any future access should be located as far as possible from the signalised intersection, or that the site could be amalgamated with a neighbouring lot and future access be obtained from an alternative road (such as Kingston Avenue if the site were amalgamated with the adjoining site to the north); and
 - Development Options – Noting these access constraints, there is also the ability under the current planning framework to consider the provision of no on-site parking bays as part of a redevelopment proposal. This would be dependent on the development concept proposed but could be explored based on good accessibility to high-frequency public transport and cycle networks, good pedestrian connectivity surrounding the site, and given the site is located near employment centres.

Orderly and Proper Planning and History of the Site

Clause 67(b) of the LPS Regulations requires Council to have due regard to the principle of orderly and proper planning. Orderly and proper planning generally relates to whether an application is consistent with the objectives of a planning scheme and any relevant policy.

Signage Policy Review

The ongoing review of the Signage Policy is relevant for the purposes of orderly and proper planning. This is because the consultation on the draft policy concluded on 19 March 2022 and is intended to be presented to Council mid-2022 for approval. While the draft policy has not been approved following public consultation, it is seriously entertained and can be given due regard.

The draft policy seeks to strengthen the existing position in prohibiting billboards. It clarifies that for existing billboards and third party advertising when time limited planning approvals expire, these should only be extended until end of 2024. This is to coincide with the completion of the review of LPS2. This draft policy provision is not a significant change to the planning framework, as the current policy already sets out that billboards are not permitted within the City.

The approval of the billboard signage in perpetuity would be inconsistent with the draft Signage Policy and the existing signs would not be a suitable long term or ultimate use for the site. The approval of the billboard signs in perpetuity may also disincentive the applicant from progressing with selling, amalgamating or redeveloping the subject site.

LPS 2 Review

The ongoing review of LPS2 is not a relevant consideration for the purposes of orderly and proper planning. This is because the LPS Regulations identify that due regard is to be given to an amendment to a local planning scheme which has been advertised for public comment.

While the intended outcome of this review is for an absolute prohibition of billboard signs and third party advertising, the review of LPS2 has only recently commenced and has not progressed to public consultation. It would be premature for the LPS2 review to be considered seriously entertained as a planning instrument for the purposes of this clause.

Consistency in Decision-Making

Clause 67(w) of the LPS Regulations requires Council to have due regard to the history of the subject site. Consistency in decision-making is an important planning principle in considering requests for extensions to time limited approvals. This includes whether or not the proposed development is substantially the same as that previously considered, and whether there has been any significant change in the planning framework for the area. In relation to this:

- No changes are proposed to the size or location of the existing billboards since the last approval in 2018. The built form of the existing billboards would remain unchanged since its original approval in 2004; and
- A change to the planning framework has occurred since the last approval in March 2018 that provides for greater opportunity to redevelop on adjoining sites. This was as a result on LPS2 coming into effect and replacing TPS1 on 23 May 2018. The zoning of the subject site was unchanged, while the zoning of the adjoining properties to the east changed from Residential R80 to Mixed Use R160. These changes to LPS2 also resulted in an increase in the identified height under the Built Form Policy from two storeys to six storeys.

The outcome of this application could be expected to be consistent with and does not warrant a change to the time limited previously imposed.

Safety

Clause 67(r) of the LPS Regulations requires Council to have due regard to the potential safety impacts from the development.

In response to the original comments raised by MRWA in December 2021 in respect to this application which raised concerns over the impact of the billboard signs on traffic safety, the applicant engaged a traffic consultant to undertake a Road Safety Assessment (RSA). The RSA is included as **Attachment 45**, and concluded:

- The billboard signs are located outside of the road reserve and do not obstruct the view of traffic lights or traffic signs;
- When viewed from the stop line of the southern side of Loftus Street, the billboards would be in the background of the traffic signals located to the south-west of the subject site. For vehicles turning right from Loftus Street onto Newcastle Street these traffic signals would be secondary with the primary focus of drivers being on the signals located on the northern side of this intersection and within the Newcastle Street median strip; and
- A review of recorded crashes from MRWA data was undertaken. This found that a seven crashes had occurred for vehicles travelling northbound on Loftus Street and seven crashes had occurred eastbound along Newcastle Street. Of these, five of the northbound and six of the eastbound crashes occurred in locations where the billboards are not visible. There were no recorded fatal crashes in either direction during this period. Therefore, there is no evidence that the billboards have a negative impact to the crash statistics/frequency of the intersection.

Notwithstanding that MRWA subsequently withdrew these comments, safety is a relevant planning consideration and Administration engaged an independent traffic consultant to undertake a peer review of this RSA.

This independent consultant agreed with the findings of the RSA, and noted that the crash history does not indicate that the billboards would have an unacceptable impact on traffic safety at the Loftus Street and Newcastle Street intersection.

Compatibility of Development

Clauses 67(m) and (n) of the LPS Regulations requires Council to have due regard to the compatibility of the development with its setting and its impact on the amenity of the locality.

At the time of the most recent approval in March 2018, the planning framework relating to the subject site and its surrounds was undergoing change, including:

- The Built Form Policy had been adopted by Council at its meeting on 13 December 2016. The Built Form Policy replaced the now rescinded Policy No. 7.1.5 – Cleaver Precinct. Under this former policy, the northern side of Newcastle Street, including the subject site, was identified as being for low-intensity commercial uses, with a building height of two storeys being strongly encouraged, and third and fourth storeys capable of being considered. The Built Form Policy located this area in the Activity Corridor. This seeks to promote a higher density of development and a mix of residential and non-residential uses, and identifies a possible height of six storeys. While the Built Form Policy was in place at the time of the 2018 approval for the billboard signs, separately the City's former TPS1 was being reviewed which would further encourage redevelopment consistent with the intent of the Built Form Policy; and
- The impending gazettal of LPS2, which would occur in May 2018 and replace the former TPS1. While the subject site was unaffected by this, the adjacent properties to the east were rezoned from Residential R80 to Mixed Use R160 to increase the redevelopment potential.

In recognition of the changing planning framework, the 10 year approval timeframe was considered to be an appropriate response to allow for the planning framework to be resolved, and in recognition of the potential for development of the subject site or a coordinated redevelopment with adjoining properties.

The planning framework has now been resolved, with LPS2 and the Built Form Policy reconciling the development for and the desired future character and amenity of the area.

The permanent installation of third party billboard signage would be inconsistent and incompatible with the desired future character and amenity of the area as:

- The permanent installation of billboards displaying third party content would be incompatible with the future built form of the area. The subject site would be capable of being developed to a height of six storeys and with nil setbacks to Newcastle Street and Loftus Street under the Built Form Policy. The existing billboards are setback approximately 18 metres from Loftus Street and 33 metres from Newcastle Street. This existing built form is inconsistent and incompatible with this desired built form context; and
- The permanent installation of third party advertising content would detrimentally impact on the future character and amenity of the locality. The locality currently consists of predominantly residential development along the northern side of Newcastle Street and commercial development along the southern side. The northern side of Newcastle Street is identified for high density development including residential development. To the north of the subject site, Kingston Avenue is zoned Residential R80 and features residential development. The permanent installation of the billboards in this prominent location would be inconsistent with the future desired residential and mixed-use character and amenity of subject site and surrounding locality.

Consultation Comments

Clause 67(y) of the LPS Regulations requires Council to have due regard to the comments received during community consultation.

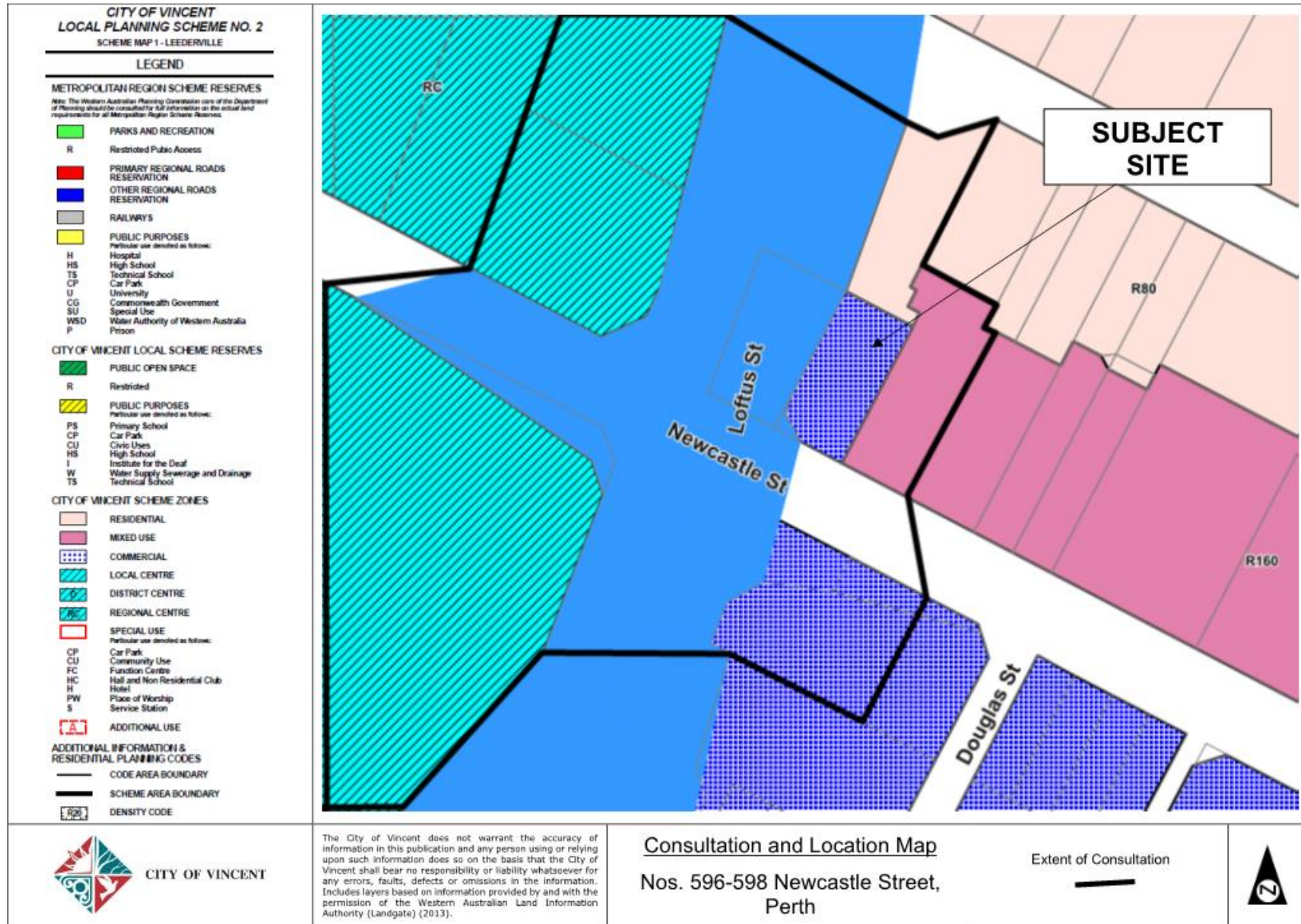
As outlined in the Consultation/Advertising section of this report, two submissions in support of the application were received from the community. An additional two submissions were also received during the consultation period from the DPLH and MRWA. Both of these submissions did not object to the proposal in respect to its possible impact on traffic safety.

Administration Recommendation

Administration does not support the application to delete Condition 1 of the previous development approval, which would remove the existing time limit and grant permanent approval for the two existing billboard signs. This is because:

- At the time of the previous approval, the existing signs were considered to be a suitable use in the interim until such time as a development outcome reflective of that envisaged in the planning framework arose. The billboard signs were not an appropriate permanent outcome;

- The City has since undertaken a review of the Signage Policy, to strengthen its position in relation to existing time-limited billboards. A review of LPS2 has also recently commenced with a view to absolutely prohibit these throughout the City. Both of these reviews recognise and reaffirm the City's position that it does not support billboards and third-party advertising;
- The current approval time limit of 21 October 2029 would allow for both the Signage Policy and LPS2 reviews to be completed. This would provide the applicant with certainty in the medium term and establish a clear direction for any future applications. It would also remain open to the landowner to seek redevelopment of the site in the interim, which could be either independent or through amalgamation with an adjoining property; and
- Permanent approval of the signage in the meantime would be inconsistent with the City's position in relation to billboard signage. Retaining the existing time limit would ensure that the long-term use of the site does not remain for the use of displaying billboard signage and ensure that it the high-density mixed-use vision set for the site and as reflected by the site's current zone and applicable R Code as specified in the local planning framework can be realised.



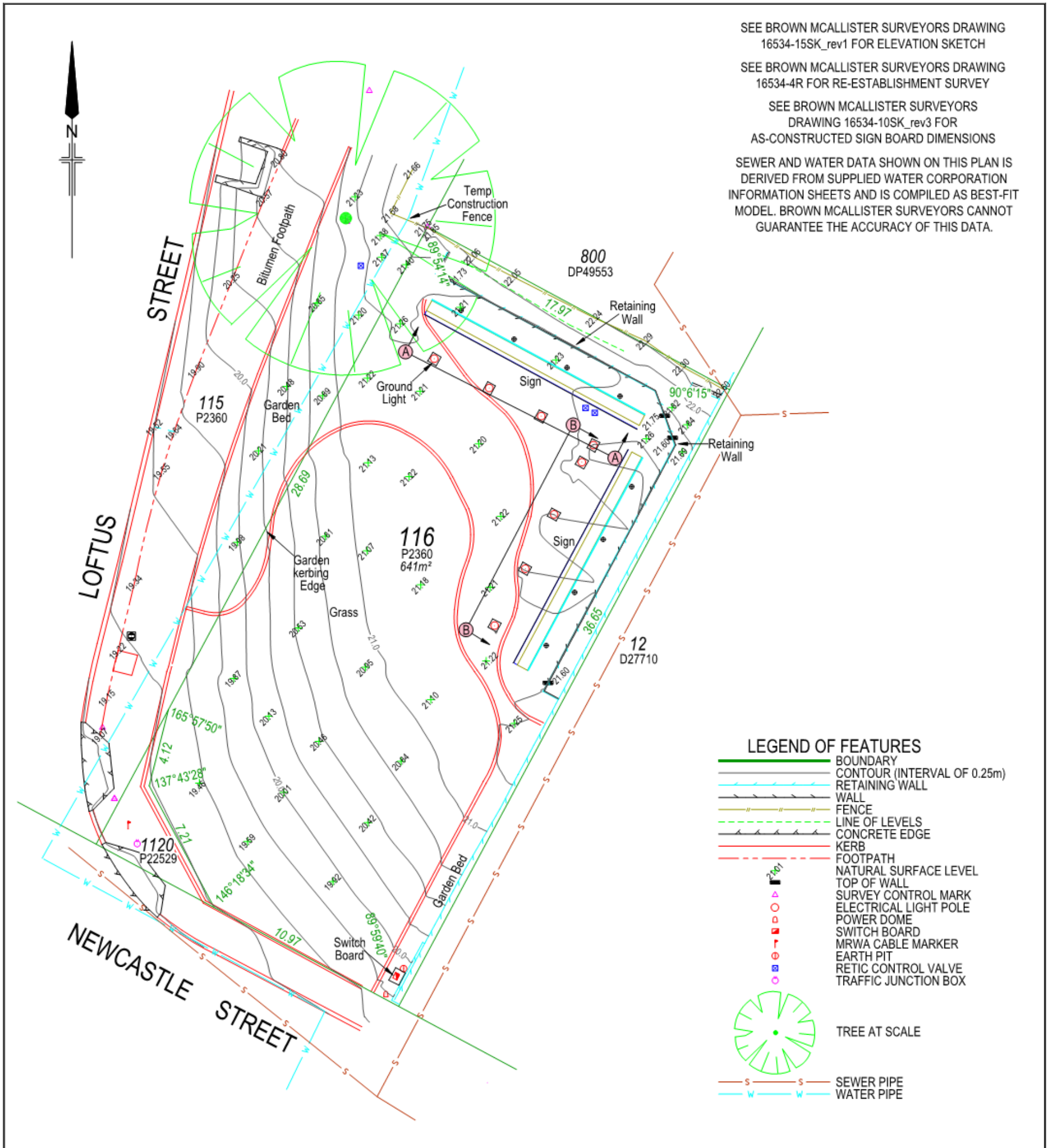


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Nos. 596-598 Newcastle Street,
Perth





No.	DETAILS	DATE	DRAWN	CHECKED
1	LEVELS TURNED OFF ON PLAN & DATA REMOVED FROM PLAN	25/10/2017	R.COLELLA	D.SMEDLEY
0	APPROVED AND ISSUED TO CLIENT	18/10/2017	R.COLELLA	D.SMEDLEY

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 Licensed Surveyors | Land Development & Strata Consultants | Engineering Surveyors
 Email : admin@brownmcallister.com.au Tel: (08) 9386 9688
 43 Broadway, Nedlands, Western Australia, 6009 Fax: (08) 9386 9677

REVISIONS

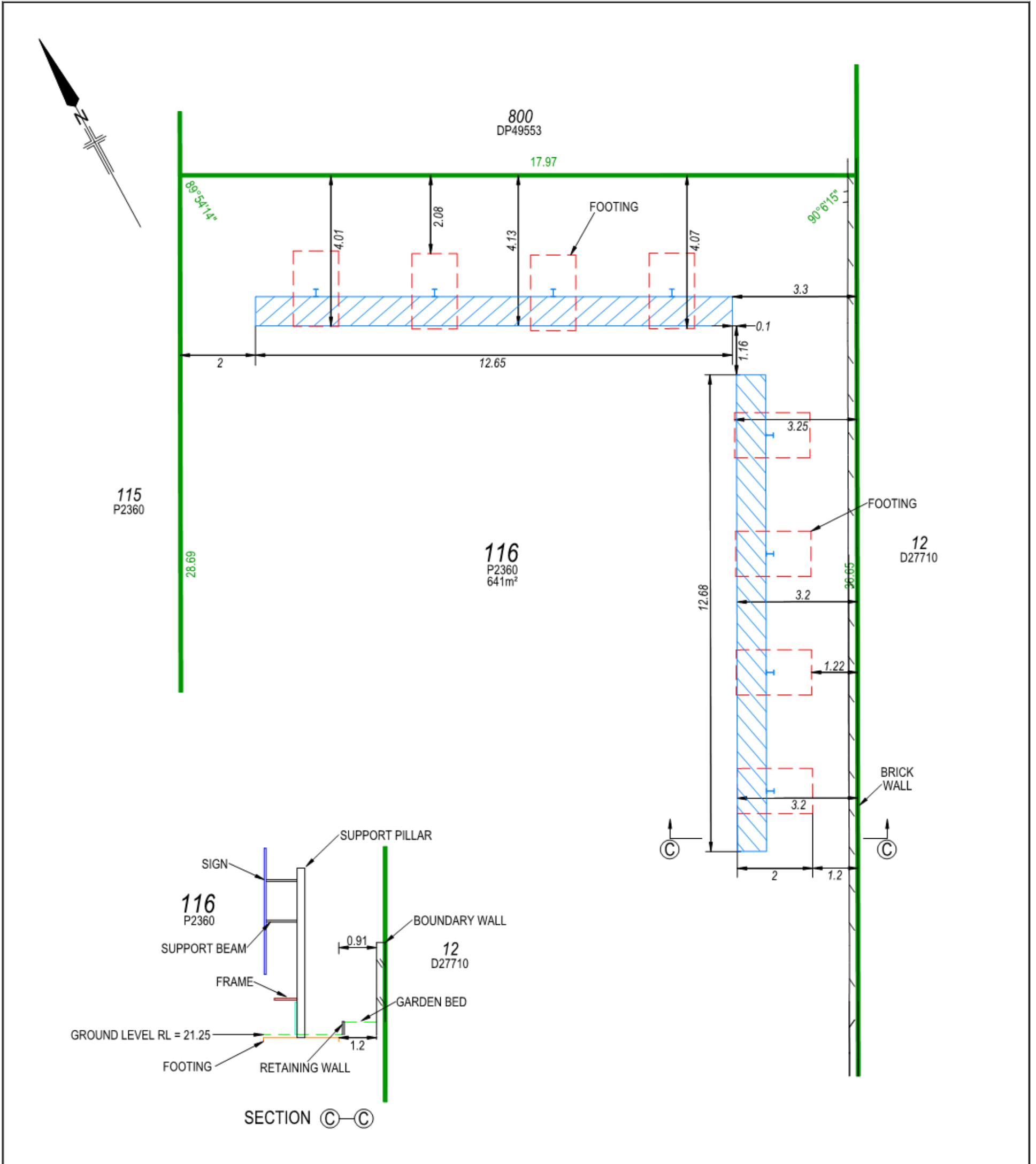
SCALE 1 : 200

FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION

FEATURE SURVEY OF LOT 116 ON P2360
No 596 NEWCASTLE STREET, WEST PERTH
 Client **GRAHAM CERINI**

DATUM HORIZONTAL - PCG94 VERTICAL - AHD	SHEET	A3
COPYRIGHT OF ALL THIS PLAN IS RESERVED BY BROWN MCALLISTER SURVEYORS AND REMAINS THE PROPERTY OF THE AFOREMENTIONED AND SHALL BE RETURNED UPON REQUEST. USE OF ALL OR PART OF THIS PLAN IS RESTRICTED WITHOUT PRIOR WRITTEN PERMISSION.	SURVEYED	D.SMEDLEY - 10/10/2017
	FIELD NOTES	
	DRAWN	R.COLELLA - 18/10/2017
	CHECKED	
	REFERENCE	16534-14F_rev1



3	ADD INFORMATION TO PLAN	25/10/2017	R.COLELLA	D.SMEDLEY
2	UPDATE BILLBOARD DIMENSIONS	19/10/2017	R.COLELLA	D.SMEDLEY
1	UPDATE BILLBOARD DIMENSIONS	01/11/2016	R.COLELLA	T.PIZZI
No.	DETAILS	DATE	DRAWN	CHECKED

SEE BROWN MCALLISTER SURVEYORS DRAWING 16534-14F_rev1 FOR FEATURE SURVEY

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SCALE 1 : 100

All distances in metres unless stated otherwise

THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY	FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION
EXISTING BOUNDARY DIMENSIONS AND LOT AREAS TAKEN FROM LANDGATE RECORD	ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION

SIGN BOARD AS-CONSTRUCTED SKETCH OF PORTION OF LOT 116 ON P2360
 No 596 NEWCASTLE STREET, WEST PERTH

Client: **GRAHAM CERINI**

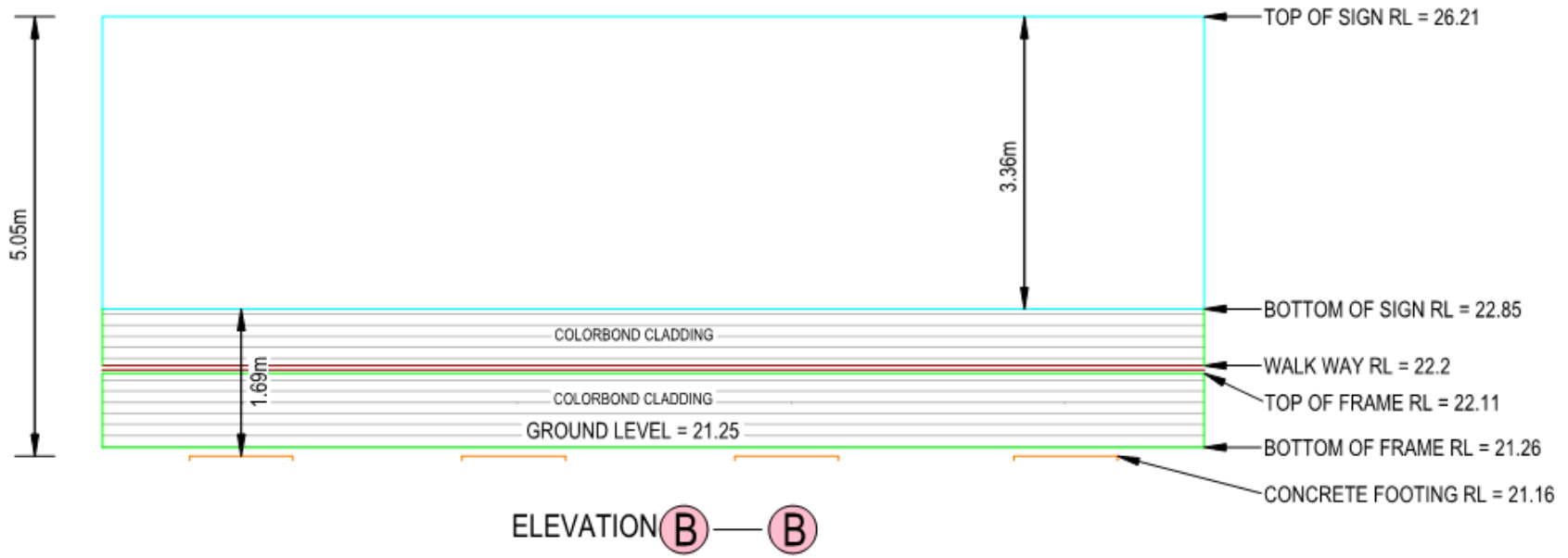
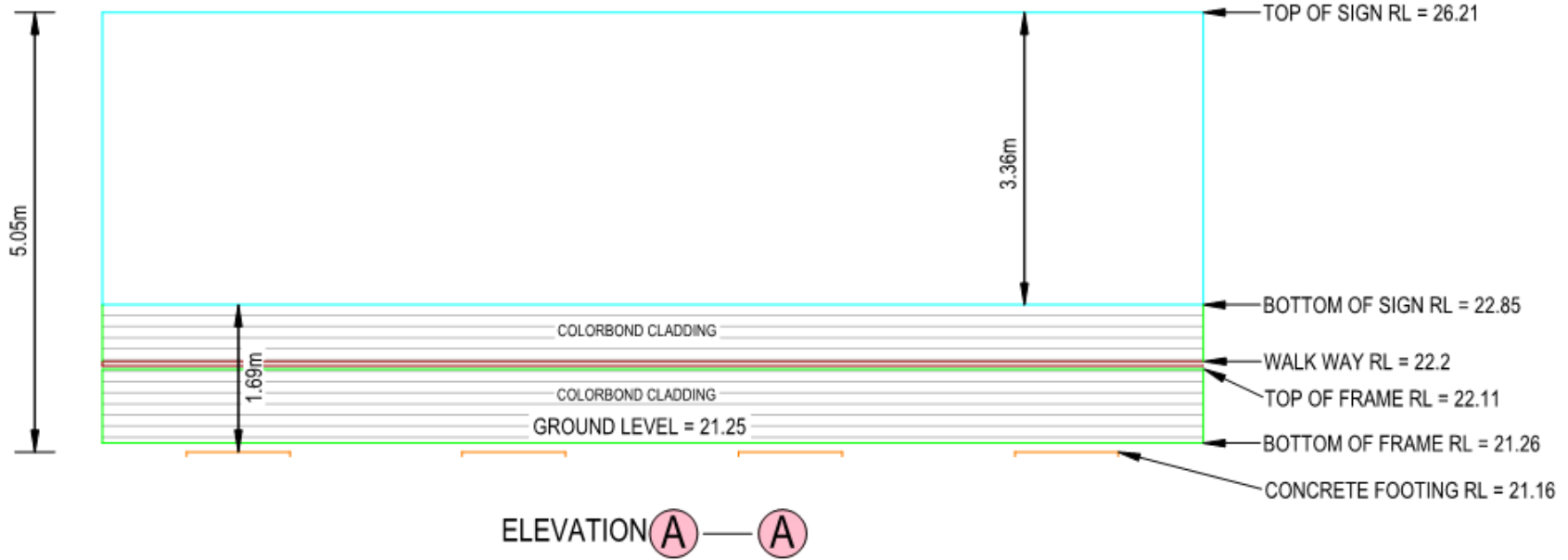
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	CHECKED	
REFERENCE	16534-10SK_rev3	



SECTION A-A



SECTION B-B

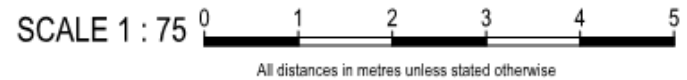


SEE BROWN MCALLISTER SURVEYORS DRAWING 16534-14F FOR FEATURE SURVEY

No.	DETAILS	DATE	DRAWN	CHECKED
1	INFORMATION ADDED TO PLAN	25/10/2017	R.COLELLA	D.SMEDLEY
0	APPROVED AND ISSUED TO CLIENT	23/10/2017	R.COLELLA	D.SMEDLEY

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Brown McAllister Surveyors
 Licensed Surveyors | Land Development & Strata Consultants | Engineering Surveyors
 Email : admin@brownmcallister.com.au Tel: (08) 9386 9688
 43 Broadway, Nedlands, Western Australia, 6009 Fax: (08) 9386 9677



FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION

SIGN BOARD ELEVATION PLAN OF LOT 116 ON P2360 No 596 NEWCASTLE STREET, WEST PERTH

Client **GRAHAM CERINI**

DATUM
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FIELD NOTES	
DRAWN	R.COLELLA - 19/10/2017
CHECKED	
REFERENCE	16534-15SK_rev1



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URBAN
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alan@stewartplanning.com.au
m. 0413 842 645

Level 2, Commonwealth Bank Building
242 Murray Street, Perth WA 6000

13 October 2021

Chief Executive Officer
City of Vincent
PO Box 82
Leederville WA 6902

Attention: Planning Services

**APPLICATION TO AMEND CONDITIONS OF DEVELOPMENT APPROVAL
EXISTING ADVERTISING SIGNS
LOT 116 (No.596) NEWCASTLE STREET, WEST PERTH**

Stewart Urban Planning acts for Graham Cerini, the owner of Lot 116 (No.596) Newcastle Street, West Perth ('site').

Pursuant to Deemed Provision 77 of the Planning and Development (Local Planning Schemes) Regulations, please find enclosed Application for Development Approval ('Amended Application') to amend the Conditions of Development Approval issued 6 March 2018 with respect to the existing Billboard Signs on the site.

The Application comprises:

- Completed Application Forms, signed by the land owner;
- The applicable statutory fee for an Amended Application;
- Copy of the Certificate of Title for the site;
- Drawings of the existing as-constructed advertising signs; and
- This letter, setting out the justification for the Amended Application.

Subject Site

Description

The site is located at the north-east corner of Newcastle Street and Loftus Street, West Perth, in the City of Vincent ('City'). The site has an area of 641 square metres, with a frontage of 11 metres to Newcastle Street.

The abutting land to the east is occupied by a single storey commercial premises, while the land to the north is vacant. The land at the north-west corner of Newcastle Street and Loftus Street is occupied by a two-storey office. A warehouse occupies the land at the south-east corner of Newcastle and Loftus Streets, while the Water Corporation occupies the land to the south-west of the intersection, diagonally opposite the site. The site does not abut any existing residential properties.



Site History

The site, which has been owned by the current proprietor's family since the 1930's, was originally occupied by two attached dwellings. In May 1998, the south-west corner of the site was resumed by the State Government for the purpose of widening Loftus Street, to accommodate additional traffic upon completion of Graham Farmer Freeway. The owner has verbally advised that around this time an application was made for vehicle access to the site, however, this was refused by the City. In late 2003, the former duplex dwelling on the site was demolished, with landscaping, retaining walls and two advertising signs installed in 2004. More recently, in September 2016, the City granted conditional approval for a 'service vehicle' access crossover to the site (refer attached approval letter).

Planning History

The existing advertising signs and associated works have been the subject of a series of time-limited approvals issued by the City since 2004, as summarised below.

Date of Approval	Time Limit
9 March 2004	3 years
8 August 2006	3 years
23 February 2010	5 years
21 October 2014	5 years
27 February 2018	10 years

The approval granted by Council at its meeting of 27 February 2018 amended the terms of the approval granted 21 October 2014, as follows:

This application for development approval is subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.439.1 granted on 21 October 2014 included in Attachment 2 continue to apply to this approval, with the exception of the following:
 - 1.1. Condition 1 is deleted and a new Condition 1 inserted as follows:

"1. This approval for the billboard signs is valid until 21 October 2029;"
 - 1.2. Condition 2.3 is deleted; and
 - 1.3. Condition 3 is deleted and a new Condition 3 inserted as follows:

"3. Landscaping

 - 3.1. *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:*
 - 3.1.1. *The location and type of existing and proposed trees and plants;*
 - 3.1.2. *Areas to be irrigated or reticulated; and*
 - 3.1.3. *Landscaping to screen the colour bond base of the Billboards;*
 - 3.2. *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 3.1. above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers."*



The effect of the Council approval of 27 February 2018 is that the Conditions of the approval granted 21 October 2014 now read as follows.

1. Approval Period

This approval for the billboard signs is valid until 21 October 2029.

2. Billboard Signs Requirements

2.1 *The billboard signs shall not have flashing or intermittent lighting as determined by the City;*

2.2 *The billboard signs shall not display advertising which, as determined by the City, by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs;*

2.3 *The billboard signs are not to exceed the dimensions as shown on the approved plans; and*

2.4 *The billboard signs shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

3. Landscaping

3.1 *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:*

3.1.1 *The location and type of existing and proposed trees and plants;*

3.1.2 *Areas to be irrigated or reticulated; and*

3.1.3 *Landscaping to screen the colourbond base of the billboards;*

3.2 *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 3.1 above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners / occupiers*

The 27 February 2018 approval did not modify the Advice Notes attached to the 21 October 2014, which read:

Advice Notes

1. *The application is considered a special case and renewal of the approval should not be considered a precedent for allowing Billboard signs within the City of Vincent;*
2. *Should the applicant wish to continue the use after the approval period, it shall be necessary to reapply to and obtain approval from the City prior to the approval lapsing; and*
3. *Any proposed change to the billboard signs that does not comply with the Billboard signs requirements of this approval, as shown above, or, if it is determined by the City that the appropriateness of the advertising displayed on the billboard signs is undesirable and detrimental to the amenity of the locality, a new planning application shall be submitted to the City for approval.*



Description of Proposed Development

The purpose of this Amended Application is to seek approval in perpetuity for the existing advertising signs. The Amended Application seeks approval to delete the Condition limiting the term of the approval to 21 October 2029. The Amended Application also proposes revised wording to the Condition requiring the submission of a Landscape Plan as the current wording does not reflect the fact the advertising signs already exist.

For the avoidance of doubt, the Amended Application seeks approval to modify the Conditions of Development Approval to read as follows:

1. Billboard Signs

- 1.1 *The billboard signs shall be constructed and maintained in accordance with the approval plans as attached in Annexure 1.*
- 1.2 *The billboard signs shall not have flashing or intermittent lighting as determined by the City;*
- 1.3 *The billboard signs shall not display advertising which, as determined by the City, by virtue of colour or content may confuse the motorist or imitate traffic signals or road signs;*
- 1.4 *The billboard signs shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

2. Landscaping

- 2.1 *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City within 60 days of this approval. The plan shall be drawn to a scale of 1:100 and show the following:*
 - 3.1.1 *The location and type of existing and proposed trees and plants;*
 - 3.1.2 *Areas to be irrigated or reticulated; and*
 - 3.1.3 *Landscaping to screen the colourbond base of the billboards;*
- 2.2 *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 2.1 above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners / occupiers*



Town Planning Considerations

Metropolitan Region Scheme

The site is zoned Urban under the Metropolitan Region Scheme ('MRS') and abuts an MRS Reserve for an Other Regional Road (Loftus Street).

Local Planning Scheme 2

Zone

The site is zoned Commercial under the City's Local Planning Scheme 2 ('LPS2').

Objectives of the Commercial Zone

The Objectives of the Commercial zone are:

- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

The existing signs form part of the established streetscape, having been in place since 2004. The signs are maintained to high standard within a landscaped setting with no impact on any residential properties. It is therefore considered the signs are consistent with the relevant Objectives of the Commercial zone.

Land Use Considerations

Advertising signs are not intended (nor required) to be considered in accordance with the land use provisions of LPS2, with neither the zoning table in Clause 17 nor the land use terms in Clause 38 making any reference to 'advertising' or 'signage'.

Development Considerations

Deemed Provision 1

The term 'advertisement' is defined in Deemed Provision 1 as follows:

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes -

- a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*
- b) any airborne device anchored to any land or building used for the display of advertising; and*
- c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising.*

The signs fall within the definition of an 'advertisement', however, LPS2 does not contain any provisions relating specifically to advertising signs.



Deemed Provision 67

Deemed Provision 67 sets out the matters that a decision-maker is required to consider in determining this Application. The table below explains how the Application addresses each relevant matter in Deemed Provision 67.

Matter		Response
(a)	Local Planning Scheme	The Application is capable of approval under LPS2.
(b)	Orderly and proper planning	There are no draft planning proposals relevant to the consideration of this Application. The City recently sought community feedback on Local Planning Policy 7.5.2 – Signs & Advertising ('LPP 7.5.2'), however, a modified version of LPP 7.5.2 has yet to be advertised for comment.
(c)	State Planning Policies	None applicable.
(d)	Environmental Protection Policies	None applicable.
(e)	Any policy of the WAPC	None applicable.
(f)	Any policy of the State	None applicable.
(g)	Local Planning Policies	Local Planning Policy 7.5.2 – Signs & Advertising
(h)	Structure Plans, Centre Plans and Local Development Plans	None applicable.
(i)	Review of Local Planning Scheme	Not applicable.
(j)	Reserved land	Not applicable.
(k)	Built heritage conservation of any place of cultural significance	Not applicable.
(l)	Cultural heritage significance	Not applicable.
(m)	Compatibility with setting	The signs have been place since 2004 and are compatible with the site's setting at the corner of a busy intersection. The use of the site for signage is compatible with signage provided on other sites at the intersection, including the Water Corporation diagonally opposite.
(n)	Amenity of the locality: (i) Environmental impacts (ii) Character of locality (iii) Social impacts	The existing signs do not have any adverse environmental impacts. Lighting for the advertising signs is designed and installed to minimize light spill onto adjacent properties. The signs have existed on the site since 2004 and form part of the character of the locality. A self-regulation system has been adopted by the Australian Association of National Advertisers ('AANA') to monitor the content of advertising, including billboard signs. The AANA is the sole member of Ad Standards, the entity established to manage the complaint resolution process of the advertising self-regulation system. This system minimises the likelihood of any offensive or inappropriate material being advertised on the signs. It is therefore considered the signs will not have any adverse social / community impacts.
(o)	Effect on natural environment	The existing signs do not have an adverse effect on the natural environment.



(p)	Landscaping and tree retention	The site is landscaped to improve its appearance and reduce the visual impact of the signs.
(q)	Environmental risks	None
(r)	Risk to human health or safety	None
(s)	Access and parking	The site's location at the corner of Newcastle and Loftus Streets limits the ability to provide vehicle access. Approval of the signs in perpetuity will not preclude the development of the site in the long term should it become possible to access the site.
(t)	Traffic impacts	The signs do not have any impact on traffic. The Conditions of Approval impose restrictions on the content and operation of the signs to ensure they do not cause any traffic safety issues.
(u)	(i) Public Transport	Not applicable.
	(ii) Public Utilities	The site is provided with power.
	(iii) Waste Management	Not applicable.
	(iv) Pedestrian & Cyclist Access	Not applicable.
	(v) Elderly & Disability Access	Not applicable.
(v)	Loss of community benefit or service	Not applicable.
(w)	History of the site	No relevant site history.
(x)	Impact on the community	Refer to 'Social Impacts' above.
(y)	Submissions on the proposal	To be determined.
(za)	Comments from agencies	To be determined.
(zb)	Other planning considerations	None applicable.

Local Planning Policies

Local Planning Policy 7.5.2 – Signs and Advertising.

The Objective of Local Planning Policy 7.5.2 – Signs and Advertising ('LPP') is:

To ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

The existing signs fall within the definition of a 'billboard' under LPP, defined as:

Billboard means a sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected.

Clause 2 (i) of the LPP contains standards common to all signs, as summarised below.

Standards Common to all Signs	Response
Signs not to pose a threat to public safety or health.	The existing signs are positioned toward the rear north-east corner of the site and do not pose any threat to public safety or health.
Signs not to extend beyond the lot boundaries.	The existing signs are contained within the site.



Sign strategy required for signs that advertise services or products other than those available on the site.	On this occasion, the signs are existing and have been constructed in accordance with the previous approval granted, with respect to their location, dimensions, lighting and landscaping. The submission of a Sign Strategy for existing signs is not deemed necessary.
Illuminated Signs	The existing billboard signs are not illuminated and do not use flashing, intermittent or moving lights, consistent with the terms of the existing approval. The existing approval prohibits advertisements that might cause confusion with traffic control signals. All existing external lighting is installed and designed to minimise light spill.
Area of signs not to exceed 10% of building wall.	This standard does not apply as the signs are existing and freestanding, with no buildings on the site.
Signs to be located on structures that form an integral part of the building.	This standard does not apply as the signs are existing and freestanding, with no buildings on the site.
Signs not to protrude over Council property or neighbouring land.	The existing signs are contained within the site.

Clause 3 of the LPP contains sign specific standards. Clause 3 (iii) relates to billboards and states:

Bill Posting, Billboards and the structures of a similar or identical type are not permitted within the City of Vincent.

Clause 5 of the LPP provides guidance for variations to the standards of the LPP, but specifically excludes the consideration of variations with respect to Clause 3 (iii). Notwithstanding, given the signs are existing, consideration has been given to the principles set out in Clause 5, as summarised below.

Principles	Response
Appropriateness of Setting	
(a) Scale and design of signs to be appropriate to the building to which it relates.	This standard does not apply as the signs are freestanding with no buildings on the site.
(b) Scale and design of signs to be compatible with existing surrounding development and appropriate to the general nature of land uses in the area.	The signs are positioned at the rear of a site that has been landscaped to a high standard to enhance the appearance of the site and minimise the visual impact of the signs. The site is located at the intersection of Loftus Street and Newcastle Street, which is characterised by a mix of non-residential uses with signage facing the street, including the Water Corporation site at the south-west corner. The signs are orientated away from the nearest residential properties to the north and east.



	The existing signs have been on the site for almost 20 years and are appropriate to the general nature of land uses in the vicinity.
(c) The signs do not dominate the streetscape.	<p>The signs are positioned at the rear of the site which has been landscaped to a high standard to enhance the appearance of the site and minimise the visual impact of the signs.</p> <p>Conversely, signs on the properties at the south-west and south-east corners of the intersection are positioned on the street boundary and are visually prominent.</p> <p>Whilst the function of the existing signs on the site is to attract the attention of people driving by, the signs have been carefully positioned so as not to dominate the streetscape.</p>
(d) Signs not to block important views or architectural detailing, and not to be detrimental to the amenity of nearby properties.	<p>The signs do not block any important views to or from adjoining properties and as there are no buildings on the site the signs do not detract from the architectural detailing of any buildings.</p> <p>The signs are orientated toward the intersection and landscaping on the site reduces the visual impact of the signs. The signs do not detract from the amenity of any adjoining properties.</p>
(e) Signs do not result in the destruction of important elements of the building fabric.	The signs are existing and freestanding, with no buildings on the site.
Consolidation	
(a) Rationalisation of signs required where signs have been installed in an ad hoc manner over an extended period of time.	Not applicable. The signs have been carefully positioned on the site and constructed in accordance with the approval granted.
(b) Rationalisation of signs required where several businesses are located in close proximity, or form part of a shopping centre or similar commercial aggregation.	Not applicable. The signs have been carefully positioned on the site and constructed in accordance with the approval granted.

Justification

It is acknowledged Deemed Provision 72 provides the City with the power to impose a condition *“limiting the period of time for which development approval is granted”* and the City has imposed such a condition since the original approval in 2004. It is also acknowledged Clause 3 (iii) of the LPP states that billboards are not permitted.

Notwithstanding, the City has power to exercise discretion with respect to the provisions of a Local Planning Policy and has power to amend the conditions of the existing approval.

It is considered this Amended Application to remove the time limit applicable to the existing signs on the site should be approved for the following reasons:



- The signs have existed since 2004 and by the end of the currently approved time limit (2029), the signs will have lawfully been in place for a quarter of a century. The signs are iconic and form part of the area's character.
- The signs are positioned toward the rear of the site to minimise their visual prominence when viewed from the surrounding public realm. To further reduce their visual impact, the site has been landscaped to a high standard.
- The signs do not face any existing or proposed residential properties and are orientated away from the residential zoned area to the north and east.
- Lighting has been designed to minimise light spill onto adjoining properties.
- The intersection of Newcastle and Loftus Streets is characterised by commercial properties to the north-west and south-east, with the Water Corporation occupying the land at the south-west corner. Signage is a prominent feature of these other properties, including signage located on the property boundary.
- Since the signs were installed, no complaints have been registered relating to any aspect of the signs, such as their appearance, content, safety, or length of time the signs have occupied the site.
- For these reasons, the signs do not have any significant adverse impact on the visual amenity or character of the locality.
- The intent of the time limit imposed on the approval is to encourage the site' redevelopment to achieve a more optimal planning outcome commensurate with the applicable planning framework, such as a commercial or mixed-use building.
- Whilst this is an entirely reasonable expectation, vehicle access to the site is severely constrained due to the narrow frontage and proximity to the signalised intersection of Newcastle Street and Loftus Street. It is unlikely these vehicle access constraints will be resolved in the foreseeable future.
- When feasible to do so, the site will be redeveloped in accordance with the planning framework applicable at the time, and when this occurs, the existing signs will be removed. Until then, the continued use of the site for signage is an appropriate and acceptable planning outcome.
- Approval of the signs in perpetuity will not preclude a more optimal planning outcome from being achieved in the long-term when feasible and practical.

In conclusion, no beneficial planning purpose is served by continuing to impose a time limit on the approval. In effect, the signs have passed the 'test' of a time limited approval and ought to be allowed in perpetuity.

Should you require any further information or clarification in relation to this matter, please contact Alan Stewart on 0413 842 645.

Yours faithfully,

Alan Stewart

Alan Stewart

Director

Stewart Urban Planning

Road Safety Assessment Report

Existing Billboard 596-598 Newcastle
Street, West Perth

CW1200231

Prepared for
Stewart Urban Planning

1 April 2022



 **Cardno**

now

 **Stantec**

Contact Information

Cardno (WA) Pty Ltd

ABN 77 009 119 000

11 Harvest Terrace
 West Perth WA 6005
 Australia

www.cardno.com

www.stantec.com

Phone +61 8 9273 3888

Fax +61 8 9486 8664

Author(s):



Raymond Rachmat
 Traffic Engineer / RSA

Approved By:



Scott Lambie
 Team Leader Traffic Engineering / SRSA

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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

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1 Introduction

Cardno has been engaged by Stewart Urban Planning ("the Client") to prepare a Road Safety Assessment Report for the 2 existing advertising billboards located at 596 Newcastle Street, West Perth. The billboards are located on the northeast corner of the Loftus Street and Newcastle Street intersection. 1 billboard is facing south, primarily viewable from Loftus Street northbound, while the other billboard is facing west, viewable from Newcastle Street eastbound.

This assessment has been undertaken by Raymond Rachmat (Road Safety Auditor) and Scott Lambie (Senior Road Safety Auditor).

2 Road Environment and Traffic Volumes

Roads in the vicinity of the existing billboards are:

- > **Loftus Street** is classified as a Distributor A under the Main Roads WA Functional Road Hierarchy with a posted speed limit of 60 km/h. The road is a dual carriageway road with 3 northbound lanes and 3 southbound lanes.
- > **Newcastle Street** is classified as a Distributor A under the Main Roads WA Functional Road Hierarchy with a speed limit of 60 km/h. The road is a single carriageway road. East of Loftus Street the road has 2 lanes in each direction, however the kerbside lane is also used for on-street parking. West of Loftus Street the road has 1 lane in each direction and on-street parking.

Intersections in the vicinity of the existing Billboards are:

- > **Loftus Street / Newcastle Street** is a signalised, 4-leg intersection. Loftus Street south leg has 4 stand up lanes, including a dedicated right turn lane. Loftus Street north approach has 3 stand up lanes, and right turns are not permitted. All approaches for Newcastle Street have two stand-up lanes. Newcastle Street west approach has 2 lanes with the second lane shared thru and right. Newcastle Street east approach have 3 stand up lane and an additional left-turn slip lane.

Traffic volumes for key approach legs are presented in the table below.

Table 2-1 Average Mid-Block Traffic Volume

Location	Date	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily
Loftus Street (North of Newcastle Street)	2021/2022*	Northbound: 552 Southbound: 1,429 Total: 1,981	Northbound: 1,748 Southbound: 776 Total: 2,524	Northbound: 14,761 Southbound: 12,787 Total: 27,548
Loftus Street (South of Newcastle Street)	2018/2019	Northbound: 617 Southbound: 1,734 Total: 2,351	Northbound: 1,734 Southbound: 1,048 Total: 2,782	Northbound: 16,906 Southbound: 16,070 Total: 32,976
Newcastle Street (West of Loftus Street)	2021**	Westbound: 157 Eastbound: 104 Total: 261	Westbound: 185 Eastbound: 245 Total: 430	Westbound: 2,148 Eastbound: 2,190 Total: 4,338

Source: *MRWA Traffic Map

** estimates from SCATS data

3 Billboard Location

The location of the existing Billboards is shown in **Figure 3-1**. The billboards are installed on ground level, within a vacant lot at 596-598 Newcastle Street, outside of road reserve. There are 2 billboards, one visible from Loftus Street northbound, and the other visible from Newcastle Street eastbound. **Figure 3-2** shows the billboards from Loftus Street northbound.

Figure 3-1 Location of Billboards



Figure 3-2 Billboard View from Loftus Street Northbound Lanes



3.2 Billboard Visibility

Figure 3-3 below shows the point of view of a driver on Loftus Street northbound. Depending on which lane the car is travelling, the billboard can potentially be visible from a considerable distance. **Figure 3-3** below shows a series montage of a driver's view from the third lane, starting approximately 360m away from the billboard. At 360m the billboard is visible, however it is not legible and it is partially obscured by tree canopies. At approximately 170m, the billboard is fully visible and within the centre of the viewing corridor, as such, drivers can view the billboard while also maintaining a forward gaze. At the stop line of the Newcastle Street intersection, the billboard will be to the right-hand side behind the tertiary traffic signals to the northeast corner of the intersection. While the billboard becomes the background for the traffic signals, at this point the billboard is outside of the driver's viewing corridor and their focus would be towards the secondary signals on the median, far side of the intersection.

Figure 3-4 below shows the billboard viewed from the point of view of a driver on Newcastle Street eastbound. The billboard is first visible at approximately 160m away, although it is partially obscured by buildings on the left-hand side. At 130m away the billboards would be fully visible away from the centre of driver's forward sight line area to the left of the driver. Approaching the intersection stop line 70m away, the billboards are on the left-hand side and do not form a background to the traffic signals. Therefore, it is unlikely that the billboards would have any impact to the conspicuity of the traffic signals.

Figure 3-3 Loftus Street Northbound

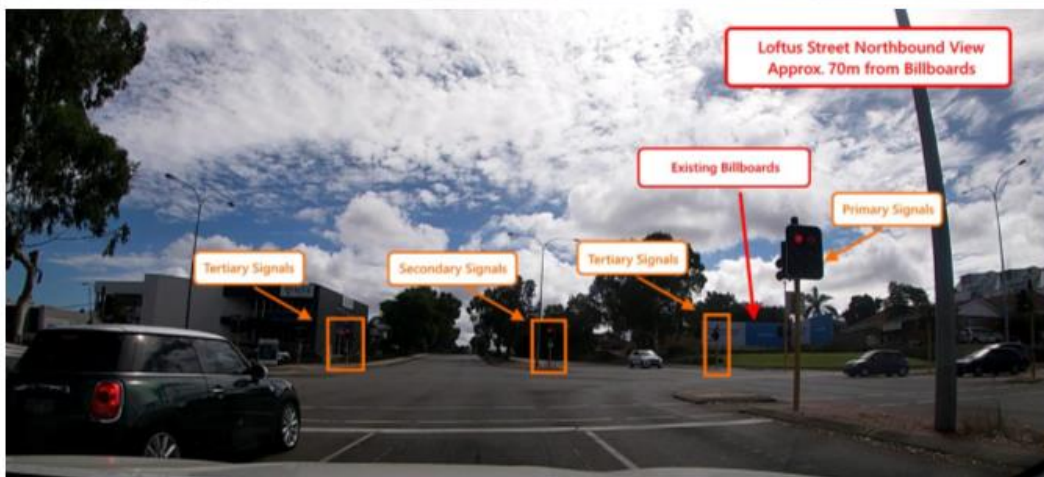


Figure 3-4 Newcastle Street Eastbound



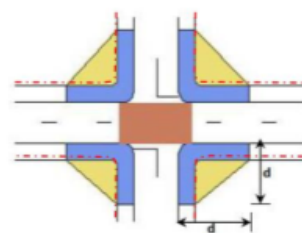
3.3 Device Restriction Area

While not directly applicable to the subject billboards as they are not visible from State-controlled roads, Main Roads' *Policy and Application Guidelines for Advertising Within and Beyond State Road Reserves (October 2020)* was consulted, particularly with regards to Device Restriction Criteria.

A Device Restriction Area (DRA) is an area where advertising devices visible from state-controlled road are restricted under the *Policy*. One of the main reasons for establishing DRAs are to ensure that important information conveyed via traffic control devices (e.g. traffic signals, give way signs, stop signs etc.) are not obscured and to ensure sight lines for vehicle and pedestrian movements are not impeded. Note that even if the billboards are located within the DRA, it will still be subject to general road safety principles and assessed on case by case basis

The relevant DRAs for the existing Billboards are for a cross road shown below in **Figure 3-5**. This DRA is then applied to the intersection of Loftus Street and Newcastle Street in **Figure 3-6**.

Figure 3-5 Relevant DRA for the existing Billboards



2. Cross Road
* See note below

- Conflict Area – Area where conflicts may occur with other road users.
- Device Restriction Area – Within the road reserve.
- Device Restriction Area – Outside the road reserve.
- d** Device Restriction Distance (m) (refer to Table 3.1).
- 0.6V** Device Restriction Distance (m) (refer to Table 3.1).
- Property boundary.

*** Note:** Will be subject to general road safety principles and risk mitigations assessed on a case by case basis

Speed Limit (km/h)	Distance 'd' (m)	0.6V (m)
50 or less	45	30
60	65	36
70	85	42
80	110	48
90	140	54
100	170	60
110	210	66

Table 3.1¹ – Distance 'd' for use with Device Restriction Area drawings in Appendix A

Figure 3-6 Billboards Location Relative to DRA



The above diagram shows that the billboards are located within the DRA. However, it is considered that the location of the billboards does not contradict with the intent of the DRA due to relevant safety factors as follows:

- > The billboards have been in place for a considerable amount of time (more than 10 years), and crash history data shows that legs where the billboards are visible do not necessarily experience higher crash rate than other legs (see **Section 4**).
- > The subject section of Loftus Street and Newcastle Street are a low speed (60km/h) environment as defined in the *Policy* with associated lower road safety risk;
- > The billboards are located in a position that does not conflict with driver sight lines to traffic signals or traffic signs, and does not form a backdrop to the relevant traffic signal lanterns;
- > No moving images that can potentially avert driver's gaze.

4 Crash History Review

4.1 Intersection Crashes

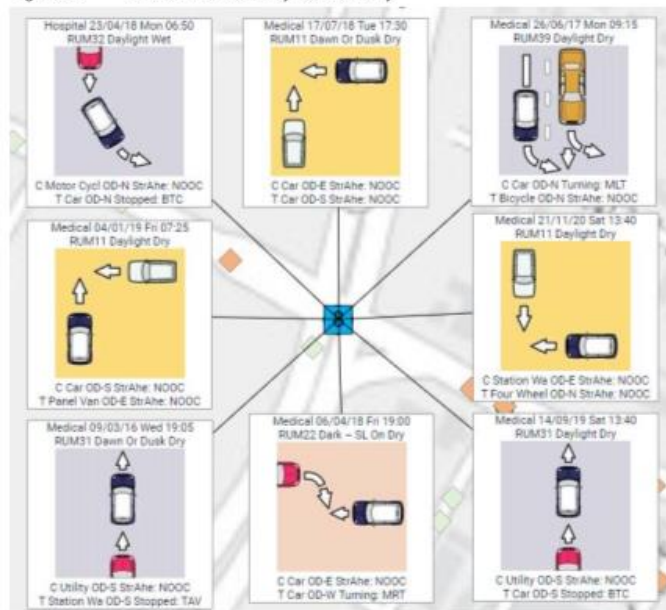
Crash data for the intersection of Loftus Street and Newcastle Street is shown below in **Table 4-1**. The data shown below is the latest 5-year crash data (2016-2020) sourced from Main Roads WA.

As shown below, there are 32 reported crashes at this intersection. The vast majority of crashes only resulted in property damage only, with 8 recorded casualty crashes (medical, hospital and fatal). Rear end crashes are the most common crash type at this intersection.

Table 4-1 Loftus Street and Newcastle Street Intersection Crashes

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	1	2	5	11	19
Right Angle	-	-	3	3	1	7
Sideswipe Same Direction	-	-	1	1	-	2
Right turn thru	-	-	1	2	-	3
Hit Object	-	-	-	-	1	1
Total	-	1	7	11	13	32

Figure 4-1 Intersection casualty crashes only



Out of the 8 casualty crashes, the one hospital grade crash involved vehicles from the north only, where the billboards are not visible. Of the remaining 7 medical grade crashes, 3 crashes involved colliding vehicles originating from the south leg and 0 casualty crash involving colliding vehicles from the west leg. Therefore, with only 38% of the recorded casualty crashes having colliding vehicles originating from the legs actually able to see the billboards, there appears to be no evidence in the recorded crash data that the billboards negatively affect the road safety record of this intersection.

4.2 Midblock Crashes

Midblock crashes in the vicinity of the billboards (area of study shown in **Figure 4-2**) are summarised in **Table 4-2**. The data shown below is the latest 5-year crash data (2016-2020) sourced from Main Roads WA.

As shown below, there were a total of 28 midblock crashes within the specified area and only 5 recorded casualty crash, which occurred on Loftus Street. Most crashes only resulted in property damage only. Sideswipe crashes are the most common crash type on both Loftus Steet and Newcastle Street, followed by rear end crashes.

Figure 4-2 Midblock Crashes Area of Study

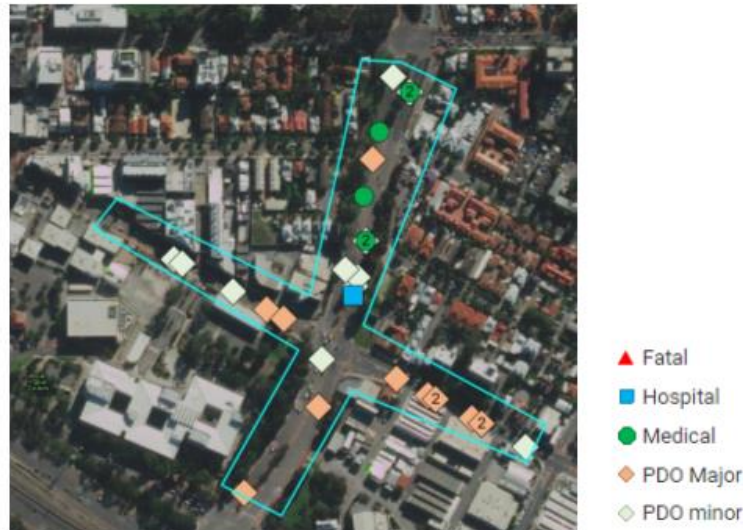


Table 4-2 Loftus Street and Newcastle Street Midblock Crashes

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Loftus Street						
Rear End	-	-	1	3	1	5
Right Angle	-	-	1	-	-	1
Sideswipe Same Direction	-	1	2	-	4	7
Hit Pedestrian	-	-	-	-	1	1
Hit Object	-	-	-	-	1	1
Total	-	1	4	3	7	15
Newcastle Street						
Rear End	-	-	-	2	2	4
Right Angle	-	-	-	1	1	2
Sideswipe Same Direction	-	-	-	4	2	6
Parking Manoeuvre related	-	-	-	-	1	1
Total	-	-	-	7	6	13



As shown above, there are 15 midblock crashes on Loftus Street and 13 midblock crashes on Newcastle Street. However, as the billboards are only viewable from the south and west legs, the midblock crashes would need to be broken down by travel direction to find any relationship with the crash statistics.

> **Loftus Street**

- 8 crashes along the southbound carriageway
- 7 crashes along the northbound carriageway

> **Newcastle Street**

- 7 crashes on the eastbound direction
 - 4 crashes on the westbound direction
- > 2 crashes with unspecified direction

As shown above, there is no significant difference in the number of recorded crashes between the north and southbound traffic along Loftus Street. More importantly, 5 out of 7 northbound crashes occurred north of the intersection, where the billboards are not viewable. Newcastle Street eastbound crashes have higher recorded crashes, however 6 out of 7 of these crashes occurred on the east leg of Newcastle Street, where the billboards are no longer viewable.

Based on the crash statistics above, it appears that there is no evidence that the presence of the billboards has had any impact to midblock crash statistics in the surrounding area.

5 Summary

Cardno has been engaged by Stewart Urban Planning ("the Client") to prepare a Road Safety Assessment Report for the 2 existing advertising billboards located at 596 Newcastle Street, West Perth. The billboards are located on the northeast corner of Loftus Street and Newcastle Street intersection. 1 billboard is facing south, viewable from Loftus Street northbound, while the other billboard is facing west, viewable from Newcastle Street eastbound.

The billboards have been reviewed in relation to its potential road safety impacts. This includes review of their locations, visibility, and crash history review, which are summarised below:

- > The billboards are located outside of the road reserve. The billboards do not obstruct view to traffic lights and traffic signs or pedestrian activity.
- > The billboards have been present for a number of years (more than 10 years), and are therefore a familiar feature of the road environment.
- > When viewed from the stop line of Loftus Street south leg approach, the billboards sit in the background of the back tertiary signals on the northeast corner of the intersection. However, at this point the driver's focus would be towards the secondary traffic signals lantern on the median of Loftus Street. From Newcastle Street westbound, the billboards do not form the background of any traffic signals lanterns.
- > Crash history of the intersection of Loftus Street and Newcastle Street and midblock crashes in the vicinity have been reviewed, particularly in relation to the travel direction of vehicles involved in the crashes. Based on the recorded crash history, the approach legs where the billboards are viewable (south and west) do not experience higher crash numbers than the legs where the billboards are not viewable. Therefore, there is no evidence that the billboards have negative impact to the crash statistics / frequency of the intersection.

Contact

Trading Name
11 Harvest Terrace
Address 2
West Perth WA 6005
Australia

Phone +61 8 9273 3888
Fax +61 8 9486 8664

Web Address
www.cardno.com
www.stantec.com



now

