

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.3**

**Planning Application TP-2018-50  
River View House, 274-282 Flinders Street, Melbourne**

**6 March 2018**

**Presenter:** Jane Birmingham, Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking permission to continue to display two high-wall major promotion signs at 274-282 Flinders Street, Melbourne, originally authorised by Planning Permit TP-2003-219/A.
2. The land is located on the north-east corner of the intersection of Flinders Street and Elizabeth Street, Melbourne (refer Attachment 2 – Locality Plan). The applicant is Fivex Pty Ltd, the owner of the land is Fivex Pty Ltd, and the plans have been prepared by Baldasso Cortese and the Signcraft Group.
3. The land is located in the Capital City Zone Schedule 2 and is affected by the Heritage Overlay (HO505), Design and Development Overlay (Schedule 1, 2, 3, 4), Special Building Overlay and Parking Overlay (Schedule 2 – Retail Core). A planning permit is required to construct and display a sign under the Capital City Zone and Heritage Overlay.
4. Formal public notification of the application was not required. The permissions sought by the application are exempt from the notice and decision requirements, and the review rights, of the *Planning and Environment Act 1987* under the Melbourne Planning Scheme (refer Attachment 4 – Delegate Report).

**Key issues**

5. Key issues to consider in the assessment of the Application include the requirements of Local Planning Provisions (LPP) Clause 22.04 (Heritage Places within the Capital City Zone), and LPP Clause 22.07 (Advertising Signs).
6. Fivex do not occupy a major tenancy within the existing building, and the purpose of the proposed signs is therefore considered to be promotional in nature, contrary to the policies of Clause 22.07.
7. The proposed high wall major promotion signs are considered to be contrary to the requirements of LPP Clause 22.04, as they will detract from, and dominate, significant vistas of Flinders Street Station via the Yarra River corridor, detrimentally impacting on the heritage significance of the Flinders Gate Precinct.
8. Clause 52.05-1 provides a maximum 15 year limit for the display of a sign, from the date of issue of the permit. The purpose of this time limit is to ensure that older signs which may have been appropriate at the time of granting a permit, are removed, or are reassessed for appropriateness against the current controls for signage in the planning scheme – thereby ensuring the removal of older signage.
9. The proposed high wall major promotion signs represent a highly undesirable precedent, as they:
  - Fail to appropriately integrate with the strong gridded architectural features of the existing building, detrimentally impacting on the architectural expression of the tower and city skyline when viewed from the public realm, contrary to the policies and requirements of Clause 22.07.
  - Read as visually obtrusive (due to their size, location, degree of internal illumination and contrast with the architectural rhythm of the tower) when viewed from high amenity public spaces along the Yarra River Corridor (including the Southbank Promenade and Evan Walker Bridge), the forecourt to the Shrine of Remembrance and Elizabeth Street, contrary to the policies of Clause 22.07.

**Recommendation from management**

10. That the Future Melbourne Committee resolves to issue a Notice of Refusal to Grant a Planning Permit based on the grounds of refusal set out in the Delegate Report (refer Attachment 4 – Delegate Report).

**Attachments:**

1. Supporting Attachment (page 2 of 19)
2. Locality Plan (page 3 of 19)
3. Selected Plans (page 4 of 19)
4. Delegate Report (page 8 of 19)

## Supporting Attachment

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### Legal

1. Pursuant to Clause 37.04 (Capital City Zone) – Schedule 2 of the Melbourne Planning Scheme, an application to erect or construct or carry out works for an advertising sign, is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the *Planning and Environment Act 1987* (the Act).
2. Pursuant to Clause 43.01 (Heritage Overlay) of the Melbourne Planning Scheme, an application for the construction or display of a sign, is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

### Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

5. Formal public notification of the application was not required. The proposal is exempt from notice and review under the relevant sections of the planning scheme, as stated above.

### Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

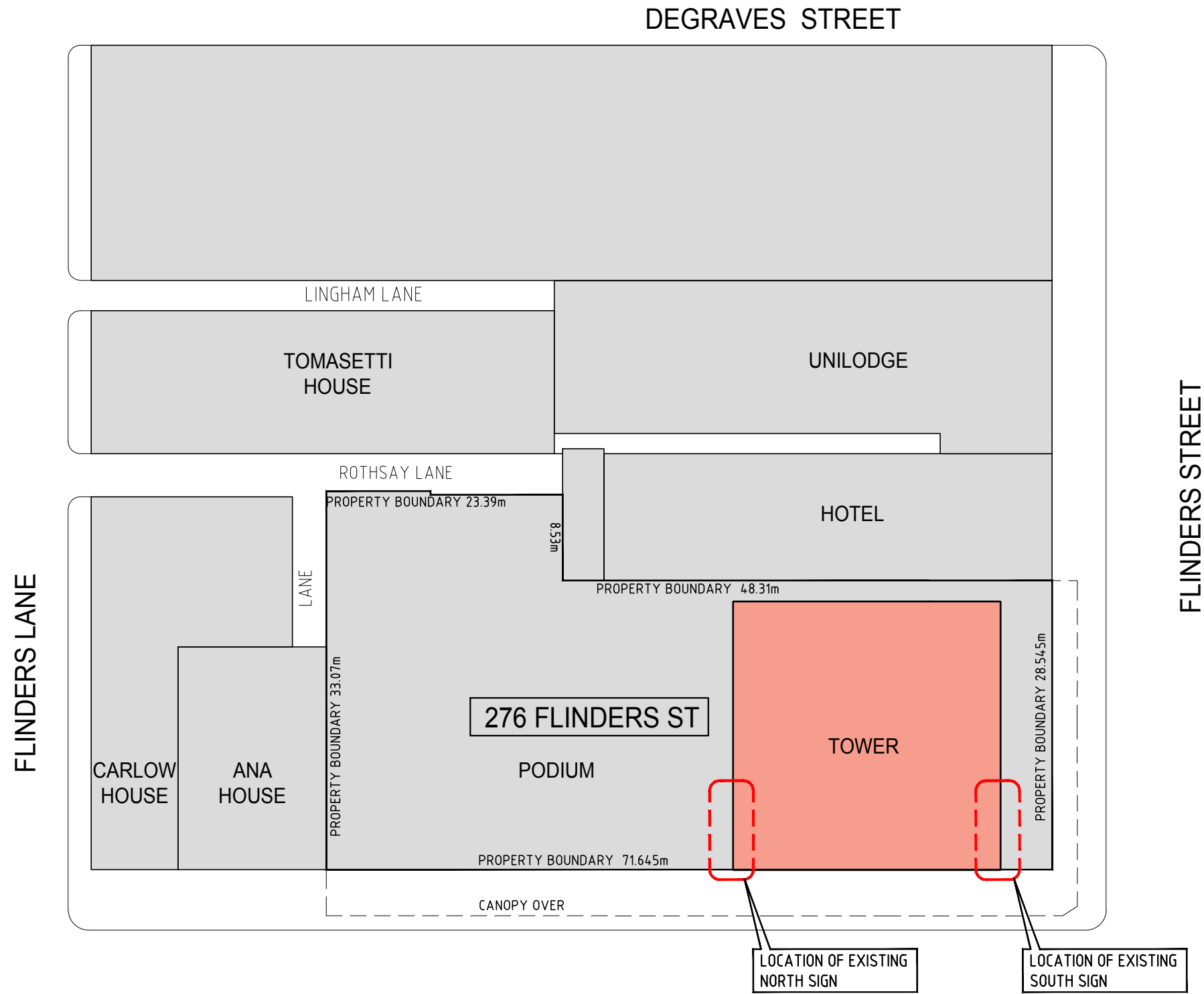
### Environmental sustainability

7. Clause 22.19 Energy, Water and Waste Efficiency of the Melbourne Planning Scheme does not apply to applications for the construction and display of advertising signs.

# Locality Plan

## River View House, 274-282 Flinders Street, MELBOURNE VIC 3000





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NO	DATE	BY	REVISION
A	12.12.2017	VD	FOR APPROVAL

**TOWN PLANNING ISSUE**

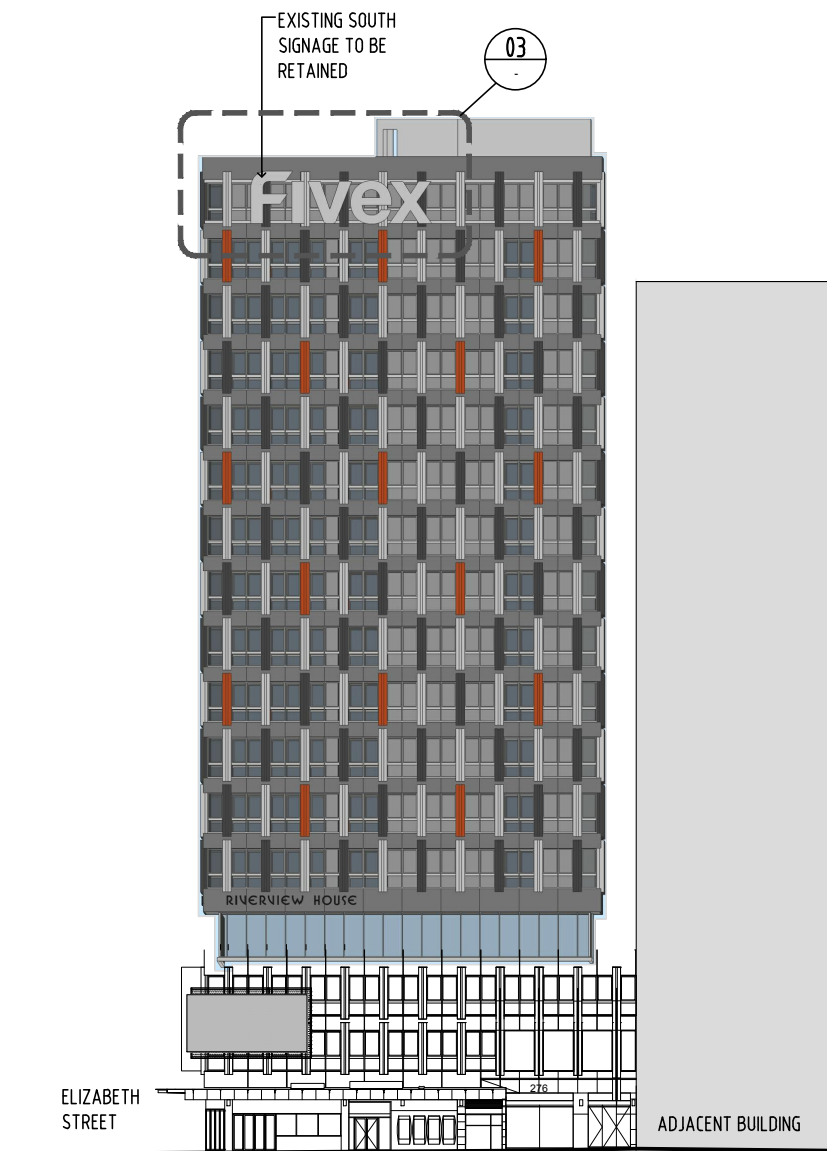
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**FIVEX SIGNS**  
**276 FLINDERS ST, MELBOURNE**

CLIENT  
 FIVEX PTY. LTD.

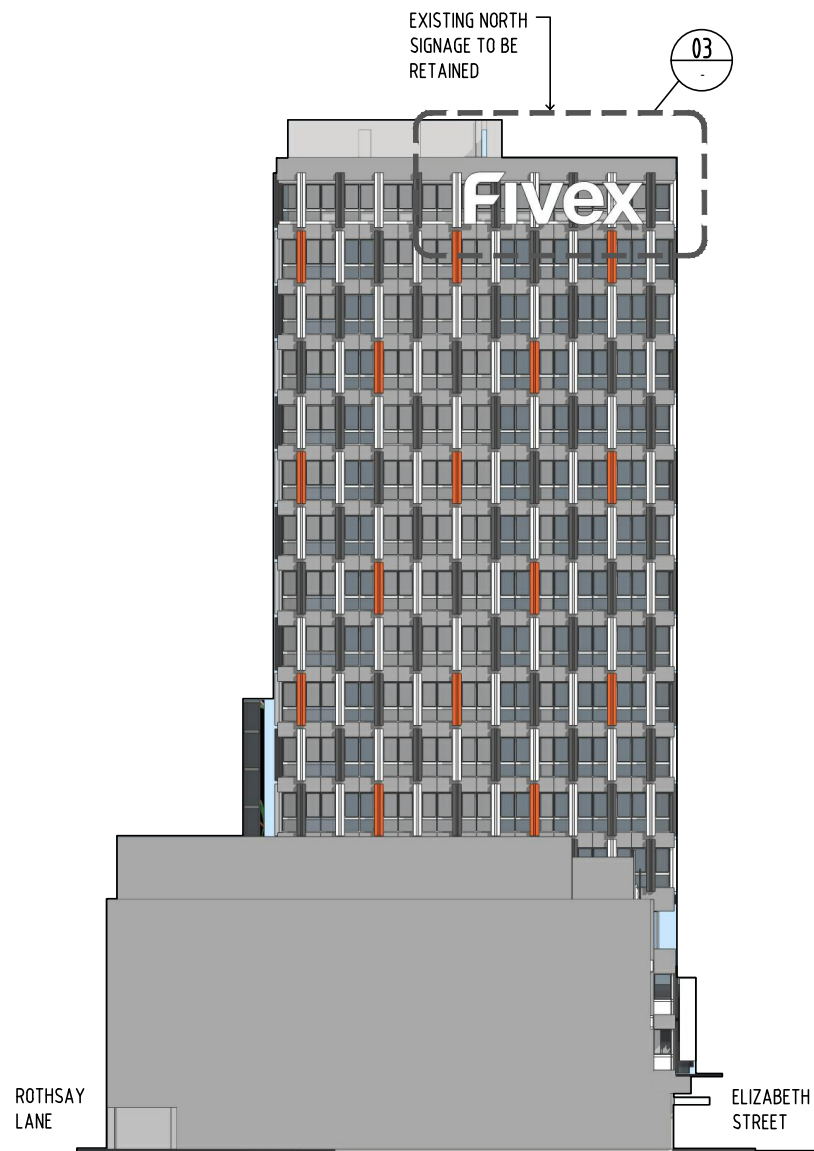
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**LOCALITY PLAN**

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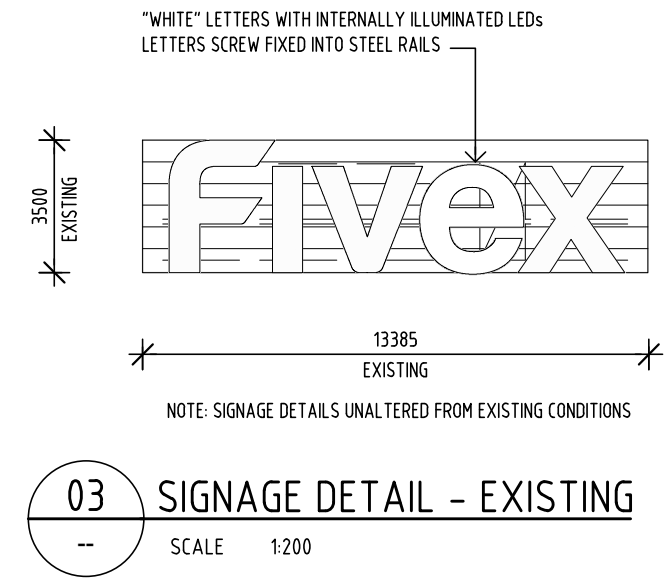
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**01** EXISTING SOUTH ELEVATION  
SCALE 1:500



**02** EXISTING NORTH ELEVATION  
SCALE 1:500



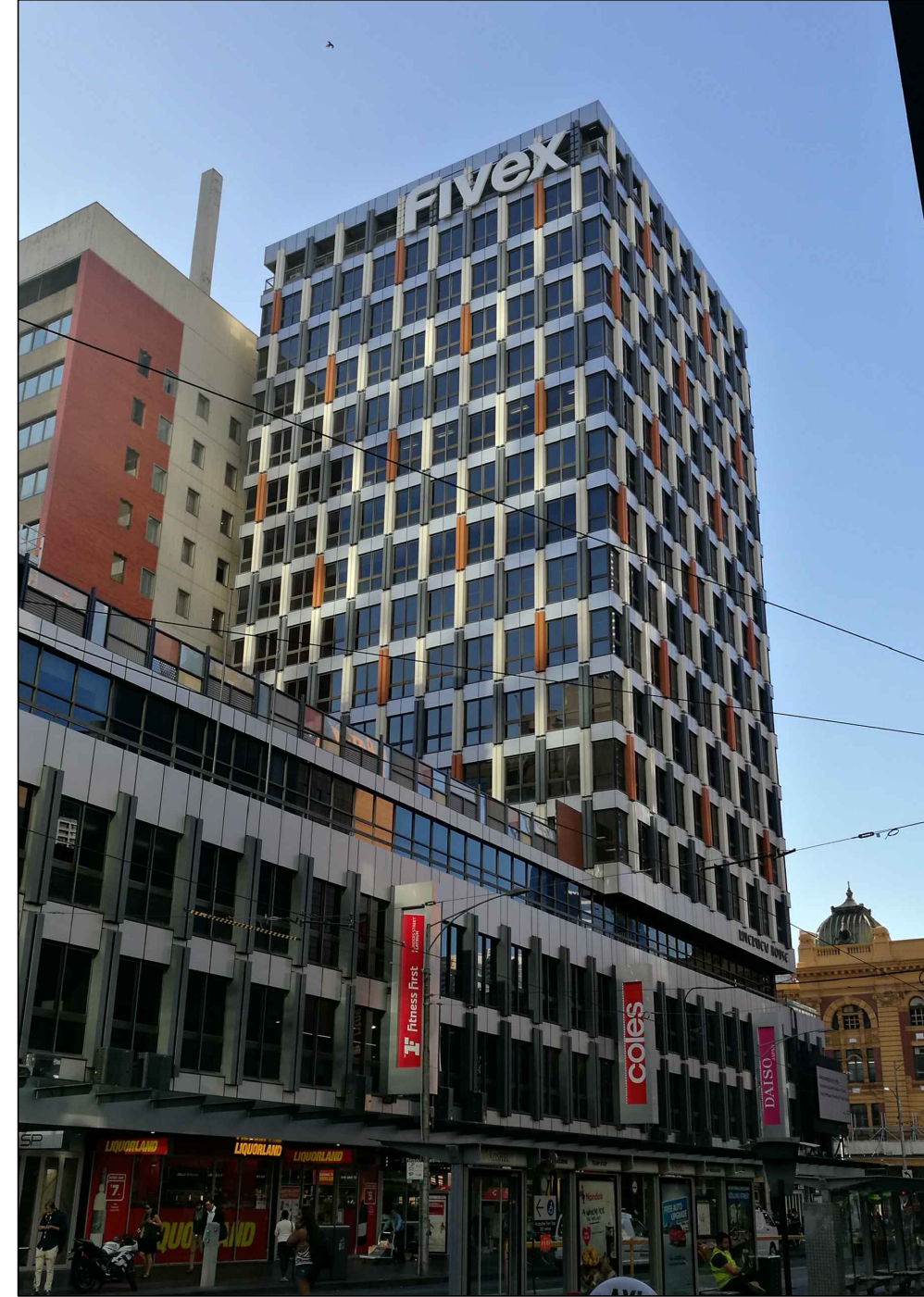
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<b>BALDASSO CORTESE P/L</b> ABN 71 446 965 216 LEVEL 1/108 OXFORD ST POST OFFICE BOX 1568 COLLINGWOOD VIC 3066 (T) +61 3 9417 3555 (F) +61 3 9417 3500 WWW.DCARCHIT.NET	<b>TOWN PLANNING ISSUE</b>	NO	DATE	BY	REVISION	PROJECT TITLE	DRAWING TITLE	NORTH	DATE	PROJECT NO
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01 EXISTING SIGNAGE - SOUTH FACADE  
-- SCALE NTS



02 EXISTING SIGNAGE - NORTH FACADE  
-- SCALE NTS

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TOWN PLANNING  
ISSUE

NO	DATE	BY	REVISION
A	12.12.2017	VD	FOR APPROVAL

PROJECT TITLE  
FIVEX SIGNS  
276 FLINDERS ST, MELBOURNE

CLIENT  
FIVEX PTY. LTD.

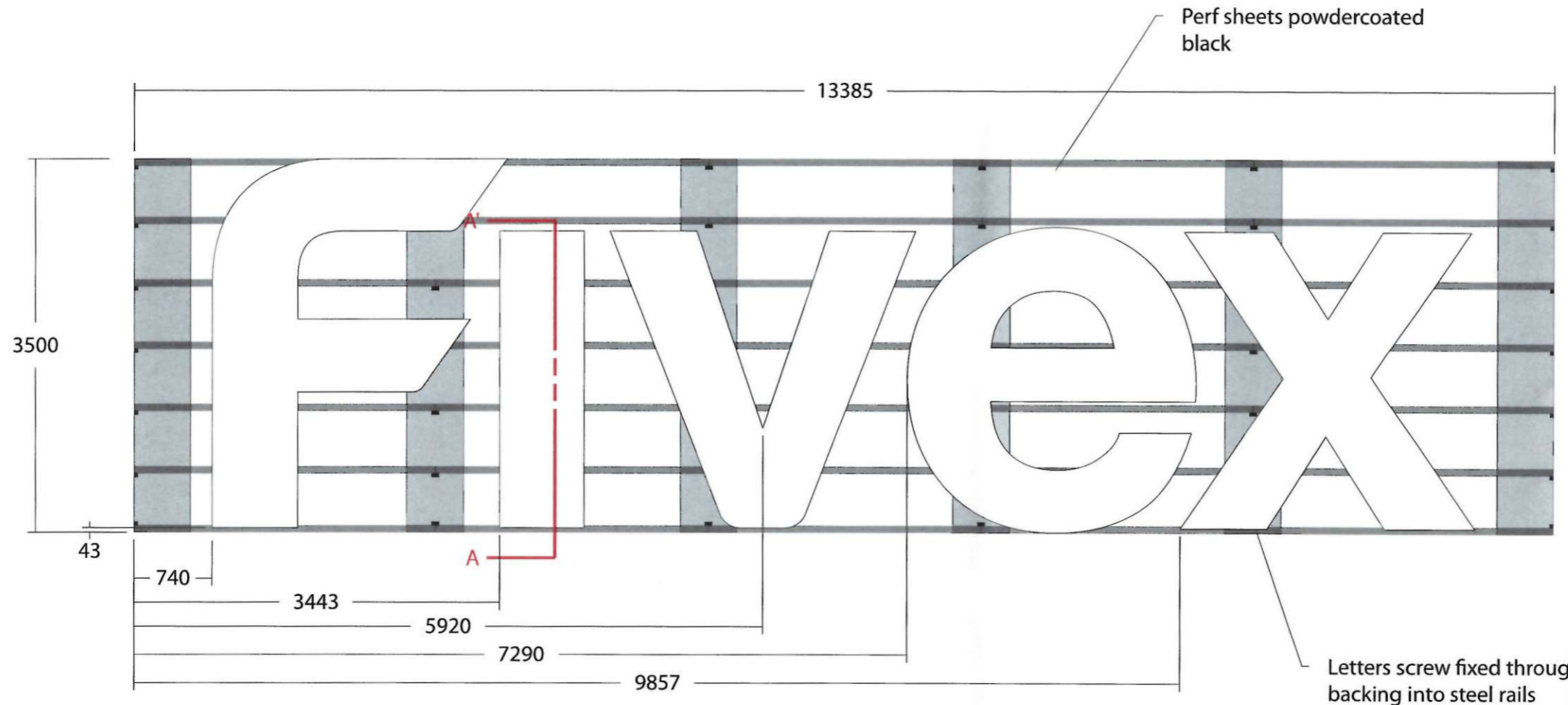
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# Fivex Melbourne Sky Sign



Existing  
No signage

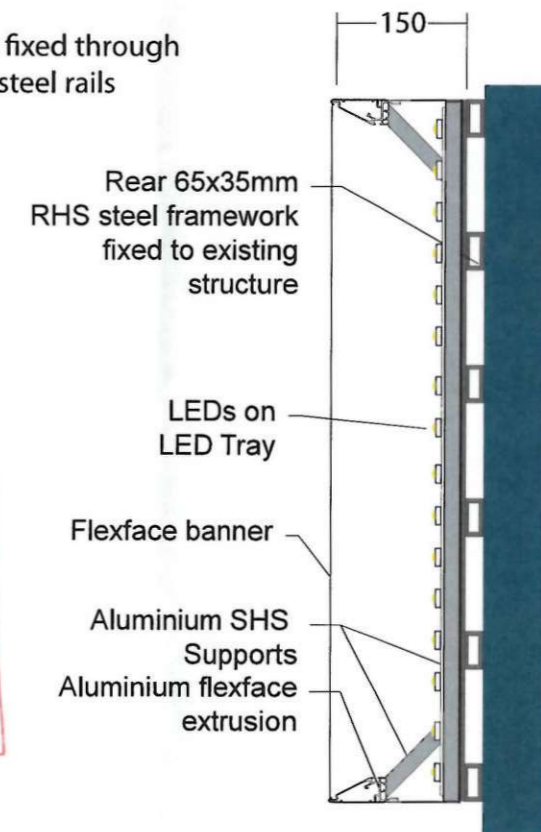
**Material**

Aluminium Flexface Extrusion with aluminium SHS supports  
2mm Aluminium cover & 3mm aluminium backing panel  
Internally illuminated with LEDs on coreflute light tray.  
Flexface banner face  
Letters mounted to 65x35mm steel wall frame.

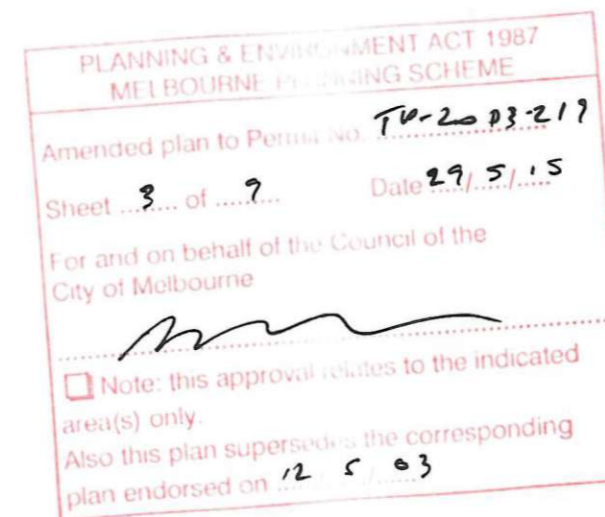
**Installation**

Fix through framework into existing vertical structure on site

Installed via abseil.



SECTION VIEW



NOTE: The Lux level of the sign would not exceed more than 50 lux when measured 3.0 metres from the face of the sign

	DRAWN BY: TW	DATE DRAWN: 09/02/2015	REVISION NUMBER: 06	ENGINEERING MANAGER	PROJECT MANAGER	FILE NAME: Fivex_Melbourne_Sky Sign	Page 3 of 10
	SHEET SIZE: A3	SHEET UNITS: MM	<b>CONSTRUCTION READY</b>		FILE PATH: T:\Projects\Fivex Sky Signage\Melbourne\DESIGN		

**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	<b>TP-2018-50</b>
<b>Applicant:</b>	<b>Fivex Pty Ltd C/- Mecone</b>
<b>Address:</b>	River View House, 274-282 Flinders Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Maintain display of two high-wall major promotional signs
<b>Date of application:</b>	27 December 2017
<b>Responsible officer:</b>	Daniel Sanfilippo

**1 SUBJECT SITE AND SURROUNDS**

The subject site is located on the north-east corner of the intersection of Flinders Street and Elizabeth Street, Melbourne.

The subject site is currently occupied by a stepped building of 17 and 4 levels, including basement parking, known as the 'River View Apartments' building built in 1972. The mixed use building contains a mix of retail and commercial uses at ground and first floor, with commercial office space above.

The building has been substantially refurbished since it was originally constructed in 1972, including making a number of alterations to the materials, colours and finishes of the exterior façade.



**Figure 1 - Subject Site and Surrounds**

There are two existing high-wall illuminated signs fixed to the building on the site that form the subject of this planning permit application. The first sign is located to the south (Flinders Street) façade of level 16 of the building, approximately 61.5 metres above the pavement surface level along Flinders Street. It is composed of internally illuminated LED letters,



mounted on powdercoated black perforated aluminium rails (semi-transparent) with dimensions of 3.5m (H) x 13.385m (W).

A second sign is located to the north (internal) façade of Level 16 of the building, located at the same height above the pavement surface level and with identical dimensions, materials and finishes to the south-facing sign.

Immediately opposite the host building to the south is Flinders Street and Flinders Street Station.



Figure 2 - Existing South Facing High-Wall Sign

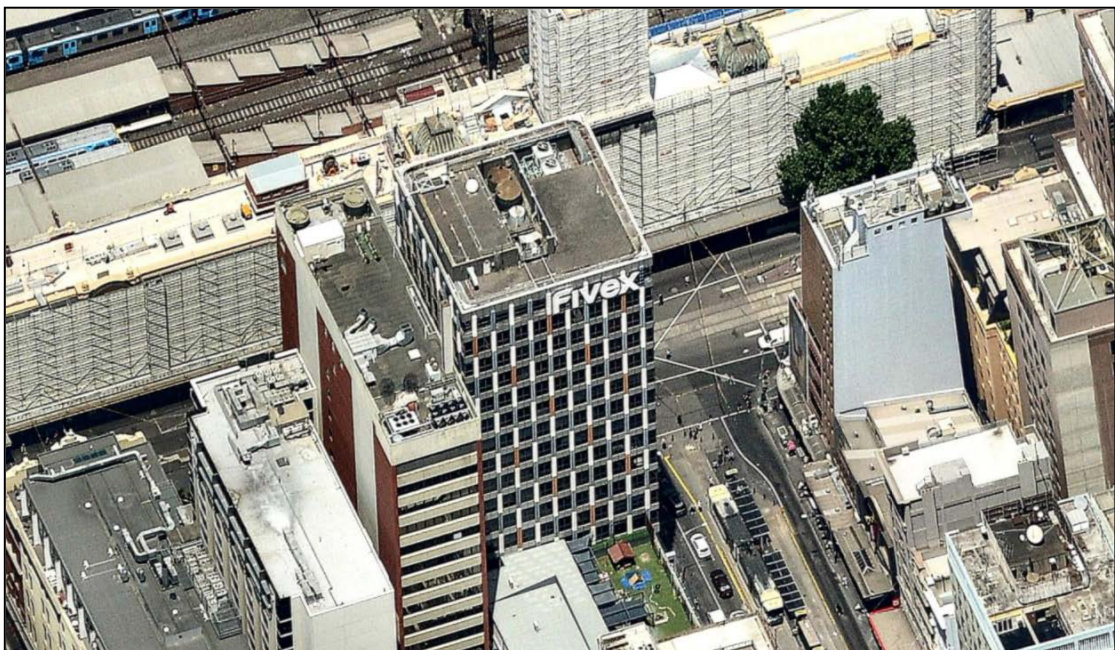


Figure 3 - Existing North Facing High-Wall Sign

## **2 BACKGROUND AND HISTORY**

### **2.1 Pre-application discussions**

A pre-application meeting was not held prior to the application being lodged with Council.

### **2.2 Planning Application History**

#### **2.2.1 Planning Permit TP-2003-219**

Planning Permit TP-2003-219 was issued on 12 May 2003 by Melbourne City Council, and authorised:

*“Erection of high wall business signage in accordance with the attached endorsed plans (sheets 1-5).”*

The plans endorsed under the original permit authorised the erection and display of two high wall business identification signs, with dimensions of 2.29m (H) x 15.0 metres (length), which displayed internally illuminated lettering; ‘River View’ (illuminated via neon-tubing), to the north and south facades of Level 16 of the existing building.

#### **2.2.2 S.72 Amended Permit TP-2010-276 – Received 21 November 2007**

Planning Permit TP-2003-219 was amended pursuant to Section 72 of the *Planning and Environment Act 1987* on 1 February 2008, to allow the alteration of the internally illuminated ‘River View’ lettering on each sign to lettering for the word ‘Fivex’, with revised dimensions of 3.5 metres (height) x 13.4 metres (length). The manner of internal illumination (neon-tubing) was not altered as part of this approval.

#### **2.2.3 Secondary Consent Amendment – Received 13 May 2015**

The plans endorsed under the permit were amended by secondary consent on 29 May 2015 in the following manner:

- The lighting of the sign to the south façade of the building changed from neon blue lights to LED white lights.
- The addition of an acrylic white face to the sign to the south façade of the building to allow the LED lights to shine through.
- Revisions to the shape of the lettering to reflect the new ‘Fivex’ logo for the sign to the south façade of the building.

#### **2.2.4 Secondary Consent Amendment – Received 13 April 2016**

The plans endorsed under the permit were amended by secondary consent on 11 May 2016 in the following manner:

- The lighting of the sign to the north façade of the building changed from neon blue lights to LED white lights.
- The addition of an acrylic white face to the sign to the north façade of the building to allow the LED lights to shine through.
- Revisions to the shape of the lettering to reflect the new ‘Fivex’ logo for the sign to the north façade of the building.

#### **2.2.5 Permit Expiry**

It is noted that Clause 52.05-1 provides the following permit expiry period for advertising signs, which is considered to apply to Planning Permit TP-2003-219:

*“A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.”*

Planning Permit TP-2003-219 is therefore set to expire on **12 May 2018**. It is anticipated that the characterisation of the approved sign as a ‘Business Identification Sign’ will be reviewed prior to the permit being further extended beyond this date.

### 3 PROPOSAL

The permit application states that planning approval is sought to:

*“Continue display of two High Wall Illuminated Business Identification Signs”*

The high wall signs referenced in the application are understood to be the existing ‘Fivex’ high-wall signs positioned on the northern and southern facades of the Riverview Apartments building on the subject site.

It is noted that whilst the application states that permission is sought to erect and display ‘Business Identification’ signage, insufficient evidence has been provided to Council to demonstrate that Fivex maintains a major tenancy within the building on which the signs have been displayed (considered to be a tenancy occupying a majority (i.e. greater than 50%) of the leasable floor area within the building).

The characterisation of similar signs has been discussed in *Becton Corporation Pty Ltd v Melbourne CC*, where at para 17 the Tribunal provided:

*“There is in my opinion a “grey” area in between both definitions. However, past decisions of this Tribunal have found that in order to categorise a sign, one must to have regard to its purpose. The purpose of the Becton sign appears to me to be promotion of the company and its interest in the site as opposed to making people aware as to the activity or business undertaken on the subject land. While the lines are very blurred in my opinion, I am not convinced that Becton will retain a significant ongoing interest in the site once construction is completed.”*

The ‘Fivex’ signs erected to the north and south façade of the building are considered to serve a promotional purpose, and have subsequently been assessed in this report as being ‘Major Promotion’ signs (with dimensions 3.5 metres (high), by 13.385 metres (wide), for a total advertisement area of approximately 46sq.m).

The existing planning permit (TP-2003-219), which originally authorised high wall business identification signs displaying the label ‘Riverview House’, and which was subsequently amended to authorise the display of ‘Fivex’ (without modification to the permit preamble), appears to have resulted in a mischaracterisation of the erected signs. This permit will expire on 12 May 2018, being 15 years after the original permit issue date.

### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
<p><b>Clause 37.04 – Capital City Zone</b></p> <p>Schedule 2: Retail Core</p>	<p><u><i>Advertising Signs – Permit Required</i></u></p> <p>Pursuant to Clause 37.04, a permit is required to construct and display a sign unless a schedule to this zone specifies otherwise.</p> <p>The proposal does not satisfy the exemption criteria listed under Schedule 2 to clause 37.04.</p> <p>Accordingly, a permit is required for the advertising signs associated with the proposal under this zone.</p>
<p><b>Clause 43.01 – Heritage Overlay</b></p>	<p><u><i>Advertising Sign – Permit Required</i></u></p>



Schedule 505 – Flinders Gate Precinct	<p>Pursuant to Clause 43.01, a permit is required to construct or display a sign.</p> <p>Accordingly, a permit is required for the signs associated with the proposal under this overlay.</p>
<p><b>Clause 43.02 – Design and Development Overlay</b></p> <p>Schedule 1 – Active Street Frontages (A1)</p> <p>Schedule 2 – Built Form Controls (A1)</p> <p>Schedule 3 – Traffic Conflict Frontage</p> <p>Schedule 4 – Weather Protection</p>	<p><u>Advertising Signs – No Permit Required</u></p> <p>Pursuant to Clause 43.02, advertising sign controls are at Clause 52.05 unless otherwise specified in a schedule to this overlay.</p> <p>Schedule 1, 2, 3 and 4 do not specify any requirements for construction and display of an advertising sign.</p> <p>Accordingly, a permit is not required for the signs associated with the proposal under this overlay.</p>
<b>Clause 44.05 – Special Building Overlay</b>	<p><u>Buildings and Works – No Permit Required</u></p> <p>Pursuant to Clause 44.05, a permit is required to construct a building or to construct or carry out works. This does not apply to radio masts, light poles or advertising signs on posts or attached to buildings.</p> <p>Accordingly, a permit is not required for the signs associated with the proposal under this overlay.</p>
<p><b>Clause 45.09 – Parking Overlay</b></p> <p>Schedule 2 – Retail Core</p>	<p><u>Parking – Not Applicable</u></p> <p>No permit requirement exists in Clause 45.09 for the erection or display of an advertising sign.</p> <p>Accordingly, a permit is not required for the proposal under this overlay.</p>
<b>Clause 52.05 – Advertising Signs</b>	<p><u>Advertising Sign – Permit Expiry and Decision Guidelines</u></p> <p>Clause 52.05 sets out the decision guidelines which the Responsible Authority must consider before deciding on an application to display a sign.</p>

## 5 STRATEGIC FRAMEWORK

### 5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 9 – Plan Melbourne : Metropolitan Planning Strategy
- Clause 10 – Operation of the State Planning Policy Framework
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development

### 5.2 Local Planning Policy Framework (LPPF)

#### 5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.01 – Municipal Strategic Statement

- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.12 – Hoddle Grid

### **5.2.2 Local Policies**

The relevant local policies are summarised as follows:

- Clause 20.00 – Operation of the Local Planning Policy Framework
- Clause 22.01 – Urban Design within the Capital City Zone
- Clause 22.04 – Heritage Places within the Capital City Zone
- Clause 22.07 – Advertising Signs

## **6 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 52.05 – Advertising Signs

## **7 GENERAL PROVISIONS**

The following general provision applies to the application:

- Clause 62.02-2 – Buildings and works not requiring a permit unless specifically required by the planning scheme.
- Clause 65 – Decision Guidelines (which includes the matters set out in Section 60 of the Planning and Environment Act 1987).

## **8 PUBLIC NOTIFICATION**

Pursuant to Clause 37.04 – Schedule 2, an application to erect or construct or carry out works for an advertising sign, is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

Pursuant to Clause 43.01, an application for the construction or display of a sign, is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

Therefore notice of the application was not required.

## **9 OBJECTIONS**

The application has not received any objections at the time of this report.

## **10 REFERRALS**

### **10.1 Internal**

The application was not required to be internally referred.

### **10.2 External**

The application was not required to be referred to any external Referral Authority.

## 11 ASSESSMENT

The permit application seeks planning approval to continue to display the two existing internally illuminated 'Fivex' high-wall business identification signs currently positioned on the northern and southern facades of the existing building on the subject site.

The key issues for consideration in the assessment of this application are:

- The impact of the major promotion signs on the heritage significance of Flinders Street Station and the Flinders Gate precinct, having regard to the policy objectives and statements of significance provided in Clause 22.04.
- The impact of the major promotion signs on the Yarra River corridor, Shrine of Remembrance and city skyline, having regard to the policy guidelines provided in Clause 22.07.
- The responsiveness of the design of the major promotion signs to the architectural features of the existing building, having regard to the policy guidelines provided in Clause 22.07.
- The appropriateness of the proposed major promotion signs, having regard to the sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character Clause 52.05.

### 11.1 Clause 22.04 – Heritage Places within the Capital City Zone

#### Objectives

Clause 22.04 (Heritage Places within the Capital City Zone) sets out the following objectives, which are considered relevant to the proposed electronic sign:

- *To conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.*

#### Flinders Gate Precinct

Clause 22.04 (Heritage Places within the Capital City Zone) provides the following statement of significance for the Flinders Gate Precinct, which the subject site is located within.

#### *Statement of Significance*

*“This precinct comprises the City’s southern face, a major access point at Princes Bridge, and the specialised commercial district of Flinders Street. The area has been a gateway to the City from the south ever since the first Prince’s Bridge (1841) and Melbourne’s first railway were constructed, and Flinders and Spencer Street stations were linked by a viaduct in 1879. A grand new Princes Bridge (1886) confirmed the trend to redevelopment in the latter decades of the 19th century. The present Flinders Street Station (1906-10) also dates from this period. Proximity to the centre of Victoria’s railway system explains the location and the size of the Commercial Travellers’ Club (1899) in Flinders Street.*

*It was here, at Melbourne’s southern gate, that the Anglican community chose to build their grand new St Paul’s Cathedral (1880-91), replacing an earlier church on the same site. The choice was a logical one as many of them lived in the southern and eastern suburbs. More commercial motives saw the construction in Flinders Street of large retail emporia such as the former Mutual Store (1891) and Ball and Welch (1899).*

*This precinct offers evidence of all these changes, and also includes two of Melbourne’s earliest and best known hotels, the Duke of Wellington (1850) and Young and Jackson’s Princes Bridge Hotel (1854). An important feature of Flinders Street’s southern face of buildings is their uniform height facing the station, Federation Square and the Yarra River.”*



## 11.2 Clause 22.07 – Advertising Signs

### Relevant Policies and Decision Guidelines

Clause 22.07 (Advertising Signs) specifies that it is policy for proposed advertising signs to be assessed against the following criteria (only relevant criteria to the proposal have been provided below):

#### **General**

- *Signs should respect the building style and scale and the character of the street.*
- *Signs should fit within architectural forms and be integrated with the design of the building.*
- *Signs should not obscure architectural features of buildings, including windows.*
- *Signs should not cause visual clutter. Existing signs on a building or site will be taken into account when assessing new proposals.*
- *An integrated approach should be taken to the provision of signage on buildings with more than one occupancy.*
- *Where a building is occupied by more than one business, adequate space should be made available for all occupancies to display signage.*
- *Views of the sign from all angles should be considered and the supporting structure should be designed with this in mind.*
- *Major promotion, panel and sky signs are discouraged.*
- *The design and location of new signs should respect the cultural heritage significance, character and appearance of the heritage place.*

#### **Yarra River Environs**

*This applies to the Yarra River between Charles Grimes Bridge and Punt Road. The Yarra River and its environs form the landscape and recreational heart of Melbourne and are its greatest natural asset. Being a key tourist area, it is important that new signs add interest to the area's tourism and arts characteristics.*

- **Objective:**
  - *To enhance the area's attraction for visitors by preserving the visual characteristics and high amenity of public spaces along the Yarra River corridor, the varied and interesting built form and the intensively used promenades.*
- **Signs should:**
  - *Contribute to the important recreational and visual characteristics of the Yarra River corridor.*
  - *Be limited to that required for business identification purposes.*
  - *Be strictly controlled with particular sensitivity to parkland and promenade areas.*
  - *Be unobtrusive and complementary to the scale and character of buildings and landscaped areas.*
  - *Panel, major promotion, pole, sky and high wall signs are discouraged on buildings visible within the Yarra River corridor.*

#### **Swanston Street and Shrine of Remembrance Environs**

*This area relates to Swanston Street between Victoria Street and the Yarra River and the area west of the Shrine of Remembrance between Coventry Street and Dorcas Street.*

Swanston Street provides important vistas to the Shrine of Remembrance and is an important civic and ceremonial spine within the municipality. The area between Coventry Street and Dorcas Street generally east of Wells Street forms part of the setting and built form context surrounding the Shrine of Remembrance.

- **Objective:**

- To ensure that signs interfacing with or visible from the Shrine of Remembrance be respectfully designed to preserve the cultural significance of the Shrine of Remembrance as a place of reverence and contemplation.
- Panel, major promotion, pole, sky and high wall signs are discouraged on buildings visible from within the Shrine of Remembrance forecourt.

### **Guidelines for Signs within the Capital City Zone**

Signs within the Capital City Zone should meet the requirements set out in the table to this policy, which specify, with respect to wall signs 40m or more above ground level:

- The following recommended location:
  - On building parapet. Painted or fixed directly to building.
- The following recommended number:
  - Wall sign – 1 per building façade, max. 4.
- The following special comments:
  - Logos of corporate bodies with naming rights, or major tenants, or name of building are supported in this location.
  - Sign to be preferably painted on the wall.
  - Given the high visibility, compatibility with the architecture and the effect on the city skyline is extremely important.
  - Animated signs are discouraged.
  - Sky signs are discouraged. In exceptional circumstances where such a sign is suitable, the above guidelines contained in this table for sky signs apply.

## **11.3 Clause 52.05 – Advertising Signs**

### **Relevant Policies and Decision Guidelines**

Clause 52.05-3 (Advertising Signs) specifies the following decision guidelines, which are relevant to the proposed major promotion signs:

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
  - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
  - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
  - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
  - The potential to impact on the quality of significant public views.
- The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

## 12 CONSIDERATION

The proposed high-wall major promotion signs are not considered acceptable, having regard to:

- The policy objectives and statement of significance for the Flinders Gate precinct of Clause 22.04 (Heritage Places within the Capital City Zone);
- The policies and advertising sign requirements of Clause 22.07 (Advertising Signs);
- The decision guidelines of Clause 43.01 (Heritage Overlay); and
- The decision guidelines of Clause 52.05-3 (Advertising Signs).

The proposed high-wall major promotion signs are not considered acceptable for the following reasons:

1. *The proposed electronic sign will detract from, and dominate, significant vistas of Flinders Street Station via the Yarra River corridor, detrimentally impacting on the heritage significance of the Flinders Gate Precinct, failing to comply with:*
  - The policy objectives and statement of significance for the Flinders Gate precinct of Clause 22.04 (Heritage Places within the Capital City Zone);
  - The policies and advertising sign requirements of Clause 22.07 (Advertising Signs);
  - The decision guidelines of Clause 43.01 (Heritage Overlay); and
  - The decision guidelines of Clause 52.05-3 (Advertising Signs).

The heritage context surrounding the subject site is directly informed by the presence of Flinders Street Station to the south (VHR H1083), one of the central points of Melbourne's rail system since the 1850s and arguably one of the most important historical, aesthetic, architectural, technical and socially significant buildings within the State of Victoria.

As demonstrated in the photographs provided with the application, the sign is highly visible above the south façade of Flinders Street Station from within the Yarra River Corridor.

It is considered that the sign in this location dominates Flinders Street Station when viewed from the Yarra River Corridor (particularly from Southbank Promenade), and detrimentally impacts the significance of the Flinders Gate historic precinct, described in Clause 22.04 as, "the City's southern face".

The southern facing major promotional sign has also been observed from within the Shrine of Remembrance forecourt.

The proposed major promotion sign therefore does not comply with the policies and decision guidelines of Clause 22.04, Clause 22.07, Clause 43.01 and Clause 52.05.

2. *The proposed electronic sign fails to appropriately integrate with the architectural features of the building, detracting from the strong gridded quality of the architectural expression of*



*the existing building, and would detrimentally impact on the city skyline when viewed from the public realm, failing to comply with the policies and advertising sign requirements of Clause 22.07 (Advertising Signs).*

- 3. The proposed electronic sign would read as visually obtrusive, and would be highly visible and distracting from the high amenity of public spaces along the Yarra River corridor, particularly Southbank Promenade and the Evan Walker Bridge, leading to an undesirable precedent that would detract from the Yarra River environs, failing to comply with the advertising sign requirements of Clause 22.07 (Advertising Signs) and Clause 52.05-3 (Advertising Signs).*

The proposed major promotional signs applied across the gridded features of the façade of the building, will detract from the architectural expression of the River View tower apartments by obscuring these elements from public view.

The failure of the design of the proposed sign to appropriately integrate with the architectural language of the host building will contribute to the sign reading as visually obtrusive within the façade of the building.

The prominence of the south façade of the River View apartments tower when viewed from the Yarra River corridor and environs, given the signs location at the 'crown' of the tower, accentuates the visually obtrusive qualities of this sign, particularly when illuminated at night, will detrimentally impact on the city skyline when viewed from the public realm, particularly Southbank promenade and the Evan Walker Bridge.

For the above reasons it is considered that the proposed sign would contribute to a poor precedent and detract from the city skyline and public realm, due to the design of the sign being poorly resolved with the architectural expression of the building.

The proposed major promotion sign therefore does not comply with the policies and decision guidelines of Clause 22.07 and Clause 52.05.

## **12.1 Conclusion**

The proposed major promotion signs would detract from and dominate significant vistas of Flinders Street Station via the Yarra River corridor and fails to integrate with the architectural features of the host building, contributing to a visually obtrusive sign that would be highly visible within the Yarra River environs and detrimentally impact on the city skyline.

Accordingly, it is considered that the proposal fails to achieve the desired outcome sought by the policy within the State Planning Policy Framework, the Local Planning Policy Framework, and fails to comply with the relevant decision guidelines provided in Clause 52.05 (Advertising Signs) and Clause 65 of the Melbourne Planning Scheme, as discussed above, and that a Notice of Refusal to Grant a Permit be issued for the proposal on the following grounds:

## **13 GROUNDS OF REFUSAL**

- 1. Fivex do not occupy a major tenancy within the existing building, and the purpose of the proposed signs are therefore considered to be promotional in nature, failing to comply with the policies and advertising sign requirements of Clause 22.07 (Advertising Signs).*
- 2. The signs fail to contribute to the important recreational and visual characteristics of the Yarra River corridor, contrary to the objectives of Clause 22.07 (Advertising Signs).*
- 3. The proposed signs will detract from, and dominate, significant vistas of Flinders Street Station via the Yarra River corridor, detrimentally impacting on the heritage significance of the Flinders Gate Precinct, failing to comply with:*

- *The policy objectives and statement of significance for the Flinders Gate precinct of Clause 22.04 (Heritage Places within the Capital City Zone);*
  - *The policies and advertising sign requirements of Clause 22.07 (Advertising Signs);*
  - *The decision guidelines of Clause 43.01 (Heritage Overlay); and*
  - *The decision guidelines of Clause 52.05-3 (Advertising Signs).*
4. *The proposed signs fail to appropriately integrate with the architectural features of the building, detracting from the strong gridded quality of the architectural expression of the existing building, and would detrimentally impact on the city skyline when viewed from the public realm, including within the forecourt to the Shrine of Remembrance, failing to comply with the policies and advertising sign requirements of Clause 22.07 (Advertising Signs).*
5. *The proposed signs would read as visually obtrusive, and would be highly visible and distracting from the high amenity of public spaces within Elizabeth Street and along the Yarra River corridor, particularly Southbank Promenade and the Evan Walker Bridge, leading to an undesirable precedent that would detract from the Yarra River environs, failing to comply with the advertising sign requirements of Clause 22.07 (Advertising Signs) and Clause 52.05-3 (Advertising Signs).*

Date Officer's recommendation presented to Internal Delegation **14 February 2018**  
Panel (IDP)



**Daniel Sanfilippo**  
Fast Track Planner



**Kate Yuncken**  
Principal Urban Planner

Date: 13 February 2018