

9.4 NO. 138B (LOT: 1; STR: 12047) OXFORD STREET, LEEDERVILLE - PROPOSED SIGNAGE ADDITION TO ELECTRIC LANE

Ward: South

Attachments: 1. Consultation and Location Map
2. Development Plans
3. Determination Advice Notes

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 Unlisted Use (Signage Addition to Electric Lane) at No. 138B (Lot: 1; STR: 12047) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. Development Plans

This approval is for Unlisted Use (Signage Addition to Electric Lane) as shown on the approved plans dated 15 November 2022, 22 November 2022 and 7 December 2022. No other development forms part of this approval;

2. Signs and Advertising Policy

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;

3. Signage Illumination

Illuminated signage shall:

- 3.1 not cause a nuisance, by way of light spillage, to abutting sites;
- 3.2 not comprise flashing, intermittent or running lights, or images that change more than once in any five minute period; and
- 3.3 not interfere with or be likely to be confused with, traffic control signals;

4. Maintenance

All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and

5. Access and Indemnity

Prior to the lodgement of a Building Permit for the proposed development on No. 138B Oxford Street, Leederville ("the land"):

- 5.1 the **applicant owner of the land** shall enter into an agreement for access and indemnity (Agreement) with the City of Vincent ("the City") whereby the **applicant owner**:
 - 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 owner** shall maintain at its cost the development constructed over the road reserve to the satisfaction of the City.

PURPOSE OF REPORT:

To consider an application for development approval for a projecting sign over Electric Lane, Leederville (subject site).

PROPOSAL:

The application proposes a sign which would project over the entry to Electric Lane from Oxford Street. The proposed sign would be affixed to the external façade of the existing adjoining building at No. 138B Oxford Street, Leederville. The tenancy in this adjoining building is a Restaurant/Café land use.

The proposed sign has dimensions of 3.3 metres in width and 1.6 metres in height, and a total area of 4.25 square metres. The signage would be attached to the building by a single bracket and cantilever above Electric Lane with a vertical clearance of 3.55 metres.

The signage is proposed to be illuminated and is not of a third party nature given that it relates to the activities occurring in Electric Lane, over which it is located.

The signage would be made up of acrylic letters with the following wordings:

- 'Eat, Drink & More';
- 'Electric Lane'; and
- 'See you next time!'

The proposed development plans are included as **Attachment 2**.

The applicant for the proposed signage is a landowner of properties located in Electric Lane. The applicant is not the landowner of No. 138B Oxford Street to which the signage is proposed to be attached. FJM Property Pty Ltd acts on behalf of the applicant in regard to the application.

BACKGROUND:

Landowner:	City of Vincent and J L Shilbury
Applicant:	Argyle Holdings Pty Ltd, Tegara Pty Ltd, Bantoy Pty Ltd, Fabray Pty Ltd, Michela Fini, Goldprize Investments Pty Ltd, and Yalaba Pty Ltd. and others
Date of Application:	23 June 2022
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:	143m ²
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

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.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2 and the City's Local Planning Policy: Signs and Advertising (Signs and Advertising 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	Requires the Discretion of Council
Signs and Advertising		✓

Detailed Assessment

The elements that require the discretion of Council are as follows:

Signage Standards	
Deemed-to-Comply Standard	Proposal
<p>Signs and Advertising Policy</p> <p>The general standards for advertising signs are to:</p> <ul style="list-style-type: none"> Not extend outside the building envelope, obstruct major openings or project above the line of the parapet or building roof top. Not protrude over Council property, including footpaths unless approval has been granted under the provisions of the <i>Local Government Property Local Law 2008</i>. <p>The deemed-to-comply standards specific to projecting signs are to:</p> <ol style="list-style-type: none"> Not project more than 1.0m from the wall and not exceed 4.0m² in area; and Not project above the top of the wall to which it is attached. 	<p>The application proposes a sign which:</p> <ul style="list-style-type: none"> Extends outside of the building envelope and projects above the line of the building rooftop; and Protrudes over Council property. <p>The application proposes a projecting sign which:</p> <ul style="list-style-type: none"> Projects 3.25m from the wall of No. 138B Oxford Street and has an area of 4.25m²; and Projects above the top of the wall to which it is attached.

The above elements of the proposal do not meet the specified deemed to comply standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:

The proposal is a 'complex application' under the City's Community and Stakeholder Engagement Policy. This is because the application is for development on City owned and managed land.

Community consultation was undertaken for a period of 28 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, from 14 October 2022 to 10 November 2022. The method of consultation included 548 letters being mailed to all owners and occupiers within a 200 metre radius of the subject site, a sign being erected on site, a notice in the local newspaper and a notice on the City's website in accordance with the City's Community and Stakeholder Engagement Policy.

At the conclusion of the consultation period, 11 submissions were received. All submissions supported the proposal.

The submissions included the following comments on the signage proposal:

- Support for the illumination of the signage.
- The signage positively contributes to the character and interest of Leederville and Electric Lane.
- The signage will bring a sense of community amongst businesses and customers.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the City's DRP Chairperson to provide comment on the acceptability of the proposal.

The DRP Chair is supportive of the proposal and provided the following comments in respect of the design of the proposal:

- Support of the overall design direction including the colours and materials as it works with the 24 hour activity/diverse range of uses which are a feature of Leederville Town Centre. The signage complements the overall feel within Electric Lane.
- The signage provides collective or precinct focused information rather than being specifically related to one business which is supported.
- Structural certification has been provided which is supported.
- The truss and frame structure is proposed to be aluminium with stainless steel fixings which provides a low maintenance outcome which will corrode less than other options such as steel over time.
- Given the night-time use of this precinct/Town Centre, integrated lighting is encouraged to maintain the impact and visibility of the signs during night-time hours.

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 2008*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy; and
- Local Planning Policy: Signs and Advertising.

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.

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.

Local Planning Policy: Signs and Advertising

In considering the acceptability of the application, Council is to consider the objectives of the Signs and Advertising Policy which are as follows:

1. *Do not present a hazard or obstruction to pedestrians or motorists or the efficiency of a road or traffic control devices;*
2. *Are suitably designed and located to maintain and enhance the amenity of the surrounding locality;*
3. *Only relate to services and products available on the site on which the advertising sign is located;*
4. *Do not result in a proliferation of advertisement;*
5. *Do not detract from the heritage significance of a building or area;*
6. *Maintain active frontages and encourages pedestrian interaction;*
7. *Are incorporated and integrated with the buildings of other structures on the subject lot; and*
8. *Align with the City's Public Health Plan objective of advocating for reduced exposure to alcohol and tobacco advertising.*

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:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. This is because the proposed sign meets the objectives of the Signs and Advertising Policy, including that it would not result in the proliferation of signage and is not of a third party nature. The sign would also assist with wayfinding and activation of Electric Lane.

Signs and Advertising Policy

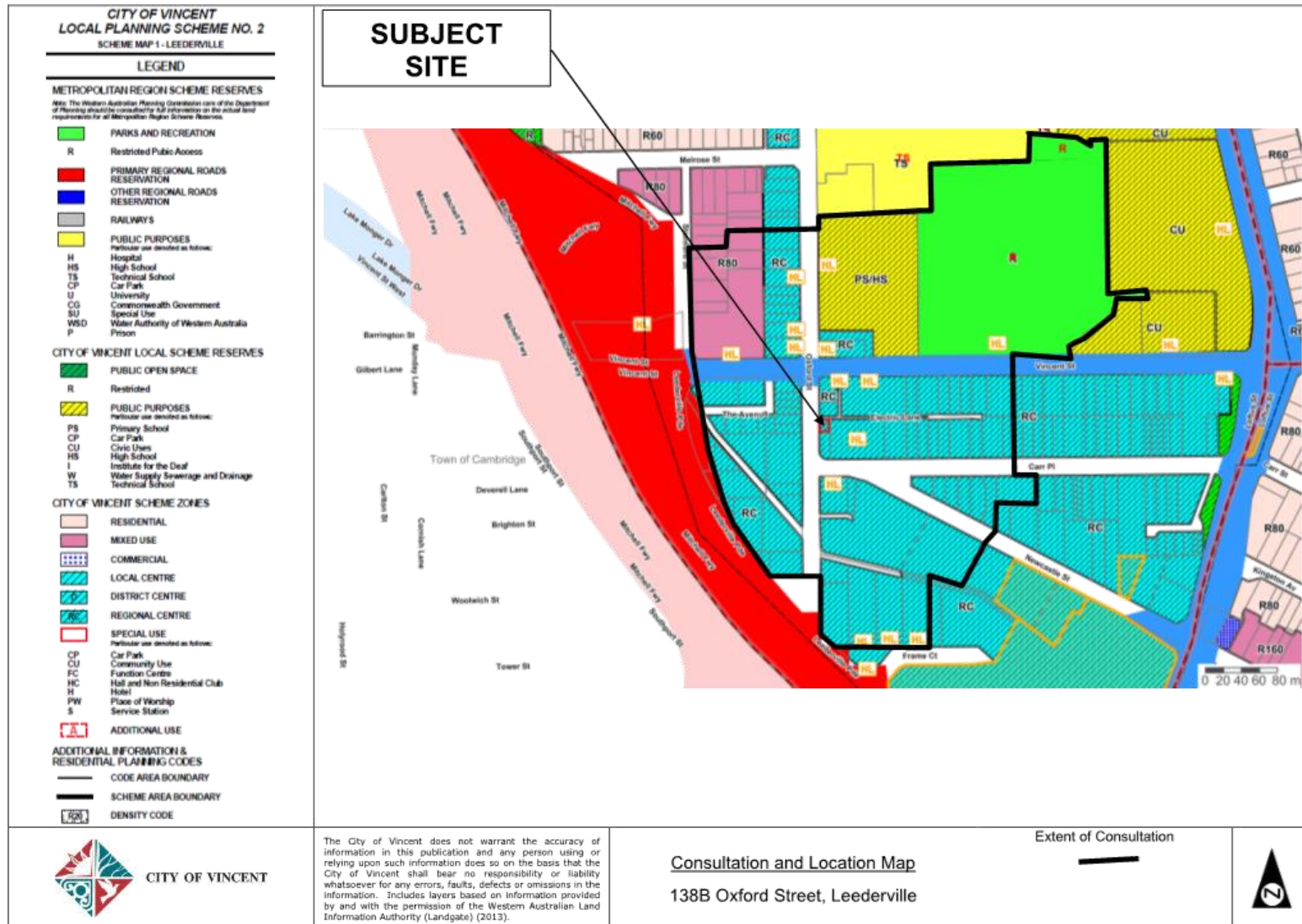
The proposal would satisfy the objectives of the Signs and Advertising Policy for the following reasons:

- Purpose: The sign relates to Electric Lane, over which it would be located. The sign does not include third party advertising and does not include advertising for a specific tenancy in Electric Lane;
- Avoiding Proliferation of Signage: The proposal is for a single sign to the Oxford Street entry of Electric Lane. It would not contribute to the proliferation of signage to Electric Lane. The proposed sign also recedes behind the alignment of awning signs for adjoining tenancies that overhang the footpath along Oxford Street. This assists in reducing the impact of the proposed sign as viewed from Oxford Street;
- Location: The sign would be located 3.55 metres above the ground level of Electric Lane. The sign would not impose obstructions to vehicle and pedestrian access in the laneway which has been confirmed by the City's Engineering team. The sign would also not obscure the active frontages of the tenancies that are located along and that have a frontage to Electric Lane;
- Design: The sign is well designed, incorporates a variety of colours and contains wording that provides interest and attraction to the location. The signage would contribute to the aesthetic of Electric Lane and an enhanced amenity for the Leederville Town Centre area. The signage design has been supported by the City's Design Review Panel Chairperson;
- Wayfinding: The sign has been designed so that it would be visible to both Oxford Street and within Electric Lane. The sign would serve as a wayfinding mechanism within the public realm. The sign would provide a sense of arrival, contribute to the identity of the area, and to draw the attention of users and visitors of Oxford Street to the presence of active land uses located within Electric Lane. The City's Policy & Place team has advised that the sign would work in conjunction with the Vincent Wayfinding Signage Plan, with the Electric Lane entry feature acting as a form of passive wayfinding in the signage system. This is a built in cue that would create an entrance point for Electric Lane and would be supported by the active wayfinding to be implemented throughout the Leederville Town Centre;
- Public Use: The height, location and scale of the sign would not impact the use and enjoyment of the land by the general public and would not result in the privatisation of the laneway. The height of the sign would also not restrict service vehicles from accessing the laneway;
- Heritage: The sign would not be affixed to a building or any infrastructure which is of heritage significance; and
- Public Health Plan: The sign is for the purpose of wayfinding and would not have any implications on the objectives of the City's Public Health Plan.

Access and Indemnity Agreement

In accordance with the Local Government Regulations and prior to undertaking the works, the applicant is required to obtain authority from the City and to provide indemnity to the City.

The City has prepared an agreement for access and indemnity as per Condition 5 of the officer recommendation. This must be executed by the applicant prior to the issue of a building permit. This legal agreement would also ensure that the sign is removable at the applicant's cost if the City was required to access the laneway to undertake works.





CITY OF VINCENT

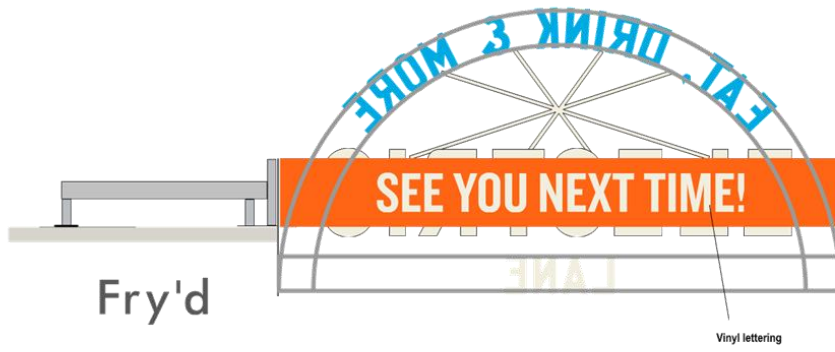
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138B Oxford Street, Leederville

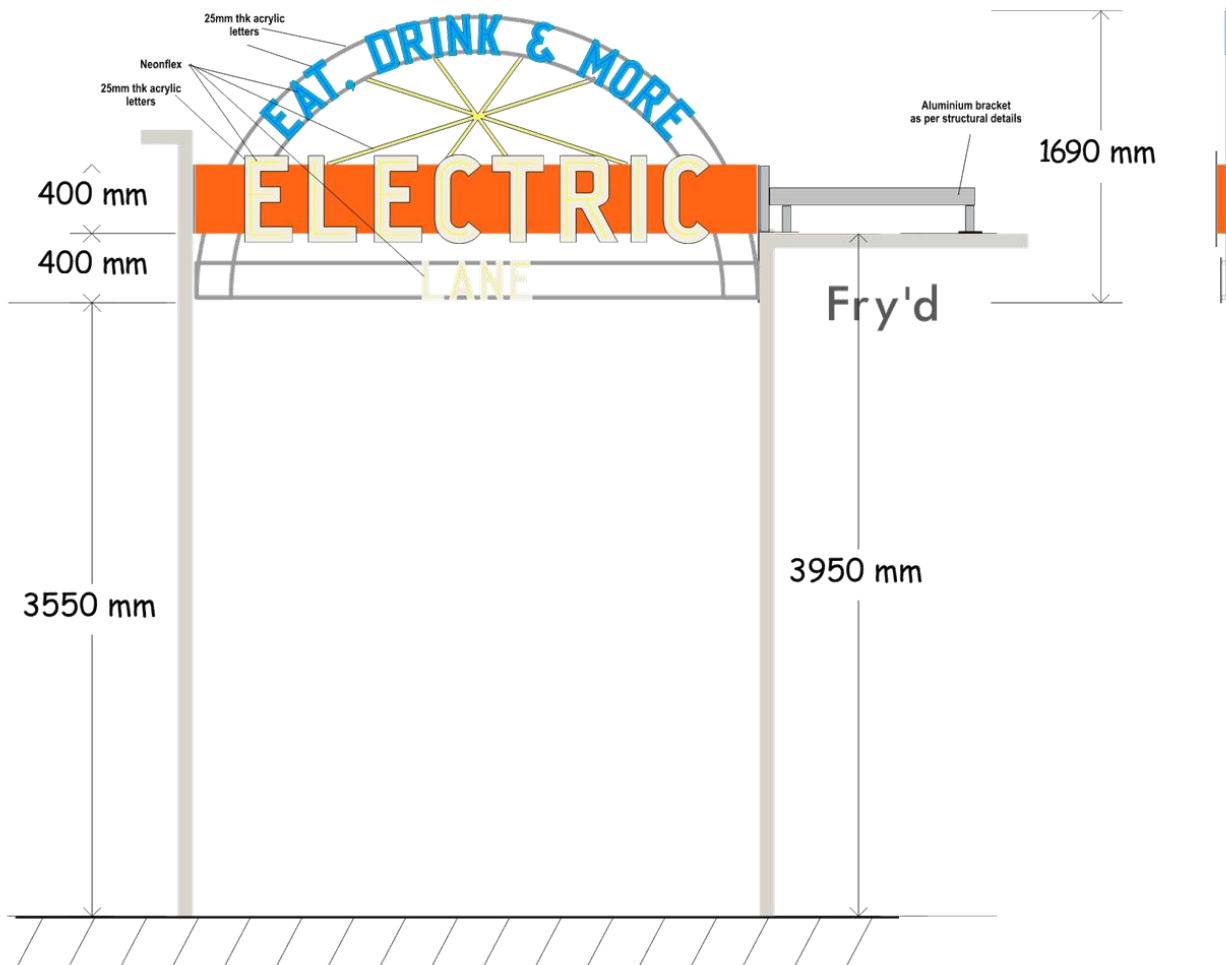


Exit

CITY OF VINCENT
RECEIVED
15 November 2022



Entry





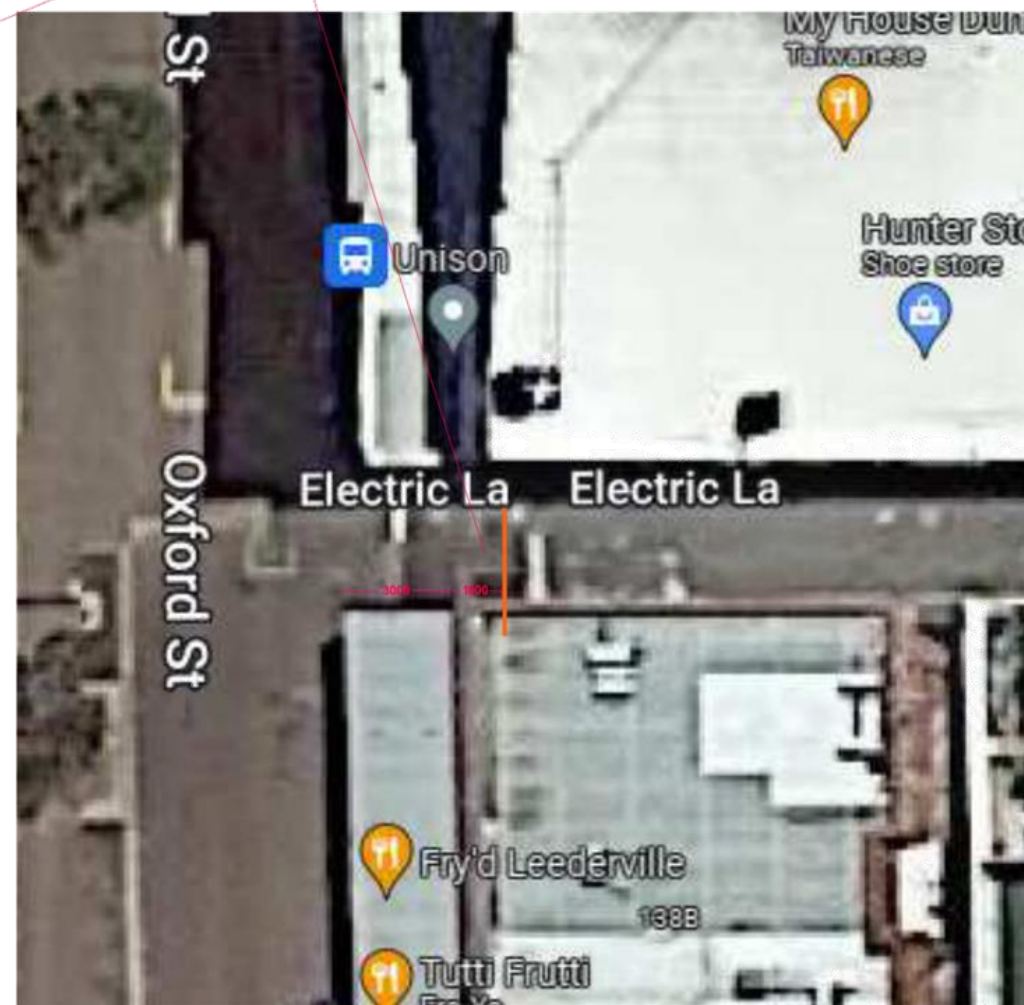
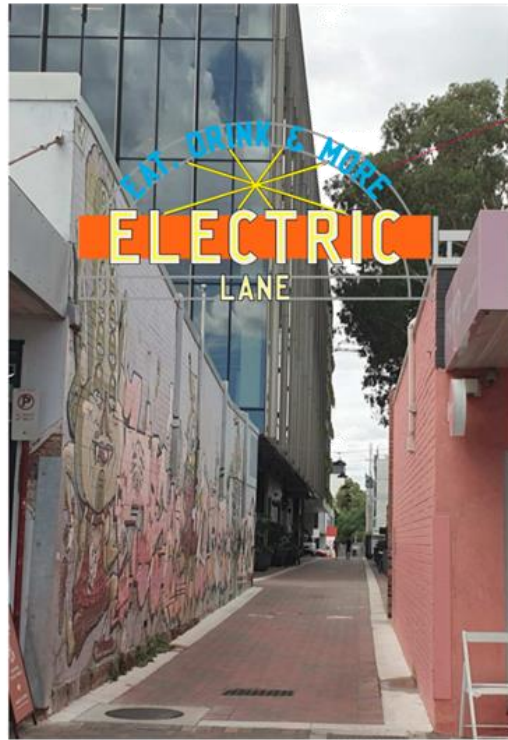


CITY OF VINCENT
RECEIVED
7 December 2022

CITY OF VINCENT
RECEIVED
21 November 2022

Electric Lane Sign Location

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



Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. This approval is an approval granted under the City of Vincent *Local Government Property Local Law 2008*.
7. Lighting to be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282).