

# Case Note: Carrooda Pty Ltd and City of Gosnells

## Amenity impacts of third-party digital signage

The amenity impacts of digital signage as well as the reasonableness of departing from a Local Government's Local Planning Policy were recently considered by the State Administrative Tribunal (the Tribunal).

In [Carrooda Pty Ltd and City of Gosnells \(2022\) WASAT 15](#), the City of Gosnells refused a 4.45m x 18.99m LED sign to be located at the junction of Albany Highway, Austin Avenue and Kenwick Link on the basis that the proposal was inconsistent with the City's Local Planning Policy 4.9 - Signage and Flags (Signage Policy) and would have an unacceptable impact on the character and amenity of the locality.

The Tribunal upheld the decision of the City to refuse the proposed development. In coming to its decision, the Tribunal considered the following key matters:

### **1) Impacts of the third-party digital signage on the character and amenity of the locality**

The Tribunal took into account existing amenity, the manner in which the proposed use would affect the existing amenity and the degree of impact on the locality [39]. This three-part consideration of amenity is in accordance with *Sunbay Developments Pty Ltd and Shire of Kalamunda* [2006] WASAT 74 and *Tempora Pty Ltd v Shire of Kalamunda* [1994] 10 SR (WA) 296.

The immediate locality of the proposed digital sign included light industry and small commercial uses along Albany Highway, and a residential area in proximity. The proposed site of the digital sign had several existing large structures including signage (non-digital) which contributed to the existing amenity. While the Tribunal agreed with the proponent's characterisation of the locality as a 'degraded urban environment,' the Tribunal found that the proposed digital sign would equate to an undue impact on the amenity of the locality [68, 69].

The Tribunal also found that illumination and potential light spill of such signs are not an incidental aspect of such development and can therefore not be deferred for later consideration by applying conditions of development approval requiring management plans and restricted usage/settings [71].

## 2) Consistency with the Signage Policy and reasonableness of a departure from policy

The applicant contended that elements of the Signage Policy that the proposal did not comply with (prohibition of third-party advertising and hoarding sign dimensions) were not based on sound town planning principles and therefore should be given limited weight.

In affirming that the prohibition of third-party advertising was based on sound town planning principles, the Tribunal noted the objective of the Signage Policy to 'ensure that signage only relates to the services and products on the subject land' and therefore that prohibition of third-party advertising did serve a planning purpose [87].

Read the Tribunal's decision in full [here](#).