

5.3 NO. 374 (LOT: 801; D/P: 29435) NEWCASTLE STREET, PERTH - PROPOSED AMENDMENT TO APPROVED UNLISTED USE (BILLBOARD SIGNAGE)

Ward: South

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Previous Council Minutes
4. Previously Approved Plans
5. Applicant's Written Justification
6. Site Photo of Existing Billboard Signs
7. Summary of Submissions - Administration's Response
8. Summary of Submissions - Applicant's Response
9. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for an Amendment to Approved Unlisted Use (Billboard Signage) at No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Time Limited Approval

This approval is valid for a period of three (3) years from the date of this approval. After this period, the use shall cease to operate unless a further approval is obtained prior to the expiration of this period (refer to advice note 4).

2. Sign Management

2.1 This approval is for an Unlisted Use (Billboard Signage) as shown on the Development Plans dated 27 May 2021, included as Attachment 2. No other development forms part of this approval;

2.2 The signage shall not have flashing, intermittent or running lighting;

2.3 The applicant/owner shall maintain adequate setback from motorists' line of sight through the traffic signals to the nearest edge of the billboards, to the satisfaction of the City;

2.4 The billboards shall not display advertising material which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs, to the satisfaction of the City; and

2.5 Advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction, to the satisfaction of the City; and

3. Site Amenities

3.1 Appropriate seating and a drinking fountain shall be conveniently located within the site, to the satisfaction of the City; and

3.2 The site shall be appropriately landscaped using waterwise plants with a preference for local Australian plants, to the satisfaction of the City. The landscaping shall be planted and maintained thereafter to the satisfaction of the City, at the expense of the owner(s)/occupiers.

PURPOSE OF REPORT:

To consider an application for development approval to amend a previous development approval for an Unlisted Use (Billboard Signage) at No. 374 Newcastle Street, Perth (the subject site).

PROPOSAL:

The application proposes to extend the validity of the previous development approval which expired on 28 June 2021 to allow the two existing billboard signs to continue being displayed at the subject site for a further five years.

The existing sign facing Fitzgerald Street has dimensions of 12.66 metres by 3.35 metres and the existing sign facing Newcastle Street has dimensions of 8.3 metres by 2.2 metres. The application does not propose any change to the previously approved size or locations of the signs.

The development plans are included in **Attachment 2**.

BACKGROUND:

Landowner:	S & K Investments Pty Ltd
Applicant:	S & K Investments Pty Ltd
Date of Application:	27 May 2021
Zoning:	MRS: Urban LPS2: Zone: Commercial R Code: N/A
Built Form Area:	Activity Corridor
Existing Land Use:	Billboard Signage (Unlisted Use)
Proposed Use Class:	Billboard Signage (Unlisted Use)
Lot Area:	261.6m ²
Right of Way (ROW):	No
Heritage List:	No

Site Context

The subject site is bound by Newcastle Street to the south west, Fitzgerald Street to the north west and vacant sites to the north east and south east. The subject site abuts the boundary between the City of Vincent and the City of Perth to the south.

The subject site and the adjoining property to the south east are zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2). The adjoining properties to the north east are zoned Mixed Use R160 under LPS2.

The subject site and all adjoining properties are within the Activity Corridor built form area and have a building height limit of four storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

One of the existing billboards at the subject site faces Newcastle Street and the other faces Fitzgerald Street. The remainder of the site includes extensive landscaping, seating and a water fountain. A site photograph is included in **Attachment 6**.

Previous Development Applications

At its Ordinary Meeting on 23 August 2005, in line with Administration's recommendation, Council resolved to refuse a development application for two billboard signs and a piazza with three bench seats, a ground plaque, reticulated lawn and landscaping at the subject site for the following reasons:

- *The signs would not be consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Fitzgerald Street and the Beaufort Precinct; and*
- *Due to non-compliance with the Signage Policy and Beaufort Precinct Statement.*

At its Ordinary Meeting on 14 June 2011, Council resolved to approve a development application for the two existing billboard signs and associated landscaping at the subject site. This was contrary to Administration's recommendation of refusal. Council's reasons for approval were:

- *Difficulty of developing the site;*
- *The temporary proposal provides a social dividend to the community; and*
- *The proposal is of a temporary nature (i.e. 5 years).*

At its Ordinary Meeting on 28 June 2016, Council resolved to approve a development application, in line with Administration's recommendation, to extend the validity of the 2011 approval for a further five years until 28 June 2021.

The minutes of the 28 June 2016 and 14 June 2011 Ordinary Council Meetings are included as **Attachment 3**, and the previously approved plans from 2016 are included as **Attachment 4**.

DETAILS:

The buildings that previously occupied the adjoining vacant sites to the north east and south east (No. 372 Newcastle Street, No. 120 Fitzgerald Street and No.126-128 Fitzgerald Street) were demolished in October 2018 and the City has not received any applications for redevelopment on these adjoining sites.

These three adjoining sites are currently advertised as being for sale under one listing. This listing does not include the subject site.

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the Built Form Policy and the City's Policy No. 7.5.2 – Signs and Advertising (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 deemed-to-comply assessment of the elements that require the discretion of Council are as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
'P' use	Unlisted use. The proposed billboard signage is not a use that is referred to within LPS2.
Signage	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.2 – Signs and Advertising <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 for a further five years. 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:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days commencing on 13 July 2021 and concluding on 26 July 2021. Community consultation was undertaken by way of written notification with 21 letters being sent to surrounding landowners and occupiers, of which 19 were located in the City of Vincent and two were

located in the City of Perth, as shown in **Attachment 1**. A notice was also published in the Perth Voice and on the City's website in accordance with the City's Policy No. 4.1.5 – Community Consultation.

During the community consultation period, the City received a total of five submissions, four in objection and one in support of the proposal. The submissions received in objection raised the following concerns:

- The existing billboards have an adverse impact on the visual amenity of this section of the City;
- The City's prohibition of billboard signs under the Signage Policy is well founded. Over-scaled, commercialised billboard signs are at odds with the aim of this Policy;
- The billboard signage does not contribute any services to the local area, undermines walkability in the area does not provide any sustainable water or power infrastructure;
- The billboards do not fit the scale, height, style, materials, street alignment and design of facades along Newcastle and Fitzgerald Streets;
- The billboard signage is not consistent with the City's long term planning for development along Newcastle Street;
- The billboard signage should not be justified by the provision of the pocket park which does not provide any shade planting, is uncomfortable and does not appear to be well utilised by members of the public; and
- The existing billboards are a major disincentive to the redevelopment of the properties around the billboard site.

A summary of the submissions received and Administration's response to these is provided in **Attachment 7**. The applicant's response to the summary of submissions is included in **Attachment 8**.

Main Roads WA (MRWA)

The development application was not required to be referred to MRWA because the existing billboard signage is not adjacent to a Primary Regional Road or visible from the Graham Farmer Freeway. The proposal was still referred to MRWA for consistency because the previous development applications were referred. MRWA responded advising that it had no comments in relation to the proposal.

Department of Planning Lands and Heritage (DPLH)

The proposal was referred to the DPLH for comments in accordance with the Western Australian Planning Commission's (WAPC) Notice of Delegation dated 30 May 2017 as the subject site abuts Fitzgerald Street which is an Other Regional Road (ORR) under the Metropolitan Region Scheme (MRS). DPLH advised that it had no objection to the proposal on ORR planning grounds.

Design Review Panel (DRP):

Referred to DRP: No

The application was not referred to the City's DRP because the billboard signs are existing and the built form is not proposed to change from what was previously approved.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form; and
- Policy No. 7.5.2 – Signs and Advertising.

City of Vincent Local Planning Scheme No. 2

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.*

Policy No. 7.5.2 – Signs and Advertising

The objective of the Signage Policy 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”*.

There is a deemed-to-comply provision in the Signage Policy that sets out that billboards are not permitted within the City of Vincent. This provision has remained unchanged since the billboard signage on the subject site was previously approved.

At its Ordinary Meeting on 20 October 2020, Council moved a Notice of Motion and adopted a recommendation 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.

A review of the City's Signage Policy is currently ongoing and it is intended to be presented to Council at its October 2021 Ordinary Council Meeting for consideration to advertise.

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 because:

- The application proposes to amend a development approval previously determined by Council that does not satisfy the deemed-to-comply standards of the City's Signage Policy and would impact the conditions imposed; and
- The application proposes the approval of billboard signage.

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 is 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:Billboard Signage

The City's Signage Policy states 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 states 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 provisions of a local planning policy is one of a number of matters that the City is required have due regard for under Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) in determining an application.

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 Regulations. This means that it would be possible for the City to exercise its discretion and approve a development application that proposes billboard signage where these considerations have been deemed to be met.

The proposed billboard signage would satisfy these objectives and matters to be considered for the following reasons:

- The application does not propose any changes to the size or location of the existing billboard signs;
- The applicant has consistently maintained the existing billboard signage as well as the associated landscaping and amenities to the satisfaction of the City since 2011;
- The City has not received any complaints regarding the billboard signs or the subject site since 2011;
- The individual subject site continues to have limited development potential due to the constrained nature of the site. The site has an area of 262 square metres, is located on the corner of two district distributor roads and has limited vehicle access options. Future development of the site would be viable through amalgamation with adjoining properties. The existing signs are considered to be a suitable use for the site until this more desirable development opportunity arise; and
- It is recommended that the previous approval for the existing billboard signage be renewed subject to a condition stipulating a time limitation. This would ensure that the long term use of the site does not remain for the use of displaying billboard signage.

Time Limited Approval

The applicant is proposing to extend the validity of the previous development approval for a further five years, expiring on 14 September 2026.

The applicant has provided written justification in support of the proposed five year renewal which is included in **Attachment 5** and summarised as follows:

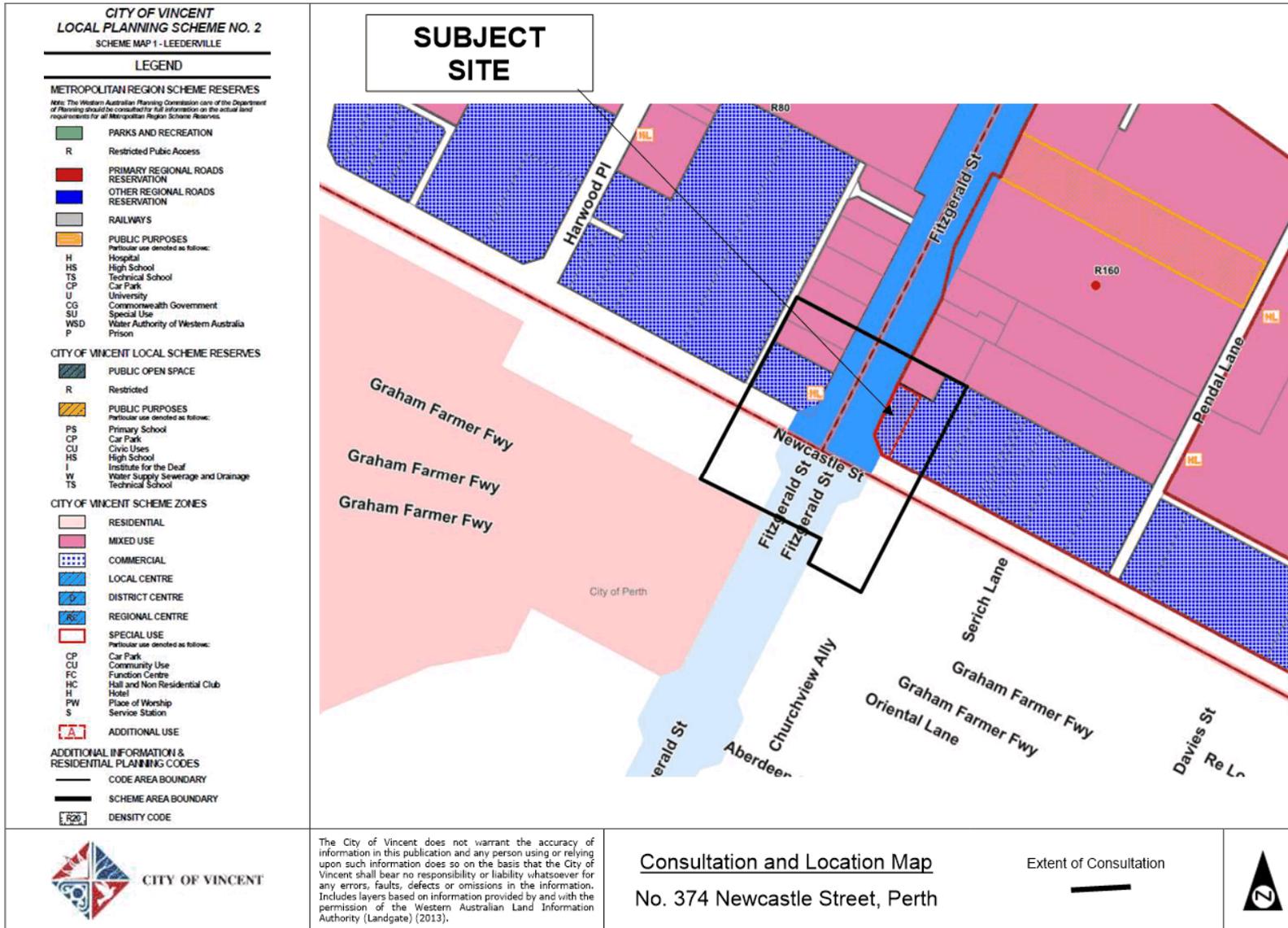
- Prior to the installation of the billboards in 2011, the subject site was poorly maintained and used as an informal car park. The installation of the billboards, landscaping, public seating and water fountain provided an improved streetscape outcome for the community. The proposed five year extension of time would ensure that this social dividend continues to be provided by the subject site; and
- The billboards were approved by the City in 2011 and renewed in 2016 because the subject site was constrained and would be difficult to develop without being amalgamated with adjoining properties to the north east and south east. These adjoining properties have been on the market since 2018 and are yet to be sold which indicates that amalgamation and redevelopment is not imminent or likely to occur for at least several more years; and
- Whilst the subject site has not been included on the listing for sale of the adjoining properties, the applicant has indicated that they would be prepared to sell the subject site into a larger development if and when a suitable opportunity arises.

The applicant has separately advised that any approval for a renewal that is less than five years would result in difficulties securing clients to fill the ad space and reduce the commercial viability of the billboards. The applicant has suggested that in the instance that Administration were to recommend a three year renewal, an additional Condition be imposed triggering a further two year approval in the instance that no development application is lodged for the surrounding sites during the next three years.

Although Administration is recommending that the previous approval for the existing billboard signage be renewed, it is not of the view that the proposed five year extension is appropriate given that the circumstances surrounding the subject site have changed since the previous decision made on 26 July 2016.

Administration recommends that the previous approval for the existing billboard signage be renewed for a further three years for the following reasons:

- Since the 2016 approval, there has been progress with respect to the redevelopment opportunities at the subject site. The adjoining properties to the north east and south east have been cleared and listed for sale;
- It is possible that the continued existence of the billboard signage and omission of the subject site from the real estate listing could be perceived by prospective buyers as a barrier to purchase and development;
- In the instance that the subject site and adjoining properties were to be purchased in the near future, it is not considered unreasonable that a development could commence, or be close to commencing, within a three year period. The recommended three year renewal would ensure that the applicant is able to continue to utilise the subject site for the current purpose of displaying billboard signage in the interim period;
- Administration is not supportive of the applicant's recommendation to impose a Condition triggering a further two year approval in the instance that no development application is lodged for the surrounding sites during the next three years. A Condition of this nature would be contrary to the intent of Administration's recommended three year renewal timeframe as it would dis-incentivise the applicant from progressing with decommissioning the billboard signs and selling, amalgamating or redeveloping the subject site and this is because ultimately, the decision to progress with sale, amalgamation or redevelopment of the subject site sits with the applicant rather than the City;
- In the instance that amalgamation and development of the subject site and adjoining properties does not progress within the next three years, it would be open to the applicant at that time to submit another development application for renewal of the billboard signage and this would be considered on its merits; and
- At its Ordinary Meeting on 20 October 2020, Council moved a Notice of Motion and adopted a recommendation requesting that Administration investigate the suitability of billboards through community consultation and a review of the Signage Policy by December 2021. This Policy review should be concluded prior to the expiration of the three year development approval and would be able to provide clear direction for any future applications for renewal of the billboard signage.





 <p>CITY OF VINCENT</p>	<p>The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).</p>	<p>No. 374 Newcastle Street, Perth</p>	
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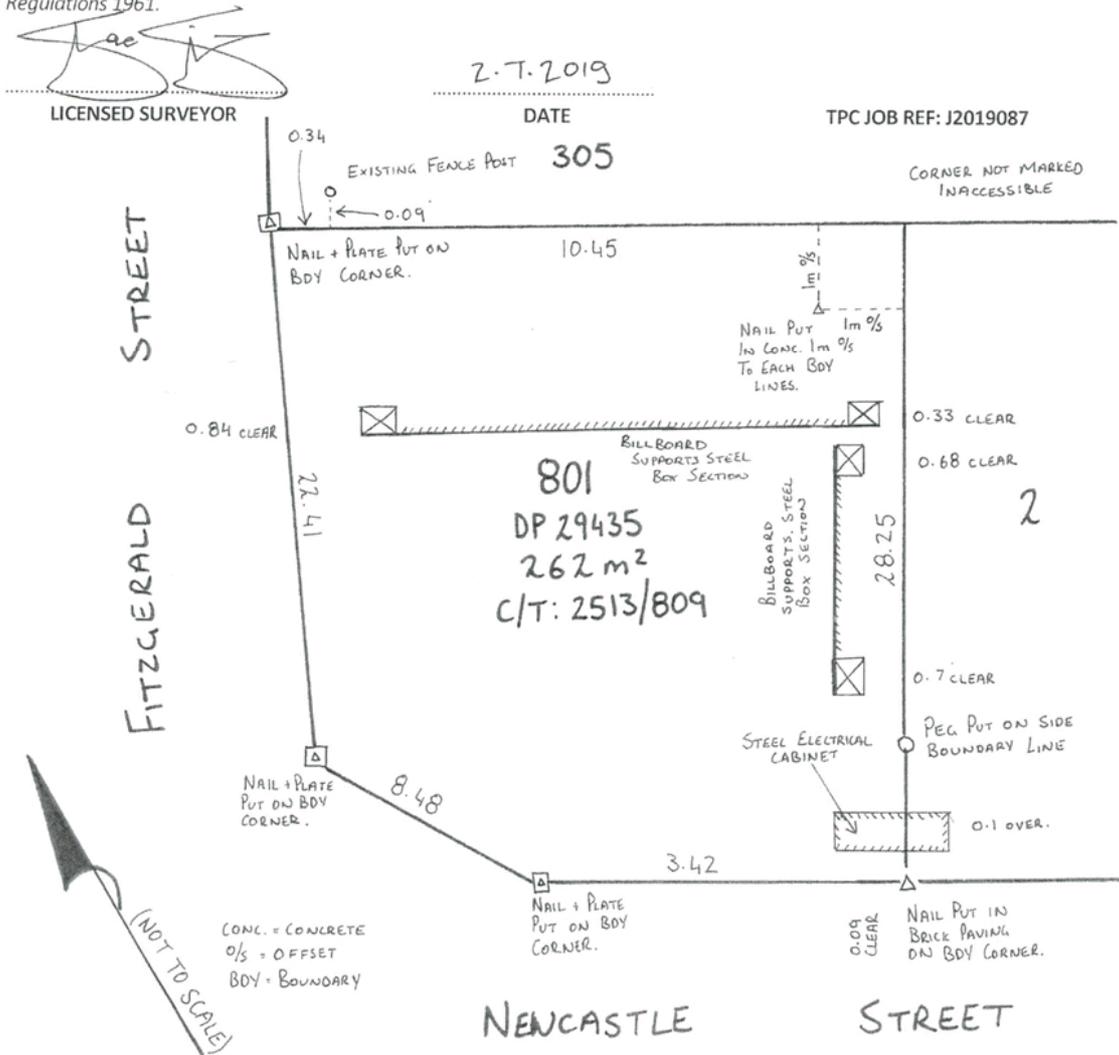
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27 May 2021

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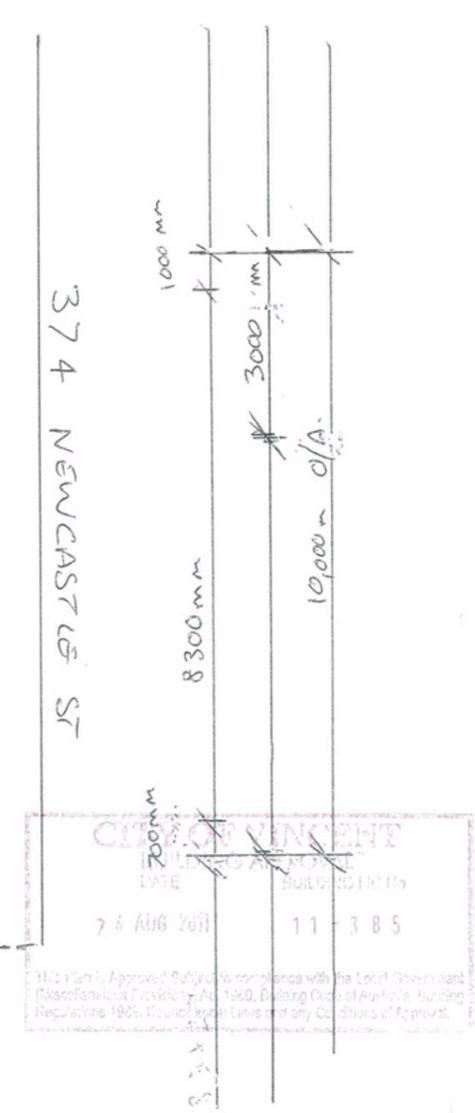
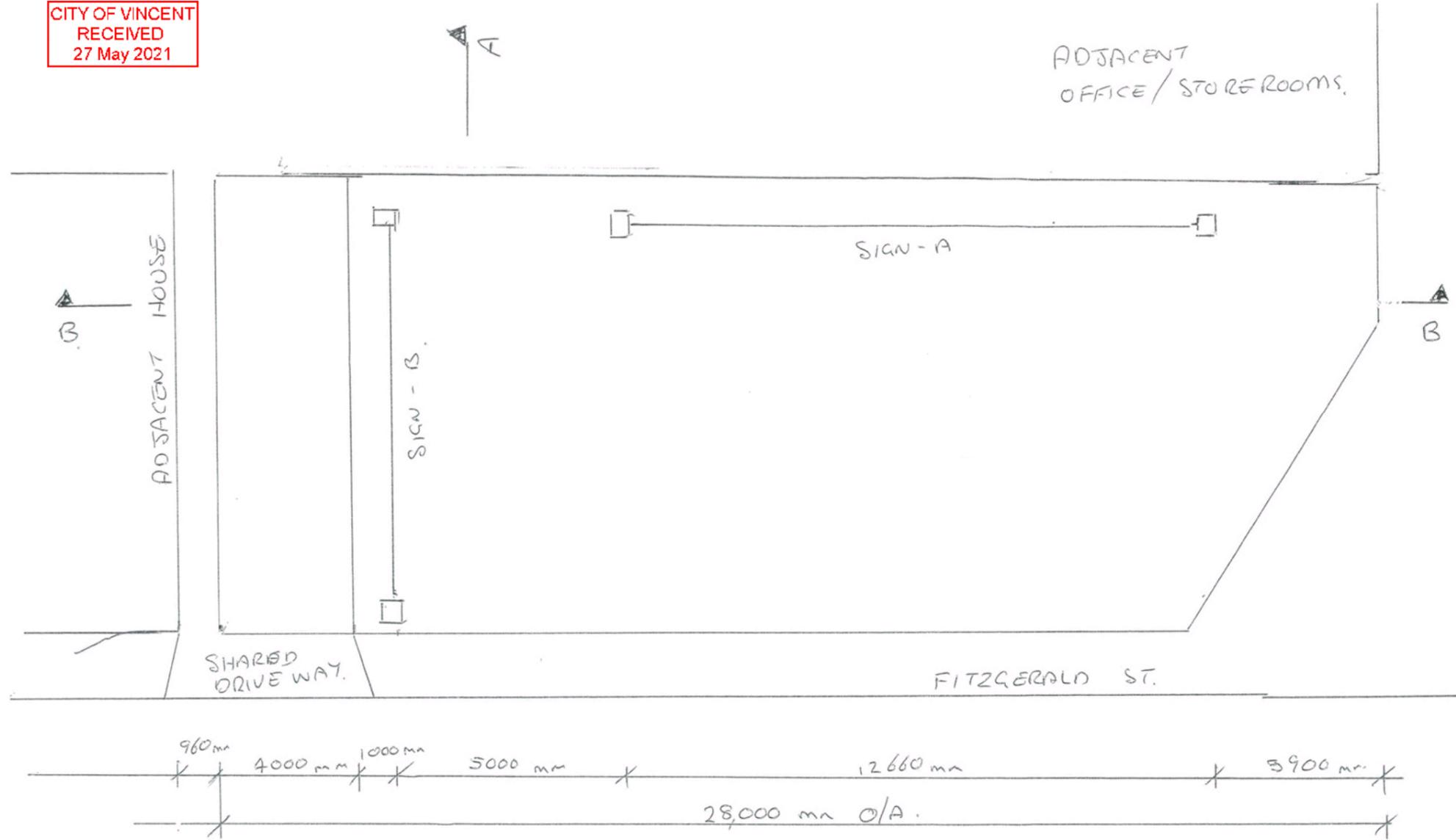
REGULATION 25A
RE-SURVEY CERTIFICATE
LICENSED SURVEYORS ACT 1909
SURVEYOR'S CERTIFICATE

I, Shane Bruce Simons, Licensed Surveyor, certify that on the 24th day of June 2019, the boundaries of Lot 801 on DP 29435 No 374 Newcastle Street, Perth as shown on the sketch (below) were re-established in accordance with the provisions of the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and the Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961.



Total Project Consultants Pty Ltd ACN 150 414 270 ATF TPC Trust ABN 66 574 011 665

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BUILDERS COPY
DATE: 24 AUG 2011
BUILD NO: 11-385
This Plan is Approved Subject to compliance with the Local Government (Miscellaneous Provisions) Act 1980, Building Code of Australia, Building Regulations 1995, Council Local Laws and any Conditions of Approval.

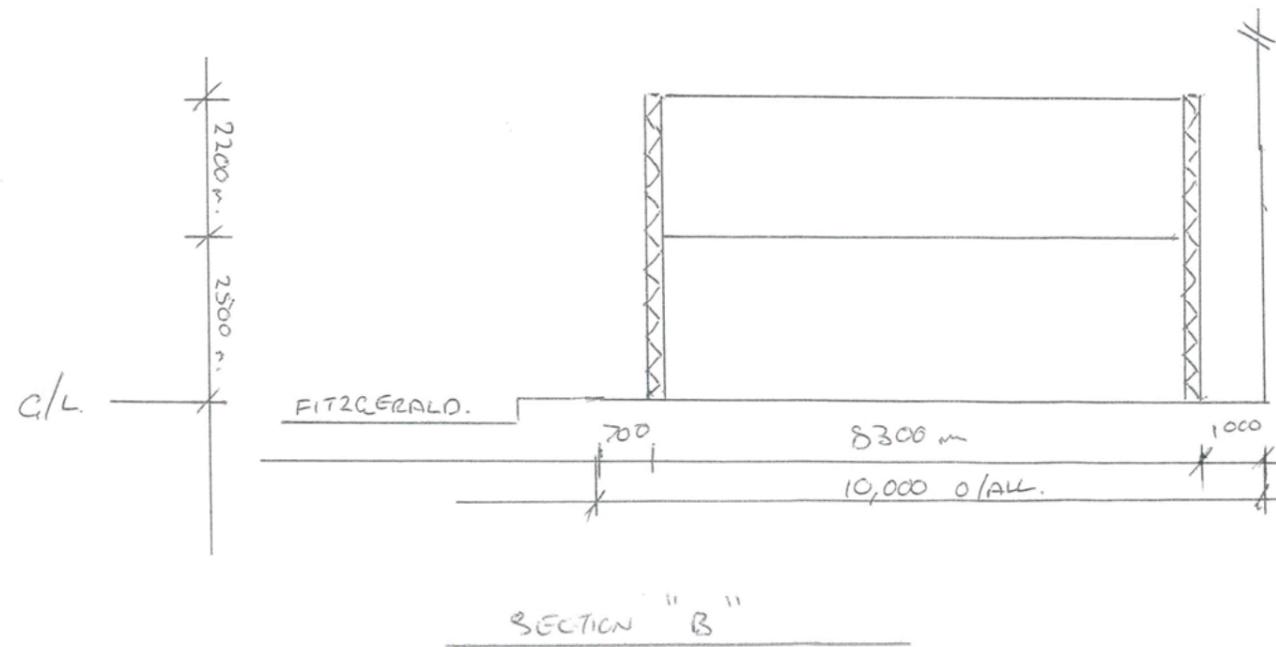
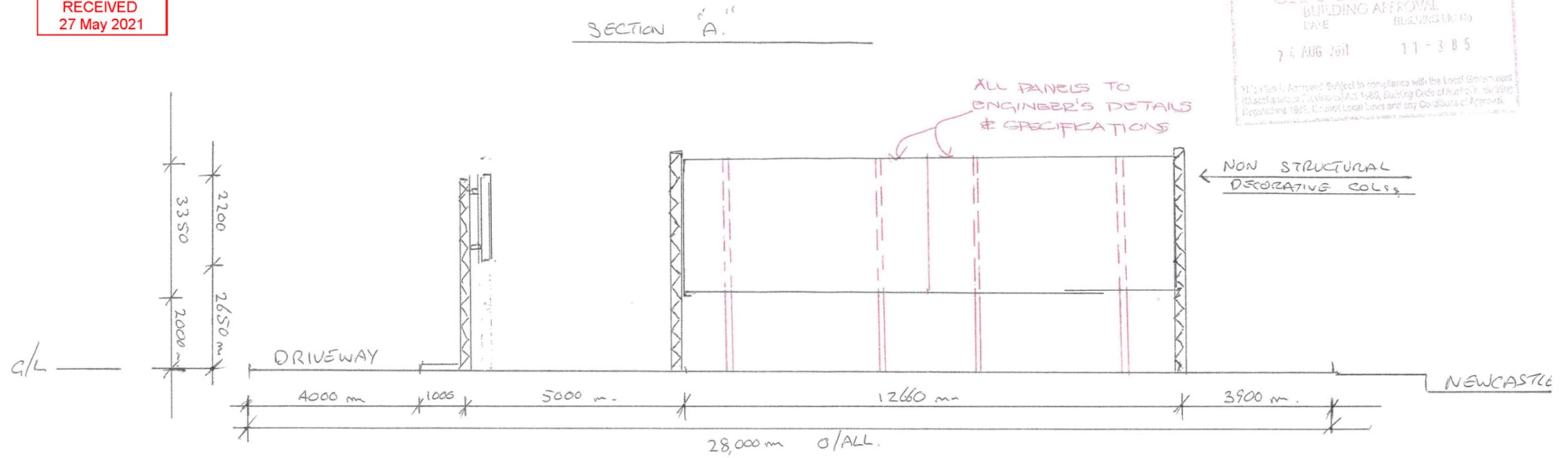
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18 JUL 2011
CITY OF VINCENT

SITE PLAN - SIGNS. SCALE 1-100.	OWNER - S+K INVESTMENTS PTY LTD.	1X 12660 X 3350 SIGN (A)
	374 NEWCASTLE ST PERTH. 15-7-11	1X 8300 X 2200 SIGN (B).

CITY OF VINCENT
RECEIVED
27 May 2021

CITY OF VINCENT
BUILDING APPROVAL
DATE: 24 AUG 2011
BUILDING NO: 11-385
This Plan is Approved Subject to compliance with the Local Government (Miscellaneous Provisions) Act 1980, Building Code of Australia, Building Regulations 1995, Council Local Laws and any Conditions of Approval.



BUILDERS COPY

RECEIVED
18 JUL 2011
CITY OF VINCENT

SECTION - A + B	OWNER - S+K INVESTMENTS PTY LTD
SCALE 1-100	374 NEWCASTLE ST PERTH. 15-7-11

ORDINARY MEETING OF COUNCIL
14 JUNE 2011

48

TOWN OF VINCENT
MINUTES

9.1.9 No. 374 (Lot 801; D/P: 29435) Newcastle Street, corner of Fitzgerald Street, Perth - Proposed Signage Addition (Billboard) and Associated Landscaping

Ward:	South	Date:	31 May 2011
Precinct:	Beaufort; P13	File Ref:	PRO0776; 5.2011.185.1
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	Applicants submission and associated documentation including a proposed alternative signage elevation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by WA Billboards on behalf of the owner Zhens Australia Pty Ltd for proposed Signage Addition (Billboard) to Existing Bank, at No. 374 (Lot 801; D/P 29435) Newcastle Street, corner of Fitzgerald Street, Perth, and as shown on plans stamp-dated 12 April 2011, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policy No. 3.5.2 relating to Signs and Advertising; and*
- (iii) consideration of the objection received.*

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-7)

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

Reasons:

1. Difficulty of developing the site;
2. The temporary proposal provides a social dividend to the community; and
3. The proposal is of a temporary nature (i.e. 5 years).

ORDINARY MEETING OF COUNCIL
14 JUNE 2011

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TOWN OF VINCENT
MINUTES

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.9

Moved Cr Maier, Seconded Cr McGrath

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by WA Billboards on behalf of the owner Zhens Australia Pty Ltd for proposed Signage Addition (Billboards) and Associated Landscaping, at No. 374 (Lot 801; D/P 29435) Newcastle Street, corner of Fitzgerald Street, Perth, and as shown on amended plans stamp-dated 27 April 2011, subject to the following conditions:

- (i) the application is considered a special case and the approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) this approval for billboards (2) (signage) is for a period of 5 years only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of use;*
- (iii) the signage shall not have flashing or intermittent lighting;*
- (iv) the applicant/owner shall maintain adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (v) the billboards (2) shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (vi) advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (vii) billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*
- (viii) the provision of appropriate seating and a drinking fountain shall be conveniently located within the site to the satisfaction of the Chief Executive Officer;*
- (ix) provision and maintenance of landscaping using waterwise plants with a preference for local Australian plants to the satisfaction of the Chief Executive Officer on advice from the Manager Parks and Property Services and the Co-ordinator Safer Vincent. The landscaping shall be planted and maintained thereafter by the owner(s)/occupiers at their own expense; and*
- (x) the owner(s), or the applicant on behalf of the owner(s), shall:*
 - (a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either undertake a Public Art Project (Option 1) or pay a Cash-in-Lieu Contribution, of \$5,000 (Option 2); and*

MINUTES OF MEETING HELD ON 14 JUNE 2011 TO BE CONFIRMED ON 28 JUNE 2011

ORDINARY MEETING OF COUNCIL
14 JUNE 2011

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TOWN OF VINCENT
MINUTES

- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence
for the development, obtain approval for the Public Art Project and
associated Artist; and

prior to the first occupation of the development, install the
approved public art project, and thereafter maintain the art work;*
- OR*
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence
for the development or prior to the due date specified in the invoice
issued by the Town for the payment (whichever occurs first), pay
the above cash-in-lieu contribution amount.*

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

MINUTES OF MEETING HELD ON 14 JUNE 2011 TO BE CONFIRMED ON 28 JUNE 2011

ORDINARY MEETING OF COUNCIL 27
28 June 2016

CITY OF VINCENT
MINUTES

9.1.2 No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Corner of Fitzgerald Street, Perth – Extension of the Term of Approval: Billboard Signage and Associated Landscaping (Unlisted Use)

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 13, Beaufort	File Ref:	PR24084; 5.2016.112.1
Attachments:	<ul style="list-style-type: none"> 1 – Consultation Map 2 – Development Application Plans 3 – Copy of Original Planning Approval and Plans granted on 14 June 2011 		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for an extension of the term of the existing planning approval granted on 14 June 2011 numbered 5.2011.185.1 for an Existing Billboard and Associated Landscaping (Unlisted Use) at No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Corner of Fitzgerald Street, Perth in accordance with plans date stamped 29 March 2016 as shown on Attachment 2, subject to the following conditions:

1. Compliance with the conditions as detailed on the previous approval dated 14 June 2011 numbered 5.2011.185.1 with the exception of Conditions (i) and (x).

ADVICE NOTES:

1. The signage is to have due regard to the Main Roads *“Policy and Application Guidelines for Advertising Signs”*.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, **Seconded** Cr Loden

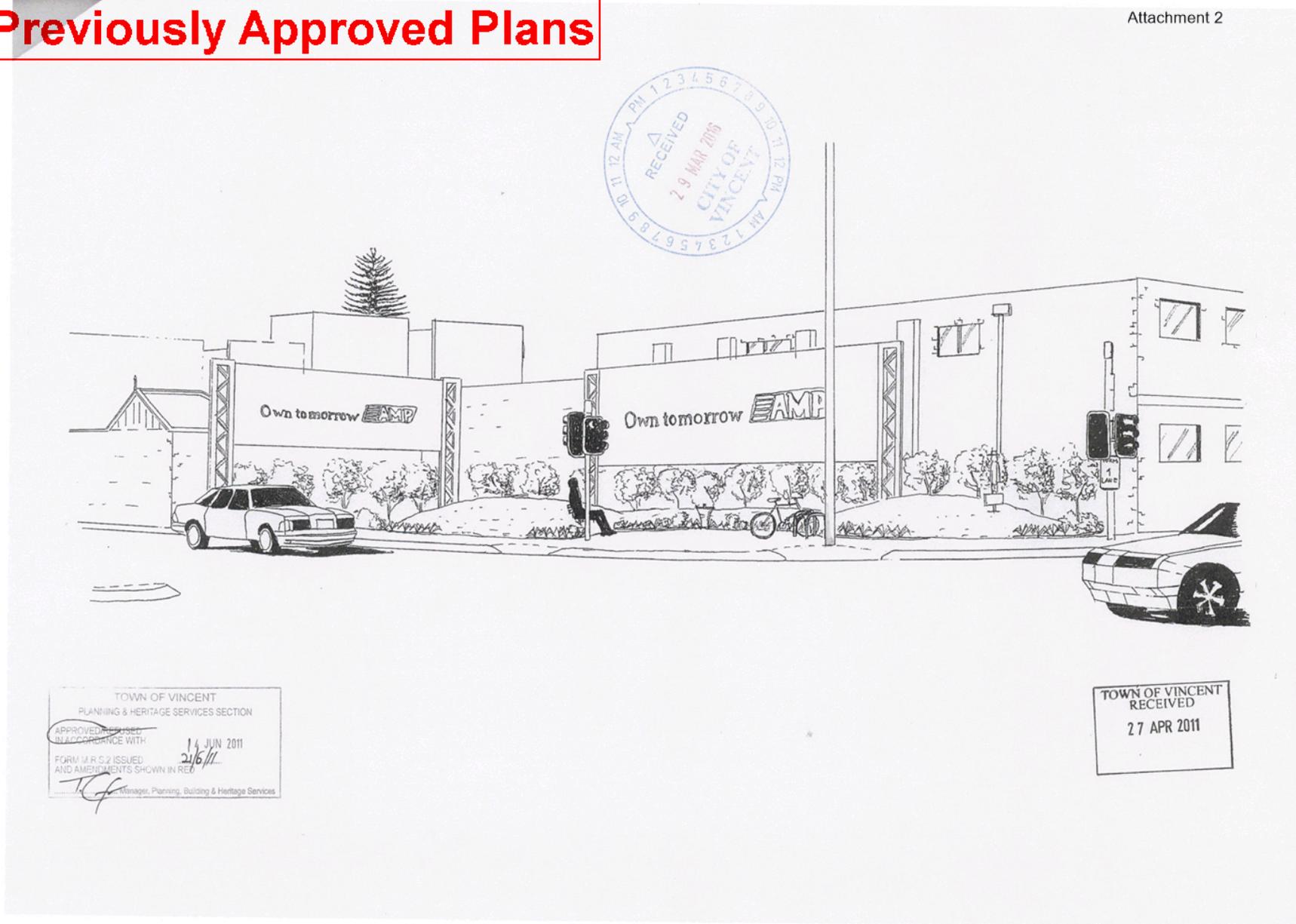
That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)
BY AN ABSOLUTE MAJORITY

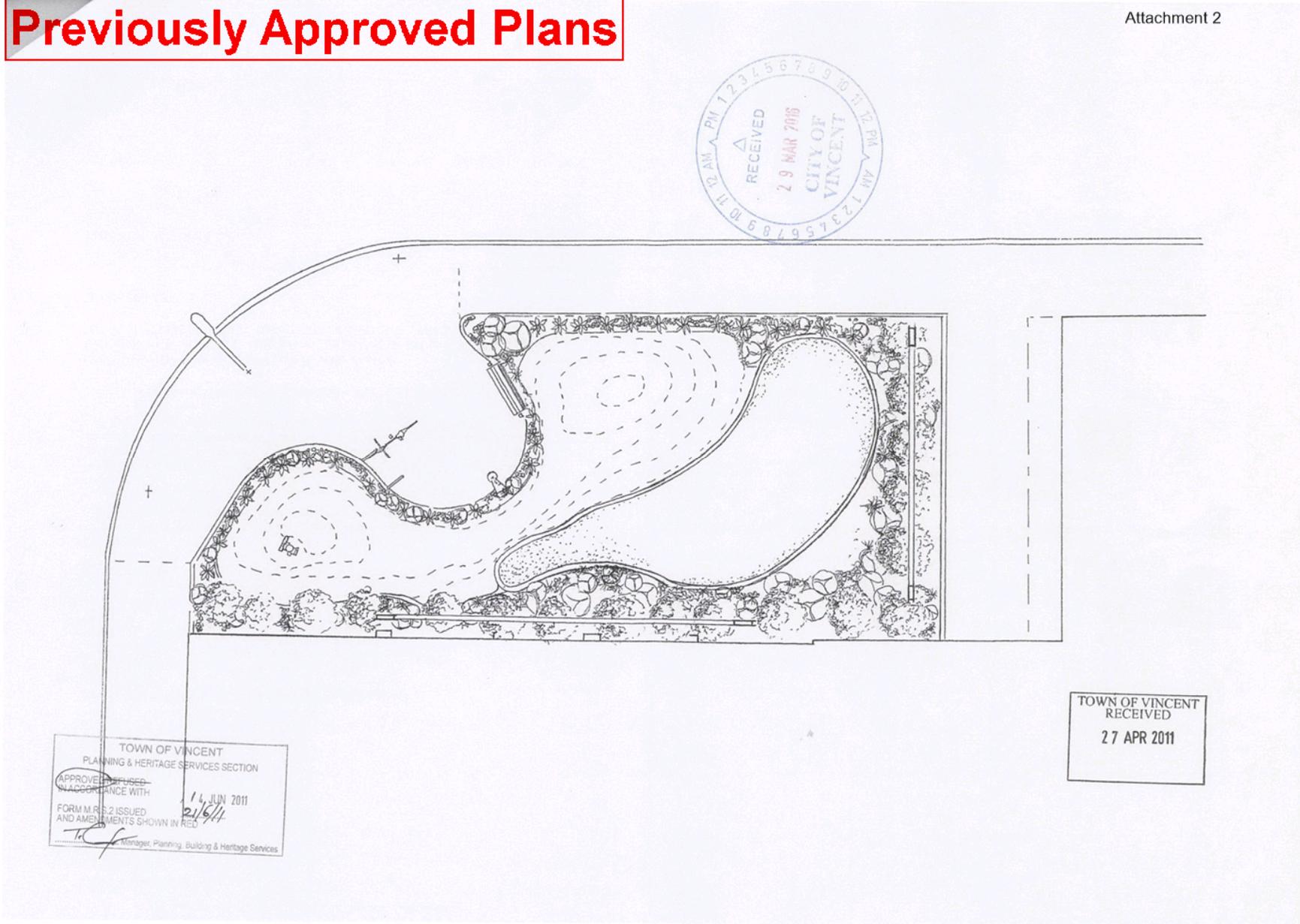
Previously Approved Plans

Attachment 2



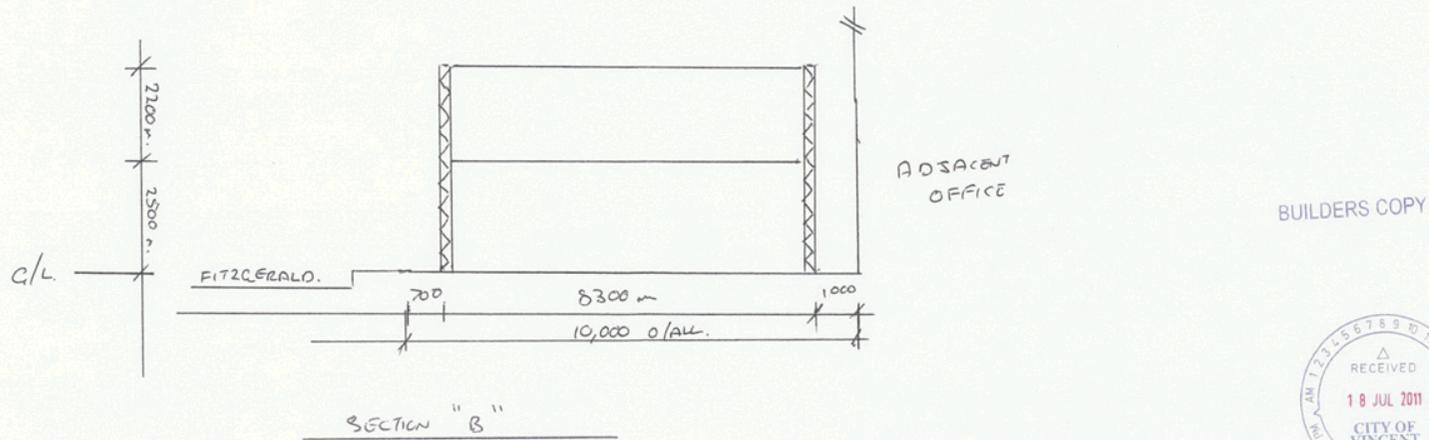
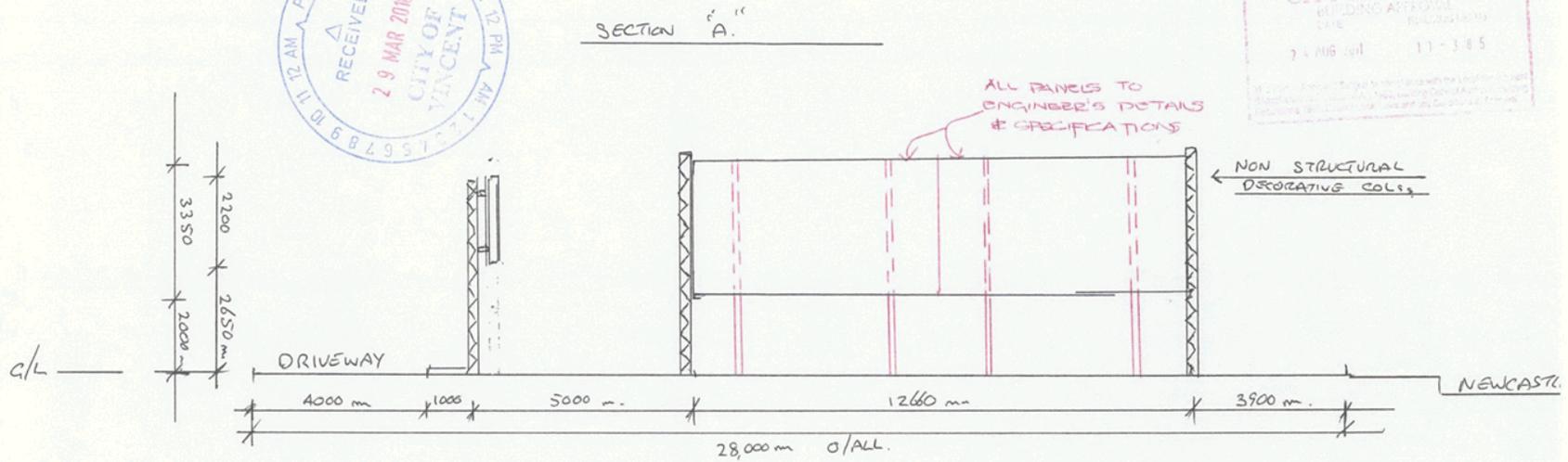
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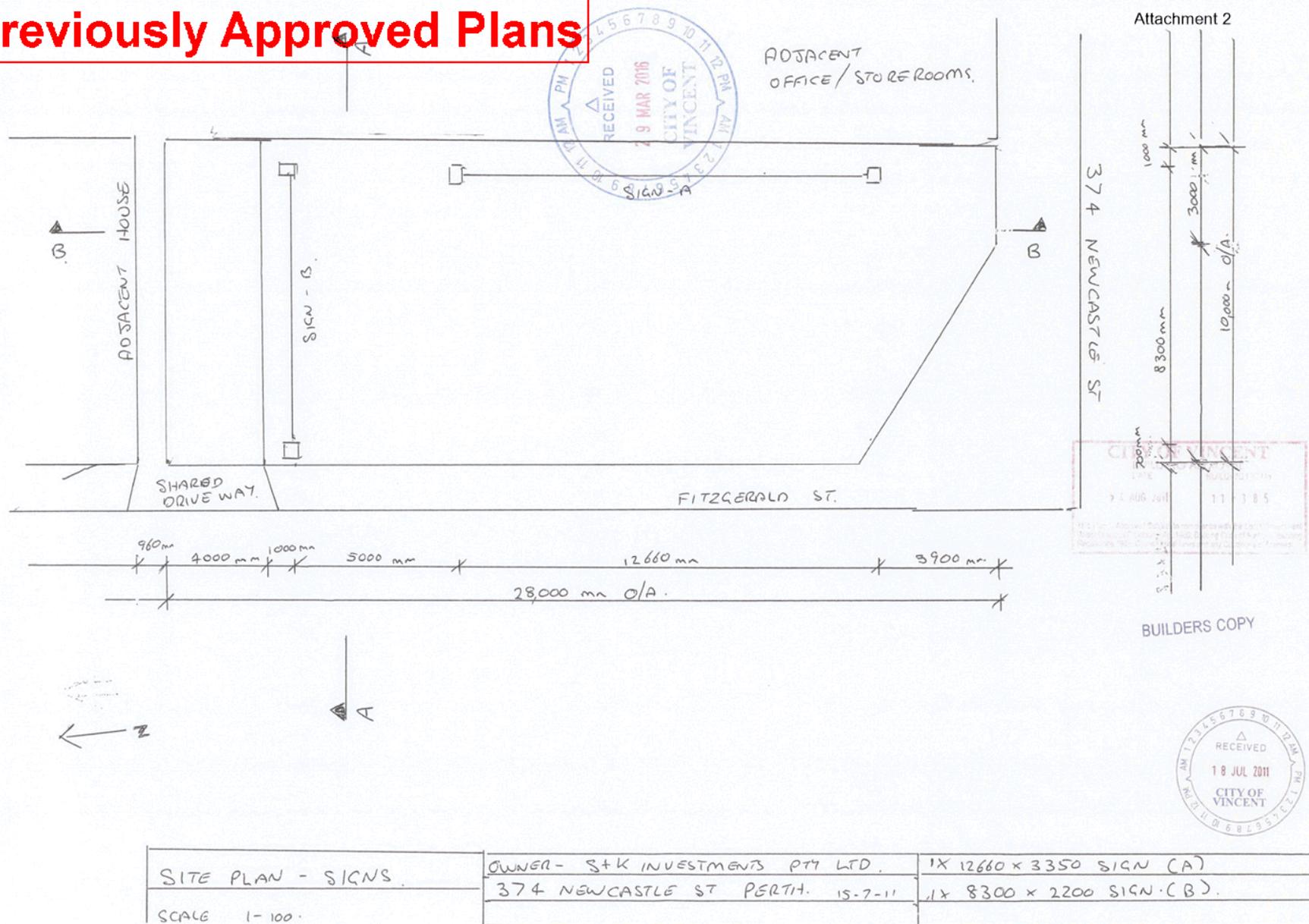
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SECTION - A+B	OWNER - SK INVESTMENTS PTY LTD
SCALE 1-100	374 NEWCASTLE ST PERTH. 13-7-11

Previously Approved Plans



HISTORY

In 2011 WA Billboards entered into a contract to buy the Lot 801 subject to an approval being granted by the Town of Vincent to redevelop the site, from an uncared for area used for illegal parking, to a development that included 2 advertising signs, grassed and paved areas, public seating, drinking water fountain and pet water bowl.

The advertising signs provide the revenue to fund and maintain the infrastructure, which is provided for the local community to use at no cost.

The land had previously passed through several owners who had attempted to develop the lot. However the lot is only 10.45m deep and 28m long, with total area of 262 sqm meters with restricted vehicle access to the site.

Further, the pedestrian walkway along Fitzgerald Street infringes into the lot some 300 mm at the Northeast corner and nearly 1m at the Southeast of the lot. Reclaiming these areas would leave a narrow footpath on a heavy traffic and bus route.

On the Southwest corner of the lot, a Western Power distribution board has encroached on the lot by 100mm along with its associated underground cabling.

These restrictions and encroachments led to previous attempts to develop the Lot, in a conventional sense being unworkable and abandoned.

The land was bordered by a small house to the north, Lot 305, owned by Redacted, which had no driveway but he for many years used our driveway to access his property.

On the eastern boundary was a large two story commercial warehouse style of building on Lot 2, owned by Redacted

In consideration of these impediments with the Lot 801 -the Town saw fit to grant a 5 year approval pending redevelopment of the adjacent lots when it would be envisaged that Lot 801 would, in time, be amalgamated with the adjacent lots owned by Redacted

2016.

In 2016 the first 5 year approval was extended for a further 5 years at which time WA Billboards refurbished the public use facilities, lawns and landscaping.

2018

In 2018 Redacted advised WA Billboards that they intended to demolish their respective buildings and look to sell to a developer who would amalgamate the lots and redevelop the entire corner.

WA Billboards was approached by their selling agents to enquire if we would amalgamate with Redacted so the total land parcel could be offered for sale. We agreed to this, subject to normal commercial conditions.

CURRENT.

The adjacent land parcels, Lots 2 and 305, have not yet been amalgamated by Redacted . The 2 respective parcels have been vacant since 2018 and are on the market to be sold.

In 2019 WA Billboards at its own cost installed a timber lap boundary fence to screen the often overgrown and unsightly adjacent vacant lots as they were in our opinion an eyesore and detracted from what we were trying to achieve.

The timber was treated to enhance its appearance and to prevent graffiti vandalism.

On the 30th of April 2021, I was contacted by Redacted who is also acting for Redacted and we discussed progress of the land sales.

As of that date that they had received no offers or any level of interest from any party to purchase either parcels of land.

WA Billboards continues to explore options for this site which would add value to the local community however its small size and difficult street access makes most concepts impractical.

It is clear that redevelopment or any amalgamation is not imminent and probably won't be for at least several more years.

FURTHER COMMENTS

Our current approval expires in July 2021 and we now ask the City to renew the use approval for a further 5 years.

WA Billboards appreciates the special consideration granted by the City of Vincent in this matter and degree of trust placed in us.

We believe the area makes a valuable "green space" contribution to the immediate local environment with seating, water fountains and grassed areas. The dusk to dawn illumination provides a sense of security in an otherwise poorly lit area.

We take pride in the small contribution we make to the community through this project and work to ensure the City's trust is well placed by keeping the area clean, free of graffiti and that the public use infrastructure remains in good working order.

We assure Council of this ongoing commitment.

CITY OF VINCENT
RECEIVED
27 May 2021



Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Support:	Administration Comment:
<ul style="list-style-type: none"> No comments provided. 	Not applicable.

Comments Received in Objection:	Administration Comment:
<p><u>Billboard Signage</u></p> <ul style="list-style-type: none"> The existing billboards have an adverse impact on the visual amenity of this section of the City. The billboard signage does not contribute any services to the local area, undermines walkability in the area does not provide any sustainable water or power infrastructure. The billboard signage should not be justified by the provision of the pocket park which does not provide any shade planting, is uncomfortable and does not appear to be well utilised by members of the public. The City's prohibition of billboard signs under the Signage Policy is well founded and over-scaled, commercialised billboard signs are at odds with the aim of this Policy. The billboards do not fit the scale, height, style, materials, street alignment and design of facades along Newcastle and Fitzgerald Streets. The billboard signage is not consistent with the City's long term planning for development along Newcastle Street. The existing billboards are a major disincentive to the redevelopment of the properties around the billboard site. 	<p>Prior to the installation of the billboards in 2011, the subject site was poorly maintained. The installation of the billboards, landscaping, public seating and water fountain has provided an improved streetscape outcome for the community in the interim until the site is redeveloped. The applicant has consistently maintained the existing billboard signage as well as the associated landscaping and amenities since 2011.</p> <p>The City's stance on billboard signage is acknowledged and reflected in the recommendation for a three year renewal of the previous approval.</p> <p>It is acknowledged that the existing billboards do not represent the intended future built form outcomes for the site and reflected in the recommendation for a three year renewal of the previous approval.</p> <p>It is plausible that the continued existence of the billboard signage and omission of the subject site from the real estate listing could be perceived by prospective buyers as a barrier to purchase and development.</p> <p>In the instance that the subject site and adjoining properties were to be purchased in the near future, it is not considered unreasonable that a development could commence, or be close to commencing, within a three year period.</p> <p>The recommended three year renewal would ensure that the applicant is able to continue to utilise the subject site for the current purposes during the applicable approval processes.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration’s response to each comment.

Comments Received in Support:	Applicant Comment
<ul style="list-style-type: none"> No comments provided 	

Comments Received in Objection:	Applicant Comment
<p><u>Billboard Signage</u></p> <ul style="list-style-type: none"> The existing billboards have an adverse impact on the visual amenity of this section of the City. The City’s prohibition of billboard signs under the Signage Policy is well founded and over-scaled, commercialised billboard signs are at odds with the aim of this Policy. 	<p>The point raised in regard to the visual amenity of the billboards seems a bit strange. When considering the visual amenity of the entirety of the area, the lot at 374 Newcastle Street makes a stark difference from the neighbouring lots.</p> <p>120 Fitzgerald Street and 372 Newcastle Street exist as vacant lots with temporary chain-link fencing and, due to lack of maintenance from owners, has become a dumping ground collecting rubbish and debris.</p> <p>By comparison, WA Billboards maintains 374 Newcastle Street with a maintenance team that visits weekly to clean up rubbish, ensure the amenities are in order and to maintain the green space offered by the Pocket Park. The pine fencing which has been graffiti coated to deter vandalism and anti-social behaviour was an initiative WA Billboards undertook to ensure the visual amenity of the site.</p> <p>Considering the amenity of the entire landscape and not just 374 Newcastle Street in isolation, the visual amenity afforded from the Billboard/Pocket Park far exceeds that of the alternative which is aptly demonstrated by the neighbouring lots.</p> <p>The point regarding the prohibition of billboard signs according to the City’s Signage Policy is similarly confusing. Whilst WA Billboards recognises that the City’s Signage Policy is quite clear in its opposition to signs, 374 Newcastle Street is not the only example of where the City has taken a justified and considered approach which reconciles these types of developments with the intent of the policy.</p> <p>235 Fitzgerald Street, West Perth and 480 Newcastle Street, West Perth are two examples where the City has obviously seen it fit to approve and continue to allow third party advertising despite the prohibition outlined in the policy.</p> <p>Contrasted with these examples, the development at 374 Newcastle Street looks to work cohesively with the City by offering amenities such as the seating area, the water station with drink fountain and dog bowl, and the green space offered by the lawn and olive trees.</p>

Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"> The billboard signage does not contribute any services to the local area, undermines walkability in the area does not provide any sustainable water or power infrastructure. 	<p>Given the complimentary benefits the development provides, the City's prohibition was justified in being softened in 2016. Further, as the commercial landscape for the area has not changed, the understandable softening of the policy in response to the development is both reasonable and appropriate.</p> <p>With regard to the claim that the billboards do not provide a service to the local area, this is simply not the case.</p> <p>From the point of view of the signs themselves, WA Billboards offers this signage space at competitive market prices and is available to businesses to purchase advertising space as they wish. Awareness of a brand or product is vital for businesses irrespective of the economic climate, and the opportunity afforded by the signage at 374 Newcastle is something which is often taken up by businesses such as RAC (located a short distance down the road from the site) as well as Toyota who are similarly placed along Newcastle Street but not necessarily in a position where they would be visible to high volume customers. Therefore, with respect to the commercial entities in the vicinity, the signs at 374 Newcastle Street provide the valuable service of allowing awareness.</p> <p>It's only fair that we mention that commercial entities are not the exclusive purchasers of the space at 374 Newcastle Street. The volume of traffic passing through the adjacent intersection means that the site is a prime location for government and safety messages. Two examples of these types of messages are the Western Power 'Stay 8 Metres Away' Campaign, as well as the recent Road Safety Council messages regarding the more severe penalties implemented to crack down on drunk and dangerous driving.</p> <p>Given the signs at 374 Newcastle Street are able to display messages of commercial and safety relevance for local businesses and the local residents; on these points alone the signs can be seen to provide a valuable service for the local area.</p> <p>To address the point of walkability, I think a comparison of the surrounding cityscape needs to be considered. The site as it exists currently is in fact an example of improving inner-city walkability and green space integration. The two major green areas in the vicinity are Robertson Park and Russell Square, which are separated by almost a kilometre of built up commercial and residential allocations.</p> <p>Considering residents of the Newcastle Street area would more than likely be travelling on foot between green spaces, or for a trip to Northbridge for dinner or to the RAC Arena for an event; the Pocket Park in fact permits greater walkability to the city and surrounding areas. In the interest of an interconnected city space which encourages walking and exploration of the what is on offer, the Pocket Park assists in connecting disconnected areas with a rest stop featuring the seat and the water facility. Furthermore, in the evenings the site is illuminated and the light spill has been carefully managed to illuminate the signs and provide essential lighting ambience for the immediate seating space, providing pedestrians with a</p>

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Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"> The billboards do not fit the scale, height, style, materials, street alignment and design of facades along Newcastle and Fitzgerald Streets. The billboard signage is not consistent with the City's long term planning for development 	<p>sense of security and discouraging vandalism and disorderly behaviour.</p> <p>To lastly address the claim that the site doesn't provide ongoing sustainable water or power infrastructure I'll put some more context into how the site has evolved over time. Specifically, recalling back to the site before it was developed, 374 Newcastle existed as a dilapidated illegal parking facility. This parking facility had no power infrastructure and no water infrastructure. WA Billboard's redevelopment plans featuring the signs and Pocket Park therefore had to bring in to the corner lot sufficient power and water upgrades to facilitate the illumination requirements and to adequately water the green space.</p> <p>With the above in mind, it's fair to say that the development at 374 Newcastle Street not only provides a local service, but also has integrated power and water infrastructure for use into the future and in fact improves the walkability of this particular area.</p> <p>While it could be claimed that the scale, height, style, materials and design of the structures is inconsistent with the streetscape, this has only been a recent occurrence and was at the prerogative of the adjacent landowners.</p> <p>The proposed development design was specifically tailored to integrate with the adjacent lots. For example, archival images of the corner-scape will show that the front and rear of both signs at 374 Newcastle Street were painted in the same palette as the adjacent buildings. Further, the height and scale of the signs were never peaking or infringing on the surrounding buildings. The result of this considered sign was an integration into the building facades which nestled the structures into the space, integrated the facades and creating an innovative 'levitation' illusion for the signs which was both safe, unique for this type of development and a captivating use of the space.</p> <p>When the adjacent landowners approached us in late 2019 indicated they would be demolishing the infrastructure on their respective lots to decrease maintenance costs, we were understandably disappointed. Although the demolishing of the surrounding buildings has drastically altered the scale of the site, WA Billboards has endeavoured to do all it can to maintain the amenity of the site irrespective of the unsightly adjacent lots.</p> <p>For example, to maintain the site's street-level integration until the surrounding lots are redeveloped, WA Billboards elected to build and maintain a pine fence. This fence has been graffiti coated to subdue vandalism attempts and our maintenance teams visit on a weekly basis to check and clear graffiti on both the fence and the sign structures themselves.</p> <p>In a similar vein point two, the long-term planning for development of the Newcastle Street area is a process which works with all stakeholders to nurture a unique, functional and bespoke landscape for all</p>

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Comments Received in Objection:	Applicant Comment
<p>along Newcastle Street.</p> <ul style="list-style-type: none"> The billboard signage should not be justified by the provision of the pocket park which does not provide any shade planting, is uncomfortable and does not appear to be well utilised by members of the public. 	<p>parties to enjoy.</p> <p>Although the City will maintain its prohibition on signage, the variations which it does account for in its policy should be in the interest of the community, the liveability of the space, with regard also being given to the nature of the space; in this case, much of the Newcastle Street strip is providing commercial services to the area.</p> <p>Hence, in allowing for the long-term planning of facilitating the commercial services in the area as well as the liveability of the space; the development at 374 Newcastle Street can be seen to be contributing to both. As outlined in point three, the signs provide a valuable advertising service for local enterprises and for government messages, and the nature of the Pocket Park increases walkability, inner-city connectedness and green space allocation.</p> <p>This objection stating the Pocket Park appears to be underutilised is misinformed. In addition to our maintenance teams which visit on the weekly basis, by the nature of our work we are often commuting to Northbridge to meet with industry design firms. Our commutes take us past the site often and we can report the space sees significant utilisation. The majority of utilisation is primarily in the mornings when local residents are out walking or walking with their pets (around the same time our maintenance teams visit the area), then also some further utilisation in mid-morning.</p> <p>These utilisation times we suspect link to the cooler temperatures and the need to exercise pets before work, but the mid-morning utilisation seems connected to the shade which is cast by the signs in the morning hours. Casting shade over the lot, the bench and the grass; the space is generally considerably cooler compared to other nearby plaza spaces where hot concrete pavement radiates heat upwards to pedestrians.</p> <p>This also addressing the point of the shade, so although the site doesn't feature any shade planting or canopy, the artificial shade offered by the signs themselves is contributing to utilisation and cooling of that particular space. Meanwhile in the winter months the signs, trees and now the pine fencing, act as wind barriers breaking the harsh cold winds which move over and through the adjacent vacant lots.</p> <p>Further, while the bench seating provided may be claimed to be uncomfortable, the featured seating was elected for its relative comfort as a short-stay space. In the consideration of space design we consulted the City of Vincent for recommendations on the street furniture used in other areas (to further integrate the space with other areas of the City) and decided on what is currently installed there.</p> <p>To address the other component of this objection, WA Billboards understands the City's position on signage yet also believes strongly that a development should be considered on the basis of all its</p>

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Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"> The existing billboards are a major disincentive to the redevelopment of the properties around the billboard site. 	<p>offerings. In this case, notwithstanding the prohibition on signage, the Pocket Park has been and continues to offer complimentary community benefits. These benefits are broad and widely applicable to not just residents but to citizens working, commuting and making a living in the City and specifically along the Newcastle Street, Fitzgerald Street area.</p> <p>So, as the City has always done and as it allows for in many of its policy documents, the consideration of all facets of an application or proposal should be accounted for, and given the lot at 374 Newcastle Street offers a range of services and community benefits, the Pocket Park should be considered. More so given it does indeed have a track record of utilisation and provision of services.</p> <p>Lastly, WA Billboards stands by its openness to the redevelopment of the adjacent spaces. In the same way that WA Billboards designed and integrated our lot to suit the adjacent buildings around us, there is no reason that the new developments could not take a similar approach and collaborate with ourselves to create an integrated and bespoke corner space.</p> <p>Our dealings with the neighbouring owners has however indicated that there is no interest in purchase or redevelopment of the lots. In turn meaning that to make the best of the current circumstances, the Pocket Park and Co-Operative Billboards remain a viable option for the continued development and maintenance for the amenity and service of the space at 374 Newcastle Street.</p>

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Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 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. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. 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.
4. In reference to Condition 1, the applicant is advised that at its Ordinary Meeting on 20 October 2020, Council moved a Notice of Motion and adopted a recommendation requesting that Administration investigate the suitability of billboards through community consultation and a review of the Signage Policy by December 2021. This Policy review should be concluded prior to the expiration of the three year development approval. Any further applications for renewal of the billboard signage would be subject to assessment against the applicable planning framework at that time and it cannot be guaranteed that any such applications would receive a favourable determination by the City.
5. In reference to Condition 2, the applicant is reminded that the letter size and legibility of text should accord with the guidelines set out in Austroads' Guide to Traffic Management Part 10 – Traffic Control and Communication Devices and shall not include website and social media email addresses or text messaging instructions.