

9.4 NO. 596-598 (LOT: 116; D/P: 2360) NEWCASTLE STREET, WEST PERTH - AMENDMENT TO PREVIOUS APPROVAL: RENEWAL OF BILLBOARD SIGNS APPROVAL

TRIM Ref: D18/10172

Authors: Stephanie Norgaard, Urban Planner
 Joslin Colli, Coordinator Planning Services

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 5 – Cleaver

Attachments: 1. Attachment 1 - Location Map
 2. Attachment 2 - Development Approval 2014 and Amended Plans
 3. Attachment 3 - Determination Advice Notes
 4. Attachment 4 - Development Plan 2014

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amended the planning approval for Billboard Signage at No. 596-598 (Lot: 116; D/P: 2360) Newcastle Street, West Perth in accordance with the plans shown in Attachment 4, subject to the following conditions, with the associated determination advice notes in Attachment 3:

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 ~~which is amended to read~~ as follows:

“1. This approval for the billboard signs is valid until 21 October 2029;”; ~~and~~
 - 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.”*

PURPOSE OF REPORT:

To consider an application to amend the existing development approval for two billboards at No. 596-598 Newcastle Street, West Perth in order to remove the time limit on the approval and grant permanent approval for the two Billboards.

BACKGROUND:

Landowner:	Graham Victor Cerini
Applicant:	Stewart Urban Planning
Date of Application:	6 November 2017
Zoning:	MRS: Urban TPS1: Commercial LPS2: Commercial
Built Form Area:	Activity Corridor
Existing Land Use:	Billboard
Proposed Use Class:	Billboard
Lot Area:	640m ²
Right of Way (ROW):	No
Heritage List:	No

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 currently accommodates two billboards and a landscaped area. The Billboards have a dimension of 12.6 metres by 3.36 metres. The billboards are situation on top of a 1.69 metre high colour bond stand. The landscaping of the subject site was approved by the City and has been maintained to the satisfaction of the City.

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 in 2004. A list of all of the approvals granted for the billboards is as follows:

- 9 March 2004 – Council at its Ordinary Council Meeting resolved to grant conditional development approval for the two Billboards for a period of three years.
- 8 August 2006 – Council at its Ordinary Council Meeting resolved to grant conditional development approval for the two Billboards for a period of three years.
- 23 February 2010 – Council at its Ordinary Council Meeting resolved to grant conditional development approval for the two Billboards on the subject site for a period of five years.
- 21 October 2014 – Council at its Ordinary Council Meeting resolved to grant conditional development approval for the two Billboards for a period of five years.

The current development approval is due to expire on 21 October 2019. The original development approval was granted for the subject site in recognition that the future development of the site was significantly constrained by the vehicle access issues from Loftus and Newcastle Street. The existing billboards have been located on the subject site for 14 years. The City has no record of any complaints being received in relation to the two billboards during this time.

The applicant has applied to amend to current approval to allow the permanent approval of the billboards and has proposed to amend the approved plans to align exactly with what is constructed on site, as shown in **Attachment 4**.

The current development approval is included as **Attachment 2**.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and Policy No. 7.5.2 – Signs and Advertising. 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
Signage		✓

Detailed Assessment

CONSULTATION/ADVERTISING:

Clause 37(2) of the City's Town Planning Scheme No. 1 provides that the City can advertise an application in any manner that it considers to be appropriate. Given that the Billboards exist, and there are no changes proposed to what has previously been approved, the City deemed advertising for community consultation was not required in this instance.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 7.5.2 – Signs and Advertising.

The application to amend the aforementioned condition of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting a local government to amend or delete any condition to which a development approval is subject.

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

Draft Local Planning Scheme No. 2

On 8 December 2017, the Acting Minister for Planning announced that the City's draft Local Planning Scheme No. 2 (LPS2) is to be modified before final approval was to be granted. The Schedule of modifications was confirmed in writing by officers at the Department of Planning, Land and Heritage (the Department). The Department also advised that the modifications to the LPS2 would be required before the Acting Minister would finally grant approval to the Scheme. In this regard the modified version of LPS2 should be given due regard as a seriously entertained planning proposal when determining this application. The modifications required do not impact on the subject site.

Delegation to Determine Applications:

This matter is being referred to Council as the original development application was determined by Council.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that 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:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Approval Period

The City's Policy No. 7.5.2 – Signs and Advertising does not permit billboards as of right within the City of Vincent. Departures from the requirements of Policy No. 7.5.2 – Signs and Advertising can be considered where it is determined the departure is appropriate to the setting of the sign.

The billboards have been located on the subject site with approval from the City for the past 14 years and have become an established part of the existing streetscape. During this time, the landowner has consistently maintained the billboards and associated landscaping to the satisfaction of the City and the City has no record of receiving any complaints relating to the billboards. The billboards are orientated to address Newcastle Street and Loftus Street and are not visible from the nearby residential properties. Similarly, the billboards do not block views of significance or obscure architectural detailing of the adjoining properties. As such, the billboards are considered to be of a scale suitable to the current land use mix and built form of the location and do not currently impact on the amenity of the nearby residential properties.

However, the subject site and surrounding area is proposed to change significantly as part of the City's Built Form Policy, which designates the site as an Activity Corridor and sets a six storey height for the area. The development of the subject site has been limited by the vehicle access requirements to Loftus Street and Newcastle Street, which require the developer to provide significant road upgrades to enable safe access to the site. Given these constraints and the current land use and built form context of the location, the use of the site for advertising in the form of billboards, is considered to be appropriate for the medium term, until such time as the development context of this area changes in line with the Activity Corridor and six storey designation of Built Form Policy.

Despite the current vehicle access requirements, the City recognises the potential for the subject site to be developed in the future, particularly given the Commercial zoning and the six storey height permitted for the site, as well as the potential for the site to coordinate development and access arrangements with adjoining properties. As such, it is considered necessary for the billboard approval to again be time limited, consistent with the previous four approvals for the billboards. Given the complexity of development of the site, which would either require amalgamation with an adjoining lot or substantial road works to allow access, it is considered appropriate for the time limited condition on the existing approval to be amended to allow the billboards for an additional 10 years before a further application would be required.

Advertising Standards

The Australian Advertising Standards Bureau (ASB) is the most appropriate authority to determine if the content of advertising signs is considered 'offensive' or contravenes the relevant regulations. Currently, the City would use the ASB and its standards to determine if there is a breach of condition 2.3 of the existing development approval. Given all concerning advertising would be assessed by the ASB, it is considered unnecessary and complicated for condition 2.3 to remain on the development approval. As such, it is recommended condition 2.3 be deleted as part of the development approval.

Landscaping

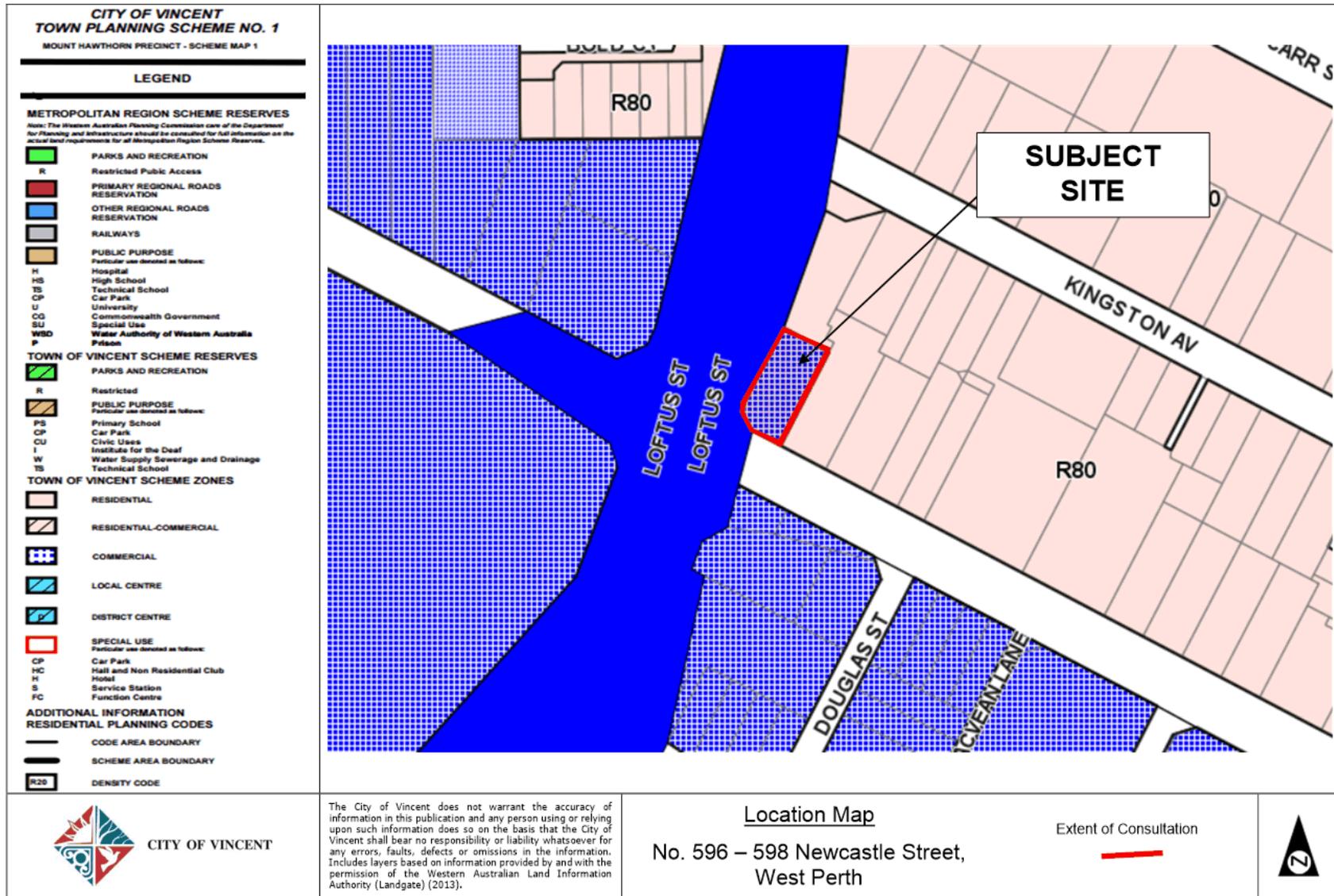
The City is satisfied that the landscaping provided on site, which has consistently been maintained to a high standard and meets the intent of the landscaping plan approved by Council in 2014. [However, this current landscaping plan was not to scale and does not screen the colourbond material used as the base to the billboards themselves. Given this, it is recommended that a new landscaping plan be required that is drawn to scale and shows appropriate landscaping to screen the colourbond base to the billboards.](#)

As part of the review of the existing landscaping plans, it was noted that the currently approved development plans also lacked clarity. In order to address this, the applicant has provided as-constructed plans of the existing billboard signs on site. These plans confirm that the as-constructed billboards comply with the existing

approved plans to the extent of the detail provided in those plans. However, in order to ensure the billboards cannot be altered to take advantage of the lack of detail in the existing approved plans, it is recommended the approved plans be replaced with the as-constructed drawings, which have been lodged as part of this development application.

It is acknowledged that the Billboards represent an interim solution and not the optimal development outcome for the subject site. As such, a time limited approval is considered appropriate to ensure the appropriateness of the billboards is reconsidered in the future when the site context has change. In light of the above, the Billboards are considered to be a suitable temporary use for the site for an additional 10 years.

On this basis, it is recommended that the application to amend condition one of the development approval be approved on the condition that the approval is valid for an additional 10 years.





SUBJECT SITE

596-598

LOFTUS ST

NEWCASTLE ST

KINGSTON AV

459, 604-612

61

61.63

59

55

53

35

33

31

29

590

588

586

33 units / 580

1-12/46



CITY OF VINCENT

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No. 596 – 598 Newcastle Street, West Perth



ORDINARY MEETING OF COUNCIL
21 OCTOBER 2014

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CITY OF VINCENT
MINUTES

PROCEDURAL MOTION

Moved Cr Topelberg, **Seconded** Cr Wilcox

That Items 9.1.4 and 9.1.3 now be discussed, as persons in the Public Gallery are waiting to hear the outcomes.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.1.4 Nos. 596-598 (Lot Y116; D/P 2360) Newcastle Street, corner Loftus Street, West Perth – Renewal of a Billboard Signs Approval

Ward:	South	Date:	10 October 2014
Precinct:	Cleaver; P05	File Ref:	PRO0799; 5.2014.439.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification Submission		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by WA Billboards on behalf of the owner G V Cerini for the proposed Renewal of a Billboard Signs Approval at Nos. 596-598 (Lot Y116; D/P 2360) Newcastle Street, corner of Loftus Street, West Perth, and as shown on plans date stamped 12 August 2014, included as Attachment 002, subject to the following conditions:

1. **Approval Period**

This approval for the billboard signs is valid for a period of five (5) years from the date of issue of this approval;

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 advertising content displayed on the billboard signs shall not contain material that (by reasonable definition) that, as determined by the City, may be offensive to the public or cause unacceptable levels of distraction;
- 2.4 The billboard signs are not to exceed the dimensions as shown on the approved plans; and
- 2.5 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

ORDINARY MEETING OF COUNCIL
21 OCTOBER 2014

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CITY OF VINCENT
MINUTES

3. **Landscaping**

The landscaping as outlined in the plan date stamped 12 August 2014 shall be planted and maintained thereafter by the owner(s)/occupiers at their own expense.

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.

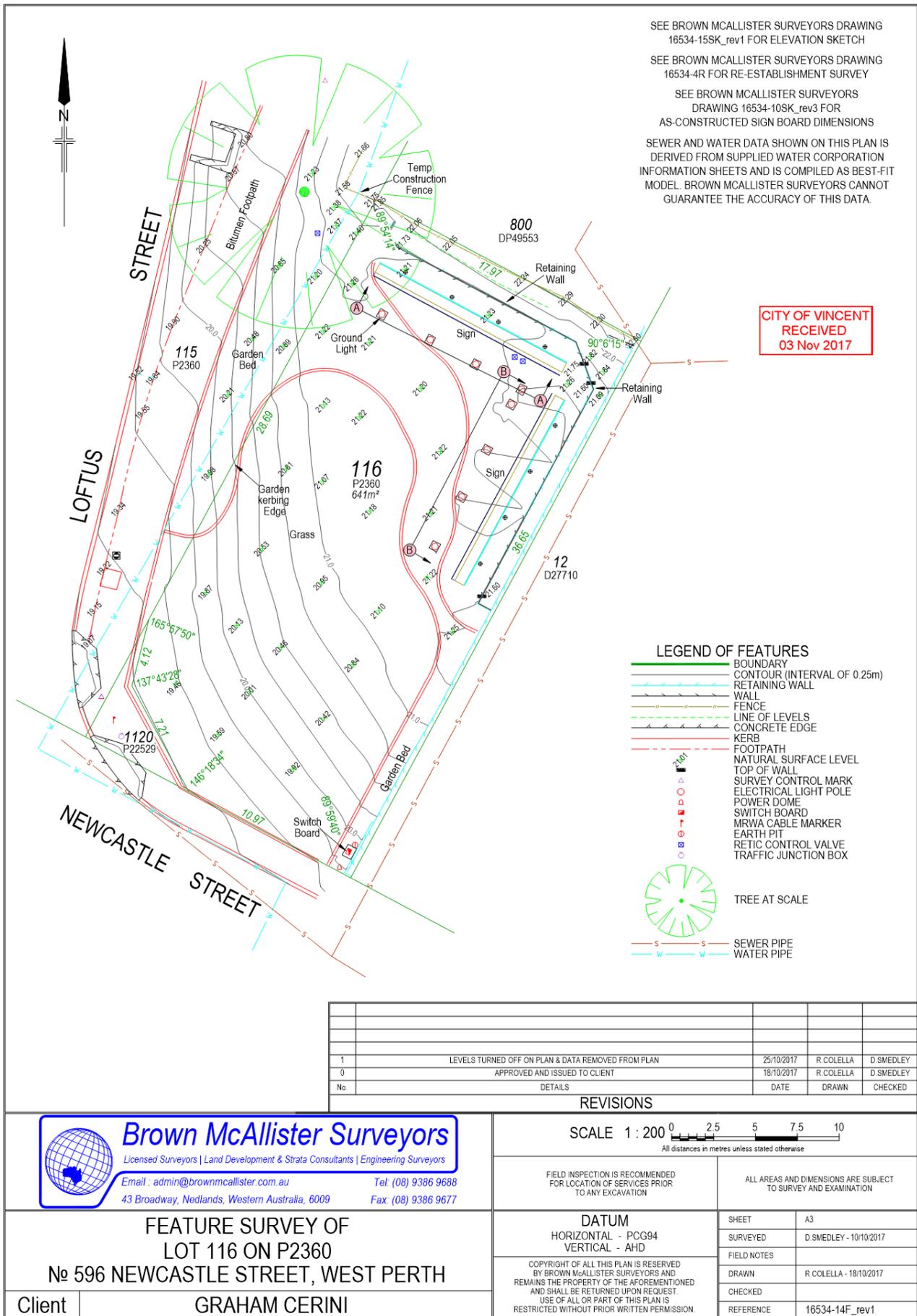
COUNCIL DECISION ITEM 9.1.4

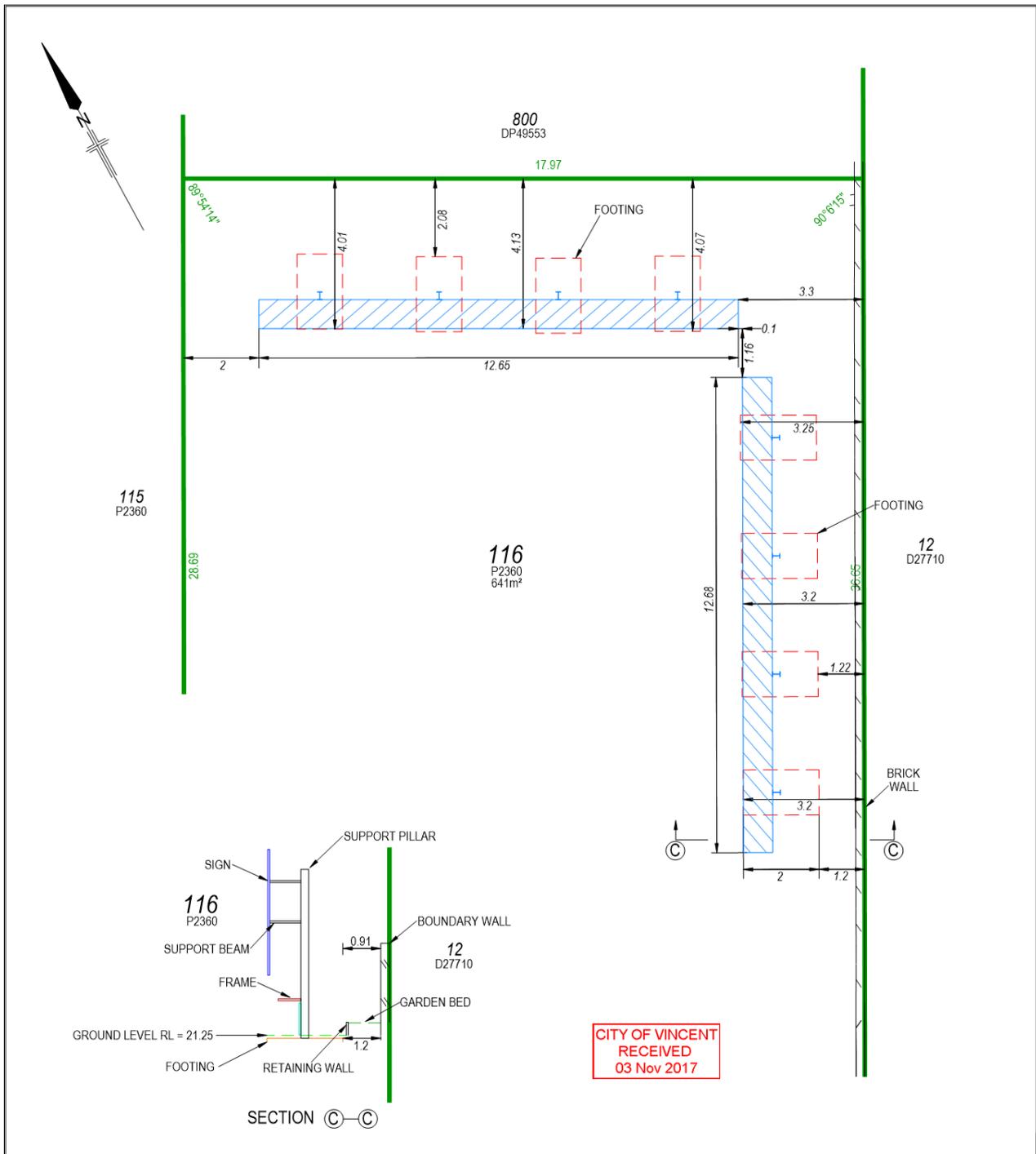
Moved Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED AS RECOMMENDED (6-3)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald, Cr Pintabona, Cr Topelberg
Against: Cr Harley, Cr Peart, Cr Wilcox.





CITY OF VINCENT
RECEIVED
03 Nov 2017

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

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

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

DATUM HORIZONTAL - N/A VERTICAL - AHD	SHEET	A3
	SURVEYED	D. SMEDLEY- 10/10/2017
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.	FIELD NOTES	
	DRAWN	R. COLELLA - 19/10/2017
	CHECKED	
	REFERENCE	16534-10SK_rev3

Client **GRAHAM CERINI**

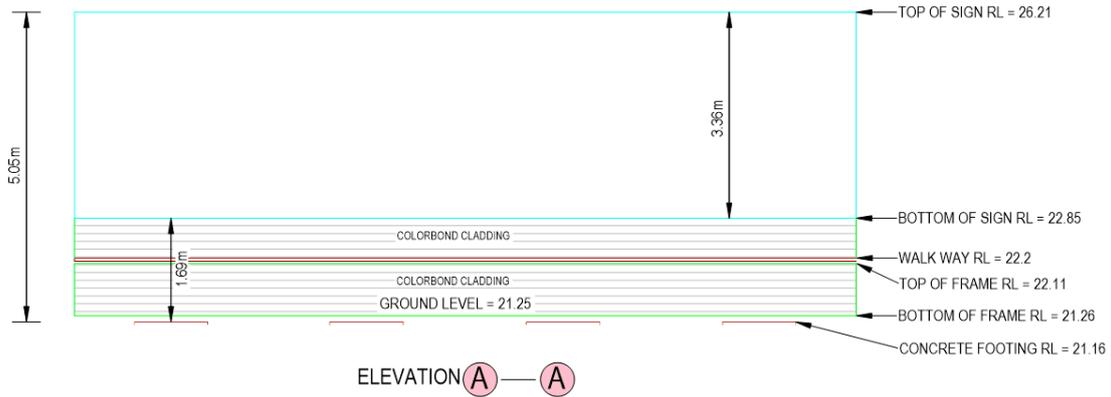
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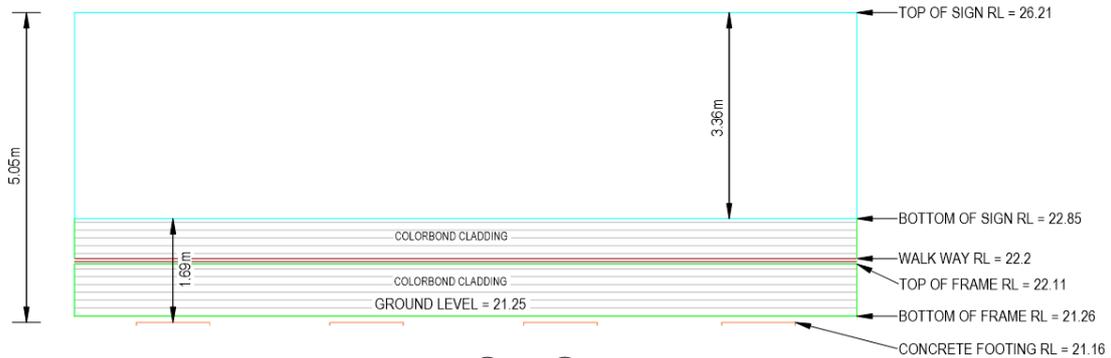
SECTION A-A



SECTION B-B



ELEVATION A — A



ELEVATION 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

REVISIONS



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

SCALE 1 : 75

All distances in metres unless stated otherwise

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**

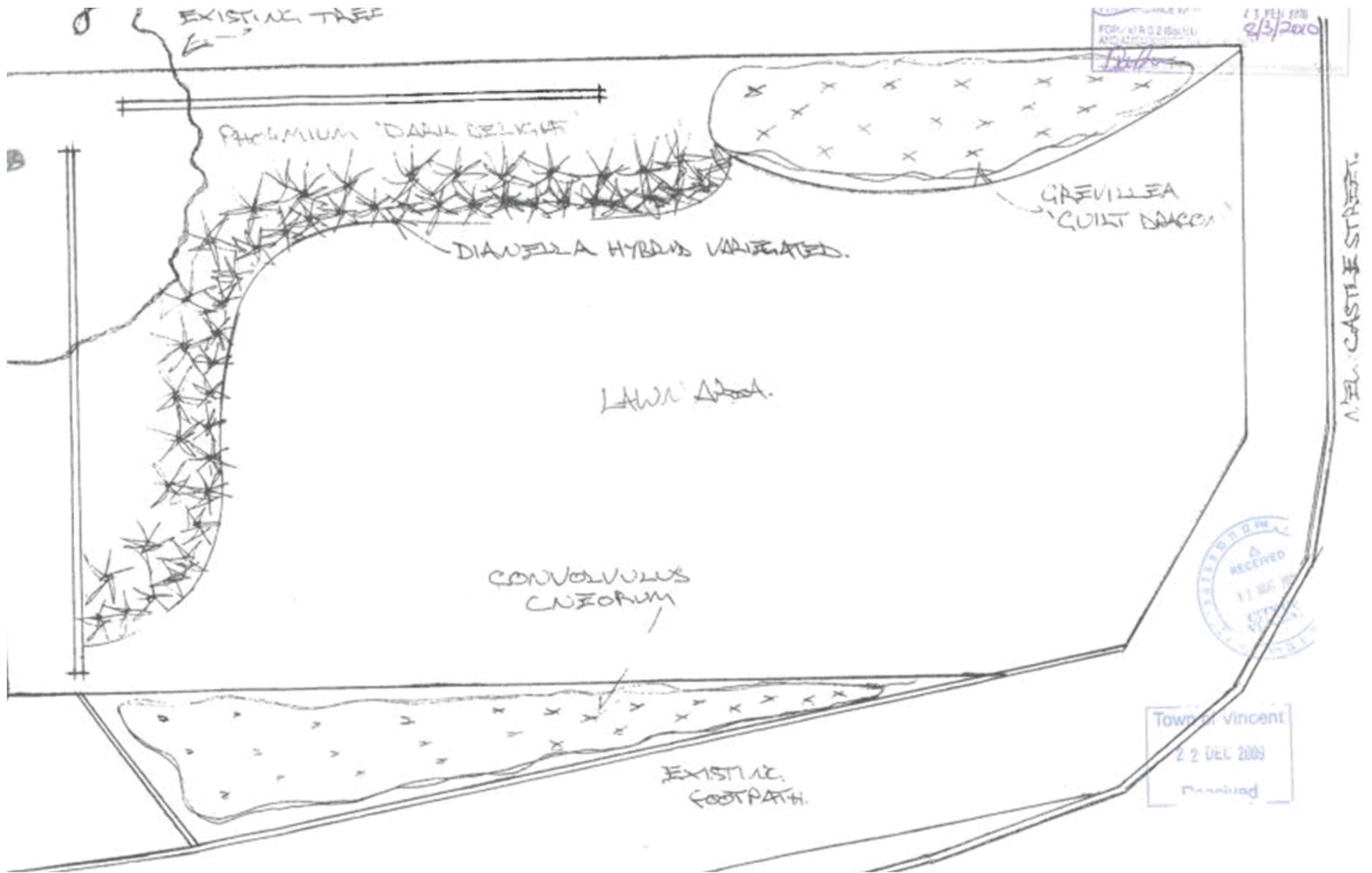
DATUM
HORIZONTAL - N/A
VERTICAL - AHD

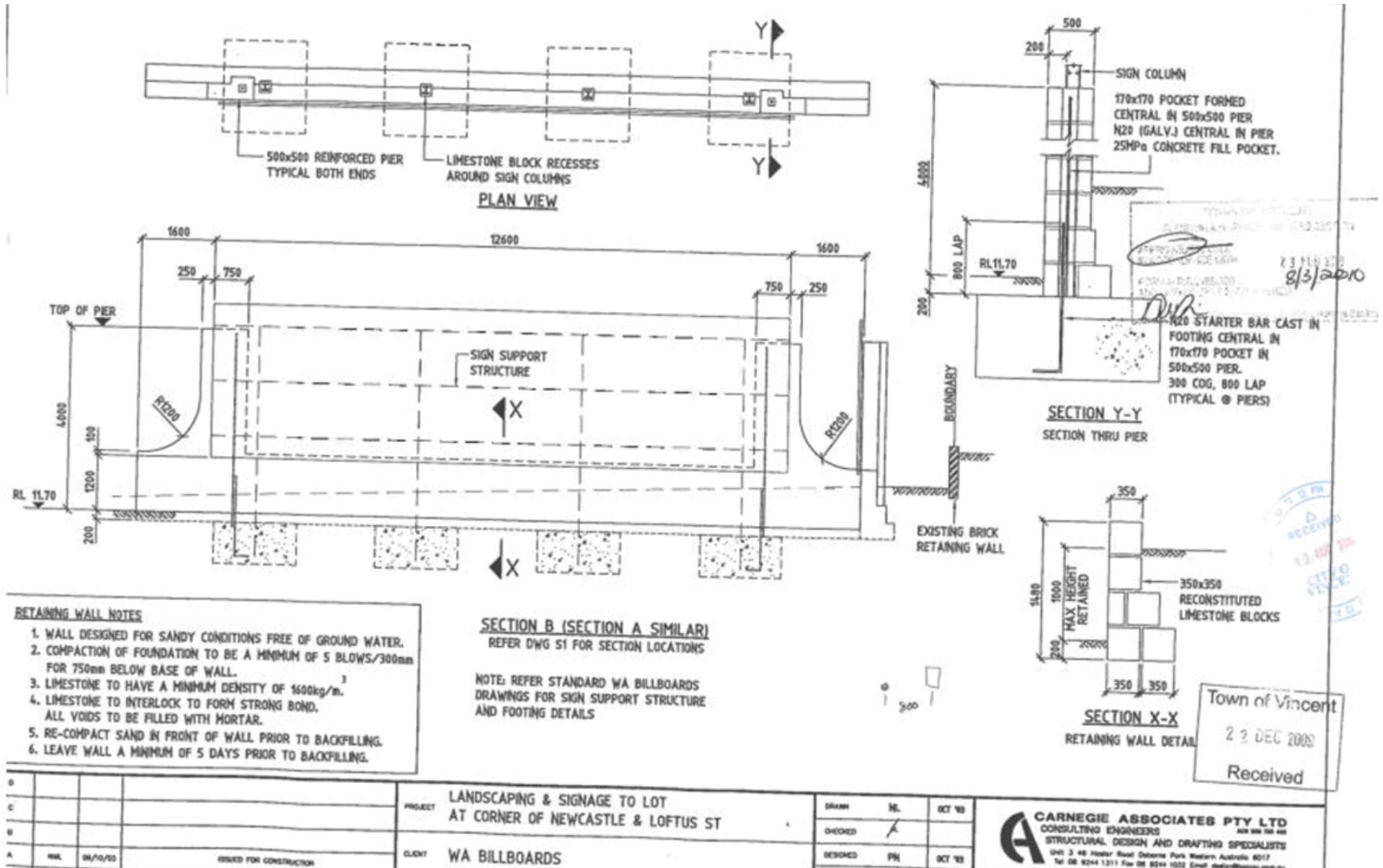
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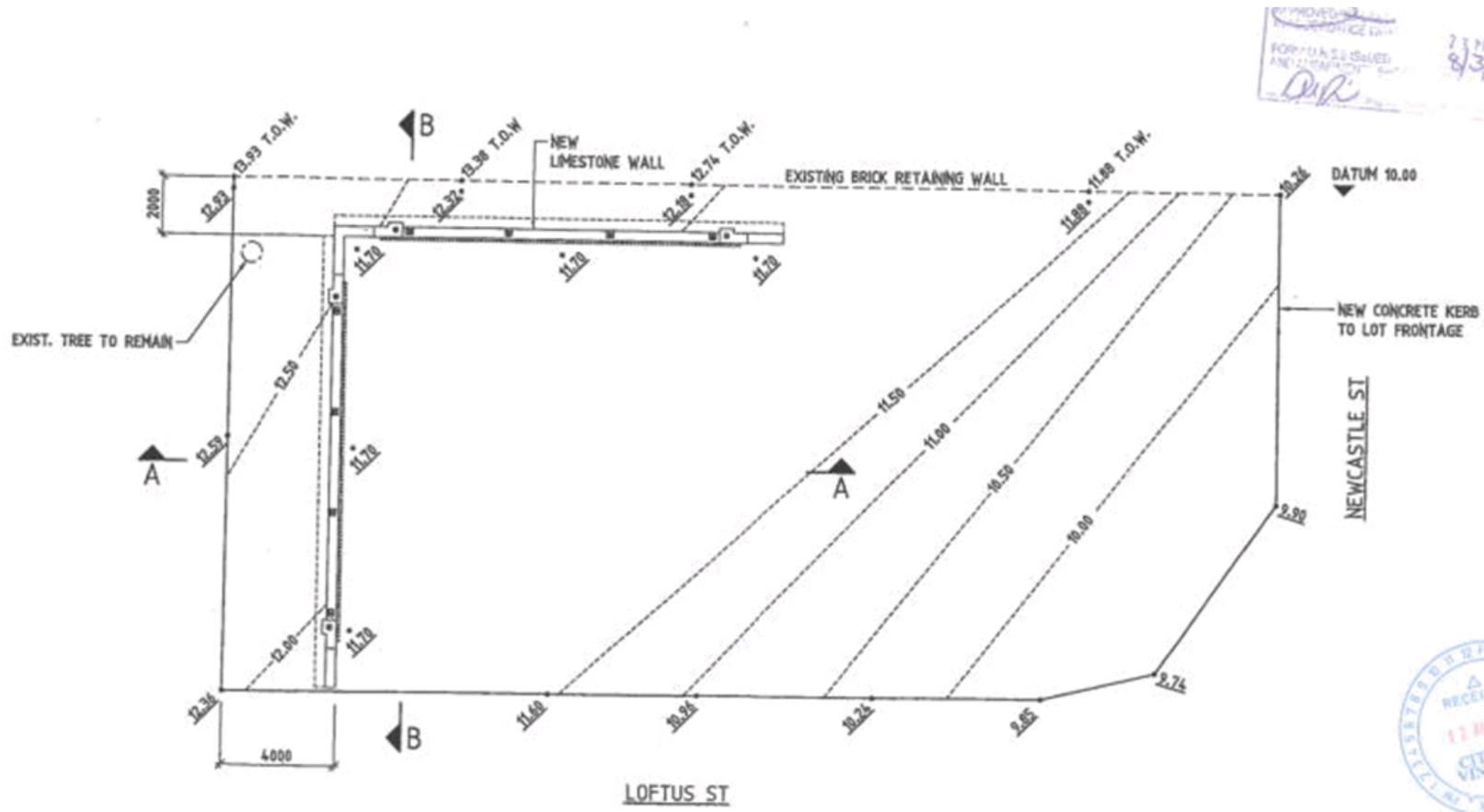
SHEET	A3
SURVEYED	D. SMEDLEY - 10/10/2017
FIELD NOTES	
DRAWN	R. COLELLA - 19/10/2017
CHECKED	
REFERENCE	16534-15SK_rev1

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.







APPROVED FOR CONSTRUCTION
 FOR TOWN COUNCIL AND COUNCIL
 23 FEB 2010
 8/3/2010

RECEIVED
 17 AUG 2009
 TOWN OF VINCENT
 No 2 153

Town of Vincent
 22 DEC 2009
 Received

SITE PLAN
 1:150

		PROJECT	LANDSCAPING & SIGNAGE TO LOT AT CORNER OF NEWCASTLE & LOFTUS ST		DRAWN	NML	10	CARNEGIE ASSOCIATES PTY LTD CONSULTING ENGINEERS STRUCTURAL DESIGN AND DRAFTING SPECIALISTS Unit 2 46 Hester Road Osborne Park Western Australia 6017 Tel 08 9244 1211 Fax 08 9244 1232 Email enq@carcie.com.au		
		CLIENT	W.A. BILLBOARDS		CHECKED	<i>h</i>				
BY	DATE	DETAILS		DESIGNED						
				APPROVED	<i>K. Walker</i>					