



Ordinary Council Meeting 27/07/21

Item 12.1 refers

Attachment 1 (amended)

Schedule of Submissions

Creating opportunities



**SCHEDULE OF SUBMISSIONS – LOCAL PLANNING SCHEME NO. 15 – AMENDMENT 16
ADVERTISING PERIOD – 7 MAY TO 21 JUNE 2021**

Landowners / Occupiers

No.	Submitter	Summary of Submission	Officer Comment
1	<p>Thomson Geer Lawyers (On behalf of Major Holdings Pty Ltd)</p> <p>Lot 500 (225) Great Eastern Highway, Belmont</p>	<p>Provides an overview of the development background for DAP/18/01521 at 225 Great Eastern Highway, Belmont.</p> <p>The application for mixed use commercial was originally approved in January 2019.</p> <p>In October 2021, an application was lodged to amend the approval by replacing an existing blade wall sign with a larger digital advertising sign displaying variable content, including third party advertising.</p> <p>The application was considered at the at the 21 December 2020 JDAP. The application was refused on the basis that the proposed land use was not listed in the Scheme. The applicant subsequently appealed this decision to the State Administrative Tribunal on the basis that they consider the application is capable and suitable for approval.</p>	<p>Noted.</p> <p>It is necessary to provide an update on the application to amend DAP/18/01521 to include Third Party Signage.</p> <p>The JDAP ultimately considered that it could determine the matter. Accordingly, the proposal was reconsidered on 3 June 2021. At this meeting the proposal was refused. While this is a site-specific determination, it is considered that the reasons for refusal are consistent Amendment 16.</p> <ul style="list-style-type: none"> • The proposal is not consistent with the Clause 1.6 (d) of Local Planning Scheme No.15. • The proposal is contrary to the Objectives of 3.1 and 3.3, and the requirements of Clause 6.1.1 of the City of Belmont Local Planning

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			<p data-bbox="1688 233 1868 264">Policy No. 12</p> <ul data-bbox="1644 304 2040 911" style="list-style-type: none"> <li data-bbox="1644 304 2040 635">• Having regard for Clause 67 (2) (x) of the Planning and Development (Local Planning Schemes) Regulations 2015 the advertisement of services and products which are not available at the site will impact the community as whole. <li data-bbox="1644 679 2040 911">• Approving Third Party Signage at the subject site would contrary to the requirements of orderly and proper planning as it would set an undesirable precedent.
		<p data-bbox="629 951 1576 1046">Is of the view that the amendment has not been prepared for a planning purpose, but rather for an ulterior purpose that is contrary to the provisions of the Competition and Consumer Act 2021.</p> <p data-bbox="629 1086 1576 1286">Considers that the City is a significant player in the provision of Third Party Signage in the locality. This is on the basis that the City has contracts with advertisers to provide third party advertising within reserved land under its control. The City derives a not insignificant income from third party advertising at over 50 locations. The amendment will have the effect, or likely effect of substantially affecting market competition.</p>	<p data-bbox="1592 951 2040 1114">Please refer to the Planning Purpose heading of the report for further background of the City's advertising contracts and explanation of planning purpose.</p> <p data-bbox="1592 1153 2040 1380">The income received by the City for these contracts is insignificant and is not a corporate performance indicator for the City; there is no business interest in Third Party Signage. The contracts are intended to offset</p>

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			<p>the cost of providing public facilities that bring significant public benefit.</p> <p>Amendment 16 has also been prepared to assist meeting the aims of the LPS15 and to ensure that the planning objectives of the City's current policy position are within the Scheme. It is considered that an amendment that has been prepared to meet these aims clearly has a planning purpose.</p>
		<p>Considers that the proposed amendment is a Complex amendment rather than a Standard amendment. Referring to the Clause 34 of the LPS regulations, the reasoning for this is as follows.</p>	<p>The concerns in respect to the classification of the amendment are noted. The city considers that the amendment has been properly classified as being a standard amendment.</p>
		<p>34 a) The amendment does not distinguish between compatible and incompatible zones. Yet is permitted on reserved land where the City derives income.</p> <p>Considers that Third party advertising is entirely consistent with the objectives of the mixed business zone.</p>	<p>Please refer to the Application of Amendment To All Zones heading within the Council report.</p> <p>Due to the nature and definition of Third Party Signage it is a stand-alone land use that does not relate to other activities on the site. The city considers that this means the land use is therefore unnecessary and superfluous signage, regardless of zone it is</p>

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			<p>located in. It is on this basis that Amendment 16 applies to all zones.</p> <p>It is considered that Third Party Signage is opposed to the objectives of the Mixed Business zone as it undermines the exposure of businesses in the zone by advertising products and services that do not relate to the site, and therefore draws away from the businesses in the zone. Since Amendment 16 was adopted for advertising, JDAP agreed with this viewpoint in refusing two proposals for Third Party Signage in the Mixed Business zone.</p>
		34 b) Considers the amendment is not consistent with the City's Strategy.	<p>It is considered that the Amendment 16 is consistent with the Strategy and Local Commercial Strategy. It is considered that the amendment is consistent with the Local Planning Strategy and Commercial Strategy, which recognise the importance amenity and commercial sustainability.</p> <p>The Strategy also reviewed the City's Local Planning Policy and</p>

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			<p>did not make any specific comments to remove the policy position pertaining to third party signage. If the position relating to third party signage was inconsistent with the Strategy, there would be specific commentary and actions regarding this.</p>
		<p>34(c) Considers that the amendment is inconsistent with the Metropolitan Region Scheme (MRS) as the MRS contemplates the permissibility of the use on urban zoned land.</p>	<p>No specific provisions have been identified within the MRS which preclude the City from proceeding with an amendment of this nature.</p> <p>While the delegations associated with the MRS refers to Signage, it is not considered to not constrain the City from regulating the use.</p>
		<p>34 (e) Considers that the amendment will impact land which is not subject to the amendment and references the existing Local Planning Policy position.</p>	<p>Please refer to the application heading of the report for discussion of the concerns raised in relation to the City's contracts for Third Party Signage on bin enclosures, bus shelters and illuminated directional street signs.</p> <p>LPP12 does have a planning purpose. A key objective of the policy is to control superfluous or unnecessary signage that contributes to visual clutter and</p>

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		<p data-bbox="622 400 1576 571">34 (f) Considers that the amendment does not comply with this provision. On the basis that Visual amenity requires a merit based assessment. Further to this, it is considered that in zones that are traversed by highways and contain significant mixed use development, that the display of third party advertising is appropriate.</p> <p data-bbox="622 603 1576 671">The proposed amendment provides no nexus between prohibition and economic growth.</p> <p data-bbox="622 703 1576 807">Considers that the amendment inappropriately applies to all zones, including mixed business zone, where they consider third party advertising is entirely consistent with the objectives of the zone.</p>	<p data-bbox="1594 233 2038 363">impacts on amenity. These controls constitute a valid planning purpose as they assist the Scheme to meet its aims.</p> <p data-bbox="1594 400 2038 839">On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is unnecessary signage. The City is of the view that as the type of signage therefore leads to unnecessary amenity impacts. Further to this, the signage will not relate to a site and will always be unnecessary signage. It is on this basis that Amendment 16 applies to all zones.</p> <p data-bbox="1594 876 2038 1278">Part 1.6(d) of LPS 15 is to assist employment and economic growth by facilitating the provision of suitable land for retail, commercial, industrial, entertainment and tourist developments. As such, land uses that are likely to prejudice the employment and economic growth of developments within the City of Belmont must be strictly controlled.</p> <p data-bbox="1594 1315 2038 1378">Noted. Please refer to the above points and the Amendment</p>
		<p data-bbox="622 1319 1576 1378">34 (g) Considers that given the above reasons the amendment is not standard, and is consistent with a complex amendment.</p>	

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			Category headlining within the OCM report for further information.
		Considers that it is not appropriate to introduce or identify a new use and then prohibit it in all zones.	Please refer to the Application of Amendment To All Zones heading within the Council report for discussion on why the amendment applies to all zones.
		There is no justification that the for a determination that third party advertising is an inappropriate land use everywhere in the City of Belmont (with the exception of reserved land).	<p>Please refer to the Application of Amendment To All Zones heading within the Council report.</p> <p>On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is considered to be unnecessary and superfluous signage. This does not change based on zoning.</p>
		Considers that the potential traffic risks can be managed by development standards. Further to this, the standards and approach MRWA has to third party advertising demonstrates that it is not necessary to prohibit the use. It is considered that these concerns as they relate to signage on bus shelters has not been subject to the same concerns.	While MRWA provides input on the technical road safety aspects of proposals, it is first necessary to consider the appropriateness of the land use before moving into aspects of development assessment such as road safety. MRWA has its own statutory and policy framework in which it must make its decision or provide advice. This is not the same as

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			<p>the statutory obligations under the planning framework. It is also noted that MRWA commended the preparation of the amendment.</p>
		<p>The risk of proliferation and the associated impacts on amenity can be managed by the assessment of individual applications, rather than a blanket prohibition.</p>	<p>Once a land use is discretionary in a zone it is difficult and often arbitrary to be able to control the overall number and location of the use. At a broader level, following the objectives of LP12, the City remains of the position that Third Party Signage is unnecessary signage. Further to this, due to the definition of Third Party Signage, it is not associated with the business or site it is located on, regardless of the zone located in, it is on this basis that the amendment is for a prohibition.</p>
		<p>Considers that the existing local planning policy cannot 'prohibit' the land use as policy provisions cannot deal with land use. On this basis, these policy provisions cannot be used to support the amendment.</p>	<p>The objectives and principle of the policy can be used to support the amendment. The objective of the policy is to control superfluous or unnecessary signage that contributes to visual clutter that results in impacts on amenity. One of the ways the policy does this is by setting out controls that ensure that the size of signage is regulated, but also that the signage relates to the subject lot.</p>

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			<p>The amendment follows this objective by outlining that this is an unnecessary form of signage that brings with it unnecessary impacts.</p>
		<p>Considers that number of the previous matters were acknowledged by the expert witness statement of the City's Manager of Planning in the yet to be determined <i>Caratti Holding Co Pty Ltd v City of Belmont</i>. Specifically;</p> <p><i>'This is not to say that third party advertising will always be inappropriate or have an adverse impact on amenity. That depends on the development context.'</i></p>	<p>It is noted that the matter of <i>Caratti Holding Co Pty Ltd v City of Belmont</i> has not yet been determined and as such what has been put forward is the opinion of the submitter and not the Tribunal. The quote that has been provided is a narrow and selective excerpt that does not provide context to what is a much broader statement.</p>
		<p>There is no justification for a blanket prohibition of Third Party Advertising in previous decisions of the State Administrative Tribunal or Supreme Court.</p>	<p>There are numerous instances where the Tribunal has found that Third Party Signage can have an unacceptable impact on amenity.</p> <p>Given the Tribunal and Supreme Court do not generally deal with Scheme Amendments, it is unlikely that there would be specific commentaries as part of Development Application matters regarding the broader unacceptability of a land use.</p>

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		<p>It is considered that there is no justification for a blanket prohibition.</p> <p>Notes that in October 2020 Council approved the report of review for the City's Local Planning Strategy and Scheme. This report recommended that both documents be repealed and replaced. It was subsequently advised that the WAPC agreed with these recommendations.</p> <p>Considers that the proposed amendment is inconsistent with the intent of the recommendations , both of which expressly contemplate the repeal of the scheme and strategy.</p>	<p>Please refer to the Application of Amendment to All Zones heading within the OCM report.</p> <p>It is common practice for Scheme amendments to be progressed while new Local Planning Strategies are being prepared and prior to the Schemes and Strategy being repealed. It is considered that actions associated with the Report of Review does not preclude the amendment. Amendment 16 is not the only amendment the City is currently progressing and DPLH has not raised similar concerns in these amendments.</p>
2	<p>Urbis Pty Ltd</p> <p>1 William Street Perth WA 6000</p>	<p>Considers that matters such as amenity and traffic safety are matters that can be given consideration during the assessment process. The amendment is pre-empting outcomes that are often site specific.</p>	<p>On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is considered to be unnecessary signage. The amendment is not attempting to pre-empt these matters, but rather is of the view that as the type of signage is unnecessary advertising, it leads to unnecessary amenity, economic and safety issues.</p>
		<p>Notes that Local Planning Scheme Approval is not required for work that are wholly within the MRS and that Signage on reserved land is guided</p>	<p>The City considers that this policy does not specifically address third</p>

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		by DC Policy 5.1. This is an acknowledgement that signage is appropriate in certain locations based on planning merit.	party signage. It is considered that a number of the key principles of this policy such as the potential impacts signage can have on amenity, the cumulative impacts of signage and the potential traffic safety issues with signage, all align with the issues that arise from third party signage. It is considered that the control of local signage has been left as a matter to be dealt with by local governments.
		Considers that the reference within the amendment report to landowners pursuing third party advertising for financial gain rather than pursuing redevelopment is beyond a planning consideration.	Part 1.6(d) of LPS 15 is to assist employment and economic growth by facilitating the provision of suitable land for retail, commercial, industrial, entertainment and tourist developments. As such, land uses that are likely to prejudice the employment and economic growth of developments within the City of Belmont must be strictly controlled. The City considers that the land use works against this aim.
		Considers that there should be a mechanism to consider applications for signage in appropriate locations.	Please refer to the Application of Amendment to All Zones heading of the report for further on why the amendment applies to all zones.

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		Suggests that the City reconsiders the nature of the amendment and consider introducing “Third Party Signage” as an ‘A’ land use in all zones other than the Residential zone.	As Third Party Signage does not relate to the site it is located on, it is unnecessary signage. Due to the nature and definition of Third Party Signage, the zone it is located in does not change the fact that it does not relate to the subject site. It is on this basis the the amendment applies to all zones, in the same manner that the existing LPP currently does. The city considers that the land use works against a number of the aims of the Scheme. On this basis it is recommended the amendment proceed to apply to all zones, as originally proposed.
3	Element (On behalf of Perron Group)	Do not support Amendment 16 as proposed and request modifications.	Noted
	<ul style="list-style-type: none"> • Lot 9 (227), Lot 201 (226a), Lot 202 (226a), Lot 3 (226a) and Lot 7 (225) Belmont Avenue Cloverdale. 	Considers that Amendment 16 contradicts the City’s position on Third Party Signage, specifically as it relates to the City’s position on adverts on bin enclosures, bus shelters and directional street signs.	<p>Please refer to the Planning Purpose heading of the report for further background of the City’s advertising contracts and explanation of planning purpose.</p> <p>The income received by the City for these contracts is insignificant and is not a corporate performance indicator for the City; there is no business interest in Third Party Signage. The contracts are intended to offset the cost of providing public</p>

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			<p>facilities that bring significant public benefit. The purpose and ultimate public benefit outcomes of providing public infrastructure is distinctly different to the Third Party Signage envisaged proposed by the submitter.</p>
		<p>Considers that the proposed definition will capture all types of Third Party Signage, irrespective of its size and appropriateness to a location. If a sign can be determined as being appropriate to an area in respect to the amenity, urban form and safety, then all forms of signage including signage displaying third party content should be able to be considered and not prohibited entirely as proposed.</p>	<p>In terms of land use classification, it is intended that the definition apply to all forms and sizes of Third Party Signage. The reason for this is that regardless of the size or form of signage (i.e. Digital, Billboard, Banner), the nature of the sign will still be that of Third Party advertising. On this basis, there is no utility in seeking to differentiate between the appropriateness of the various forms that Third Party Signage might take.</p>
		<p>The City's overview of the <i>Claude Neon Ltd v City of Perth</i> decision is brief and does not provide an extensive insight into several other factors that the decision and findings considered. The decision discusses the possibility that third party signage may be a separate and distinct land use.</p>	<p>The City remains of the view that the decision <i>Claude Neon Pty v City of Perth</i> provides that Third Party Signage is appropriately considered as a separate land use. It is also noted that a submission received during advertising references that <i>Adbooth Pty v City of Perth</i> also establishes that the Third Party</p>

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			<p>Signage is a separate use. Following these decisions and the distinct purpose of Third Party Signage, it is appropriate to separately define and classify the land use.</p>
		<p>Considers that whether or not Third Party Signage is incidental is irrelevant and the decision makers role would be directed toward the appropriateness of the land use having regard to the amenity, built form, and safety of the area.</p>	<p>The City's position regarding the term incidental in the previous report item and amendment is that the land use cannot be considered incidental as by its very nature, it is independent and does not need the primary use to function. For example, if third party advertising is located on side of an operational industrial development and that industrial development then ceased to operate, the operation of the third party advertising would not be affected, as it can function completely independently. It is for this reasoning that the two uses are considered separately, and the principles of primary and incidental uses does apply. The City's view is that whether Third Party Signage is on an existing development or a vacant lot, it remains that it is an unnecessary form of signage that brings with it unnecessary impacts.</p>

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		<p>The City has compared third party signage to the various 'Industry' land uses that further distinguish the specific activities of this broader land use term. The City's argument and reasons for this comparison is not clear (as they have not provided any insight into the various forms of third party advertising) and extremely confusing.</p>	<p>The example of the various categories of the 'Industry' land use was used in Amendment 16 to demonstrate why it preferable to use the more specific term of 'Third Party Signage' to cover the specific nature of the use rather than using the broad term of 'Advertising' (which covers all forms of advertising). The definition of Third-Party Signage will cover all the forms it might take e.g. digital, billboard, illuminated. As explained in the report, the City's view is that regardless of the form it might take, as Third Party Signage does not relate a site, it is unnecessary signage.</p>
		<p>City's LPP12 allows for larger signs to be considered against the general policy objectives and requirements where it seeks to vary the standards applicable to a certain sign type. In these instances, the scale of the signage is considered based on its merits to ensure there are no adverse amenity impacts, safety impacts, etc. Third party signage should not be considered in any different way.</p>	<p>The City's concerns relate to the nature of the land use itself and its inherent issues, unlike other forms of signage in the policy which are intended to have incidental aspects regulated.</p> <p>A key objective of the policy is to control unnecessary signage that contributes to visual clutter that results in impacts on amenity. One of the ways the policy does this is by setting out controls that ensure that the size of signage is</p>

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			<p>regulated, but also that the signage relates to the subject lot. On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is unnecessary signage. This principle applies regardless of the size, scale and type of Third Party Signage.</p>
		<p>Effective third party advertising is often not delivered as a prominent feature of a site but rather incorporated within it as a secondary element providing a level of activation and excitement for passers-by to engage with in a safe and effective way. Yagan Square is provided as an example.</p>	<p>Yagan square is in a highly urban context with a high level of pedestrian traffic and presents a different context to the City of Belmont. The City's experience is that due to the nature of these signs, they specifically seek to be visually prominent. It is noted that three proposals that have been refused since the amendment was adopted for advertising. One of these proposals was for a large digital display on a vacant lot. The other two were for digital Third Party Signage on prominent locations on buildings.</p>
		<p>It cannot simply be suggested that all types of third party signage will 'likely' have an adverse impact on amenity, urban form, and safety.</p>	<p>On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is considered to be unnecessary and signage. The amendment is</p>

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			of the view that as the type of signage is unnecessary advertising, it leads to unnecessary amenity, economic and safety issues.
		Considers that the City's concerns relating to proliferation are unfounded. WAPC delegation arrangements provide a sufficient level of power to determine an application under its local planning scheme, with proliferation being a key consideration that the City can have regard to under its LPP12.	Once a land use is discretionary in a zone it is difficult and often arbitrary to be able to control the overall number and location of the use. It has been demonstrated that despite the City's long standing policy position, there are already applications for the land use continuing to be proposed. It is considered that if these controls are eroded or not in place, that there will be a significant demand for the use. At a broader level, following the objectives of LP12, the City remains of the position that Third Party Signage is unnecessary signage.
		The City has not provided any explanation as to how third party signage will prejudice the amenity of future high density residential development along the Great Eastern Highway urban transport corridor.	The City considers that this type of signage is unnecessary. On this basis, it is considered that any resulting amenity impacts are also unnecessary. Any amenity impacts in an area that been strategically identified for increased residential development needs to be strictly controlled. In this case the use of

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			third party signage, there are no compensating factors that offset these unnecessary impacts.
		Does not support the City's view that Third party signage introduces an unnecessary traffic safety risk and affirms the position that such a land use is not acceptable. The City has not provided an appropriate amount of evidence to support its claim.	The City considers that this type of signage is unnecessary. On this basis, any associated traffic safety risk is also considered to be unnecessary. In this case the use of third party signage, there are no compensating factors that offset this unnecessary risk. It important to note that the two agencies relating to roads, being the Department of Transport and MRWA both respectively supported and commended the amendment.
		The City are proposing to prohibit all forms of third party signage in all locations, and not only those adjacent to or nearby roads that may be visible to motorists. This will prevent third party signage from occurring on larger lots where it is proposed to be focused towards pedestrians and not motorists.	It is noted that the amendment is proposed to apply to all zones and that the reasoning for this been explained previously. An applicant who considers that they have a site/situation where Third Party Signage is appropriate can submit a site-specific scheme amendment demonstrating this. However, it would also be expected that such an amendment would rely on more than just the sign being orientated towards pedestrians to justify its appropriateness.

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		<p>Considers that the example provided from another Local Governments Scheme is not accurate and do not support the amendment.</p>	<p>Concerns noted. It is noted that the City of Busselton's Scheme specifically prohibits this type of signage as follows.</p> <p><i>Cl 4.41 - Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited.</i></p>
		<p>Considers that Third party signage can take on a wide range of forms (scale, content and purpose), however, the City has not appropriately acknowledged these key differences.</p>	<p>It is intended that the definition apply to all forms and sizes of Third Party Signage. The reason for this is that regardless of the size or form of signage (i.e. Digital, Billboard, Banner), the nature of the sign will still be that of Third Party advertising. On this basis, it is not necessary to differentiate between the various forms Third Party Signage might take.</p>
		<p>Considers that the proposed definition of third party signage will inadvertently prevent advertising across sites that encompass more than one landholding.</p>	<p>Please see the Impact On Developments Spanning Multiple Lots heading within the Officer comment section of the Council report.</p>

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			<p>A signage strategy for a single development which spans multiple lots will address the situation and will not prejudice the ability for tenants within a development complex spanning multiple lots from gaining appropriate exposure for their business.</p>
		<p>The prohibition of third party signage across each zone is excessive. The City needs to clearly articulate the reasons why third party signage is not appropriate.</p>	<p>Please see the Application of Amendment to All Zones heading within the Officer comment section of the Council report.</p> <p>Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is unnecessary signage, regardless of zoning.</p>
<p>4</p>	<p>Peter Webb and Associates (On behalf of oOh!media) 2/19 York Street Subiaco WA</p>	<p>That the amendment has not been prepared for a planning purpose.</p>	<p>Please refer to the Planning Purpose heading of the report for further background of the City's advertising contracts and explanation of planning purpose.</p> <p>The income received by the City for these contracts is insignificant and is not a corporate performance indicator for the City; there is no business interest in Third Party Signage. The contracts are intended to offset</p>

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			<p>the cost of providing public facilities that bring significant public benefit.</p> <p>Amendment 16 has also been prepared to assist meeting the aims of the LPS15 and to ensure that the planning objectives of the City's current policy position are within the Scheme. It is considered that an amendment that has been prepared to meet these aims clearly has a planning purpose.</p>
		<p>Third Party Signage only makes a small portion of leasing on a site and will not disincentivise redevelopment.</p>	<p>Whether income from Third Party Signage for a particular property is 'small' is ultimately relative the value of the leasing of a particular site. There is particular concern that older or vacant properties on key arterial routes are particularly susceptible to owners wanting to pursue third party signage at the expense of redevelopment. It is considered that the application for Third Party Signage at 347 Orrong Road which was refused by WAPC on 31 March 2021 was an example of this. In this case, the lot was a vacant residential zoned lot fronting Orrong road. While it was ultimately refused, it does show that the owner</p>

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			<p>purposed third party signage at the expense of a developing the uses intended by the Scheme.</p>
		<p>Considers that using proliferation as a reason for the amendment is incorrect. It is unlikely that proliferation will occur as each application is assessed and determined on its merits.</p>	<p>Once a land use is discretionary in a zone it is difficult and often arbitrary to be able to control the overall number and location of the use. At a broader level, following the objectives of LPP12, the position is maintained that Third Party Signage is unnecessary signage. Further to this, due to the definition of Third Party Signage, it is not associated with the business or site it is located on, regardless of the zone located in, it is on this basis that the amendment is for a prohibition.</p>
		<p>The existing policy is an adequate regulatory planning tool. Policy has previously been used to make decisions in relation to third party signage and is was considered adequate. It appears that the City does not want the risk of a decision 'going the other way'</p>	<p>Like many other Local Governments, the Local Planning Policy clearly outlines the position that that Third Party Signage is not a supported form of signage. Despite this policy position (and previously existing as a Local Law), applicants have continued to apply for this type of signage. On this basis, the status of LPP 12 as a 'due regard' planning document allows for third party signage to be approved. It is therefore considered necessary</p>

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			to give this position statutory control through LPS 15.
		Considers that the WAPC position relating to third party signage is not relevant to the proposed amendment.	While this policy does not specifically address third party signage, it is considered that a number of the key principles of this policy such as the potential impacts signage can have on amenity, the cumulative impacts of signage and the potential traffic safety issues with signage, all align with the issues that arise from third party signage.
		Desired and built form and amenity changes based on location, so individual applications should have the opportunity to be considered on their merits.	On the basis that Third Party Signage is a stand-alone land use that does not relate to other activities on the site, it is unnecessary signage. It is therefore considered that as the type of signage therefore leads to unnecessary signage that contributes to visual clutter that results in impacts on amenity.
		Considers that the potential for third party signage to impact on traffic safety requires a site specific assessment. It should not be assumed that all signs will have an impact on traffic safety.	It is considered that this type of signage is unnecessary. On this basis, any associated traffic safety risk is also considered to be unnecessary. In this case the use of Third Party Signage, there are no compensating factors that offset this unnecessary risk. It

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			important to note that the two agencies relating to roads, being the Department of Transport and MRWA both respectively supported and commended the amendment.
		Considers that the amendment 16 is not a standard amendment due to the following:	The concerns in respect to the classification of the amendment are noted. The amendment has been properly classified as being a standard amendment.
		The amendment does not distinguish between compatible and incompatible zones. Yet is permitted on reserved land where the City derives income.	Please refer to the Application of Amendment To All Zones heading within the Council report. Due to the nature and definition of Third Party Signage it is a stand-alone land use that does not relate to other activities on the site. This means the land use is therefore unnecessary and superfluous signage, regardless of zone it is located in. It is on this basis that Amendment 16 applies to all zones.
		Considers the amendment is not consistent with the City's Strategy.	It is considered that the Amendment 16 is consistent with the Strategy and Local Commercial Strategy. It is considered that the amendment is consistent with the Local Planning

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			<p>Strategy and Commercial Strategy, which recognise the importance amenity and commercial sustainability.</p> <p>The Strategy also reviewed the City's Local Planning Policy and did not make any specific comments to remove the policy position pertaining to third party signage. If the position relating to third party signage was inconsistent with the Strategy, there would be specific commentary and actions regarding this.</p>
		<p>Considers that the amendment is inconsistent with the Metropolitan Region Scheme (MRS) as the MRS contemplates the permissibility of the use on urban zoned land.</p>	<p>No specific provisions have been identified within the MRS which preclude the City from proceeding with an amendment of this nature.</p> <p>While the delegations associated with the MRS refers to Signage, it is not considered to not constrain the City from regulating the use</p>
		<p>Considers that as the amendment applies to all land, that the amendment will be widely impacting and therefore cannot be considered a Standard Amendment.</p>	<p>It is considered that there is sound reasoning for the amendment applying to all land within the Scheme area. It is noted that the proposed amendment is consistent with the City's long-standing policy position against</p>

No.	Submitter	Summary of Submission	Officer Comment
			<p>third party signage and the Local Law position that existed prior to that. On this basis, the proposed prohibition is not affecting a land use that is broadly established within the Scheme area. As such, it is not considered that the amendment will have significant impacts on land within the Scheme area.</p>
		<p>Considers that a blanket ban on Third Party Signage on all land in the Scheme area has the potential to result in economic impacts and therefore cannot be considered a Standard Amendment.</p>	<p>It is considered that the amendment will not have detrimental economic impacts within the Scheme area. It is noted that the proposed amendment is consistent with the City's long-standing policy position against third party signage and the Local Law position that existed prior to that. On this basis, the prohibition in the amendment is not affecting a land use that has historically been supported by the local planning framework. As such, it is not considered that the amendment will have economic impacts to extent that it should be classified as a complex amendment.</p>
		<p>Considers that given the above reasons the amendment is not standard, and is consistent with a complex amendment.</p>	<p>Noted. Please refer to the above points and the Amendment Category headlining within the</p>

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			OCM report for further information.
		Considers that it is not appropriate to introduce or identify a new use and then prohibit it in all zones.	Please refer to the Application of Amendment To All Zones heading within the Council report for discussion on why the amendment applies to all zones. It is noted that there are several examples within the zoning table where occurs already. For example, the 'Kennel', 'Caravan Park' and 'Corrective Institution' land uses in in the zoning table and all classified as an 'X' land use in all zones.
		Considers that the existing local planning policy cannot 'prohibit' the land use as policy provisions cannot deal with land use. On this basis, these policy provisions cannot be used to support the amendment.	The objectives and principle of the policy can be used to support the amendment. The objective of the policy is to control superfluous or unnecessary signage that contributes to visual clutter that results in impacts on amenity. One of the ways the policy does this is by setting out controls that ensure that the size of signage is regulated, but also that the signage relates to the subject lot. The amendment follows this objective by outlining that this is an unnecessary form of signage that brings with it unnecessary impacts.

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		<p>Considers that the current framework provides adequate control to assess and determine applications for Third Party Signage on their merits. This is the same view that was held when the City progressed an amendment to make 'Service Station' an 'X' in all zones.</p>	<p>It is considered that the example of the 'Service Station' land use is not transferable as an example in this case. The 'Service Station' land use was ultimately already a land use in the Scheme that was also already defined. It is noted that there are several examples within the zoning table where there are land uses that are classified as 'X' in all zones.</p>

Agency Submissions

No.	Submitter	Summary of Submission	Officer Comment
5	Department of Planning Lands and Heritage (Submission received from Heritage) 140 William Street Perth WA 6000	The proposed amendment has been considered for its potential impact on heritage places within the Scheme area. It is noted that the amendment applies to the Scheme area generally and does not impact on any State Registered places. No objections to the proposed amendment, noting that it will ensure that new third party signage will not impact on the cultural significance of any heritage places.	Noted.
6	Department of Transport 140 William Street, Perth WA 6000	Department of Transport supports the proposal.	Support noted
7	Main Roads WA Don Aitken Centre Waterloo Crescent East Perth WA 6004	Main Roads commends the City on its proposal to regulate third party signage and has no objection to amendment 16 on the basis that the exemption afforded to advertisement signs for a public authority under section 6.5.1 of the City's Local Planning Policy No.12 is maintained.	Noted. The amendment does not propose to change 6.5.1 of the City's Local Planning Policy No.12
		Notwithstanding the above, any third party signage in the local government area must comply with <i>Main Roads Policy and Application Guidelines For Advertising Signs Within And Beyond State Road Reserves</i> .	Noted

No.	Submitter	Summary of Submission	Officer Comment
8	Department of Fire and Emergency Services 20 Stockton Bend, Cockburn Central WA 6164	Given the proposal seeks to prohibit third party signage as per your correspondence, that is not considered an intensification of land use, the application of State of Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) may not be required, in this instance. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.	Noted
9	Department of Water and Environmental Regulation 7 Ellam St, Victoria Park, WA 6100	The Department of Water and Environmental Regulation has assessed the above referral and has no objections.	Noted
10	Civil Aviation Safety Authority Aviation House, 16 Furzer Street, PHILLIP ACT 2606	CASA did not identify any potential aviation related concerns. Prior to any signage being constructed that may be located within the relevant Airport Environs Overlay, CASA recommends you seek comment from Perth Airport management, particularly with regard to lighting and the height of any structures. Should Perth Airport assess there to be any potential aviation impacts they will refer the proposal to CASA for additional review and comment.	Noted
11	Water Corporation	The Corporation advises the City that it has no objection to the amendment proceeding.	Noted