

5.4 NO. 742 NEWCASTLE STREET (LOT: 301; DP: 416772), LEEDERVILLE - UNLISTED USE (SIGNAGE ADDITION TO ELECTRIC LANE - AMENDMENT TO APPROVED)

Ward: South

Attachments:

1. Location Plan
2. Development Plans
3. Previously Approved Plans

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for a proposed Unlisted Use (Signage to Electric Lane – Amendment to Approved) at No. 742 (Lot: 301; D/P: 46772) Newcastle Street, Leederville in accordance with the plans provided in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2022.190.1 dated 13 December 2022 continue to apply to this approval, except as follows:

1.1 Condition 1 is amended to update the reference to the date of the approved plans. There is no other amendment to this condition. Condition 1 is now as follows:

1. Development Plans

This approval is for Unlisted Use (Signage Addition to Electric Lane) as shown on the approved plans dated 4 July 2023. No other developments forms part of this approval; and

1.2 Condition 5 is amended to update the reference to ‘the land’ being No. 742 Newcastle Street, Leederville. There is no other amendment to this condition. Condition 5 is now as follows:

5. Access and Indemnity

Prior to the lodgement of a Building Permit for the proposed development on No. 742 Newcastle Street, Leederville (“the land”):

5.1 The applicant shall enter into an agreement for access and indemnity (Agreement) with the City of Vincent (“the City”) whereby the applicant:

5.1.1 Indemnifies the City against any loss or damage to any property or thing or death or injury to any person in accordance with the terms of the Agreement;

5.1.2 Agrees to take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the City; and

5.2 The applicant shall maintain at its cost the development constructed over the road reserve to the satisfaction of the City.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application to amend the previous development approval for Unlisted Use (Signage Addition to Electric Lane).

On 13 December 2022 Council approved signage to be affixed to No. 138B Oxford Street, Leederville, and to project over Electric Lane. The purpose of the signage is to promote activities and uses that are located along Electric Lane, with phrases including ‘Eat, Drink & more’, ‘Electric Lane’ and ‘See You Next Time!’.

The proposal seeks to relocate the signage to be further within Electric Lane and be affixed to the external boundary wall of the Leederville Hotel at No. 742 Newcastle Street, Leederville. The size, details and specifications of the signage would remain unchanged by this proposal.

The proposal has been assessed against the City’s Local Planning Policy: Signs and Advertising (Signs and Advertising Policy) and Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy), and satisfies the respective deemed-to-comply standards and acceptable development criteria.

The proposed sign would be relocated 11 metres to the east of the approved location, and would not have an adverse amenity impact on the area or the heritage significance of the Leederville Hotel. The application is recommended for approval subject to updating existing conditions.

PROPOSAL:

The subject application proposes to amend the approved location for signage within Electric Lane.

At its Ordinary Meeting on 13 December 2022 Council approved signage which would be and project over the entry to Electric Lane (‘2022 Approval’). The signage would be setback approximately 4 metres from Oxford Street and be affixed to the external façade of Fry’d tenancy at No. 138B Oxford Street, Leederville.

This application proposes to relocate the signage further east into Electric Lane, with a setback of approximately 15 metres from Oxford Street. The signage would be affixed to the exterior to the existing building of the Leederville Hotel at No. 742 Newcastle Street, Leederville. The proposed development plans are included as **Attachment 2**.

There is no change proposed to the previously approved dimensions, vertical clearance, or content of the signage. A comparison between the approved location (A) and proposed location (B) is included below in Figure 1:



Figure 1 – Approved and Proposed Location of Signage

The applicant has advised that the amended location is as a result of a change of ownership to the Fry’d tenancy, with the new owner no longer consenting to the signage being affixed to the exterior of the tenancy.

BACKGROUND:

Landowner:	City of Vincent and Argyle Holdings Pty Ltd, Tegara Pty Ltd, Bantoy Pty Ltd, Fabray Pty Ltd, Michela Fini, Goldprize Investments Pty Ltd, and Yalaba Pty Ltd.
Applicant:	FJM Property on behalf of Leederville Hotel Investment Syndicate
Date of Application:	4 July 2023
Zoning:	MRS: Urban LPS2: Regional Centre
Built Form Area:	Town Centre
Existing Land Use:	Not applicable – Public Road
Proposed Use Class:	Unlisted Use (Signage Addition to Electric Lane)
Lot Area:	2,683m ²
Right of Way (ROW):	Not applicable
Heritage List:	Yes, Management Category A

Site Context

The subject site is bound by Electric Lane to the north, Oxford Street to the west, and commercial developments to the east and south. A location plan of the subject site that the proposed sign would be affixed to is included in **Attachment 1**.

The subject site and surrounding properties are zoned Regional Centre under the City of Vincent's Local Planning Scheme No. 2 (LPS2). A zoning plan of the subject site and surrounding area is included in **Attachment 1**.

The subject site and surrounding properties are within the Town Centre Built Form Area under the City's Policy No. 7.1.1 – Built Form Policy (Built Form Policy). Electric Lane is a public road owned by the State of Western Australia. The City has care, control and management of Electric Lane. The provisions of the Built Form Policy do not apply to public roads.

2022 Approval

Council previously approved for the signage to be affixed to the wall of No. 138B Oxford Street, Leederville, at its Ordinary Meeting on 13 December 2023. A copy of the minutes from this meeting are available [here](#) and a copy of the previously approved plans is included in **Attachment 3**.

Heritage Listing

The Leederville Hotel is listed on the City's Heritage List and was constructed in 1897.

In 2020 the Metro Inner-North JDAP approved a development application for alterations and additions to existing Leederville Hotel. This included a new building fronting Electric Lane, reconfiguration of the internal and external seating areas, and alterations to the existing façade of the building fronting Newcastle Street. These works were completed in 2021 and several venues now operate from the site including the Leederville Hotel, The Garden, Servo, Evergreens and The Red Room.

The [Statement of Significance](#) details that the Leederville Hotel is a typical hotel in the Federation Romanesque style of the period with the corner tower acting as a landmark which terminates the vista along Newcastle Street, and has operated as a social and entertainment venue from more than a century.

The signage is proposed to be affixed to the western boundary wall at the rear of the Leederville Hotel.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City's Signs and Advertising Policy and Heritage Management Policy. In each instance where the proposal requires the discretion of Council, the relevant planning element is outlined in the Detailed Assessment section following from this table.

Planning Element	Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	Previously approved	Requires further Discretion
Signage		✓	
Heritage Management Policy	✓		

The Heritage Management Policy sets out that proposed development that complies with acceptable development standards will generally be approved, and that the performance criteria describe the desired outcome to be achieved.

Unlike the Built Form Policy and R Codes, the Heritage Management Policy also requires consideration of the proposal against performance criteria even though it complies with the prescribed acceptable development standards. This is also considered in the Comments section below.

CONSULTATION/ADVERTISING:

Section 5 of the City's Community and Stakeholder Engagement Policy sets out that the City may not engage when a decision relates to a minor operational matter that would have minimal impact on the community or stakeholders.

Community consultation was not undertaken on the proposal as there would be minimal impact on community or stakeholders as:

- The application would be consistent with the deemed-to-comply standards of the City's Signs and Advertising Policy, including in respect to advertising signs on heritage places. It is noted that Council had previously approved the signage to extend over Electric Lane;
- The application would be consistent with the acceptable development provisions of the City's Heritage Management Policy;
- The location of the signage is generally consistent with the approved location within Electric Lane. The increased setback of the signage from Oxford Street from the approved location would not have an adverse visual or amenity impact on the community or adjoining properties; and
- Community consultation was undertaken as part of the 2022 Approval with 11 submissions being received, all of which supported the signage.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the City's DRP Chairperson. This is because there is no change to the previously approved design or content of the signage.

The DRP Chairperson was supportive of the 2022 Approval, noting that it would contribute towards the feel of Electric Lane and reflects the features of the Leederville Town Centre.

These previous comments remain applicable noting that the extent of this application relates to the signage being relocated approximately 11 metres within Electric Lane from its previously approved location.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Local Government (Uniform Local Provisions) Regulations 1996;*
- *Local Government Property Local Law 2021;*
- *City of Vincent Local Planning Scheme No. 2;*
- *Community and Stakeholder Engagement Policy;*
- *State Planning Policy 3.5 – Historic Heritage Conservation;*
- *Local Planning Policy: Signs and Advertising; and*
- *Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.*

Planning and Development Act 2005

In accordance with Part 14 of the *Planning and Development Act 2005* and Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, amenity and character of the locality, heritage significance, and consistency with planning policies.

Local Government (Uniform Local Provisions) Regulations 1996

Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* (Local Government Regulations) provides:

- (a) that the City may grant permission to a person to construct a specified thing on, over, or under a public thoroughfare or public place that is local government property; and
- (b) specifies the requirements for the permission to be granted.

Local Government Property Local Law 2021

The City of Vincent *Local Government Property Local Law 2008* was repealed and the *Local Government Property Local Law 2021* (Local Law) has come into operation.

Approval is required to be obtained under the City's Local Law because the proposed sign is located over Council property. The issuing of a development approval is suffice as an approval for the purposes of the Local Law. An advice note to this effect has been included on the 2022 Approval.

Local Planning Scheme No. 2

The objectives of the Regional Centre zone under LPS2 are a relevant consideration for the application. These objectives are:

- *To provide a range of services and uses to cater for the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment;*
- *To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre;*
- *To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, and to develop areas for public interaction.*
- *To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public space;*

- *To provide residential opportunities within the Regional Centre including high density housing, affordable housing, social and special needs housing, tourist accommodation and short term accommodation; and*
- *To ensure that the centres are developed with due consideration to State Planning Policy 4.2 - Activity Centres for Perth and Peel.*

Burra Charter

The Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter 2013 (the Burra Charter) sets a standard of practice for those who provide advice, make decisions about, and undertake work to places of cultural significance. The Burra Charter applies to all types of places of cultural significance, including the Leederville Hotel.

In accordance with Article 22.1 of the Burra Charter, 'new work' is acceptable where it respects the cultural significance of the place. This can be done through consideration of its siting, bulk, form, scale, character, colour, texture and material. In accordance with Article 22.2 of the Burra Charter, the works should be readily identifiable but should respect the cultural significance of the place.

State Planning Policy 3.5 – Historic Heritage Conservation

State Planning Policy 3.5 – Historic Heritage Conservation (SPP 3.5) sets out principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. These principles inform the heritage management standards of local planning policies.

Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties

As the signage is proposed to be affixed to the wall of the Leederville Hotel which is on the City's Heritage List, the proposal is required to be assessed against Part 4 of the Heritage Management Policy.

The objectives of the Heritage Management Policy are to:

1. *Encourage the appropriate conservation and restoration of places listed on the City of Vincent Municipal Heritage Inventory (The Heritage List) in recognition of the distinct contribution they make to the character of the City of Vincent.*
2. *Ensure that works, including conservation, alterations, additions and new development, respect the cultural heritage significance associated with places listed on the City of Vincent Municipal Heritage Inventory.*
3. *Promote and encourage urban and architectural design that serves to support and enhance the ongoing significance of heritage places.*
4. *Ensure that the evolution of the City of Vincent provides the means for a sustainable and innovative process towards integrating older style buildings with new development.*
5. *Complement the State Planning Policy No. 3.5 'Historic Heritage Conservation' and the City of Vincent Residential Design Elements Policy and other associated Policies.*

Part 4 of the Heritage Management Policy relates to development to heritage listed buildings. The policy includes 'acceptable development' criteria as well as the following three performance criteria:

- P1 Development is to comply with the statement of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.*
- P2 Alterations and additions to places of heritage value should be respectful of and compatible with existing fabric and should not alter or obscure fabric that contributes to the significance of the place.*
- P3 To ensure the cultural heritage significance of a place is conserved and the majority of the significant parts of the heritage place and their relationship to the setting within the heritage place should be retained.*

Delegation to Determine Applications:

This matter is being referred to Council in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to the approval of applications that propose permanent structures on City owned or managed land.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:
Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications of this report.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's Public Health Plan 2020 – 2025.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

Heritage Management Policy

Part 4 of the Heritage Management Policy sets out acceptable development criteria for development to heritage places. The Policy requires the proposal to be considered against the performance criteria.

The proposal satisfies the relevant acceptable development criteria and would be consistent with the objectives of the Heritage Management Policy for the following reasons:

- Statement of Significance: The Statement of Significance details that the physical heritage significance relates to the two storey 'tower' building fronting Newcastle Street, and the social heritage significance relates to the operation of a social and entertainment venue. The signage is proposed to be affixed to the rear boundary wall fronting Electric Lane and would not impact on the physical appearance of the building as it presents to Newcastle Street. The signage would not impact on social significance and would act as a wayfinding measure drawing attention to the uses that are located within Electric Lane, including those operating from the Leederville Hotel.
- Respectful and Compatible Additions: The Heritage Management Policy identifies for signage additions to satisfy the relevant standards of the Signs and Advertising Policy. The proposal would satisfy the deemed-to-comply standards in respect to Advertising Signs on Heritage Places, and the performance criteria of the Heritage Management Policy as:
 - The proposed signage would not dominate, obscure or detract from views of the Leederville Hotel building. This is because the signage is located to Electric Lane and would not impact on the heritage fabric of the Leederville Hotel building which is visible from Newcastle Street;
 - The signage would be affixed to the external boundary wall which does not form part of the heritage fabric or significance as set out in the Statement of Significance, and would be readily removable; and
 - The design and colours of the signage were previously supported by the DRP Chair and Council, and are not proposed to be modified. The signage was identified as complementing the overall feel of Electric Lane and would be a modern design which does not seek to replicate historic advertising signage. The dimensions and overall size of the signage would be consistent with the previous approval.
- Conservation of Heritage Significance: The proposed signage would be affixed to the existing boundary wall and would not require the demolition of removal of any part of the heritage place.

Modifications to Conditions of Approval

The 2022 Approval was subject to conditions of development approval. There is no change proposed to these conditions, with the exception of administrative changes to Conditions 1 and 5:

- Condition 1 – The extent of the modification would be to reference the new plans and location which is the subject of this application.
- Condition 5 – The extent of the modification would be to reference the new location of signage as part of the access and indemnity agreement. Following the 2022 Approval and in accordance with this condition, the applicant has since entered into this agreement. This agreement would also be required to be updated in reference to the amended development approval prior to the lodgement of a Building Permit. The applicant is aware of this requirement.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

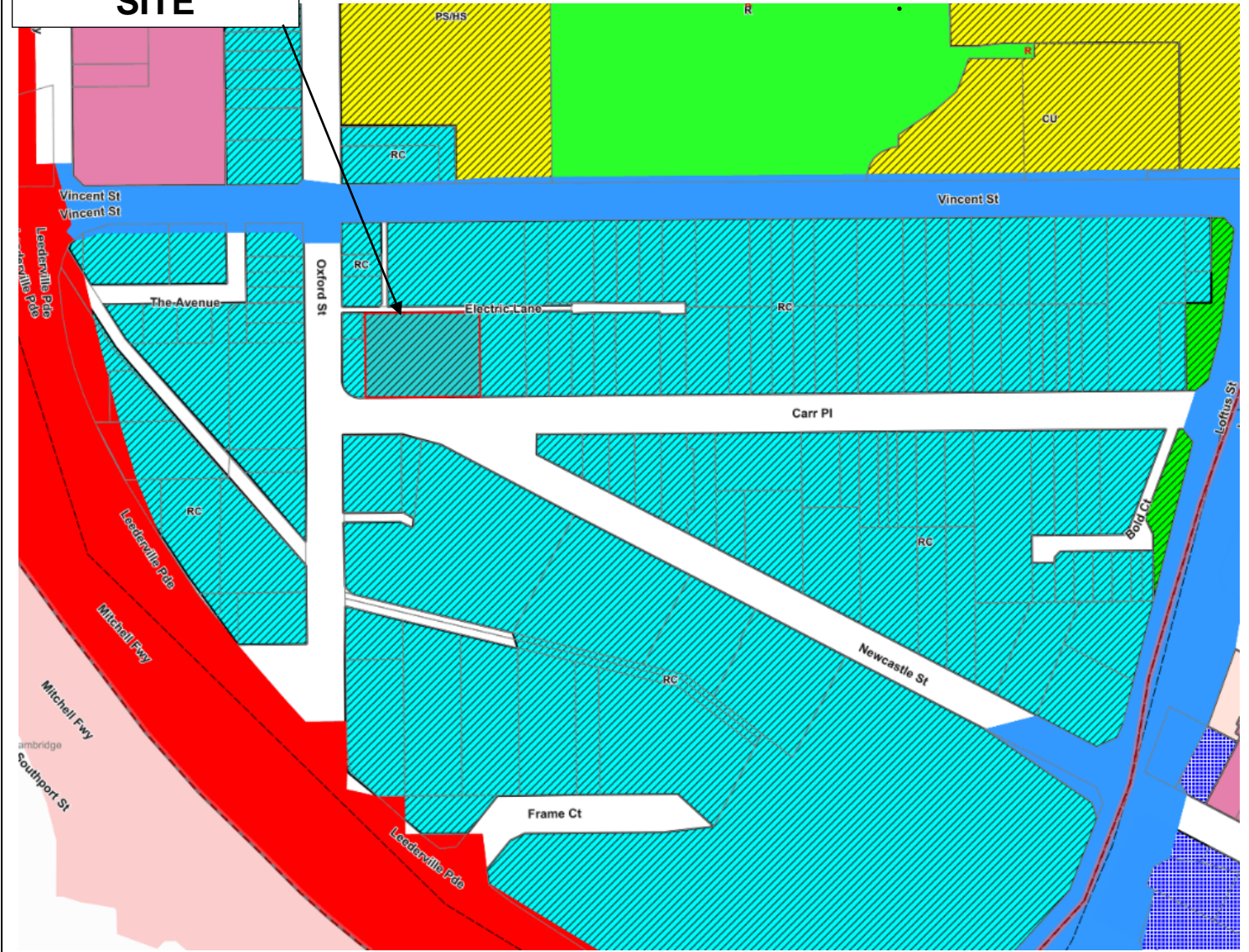
CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**

SUBJECT SITE



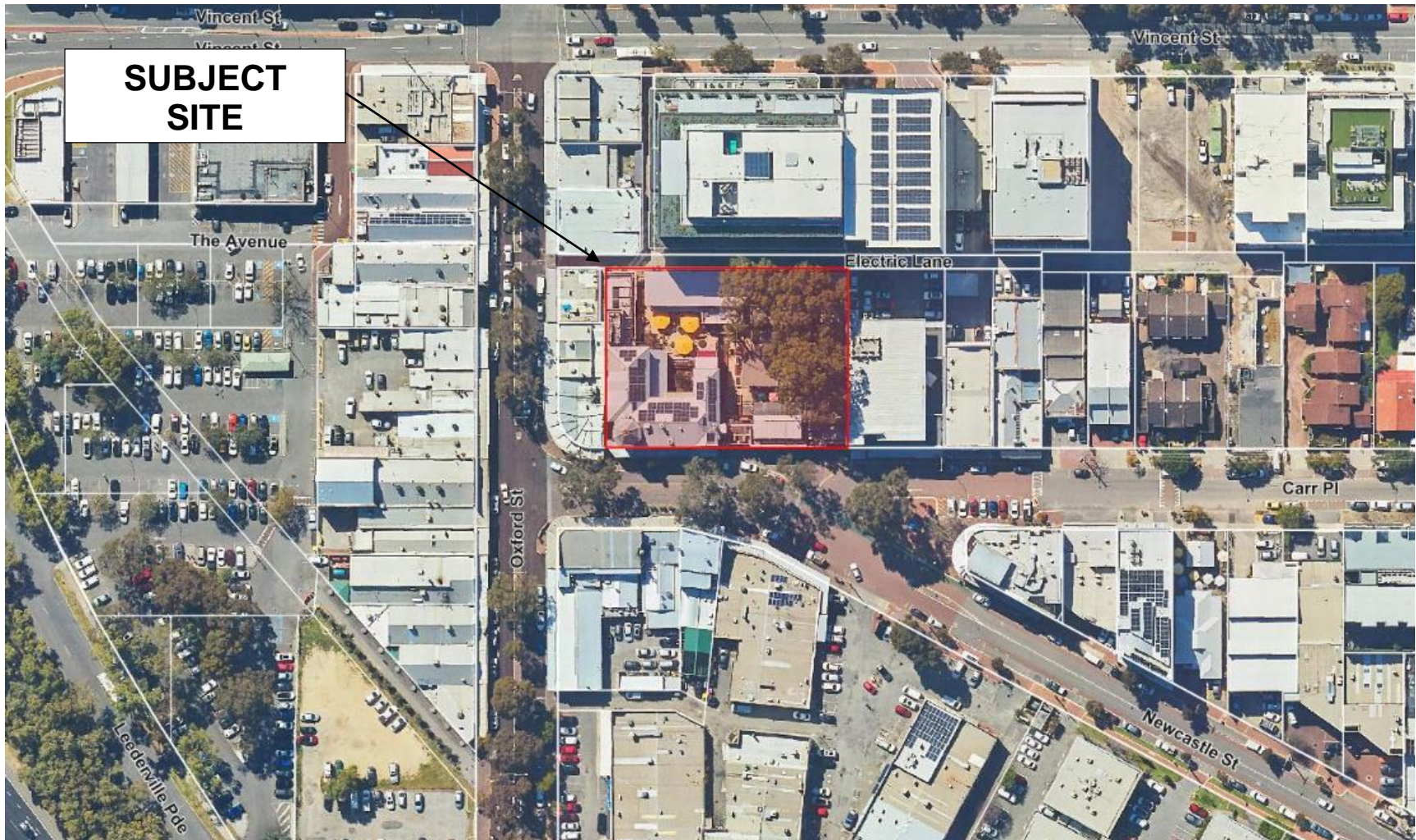
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Location Map

No. 742 Newcastle Street, Leederville





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No. 742 Newcastle Street, Leederville



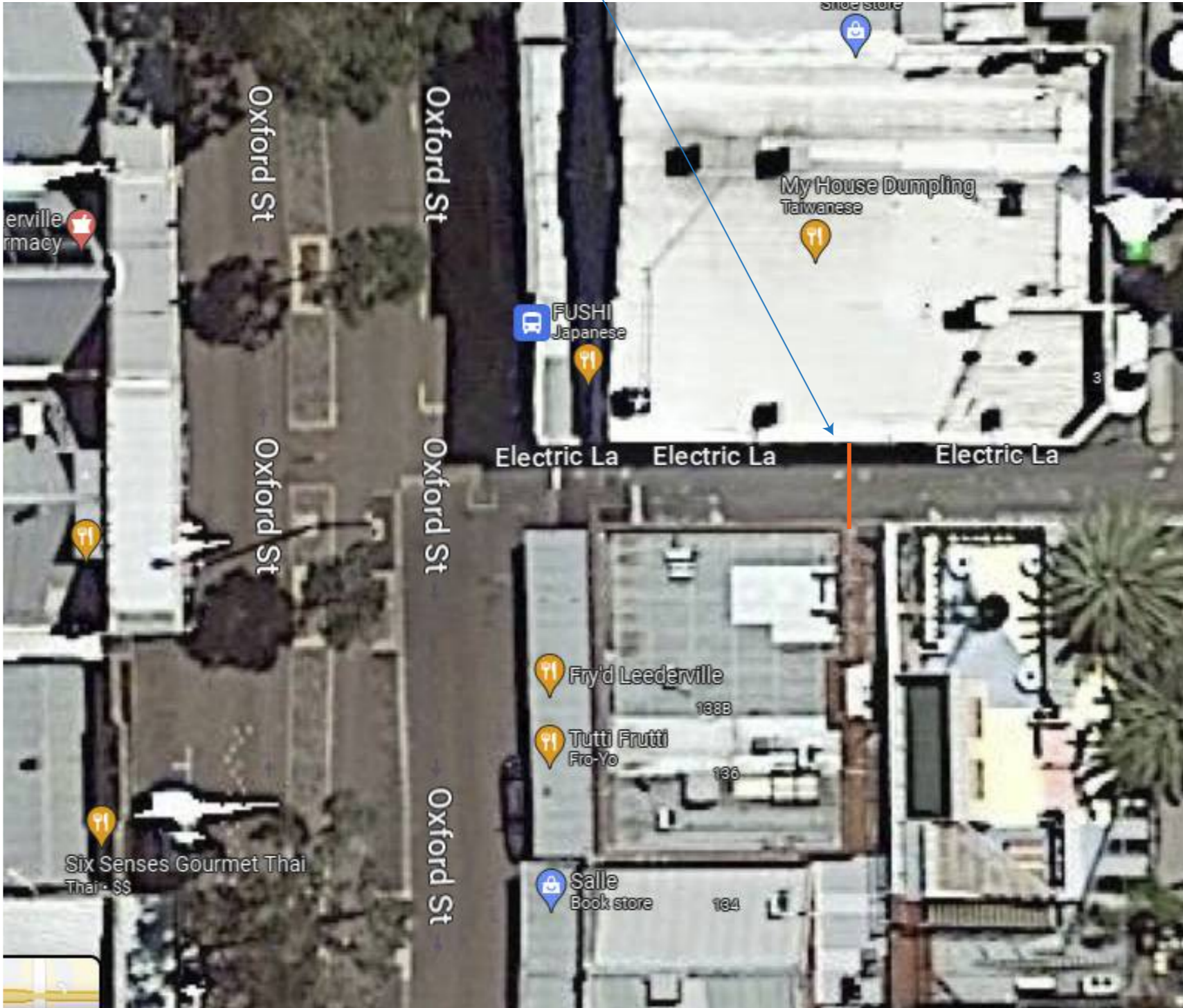
Electric Lane Sign Location

Sign to be positioned to rear of Fry'd tenancy
Installed to red brick Hotel wall

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4 July 2023



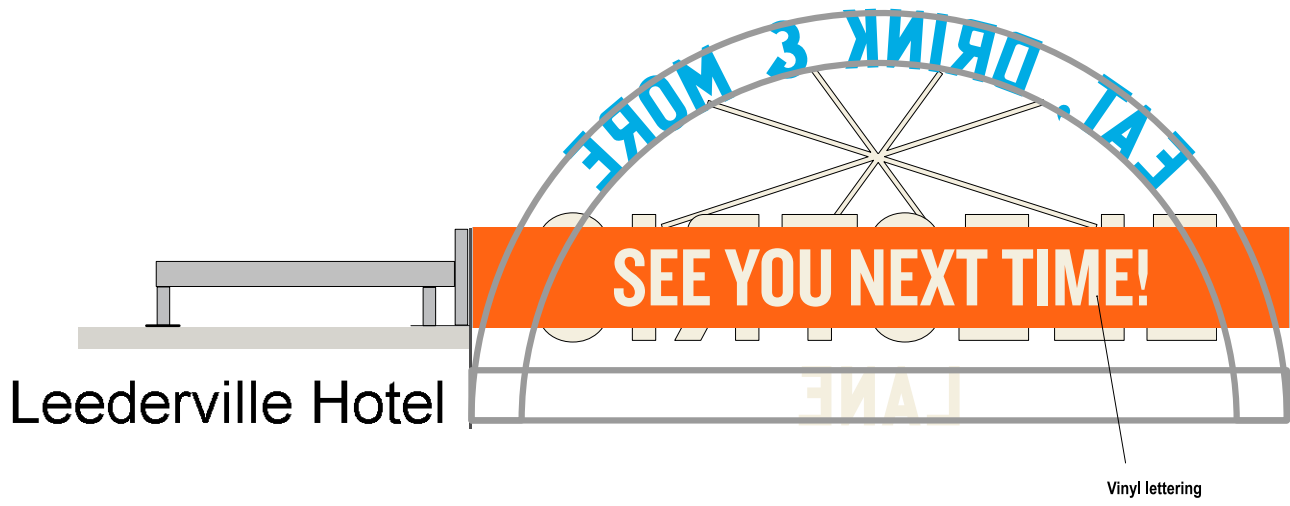
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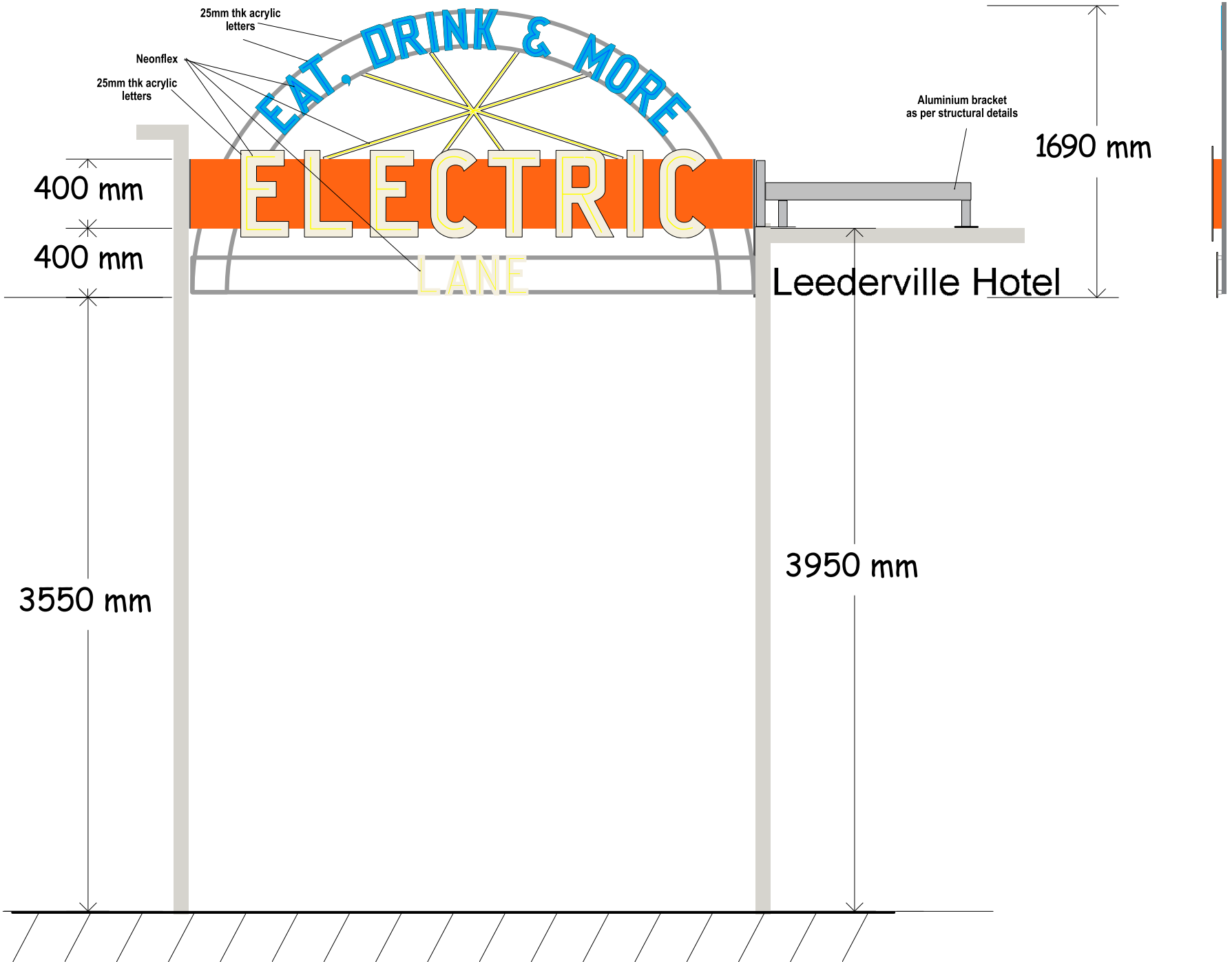
Location: Plan View

Exit

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4 July 2023



Entry





BUS ZONE
Transperth

P
IN RIGHT OF WAY

LET DRINK & MORE
ELECTRIC
LANE

FRY'D^{MT}

P
1/4 P
8. - MID

Coffee
JUICES
MILKSHAKES
SMOOTHIES
GELATO
FRY'D



BUS ZONE
Transperth

IN RIGHT OF WAY

EAT DRINK & MORE
ELECTRIC
LANE

FRY'D^{MT}

1/4 P
8.- MID

Coffee
DUPES
MILKSHAKES
SMOOTHIES
GELATO
FRY'D

PREVIOUSLY APPROVED PLANS

Electric Lane Sign Location

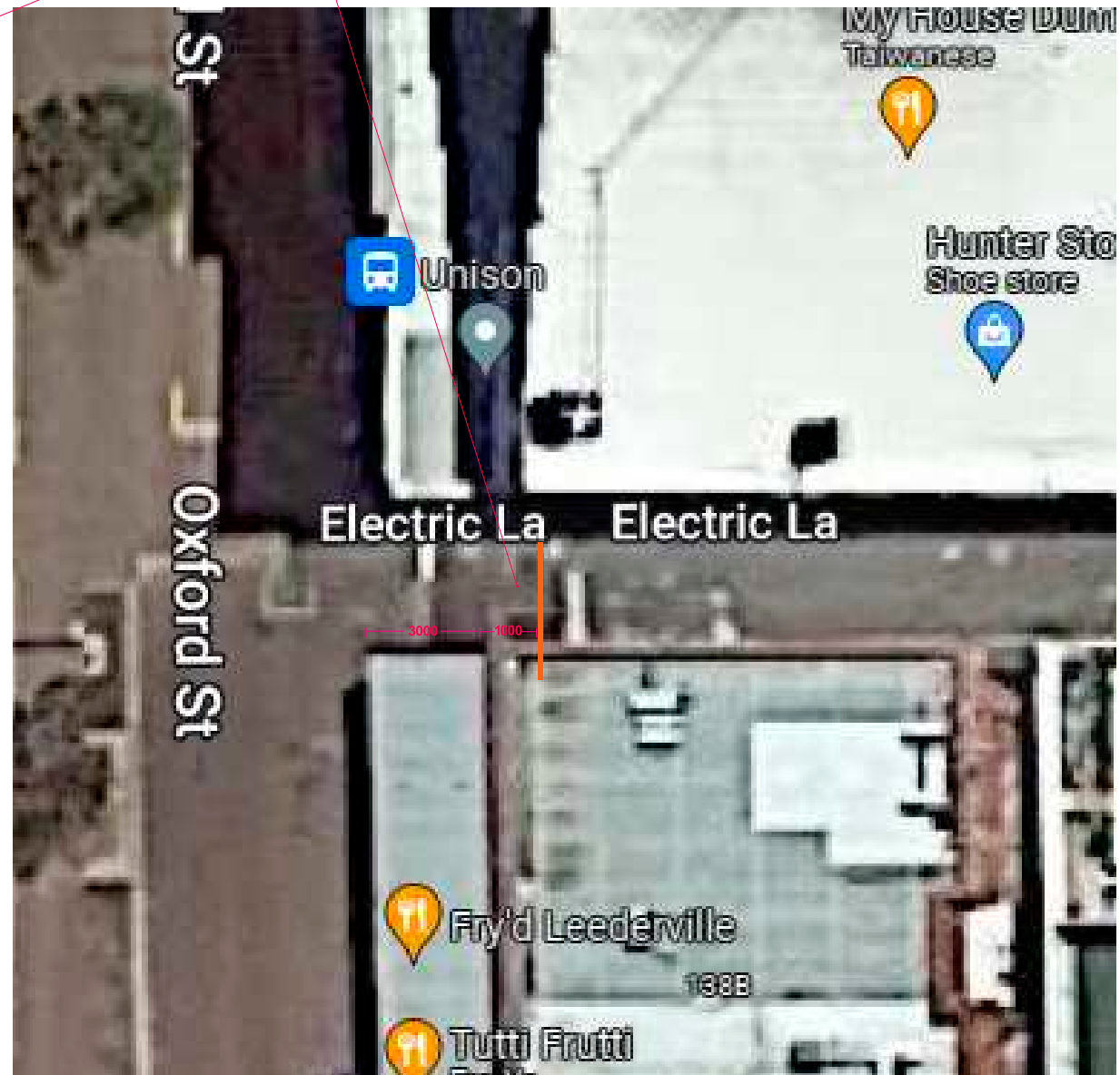
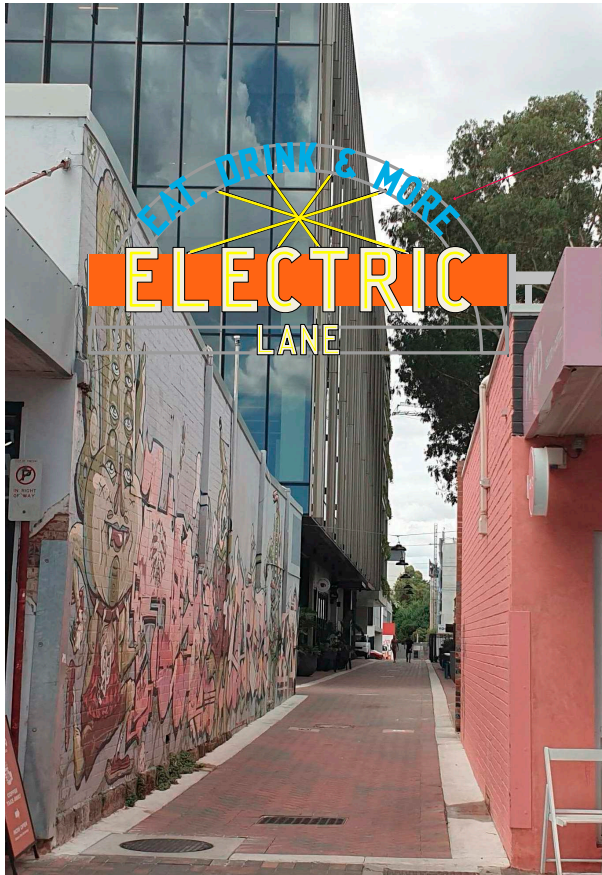
sign to be positioned
just behind the parapet
wall at the front of the
Fry'd tennancy

CITY OF VINCENT
DA No. 5.2022.190.1

OMC 13 Dec 2022

APPROVED
Refer to Decision Notice

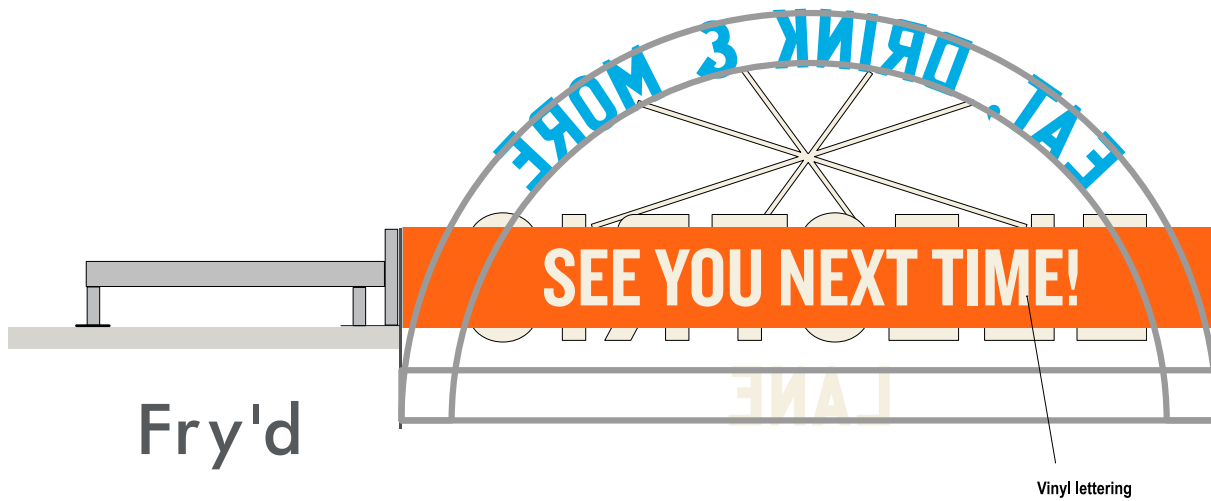
Coordinator Planning Services



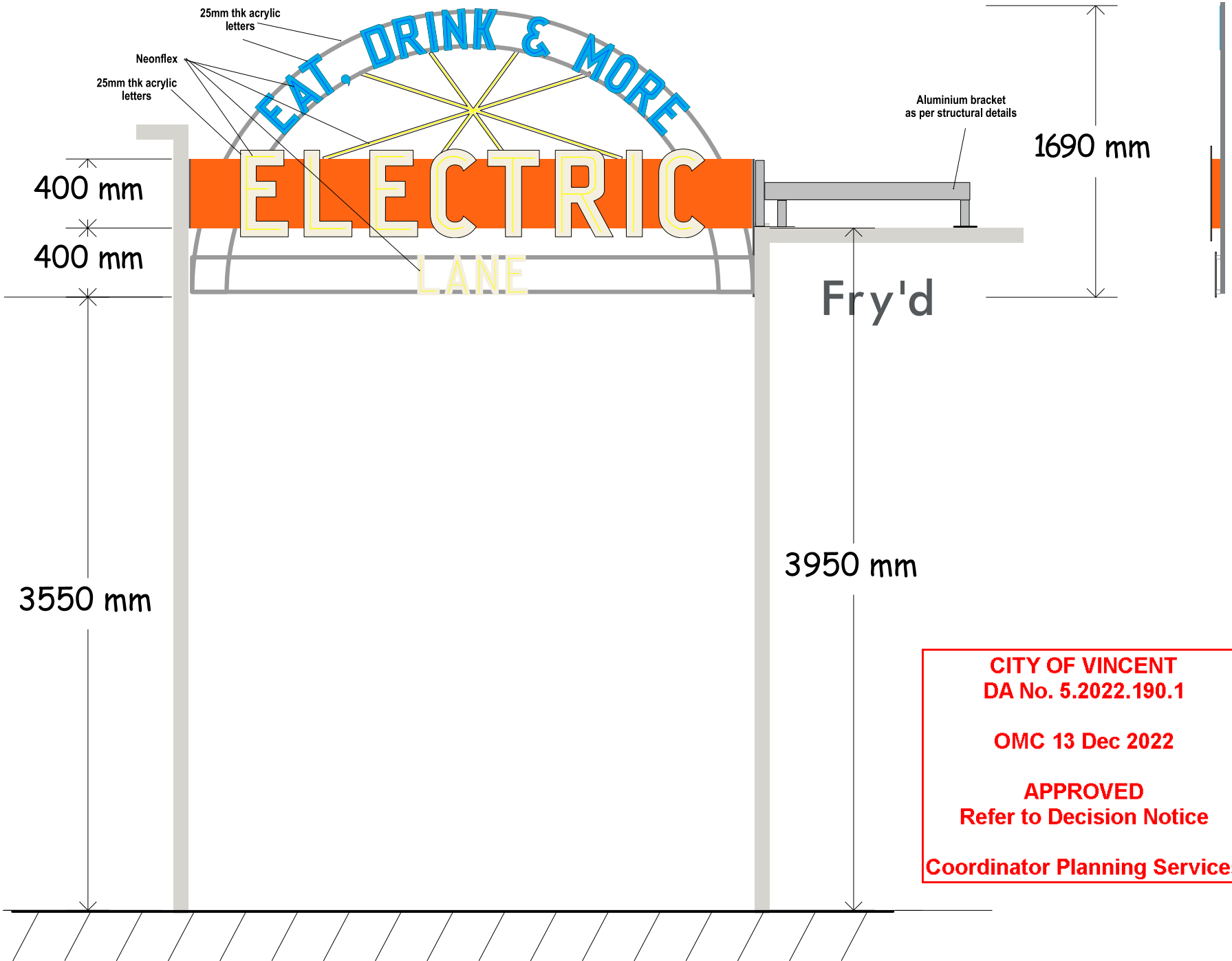
Exit

PREVIOUSLY APPROVED PLANS

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15 November 2022



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OMC 13 Dec 2022
APPROVED
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PREVIOUSLY APPROVED PLANS

CITY OF VINCENT
RECEIVED
15 November 2022

CITY OF VINCENT
DA No. 5.2022.190.1
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APPROVED
Refer to Decision Notice
Coordinator Planning Services

EAT. DRINK & MORE
ELECTRIC
LANE

FRY'D^{MT}



PREVIOUSLY APPROVED PLANS

CITY OF VINCENT
DA No. 5.2022.190.1

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EAT DRINK & MORE
ELECTRIC
LANE

FRY'D^{MT}

