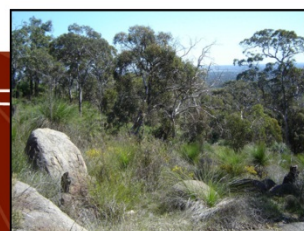


# Development & Infrastructure Services Committee Meeting

Minutes for Monday 2 December 2013

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm and welcomed Councillors and Staff.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Geoff Stallard	South East Ward
Frank Lindsey	South East Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward
Bob Emery	North West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neill	Coordinator Public Relations
Kristy McGuire	Acting Governance Officer

**Members of the Public** 0

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Justin Whitten	South West Ward
John Giardina	South East Ward

#### 2.3 Leave of Absence Previously Approved

Nil.

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### **3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers will be summarised.

3.1 Nil.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 11 November 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

6.1 Nil.

### **7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 Nil.

### **8.0 DISCLOSURE OF INTERESTS**

#### **8.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

8.1.1 Nil.

#### **8.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.2.1 Nil.

**9.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**84. Amendment No. 51 to Local Planning Scheme No. 3 – Modifications to Exempted Advertisements Schedule**

Previous Items	OCM 183/2012
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/051
Applicant	N/A
Owner	N/A

Attachment 1                      Submission Table

**PURPOSE**

1. To consider submissions received and whether to adopt Amendment No. 51 to Local Planning Scheme No. 3 (“Scheme”) to insert new provisions into Schedule 5 (Exempted Advertisements) and new definitions in Schedule 1 – Dictionary of Defined Words and Expressions.

**BACKGROUND**

2. In November 2012, at the Development & Infrastructure Committee meeting the draft Local Planning Policy DEV 42 – Signage on Private Property (“Policy”) was considered for the purpose of advertising. The matter was subsequently deferred to the December Development and Infrastructure meeting to enable it to be considered with this report and the Signs Local Law report.
3. The Committee at this meeting identified the need for provisions to be included in the Scheme for community event signs, such as for fetes and markets and provide greater clarity as to when they would require planning approval if proposed to be erected on private property.
4. In response to a number of recent enquiries regarding the proliferation of election and political signage on private properties in the Shire, the Policy included provisions to control the display of posters or signs on behalf of candidates of political parties.
5. In December 2012, Council resolved (En Bloc Resolution OCM 183/2012) to initiate Amendment No. 51 to the Scheme.

**DETAILS**

6. It is proposed that Schedule 5 (Exempted Advertisements) of the Scheme be modified to include the following provisions for political signs, and community event signs:

<b>LAND USE AND/OR DEVELOPMENT</b>	<b>EXEMPTED SIGN</b>	<b>MAXIMUM SIZE</b>
Election and Political Signs	One sign per street frontage displayed for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the <i>Local Government Act 1995</i> .  The sign will be required to be removed within 14 days after the relevant election.	2sqm
Community Association Event Signs	One sign per street frontage displayed no earlier than three weeks prior to the event.  The sign will be required to be removed within 14 days after the relevant event.	2sqm

7. Signs which do not comply with these provisions will require planning consent prior to being erected on any private property.
8. The proposed scheme amendment does not apply to signs on public land, i.e. road reserves and other land under the control of local government, which are controlled under the Signs Local Laws.
9. It is also proposed to include the follow definitions in Schedule 1 (Dictionary of Defined Words and Expressions) of the Scheme:

*“Community Association ” means an institution, association, club, society or body, whether incorporated or not, the objective of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions.*

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*“Political Sign” means a sign which displays, or makes reference to, matters of a political nature and/or promotes sitting members, candidates, or potential candidates, for election to the Parliament of the Commonwealth or the State, or for the Council of the Local Government but does not include a sign erected by the Local Government for public information.*

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. Schedule 5 (Exempted Advertisements) of the Scheme stipulates the types of advertisements which are exempt from requiring planning consent.

## **POLICY CONSIDERATIONS**

12. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District.
14. During the formal advertising period one submission was received from the State Director of the Liberal Party. Refer to the Submission Table (Attachment 1).

## **FINANCIAL CONSIDERATION**

15. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

16. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.  
  
Strategy 4.3.1 Provide efficient building and development approval services to the community.



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## SUSTAINABILITY

### Social Implications

17. Nil.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Action/Strategy
Council may resolve not to adopt the amendment.	Unlikely	Major	Ensure Council is aware that currently there are no Scheme provisions exempting election, political, community and/or event signage and the legal ramifications of such signage not being exempt.

## OFFICER COMMENT

21. The proposed changes to Schedule 5 are to ensure that the criteria applied to political and election signs are consistent with the criteria applied to other signage within the Schedule. This will ensure that claims that the Schedule limits the constitutional guarantee of political freedom are addressed and can be defended based on legal precedent if challenged.

22. The inclusions of Political Signs in Schedule 5 will preclude all signs not exceeding 2sqm from requiring planning approval. The amendment will however restrict the period of time the signs can be displayed for. This will ensure the signs are removed in a timely manner.

23. In respect to Community Signs, Schedule 5 of the Scheme identifies signage associated with meeting halls and public assembly as being exempt from requiring planning approval. It is however considered that the wording could be interpreted as including Community Purpose signs. To ensure greater clarity it is recommended that the Community Association Event Signs be included as a separate land use development in Schedule 5 of the scheme.

24. The proposed provisions will assist with the Shire's development control responsibilities and provide greater clarity to the elected members and the community in respect to Political and Community Signs.

*Cr Bilich proposed that this item be deferred until the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.*

*A Councillor raised a point regarding the current process of considering the original Officer's Recommendation when it appeared that an alternative Officer's Recommendation was proposed. The Chief Executive Officer responded by advising the officer was not proposing an alternative motion, the alternative motion is being proposed by Cr Bilich following the receipt of legal advice received very late in the afternoon.*

*A Councillor queried as to when the legal advice would be made available and if it would be provided in adequate time prior to the Ordinary Council Meeting. Director Development Services advised that a meeting would be arranged as soon as possible and once the information is available it will be forwarded to Councillors.*

*The Presiding Member sought a mover and seconder for the Officer Recommendation as printed in the agenda, as no seconder was found the motion lapsed.*

#### **Voting Requirements: Simple Majority**

#### **OFFICER RECOMMENDATION (D&I 84/2013)**

That Council:

1. Notes the submission received in response to Amendment No. 51 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 with modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 51

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3 to include the following provisions for election, political and community event signs:

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Election and Political Signs	<p>One sign per street frontage displayed for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the <i>Local Government Act 1995</i>.</p> <p>The sign will be required to be removed within 14 days after the relevant election.</p>	2sqm
Community Association Event Signs	<p>One sign per street frontage displayed no earlier than three weeks prior to the event.</p> <p>The sign will be required to be removed within 14 days after the relevant event.</p>	2sqm

(b) Modify Schedule 1 (Dictionary of Defined Words and Expressions) by inserting the following definitions:

*“Community Association ” means an institution, association, club, society or body, whether incorporated or not, the objective of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions.*

*“Political Sign” means a sign which displays, or makes reference to, matters of a political nature and/or promotes sitting members, candidates, or potential candidates, for election to the Parliament of the Commonwealth or the State, or for the Council of the Local Government but does not include a sign erected by the Local Government for public information.*

3. Amends the Scheme Text accordingly.

4. Duly executes the Amendment documents and forwards them and the submission received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Andrew Waddell**

Seconded:

Vote: **LAPSED**

### *Alternative Motion*

**84. Amendment No. 51 to Local Planning Scheme No. 3 – Modifications to Exempted Advertisements Schedule**

<b>Voting Requirements: Simple Majority</b>
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### **Alternative Motion**

That the item be deferred to the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.

Moved: **Cr Sue Bilich**

Seconded: **Cr Bob Emery**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Frank Lindsey</b>	<b>Cr Andrew Waddell</b>
	<b>Cr Geoff Stallard</b>	
	<b>Cr Allan Morton</b>	
	<b>Cr Noreen Townsend</b>	
	<b>Cr Bob Emery</b>	
	<b>Cr Dylan O'Connor</b>	
	<b>Cr Sue Bilich</b>	
	<b>Cr Margaret Thomas</b>	
	<b>Cr Simon Di Rosso</b>	

**CARRIED (9/1)**

**Attachment 1**

**Amendment No. 51 to Local Planning Scheme No. 3 –  
 Modifications to Exempted Advertisements Schedule  
 Submission Table**

	<b>Details</b>	<b>Comment</b>	<b>Staff Comment</b>
1.	B Morton State Director Liberal Part of Australia PO Box 49 WEST PERTH WA 6872	<p>Comment on the proposal</p> <p>a) The Liberal Party supports the proposal that the requirement for development approval for election signage be removed from Local Planning Scheme No. 3, in recognition of the implied freedom of political communication in the Australian Constitution.</p>	<p>a) Noted. The proposed inclusion of political signage in Schedule 5 of the Scheme is done so on the basis that the signage meets certain development criteria. Failure to meet this criterion will require a formal planning application to be submitted to the Shire for consideration.</p> <p>In considering the question of constitutional guarantee of freedom for political signage, the Shire has been mindful of the need to ensure that the criteria applied to Schedule 5 of the Scheme is consistent with the criteria applied to other signs. To this end, the following modifications to the criteria are proposed, namely:</p> <ul style="list-style-type: none"> <li>o The one sign per property be amended to allow for an additional sign where the property has dual road frontage.</li> <li>o To increase the maximum size of the sign from 1sqm to 2sqm consistent with other exempt signs in Schedule 5. This is to include community signs as well.</li> </ul>

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		<p>b) We request that any restrictions on the size, number or duration of display of exempt political signage be carefully examined in light of the constitution protections. In our view, any restriction that imposes a greater burden on political signs on or affixed to private property that is applicable to non-political signs erected on private property would be manifestly unreasonable. Any such restriction could not be justified as reasonably appropriate and adapted to any legitimate planning objective.</p>	<p>In respect to the timing requirements, the basis for this criterion is to avoid the display of signs over a prolonged period of time and ensure they are removed in a timely manner. On this basis the timing requirements are considered justifiable.</p> <p>b) Noted.</p>
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**85. Proposed Local Planning Policy - Signage on Private Property**

Previous Items	OCM 183/2012
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Local Planning Policy DEV 42 – Signage on Private Property
Attachment 2	Submission Table

**PURPOSE**

1. To consider submissions received and whether to adopt proposed Local Planning Policy DEV 42 – Signage on Private Property (Policy). Refer to proposed Local Planning Policy DEV 42 - Signage (Attachment 1).

**BACKGROUND**

2. Local Planning Scheme No. 3 (the Scheme) foreshadows the development of policies to guide decision-making.
3. The Policy Register is being reviewed and, where considered necessary, new policies are being presented for Council consideration.
4. Currently no location or structural requirements exist for signage located on private property that requires planning approval.
5. The Shire is currently reviewing the Signs Local Law however this shall only apply to signage in public areas that is under the control, care and management of the Shire.
6. In December 2012, Council resolved (En Bloc Resolution OCM 183/2012) to endorse the Policy for the purpose of advertising, in accordance with clause 2.4 of the Scheme.

**DETAILS**

7. The Policy stipulates the locational and structural requirements for signage on private property.
8. The Policy includes provisions to control the display of posters or signs on behalf of candidates of political parties due to the proliferation of such signage during election cycles.
9. The Shire sought legal advice in response to claims from a political party that political signage is exempt from requiring approval from the Shire and the Policy has been modified based on this advice.

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10. The Policy will be used in conjunction with the Scheme when assessing what impact signage will have on the amenity of an area.

### **STATUTORY AND LEGAL IMPLICATIONS**

11. The Shire may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area.
12. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.

### **POLICY IMPLICATIONS**

13. If Council adopts the Policy it will be included in the Shire's Policy Register.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

14. Clause 2.4 (Procedure for Making or Amending a Local Planning Policy) of the Scheme prescribes the procedure for advertising a Local Planning Policy.
15. The Policy was advertised once a week for two consecutive weeks in a newspaper circulating in the District for a submission period of 21 days. The Policy was also on display at the Administration office.
16. During the formal advertising period one submission was received. Refer to the Submission Table (Attachment 2).

### **FINANCIAL CONSIDERATION**

17. If the Policy is adopted by Council, there will be a cost involved in publishing a notice in a newspaper circulating the District; however this is covered in the Development Services budget.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

18. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.
- Strategy 4.3.1 Provide efficient building and development approval services to the community.



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## SUSTAINABILITY

### Social Implications

19. Nil.

### Economic Implications

20. Nil.

### Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Action/Strategy
Council may resolve not to adopt the policy.	Unlikely	Major	Ensure Council is aware that currently there is no policy which stipulated the locational and structural requirements for signage on private property.
Legal Challenge	Possible	Major	Due to the nature of the Policy ensure Council is aware that it may be subject to a legal challenge.

## OFFICER COMMENT

23. During the advertising of the Policy, the Shire received comments that the Policy limits the constitutional guarantee of political freedom. In response to the claims the Shire sought legal advice which recommended changes to the Policy to ensure the criteria applied to election and political signs are not more onerous than the criteria applied to other levels of signage.

24. Having regard to the above, the following changes are recommended:

- The requirement for the placement of signs not compromising public safety or the view of drivers be removed and placed under Clause 3.1 Standards.
- The requirement for the person responsible for maintaining the sign be removed from Clause 3.16 and placed under Clause 3.1 Standards.

- The requirement for signs not to be illuminated or flash to be removed from Clause 3.15 and replaced in Clause 3.5 applying to illuminated signs.
25. The Policy makes reference to a requirement for a license and an annual fee in the clauses relating to Hoarding and Projection Signs. These references will need to be removed from the Policy as the requirement to obtain a license or impose a fee should come from the Local Planning Scheme not the Policy.
26. In summary, the Policy will assist in the procedural and governance aspects of the Shire's development control responsibilities when development consent is sought for signs on private land. The recommended changes will ensure that the constitutional validity of the Policy should not be challenged, thus ensuring that the Shire is justified in preparing the Policy on planning grounds.

*Cr Bilich proposed that this item be deferred until the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.*

*The Presiding Member sought a mover and seconder for the officer's recommendation as printed in the agenda, as there were none the motion lapsed.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 85/2013)**

That Council:

1. Adopts Local Planning Policy DEV 42 – Signage on Private Property with amendments (Attachment 1) and a notice to this effect be placed in a newspaper circulating the District.

Moved:

Seconded:

Vote: **LAPSED**

***Alternative Motion***

**85. Proposed Local Planning Policy – Signage on Private Property**

<b>Voting Requirements: Simple Majority</b>
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**Alternative Motion**

That the item be deferred to the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.

Moved: **Cr Sue Bilich**

Seconded: **Cr Frank Lindsey**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Frank Lindsey</b>	<b>Cr Andrew Waddell</b>
	<b>Cr Geoff Stallard</b>	
	<b>Cr Allan Morton</b>	
	<b>Cr Noreen Townsend</b>	
	<b>Cr Bob Emery</b>	
	<b>Cr Dylan O'Connor</b>	
	<b>Cr Sue Bilich</b>	
	<b>Cr Margaret Thomas</b>	
	<b>Cr Simon Di Rosso</b>	

**CARRIED (9/1)**

**Attachment 1**  
**Proposed Local Planning Policy DEV 42 – Signage on Private Property**



**POLICY REGISTER**

<b>Title:</b>	<b>Signage on Private Property</b>		
<b>Policy No.:</b>	<b>DEV 42</b>		
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

Rationale	Nil.
Policy	<p><b>1. BACKGROUND</b></p> <p>1.1 The purpose of this Policy is to ensure that the display of advertisements on private property within the Shire of Kalamunda does not adversely impact on the amenity of surrounding land while providing appropriate exposure for businesses, activities or services.</p> <p>1.2 Planning approval is required for all types of signage which is not exempted under Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3.</p> <p><b>2. ADVERTISEMENT SIGN</b></p> <p>The term 'advertising sign' has the same meaning as 'advertisement' in Schedule 1 of The Shire of Kalamunda Local Planning Scheme (the Scheme) as follows:</p> <p>Advertisement: means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.</p> <p><b>3. ASSESSMENT CRITERIA</b></p> <p><b>3.1 Standards</b></p> <p>Unless otherwise stated, all advertisement signs shall:</p> <ol style="list-style-type: none"> <li>Not pose a threat to public safety or health and shall not have any sharp or pointed projections below a height of 2.75 metres from ground level;</li> <li>The landowner or party responsible for the sign must maintain the sign and ensure that pedestrian and driver safety is maintained while the sign is in place.</li> <li>Signs must be placed such that they do not compromise the safety of pedestrians and/or do not obstruct the view of drivers.</li> <li>Not extend beyond any property boundary of a lot, overhang or encroach onto any reserve, Shire verge or road reserve;</li> </ol>

- e) Only advertise events, services or products associated on the lot where it is to be located;
- f) Not be in any position where it obstructs the view from a street or site lines for vehicles entering and departing the subject lot on which the sign is placed; and
- g) If illuminated:
  - i. use a low level of illumination and not cause a nuisance, by way of light spillage, to abutting sites.
  - ii. not comprise of flashing, pulsating, chasing or running lights.
  - iii. not interfere with or be likely to be confused with traffic control signals.
  - iv. have a minimum clearance of 2.75 metres from ground level.

### 3.2 Display Home Signs

Display home signs shall:

- a) be provided in a ratio not exceeding 2m<sup>2</sup> per house in a centre with no individual sign exceeding 4m<sup>2</sup>; overall height of sign not to exceed 4m;
- b) not be illuminated after 9.00 pm; and
- c) be approved for a period not exceeding twelve months at any one time.

### 3.3 Hoardings

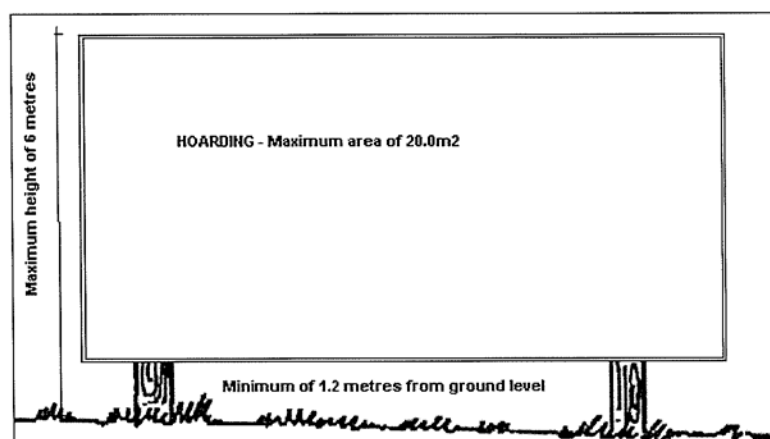
3.3.1 Hoardings shall not:

- a) be erected in a residential area;
- b) except with the specific approval of the Shire, be erected within 15m of any street or other public place and in any case not closer than its own height to a street or public place; and
- c) be of greater area than 22m<sup>2</sup>.

3.3.2 A licence issued in respect of a hoarding is valid in terms of the licence for a period to be set by the Shire, up to ten years.

3.3.3 The licence fee for a hoarding is an annual licence fee and is payable annually so long as the hoarding is maintained with the approval of the Shire.

Example Only



**3.4 Horizontal Signs**

3.4.1 A horizontal sign shall:

- a) afford a minimum headway of 2.75m;
- b) be fixed parallel to the wall of the building to which it is attached; and
- c) conform as to depth to the following table –

Minimum Distance of Sign above street		Maximum Depth of Sign	
Less than	7.5 m	600 mm	
7.5 m to	9 m	750 mm	
9 m to	12 m	1 m	

The increase above 12m should be 150mm in depth for each 300mm in height to a maximum of 4.5m;

- d) not project more than 600mm from the wall to which it is attached; and
- e) not be within 600mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 225mm wide and projects at least 25mm in front of and 75mm above and below the sign.

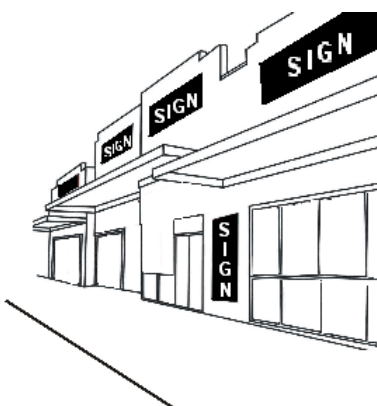
3.4.2 Notwithstanding the provisions of paragraph (c) of this policy 3.6.1, the Shire may permit an increase of not more than fifty per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

3.4.3 There shall be not more than one line of horizontal signs facing any one street on any building.

3.4.4 The name of the building, owner or occupier may be shown on the facade of a building but:

- a) unless otherwise specifically approved by the Shire, only one such name shall be placed on any facade;
- b) the letters of the name shall not exceed 1.2m in height;
- c) the letters shall be of metal or other incombustible material; and
- d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Shire.

Example Only



**3.5 Illuminated Signs**

Every illuminated sign shall:

- a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- b) have its electrical installation constructed and maintained to the satisfaction of the State Energy Commission or the appropriate electricity supply authority and in accordance with the S.A.A. Code 3000 - 1976.
- c) be maintained to operate as an illuminated sign; and
- d) not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.
- e) Signs must not be internally or indirectly illuminated, move, flash, rotate or reflect so as to be a distraction to drivers.

**3.6 Information Panels**

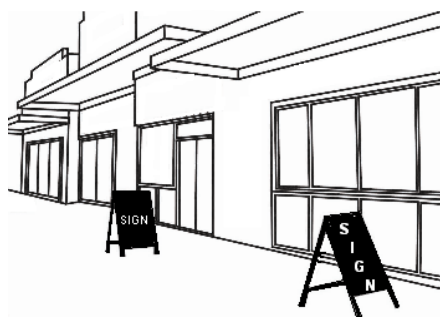
The Shire may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

**3.7 Portable Signs -**

A portable sign shall -

- a) Not exceed 1 metre in height;
- b) Not exceed 1 metre in area;
- c) Be placed so not to be hazardous to, or impede vehicular traffic or pedestrian traffic;
- d) Be sound construction and maintained in good condition; and
- e) Be so constructed or anchored to prevent them becoming hazardous during strong winds.

Example Only



**3.8 Projection Signs**

3.8.1 No person shall project by light any sign being a photographic or other image which can be seen from any street, way, footpath, or other public place onto any building, screen or structure without a written licence issued by the Shire, nor without the consent of the owner of the building or structure.

3.8.2 No licence shall be issued by the Shire for a projection sign:

- a) unless the building, screen or structure onto which it is proposed to project such sign or signs is specified in the application for such licence;

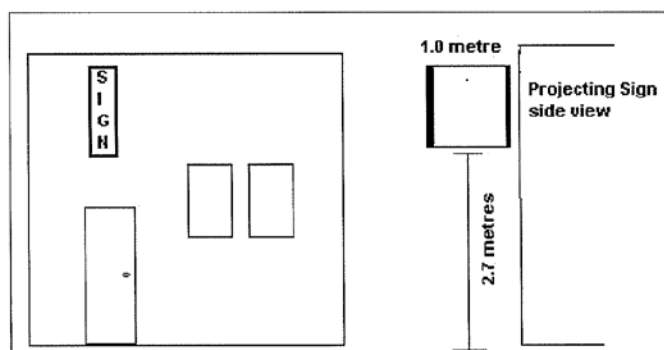
- b) in respect of any such sign which when projected onto a building, screen or structure is more than 12m in width or 12m in height; and
- c) unless the licence specifies the building, screen or structure onto which such sign may be projected.

3.8.3 Where it is proposed to project such signs onto a building, screen or structure in a series the Shire may issue one licence in respect of all the signs in that series provided that no sign or signs other than that or those in respect of which a licence has been issued shall be projected.

3.8.4 Where a licence has been issued by the Shire pursuant to this policy the sign or signs in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.

3.8.5 The owner or occupier of any building, screen or structure shall not permit any sign or signs to be projected onto the same unless a licence has been issued pursuant to this policy.

Example Only



**3.9**

**Pylon Signs**

3.9.1 A pylon sign shall:

- a) have a minimum clearance of 2.75m
- b) not be more than 6m above the level of the ground immediately below it except in central business areas or large shopping complexes, as determined by the Shire;
- c) not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4m<sup>2</sup> - except in central business areas or large shopping complexes, as determined by the Shire; such signs when erected must comply with the following -
  - i. be the motif or emblem of the centre.
  - ii. only one such sign on any development.
  - iii. not exceed 10m<sup>2</sup> on any face.
  - iv. not be erected within a distance equal to its own overall height from any street or right of way.
- d) not project more than 1m over any street;
- e) be supported on one or more piers or columns of brick, stone,



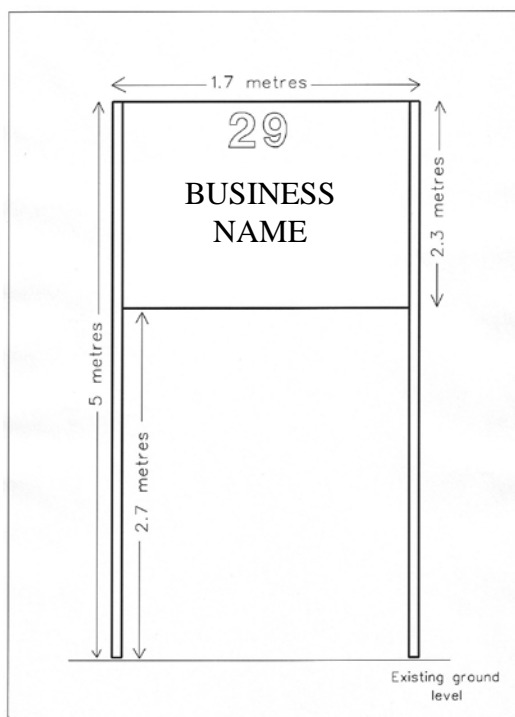
concrete or steel of sufficient size and strength to support the sign under all conditions;

- f) where a pylon sign is supported on two or more piers or columns the space between the piers or columns shall not be wholly or partly filled in with any material below 2.75m above ground level;
- g) not be within 1.8m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, when the Shire may authorise the erection of the sign at a lesser distance than 1.8m; and
- h) not have any part thereof less than 6m from any part of another sign erected on the same lot.

3.9.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected or are to be erected the Shire may require all the pylon signs to be incorporated into one sign complying with the following:

- a) initial approval is to be given to the pylon sign framework together with one or more sign infills;
- b) an application is to be submitted and approval given for each additional infill;
- c) all infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot;
- d) where the Shire requires signs to be combined the total area of the infill signs specified under policy 5.11.1; and
- e) may be increased by up to 50 per cent, i.e. to a maximum of 6m<sup>2</sup>.

Example Only



**3.10 Roof Signs**

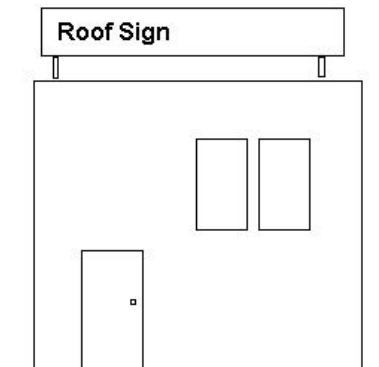
3.10.1 A roof sign shall:

- a) not at any point be within 4m of the ground;
- b) not extend laterally beyond the external walls of the building; and
- c) comply as regards height above ground and height of sign with the following table:

Height of Main Building above Ground Level at Point where Sign is to be fixed.		Maximum Height of Sign	
4 m	and under	5 m	1.25 m
5 m	and under	6 m	1.8 m
6 m	and under	12 m	3 m
12 m	and under	18 m	5 m
18 m	and under	24 m	6 m
24 m	and upwards		7 m

3.10.2 When ascertaining the height of the main building above ground level for the purpose of this policy, any part of the roof at the point where the sign is to be erected that is provided solely for the purpose of architectural decoration shall be disregarded.

Example Only



**3.11 Tethered Signs**

3.11.1 Tethered Signs shall:

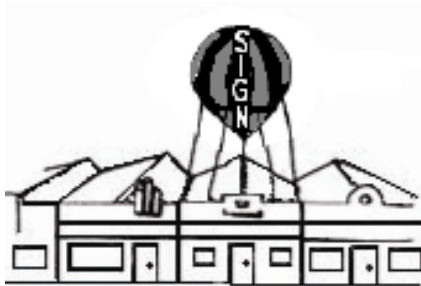
- a) be located wholly within the boundaries of the lot;
- b) have a maximum vertical dimension of 0.75 metres and a maximum area of 2sqm;
- c) not be greater than 8m from natural ground level;
- d) be limited to a maximum of one sign per street frontage on any one lot; and
- e) not be within 10m of a pylon sign.

3.11.2 Notwithstanding the provisions of sub-clause 3.11.1, tethered signs which consist of balloon type or inflatable objects shall:

- a) not exceed 7m in diameter or 9m in height; and
- b) not be displayed for more than 14 days in aggregate for any one calendar year.

Furthermore, the applicant is required to provide to the Shire prior to erecting such a sign, a certificate from a Structural Engineer certifying that the connection of the balloon type object to the building or lot is of a structurally sound design.

Example Only



**3.12 Tower Signs**

A tower sign shall not, unless otherwise specially approved by the Shire -

- a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- b) if illuminated, be a flashing sign;
- c) exceed in height one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; and
- e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

**3.13 Verandah Signs**

**3.13.1 Signs Above Verandah Fascia's**

Signs comprising free standing lettering only may be erected above the outer fascia of a verandah parallel to the kerb, if the lettering does not exceed 400mm in height and is mounted on a base of at least 75mm in width.

**3.13.2 Signs on Verandah Fascia's**

A sign fixed to the outer or return fascia of a verandah -

- a) shall not exceed 600mm in depth;
- b) shall not project beyond the outer metal frame or surround of the fascia; and
- c) if an illuminated sign may be of changing colours but shall not emit a flashing light.

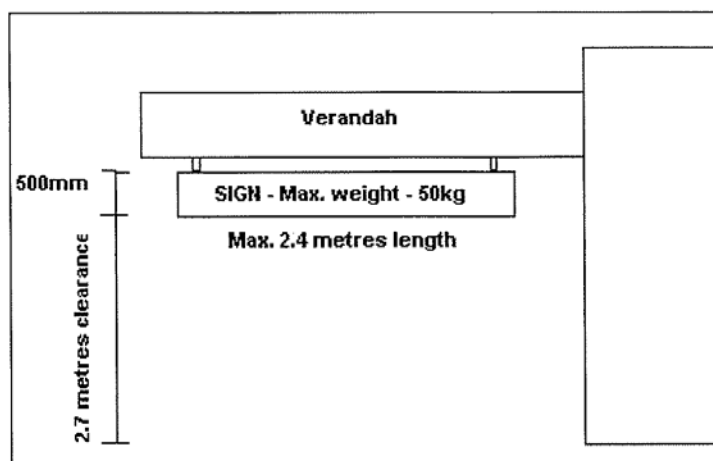
**3.13.3 Signs under Verandahs**

A sign under a verandah shall -

- a) afford a headway of at least 2.75m or, when approved by the Shire, 2.4m;

- b) not exceed 2.4m in length or 500mm in depth;
- c) not weigh more than 50 kg;
- d) not, if it exceeds 300mm in width, be within 1.4m, or where it does not exceed 600mm in width be within 1m of the side wall of the building, measured along the front of the building before which it is erected;
- e) not, if it exceeds 300mm in width, be within 2.75m, or where it does not exceed 300mm in width be within 1.75m of another sign under that verandah;
- f) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
- g) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign; and
- h) not be constructed of shatterable material.

Example Only



**3.14**

**Vertical Signs**

3.14.1 A vertical sign shall -

- a) afford a minimum headway of 2.75m;
- b) subject to 5.17.2, not project more than 1m from the face of the building to which it is attached;
- c) subject to 5.17.3, not be within 1.75m of either end of the wall to which it is attached;
- d) be of a height of at least twice its width;
- e) not project more than 1m above the top of the wall to which it is attached nor more than 1m back from the face of that wall;
- f) not be within 4m of another vertical sign on the same building;
- g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets; and
- h) except with special permission of the Shire not exceed 1m in width exclusive of the back projection.

	<p>3.14.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building which is situated less than 3 metres from the side wall of the first building, the sign may project 500mm further than the distance prescribed by paragraph (b) of 5.17.1 or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.</p> <p>3.14.3 Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right of way, the Shire may authorise the affixing of the sign.</p> <p><b>3.15 Window</b></p> <p>Window Signs shall not cover more than 50% of the glazed area of any one window or exceed 10.0m<sup>2</sup> in area in aggregate per tenancy on a lot whichever is greater.</p> <p><b>3.16 Election and Political Signs</b></p> <p>For Federal, State and Local Government elections and candidates for any elected office, the controlled display of posters or signs on behalf of candidates or political parties that comply with the following criteria:</p> <ul style="list-style-type: none"><li>(a) Approval for the sign has been granted under Local Planning Scheme No. 3 unless otherwise exempt under Schedule 5.</li><li>(b) The sign may only be placed on private property and only where permission is given for the sign to be there by the landowner.</li><li>(c) Only one election sign is permitted per property. Where a property has more than one street frontage an additional sign is permitted.</li><li>(d) Signs should not exceed 6sqm in area.</li><li>(e) Signs will only be approved for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the Local Government Act 1995, and will be required to be removed within 14 days after the relevant election day.</li><li>(f) Signs are not permitted in or on a vehicle, trailer or caravan parked at the same location for more than 24 hours.</li><li>(g) Signs must not be internally or indirectly illuminated, move, flash, rotate or reflect so as to be a distraction to drivers.</li></ul> <p><b>4. VARIATION OF STANDARDS</b></p> <p>If it is established to the satisfaction of the Shire that a particular standard or provision contained within this Policy is unreasonable or undesirable in the particular circumstances of the case, the Shire may at its discretion, vary the standard or provision.</p>
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	<p>The Shire may only vary a standard or provisions where it is satisfied that:</p> <ul style="list-style-type: none"><li>(a) Approval of the variation will not set an undesirable precedent;</li><li>(b) The applicant demonstrates exceptional circumstances warranting support for a variation; and</li><li>(c) Approval of the application is in accordance with variations to site and development requirements contained within the Shire of Kalamunda Local Planning Scheme No. 3 (Section 5.6).</li></ul> <p>Applications for variation of standards shall include a sign strategy for the whole of the subject site.</p>
Related Local Law	
Related Policy	
Management Practice	
Legislation	
Conditions	

**Attachment 2**

**Proposed Local Planning Policy - Signage on Private Property  
Submission Table**

	<b>Details</b>	<b>Comment</b>	<b>Staff Comment</b>
1.	B Morton State Director Liberal Party of Australia PO Box 49 WEST PERTH WA 6872	<p>Comment on the proposal</p> <p>a) Subclauses 3.16(c), (e) and (g) of the Policy constitute unlawful curtailments of the implied freedom of political communication.</p> <p>b) There is no justification for restricting political signage on public health or safety grounds.</p>	<p>a) The Shire has received legal advice in response to this matter which recommends the following changes in respect to Clause 3.16(c):</p> <ul style="list-style-type: none"> <li>• Where a property has more than one street frontage an additional sign is permitted subject to satisfying the other provisions of Clause 3.16.</li> <li>• Restricting the period of time during which political signs may be displayed is considered a legitimate way of controlling the display of such signs.</li> <li>• It is considered more appropriate to have this provision removed and placed in Clause 3.1 of the Policy which establishes general standards for all signage.</li> </ul> <p>b) Restrictions on political signs in terms of size, number, location and construction are considered justifiable on public safety or planning grounds.</p>

		<p>c) In <i>Liberal Party of Australia v the City of Armadale</i> (2013) WASC 27 at (21), his Honour Justice Kenneth Martin expressed the view that a fetter on electoral signage properly displayed during an electoral process needs to be properly justified by considerations weightier than the mere temporary look of a neighbourhood during an election campaign.</p>	<p>c) Whilst the Liberal Party was successful in obtaining an interim injunction against the City of Armadale, the legal requirements under the Local Planning Scheme of the City of Armadale are substantially different from the legal requirements under the Shire's Local Planning Scheme No.3. Under the City of Armadale Local Planning Scheme, the City effectively prohibits all political signage on private held land. The amendment to Local Planning Scheme No.3 by the Shire requires planning approval for political signage unless otherwise provided for under Schedule 5 of the Scheme – Exempt Signage.</p>
2.	<p>M Cooke Herbert Smith Freehills GPO Box 250 St Georges Terrace PERTH WA 6000</p>	<p>Comment on the proposal:</p> <p>a) Our client is of the view that the restrictions on political signage on private property in clauses 8.1 and 8.2 of Local Planning Scheme No. 3 infringe the implied constitutional freedom of political communication.</p> <p>b) Our client's view is that political signage should be permitted on private property where:</p> <ul style="list-style-type: none"> <li>• It conforms to the same number and size requirements that apply to exempt property transaction signs; and</li> <li>• It is displayed with the consent of the owner or occupier of the property.</li> </ul>	<p>a) Noted.</p> <p>b) Noted.</p>



		c) Our client has successfully obtained interlocutory relief against the City of Armadale which purported to impose a similar blanket restriction on political signage on private property in its local planning scheme. Liberal Party v City of Armadale (2013) WASC 27.	c) Refer to response to comment 1c.
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**10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Geoff Stallard – Wilkins Road Development

Q. Can I have an update on the proposed Aged Persons Development at Wilkins Road?

A. The Chief Executive Officer took this question on notice.

11.2 Cr Dylan O'Connor – Hazelmere Tip Site in Adelaide Street High Wycombe

Q1. Has a preliminary site investigation been completed?

Q2. Has a detailed site investigation been completed?

Q3. Has the asbestos contamination been classed as 'asbestos fines' through any investigations as defined by the Department of Health?

Q4. Has a sampling and analysis program including test pits, trenches and bore holes been developed?

A. Director Development Services advised that the subject property is in the City of Swan and we will write to the City of Swan and ask these questions, along with the Department of Health regarding the asbestos.

Q5. With regard to the application to remediate the site on Adelaide Street, given that the matter is now with SAT and in mediation, what is the process from here?

A5. Director Development Services responded that a decision on the original matter was made by the Joint Development Assessment Panel for that region and as you are aware, an application has been made to the State Administrative Tribunal. If the application is approved through mediation, as it was originally listed, then they may determine it, or they may continue to refuse it or determine it with conditions. That process itself is behind closed doors and the first opportunity we would hear about it would be when the decision is released from the mediation. If the mediation doesn't give a result in may be heard as a full hearing at the State Administrative Tribunal.

Q6. Will the public be given an opportunity to have input into the discussion or comment on the remediation plan should the activity be approved?

A6. Director Development Services advised it would depend on whether or not in the mediation that is what they sought to do. As it is behind closed doors we are unable to comment and we may not know the outcome until such time it comes about and would need to be signed off by several government departments. In terms of public consultation, there may not be any further.

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Q7. Can we ask the Department of Planning, the Joint Development Assessment Panel and the City of Swan if they will be seeking public input on the proposed remediation should the application be approved?

A7. Director Development Services confirmed that we will write to them.

11.3 Cr Simon Di Rosso – Fire Risk of bushland at East Terrace

Q1. I recently queried the fire risk of the bushland on East Terrace and I wondered if there had been any investigation of that area as yet?

Q2. Director Development Services advise that there will be a response provided at the Corporate & Community Services Committee meeting on 9 December 2013. In short, there has been burning on that site in the past two years, this year it did not make it to the fire program, however there is a fire plan over that area and there have been burns in the last two years to reduce the load.

**12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

12.1 Nil.

**13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

13.1 Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

14.1 Nil.

**15.0 CLOSURE**

15.1 There being no further business the Chairman declared the meeting closed at 6.48pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013