

13.5 DRAFT LOCAL PLANNING POLICY 1.12 ADVERTISING SIGNS

File	LND/57
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Refer	21 June 2016 Item 11.1.3
Appendices	1. Draft Local Planning Policy 1.12 Advertising Signs [13.5.1 - 24 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider advertising of draft Local Planning Policy 1.12 Advertising Signs for public comment.

BACKGROUND

At its meeting on 14 March 2014, Council completed its scheduled Periodic Review of Local Laws and, as part of the review, resolved that the By-laws Relating to Signs and Bill Posting should be repealed and not replaced on the basis of advice that the regulation of signage on private property could be adequately dealt with under Local Planning Scheme No. 9 (LPS).

Subsequently it was concluded that there were still certain matters that could not be addressed under LPS 9, and that a local law would in fact be required in order for these matters to be addressed. The repeal of the By-Law was therefore not progressed, and, at its meeting on 21 June 2016 (Item 11.1.3) Council resolved to adopt a draft Signs Local Law for the purpose of advertising for public submissions. No public submissions were received in relation to the proposed local law, however following submission of the draft local law to the Department of Local Government for comment in July 2016, the Department advised that “*general signage issues should be regulated by local planning schemes, and not in local laws*”. The draft local law was therefore not progressed further and, in the absence of an alternative regulatory framework to deal with those aspects of signage on private property not addressed by LPS 9, the By-law has continued to be utilised.

As part of the ongoing review and updating of Shire procedures and documents, a project was initiated to review best practices in advertising signs policy to assist with drafting a Local Planning Policy for the Shire. The project involved reviewing several local government authorities, examining policy structure, and quality of controls.

The review included key legislative controls for advertising signs under the Shire of Gingin's Local Planning Scheme No.9 (LPS 9), the *Planning and Development Act 2005* (the Act) and *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), Shire of Gingin By-Law Relating to Signs and Bill Postings 1982 (By-Law), Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004 (Local Law) and the *Main Roads (Control of Advertisements) Regulations 1996*.

Local Planning Policy 1.12 Advertising Signs has now been drafted with the purpose of providing a framework for the design, placement and assessment of advertising signs (signs) within the Shire.

The draft Local Planning Policy 1.12 Advertising Signs is contained in **Appendix 13.5.1**.

COMMENT

Planning and Development (Local Planning Scheme) Regulations 2015 - Schedule 2 Deemed provisions for local planning schemes) (the Deemed Provisions)

The Deemed Provisions set out the requirements for the preparation and adoption of a local planning policy under the Scheme. The following provisions apply (extract from the Regulations 2015):

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*
- (5) *In making a determination under this Scheme, the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

Where the Council resolves to prepare a local planning policy it must advertise the proposed policy by publishing a notice in a newspaper circulating in the Scheme area for not less than 21 days. The Shire can give notice of the proposed draft policy by other means and carry out any other consultation, it considers necessary.

The period for making submissions in relation to a local planning policy must not be less than 21 days. On completion of the public comment period, if the Council resolves to proceed with the policy, it must publish a notice to that effect in a newspaper circulating in the Scheme area.

Review of Local Government Policies and Current Best Practice

Several local government authorities were examined in the preparation of the draft Policy for policy structure, readability, relevance to region and quality controls to determine best practice. The survey of local government policies, together with the review of the Shire of Gingin By-law Relating to Signs and Bill Posting 1982 and Activities in Thoroughfares and Public Places and Trading Local Law 2004, identified a need to amend LPS 9 and the Local Law, and to progress the previously agreed to repeal of the By-Law.

The draft local planning policy provides updated definitions (interpretations) and cross references existing definitions under LPS 9, the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

By-Law Relating to Signs and Bill Posting 1982

Council's 2014 decision to repeal the By-law Relating to Signs and Bill Posting will be actioned following final adoption of Local Planning Policy 1.12 Signs.

Activities in Thoroughfares and Public Places and Trading Local Law 2004

The Local Law contains provisions dealing with signage on land under the control of the Shire of Gingin. In examining other reference documents, anomalies have been identified between the Scheme and the Local Law and these will be addressed as part of the next Periodic Review of Local Laws to be undertaken in the second half of 2022.

Remote/Tourism Signs

The policy will provide opportunity for tourist/advertising bays to support business growth and encourage stronger identity for the various settlement areas. Guidelines will be required to assist the Shire in the management and control of these areas.

Guidelines will be established for artwork to be approved before advertising panels are approved for production and installation. Advertising should be for a set period of time and renewable in 4 years. A template should be established to maintain consistent sign sizes and finishes. Each operator should provide draft art work to the Shire (visitor information bay management) to produce the sign for installation.

Draft Local Planning Policy

The draft policy has been prepared outlining 6 objectives, 25 specific sign categories, general sign requirements, specific requirements and definitions, with images of the sign types. This format and approach is consistent with the detailed and thorough policies examined. The format is considered clear.

The draft policy recommends acceptable standards where signs can be exempt from development approval. It is proposed that where a sign complies with the Policy standards, it will be exempt, but where it proposes to vary the standards, development approval will be required.

The draft local planning policy identifies 11 design and location criteria for advertising signs as follows:

- the sign to be of a minor nature and subservient to the scale of a building and or place;
- limited to one sign type per lot frontage;
- not cause visual clutter of the streetscape, building or place;
- not display offensive wording or images;
- only display services offered for sale and/or produced on the land;
- not obscure architectural attributes of a building;
- not cause a nuisance, by way of light spillage, to adjoining / abutting properties;
- not flash, pulsate or chase when illuminated;
- not contain colours that interfere with or be likely to be confused with traffic control signals whether illuminated or not;
- not obstruct visual sightlines or movement for motorists and pedestrians; and
- not obstruct views of significance.

Community Consultation and Engagement

The draft local planning policy is required to be advertised for a minimum period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Any submissions received must be considered by Council, which may then resolved to proceed with the policy without modification, proceed with the policy with modification, or not proceed with the policy.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Schedule 2 – Deemed Provisions for Local Planning Schemes

Shire of Gingin Local Planning Scheme No. 9

Shire of Gingin By-Law Relating to Signs and Bill Posting 1982

Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004

Main Roads (Control of Advertisements) Regulations 1996.

POLICY IMPLICATIONS

Clause 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 allows the local government to create a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	3. Planning and Sustainability
Strategic Objective	3.3 Planning and Land Use Plan the use of the land to meet future requirements incorporating economic development objectives and community amenity.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Vis

That Council:

1. Agree to advertise draft Local Planning Policy 1.12 Advertising Signs for public comment in accordance with the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*; and
2. Agree, if no submissions are received, to proceed with the policy without modification.

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*