

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

**Agenda item 6.3**

**Planning Permit Application: TP-2017-407, 19-23 Errol Street, North Melbourne**

**17 October 2017**

**Presenter:** Kate Yuncken, Acting Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to present the above planning permit application to the Future Melbourne Committee at the request Cr Reece.
2. The subject site is located on the western side of Errol Street between Victoria and Queensberry Streets. The site is rectangular, has a total area of approximately 454m<sup>2</sup> and is currently developed with a three storey rendered brick building. The subject site is located in the Commercial 1 Zone and Heritage Overlay Schedule 3 – North and West Melbourne Precinct. The building has a C grading in a level 1 streetscape in Council's North and West Melbourne Conservation Study.
3. The proposal seeks retrospective approval to construct external alterations, painting and installation of strip lighting at ground floor; and erect and display business identification and promotional signage, including internally illuminated and electronic signage on the land at 19-23 Errol Street, North Melbourne (refer Attachment 2 – Locality Plan). A total number of 12 signs which constitutes 37.9 square metres of signage is proposed (refer Attachment 3 – Plans).
4. The applicant is AM Solutions; the owner is 19-23 Errol Street Pty Ltd & Anna Benincasa; and the drafting service is AM Solutions.

**Key issues**

5. Key issues relate to the impact on the heritage building, streetscape and visual clutter. The amount of signage is considered excessive and distracts from the significance, character and appearance of the heritage place and is not consistent with the purpose of the Heritage Overlay.
6. The yellow cladding panels are not consistent with the form of the C graded building. The colour is strident and combined with other signage to produce a very large sign which distracts from the contribution this building makes to the streetscape and to the North and West Melbourne Heritage Place HO3.
7. Permit conditions require the removal of 80 percent of the signage to allow for adequate business identification whilst not detracting from the heritage place.

**Recommendation from management**

8. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions outlined in the Delegate's Report (Attachment 4).

**Attachments:**

1. Supporting Attachment (Page 2 of 21)
2. Locality Plan (Page 3 of 21)
3. Selected Plans (Page 4 of 21)
4. Delegate Report (Page 6 of 21)

**Supporting Attachment**

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**Legal**

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As an objection has been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and the objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

**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. Pursuant to Clause 43.01-3 of the Heritage Overlay, an application to display 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.
6. Pursuant to Clause 34.01-7 of the Commercial 1 Zone, an application to construct or carry out works (including a sign) is not exempt from the notice requirements as the land is within 30 metres of a residential zone (MUZ). However as the signage is within a commercial zone, not facing a residential zone notice of the application was not undertaken as it is not considered to result in material detriment.

**Relation to Council policy**

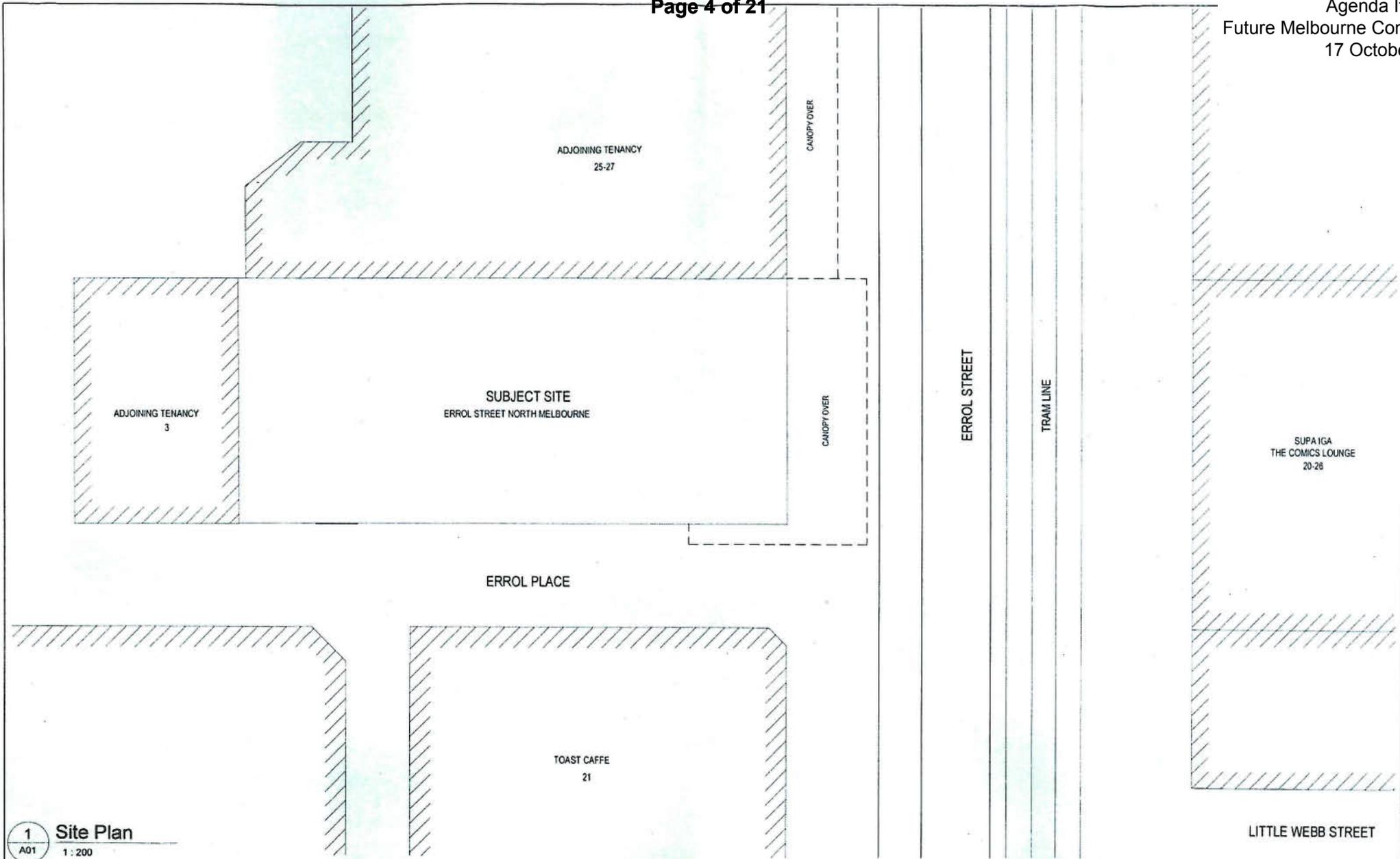
7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

**Environmental sustainability**

8. Is not relevant to this application for signage.

**19-23 Errol Street, North Melbourne**





1 Site Plan  
 A01 1:200

**M SOLUTIONS**  
 Building F 44 Raglan ST Preston VIC 3072  
 Phone: 03 9462 9111  
 Fax: 03 9462 9133

No.	Description	Date

**Chemist Warehouse North Melbourne**  
 19-23 GROUND FLOOR ERROL STREET, NORTH  
 MELBOURNE VIC 3051  
 C/- 44 RAGLAN STREET PRESTON, VIC 3072

Site Plan		A01
Project number	AMC.16-17/14	
Date	10.05.17	
Drawn by	N.S	
Checked by	T.H	
Scale on A3	1:200	



1 Shopfront Elevation  
A02 1:75

**AM SOLUTIONS**  
Building F 44 Raglan ST Preston VIC 3072  
Phone:03 9462 9111  
Fax:03 9462 9133

No.	Description	Date

Chemist Warehouse North Melbourne  
19-23 GROUND FLOOR ERROL STREET, NORTH  
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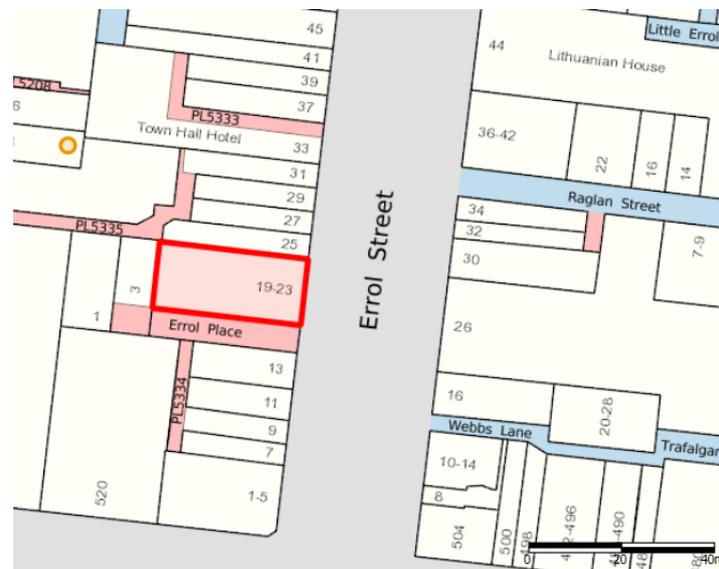
Shopfront Elevation		A02
Project number	AMC.16-17/14	
Date	10.05.17	
Drawn by	N.S	
Checked by	T.H	
Scale on A3		1:75

**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	<b>TP-2017-407</b>
<b>Applicant:</b>	<b>AM Solutions Pty Ltd</b>
<b>Address:</b>	19-23 Errol Street, NORTH MELBOURNE VIC 3051
<b>Proposal:</b>	Construct external alterations, painting and installation of strip lighting at ground floor; and erect and display business identification and promotional signage, including internally illuminated and electronic signage
<b>Date of application:</b>	1 June 2017
<b>Responsible officer:</b>	Katherine Smart

**1 SUBJECT SITE AND SURROUNDS**

The subject site is located on the western side of Errol Street between Victoria and Queensberry Streets. The site is rectangular, has a total area of approximately 454m<sup>2</sup> and is currently developed with a three storey rendered brick building.



Subject site and surrounds Compass 5.9.2017

The building has a C grading in a level 1 streetscape in Council's North and West Melbourne Conservation Study. The Building Information sheet description states:

A three-storey, unpainted stuccoed brick former shop and residence, ornamented after the Italian Renaissance. Arched openings are variously ornamented by architraves supported on Tuscan order pilasters (upper) and alternating gabled and segment-arched pediments, at the lower level, with foliated spandrels and panelled supporting pilasters. The parapet entablature is rectangular, set between piers and flanked by panelled walls abutted to piers at the side-walls of the building. Below this, a deep, bracketted cornice mould combines with the string-mould below to rule off each layer of decoration. Notable features include rendering on upper levels.

The statement of significance states:

Architecturally, an undistinguished but relatively well ornamented above-verandah facade which contributes by finish, siting and period detail to the streetscape: of local importance. Historically, one of the larger 19th century, single retailing businesses in Errol Street, although also one of the later: of local importance.

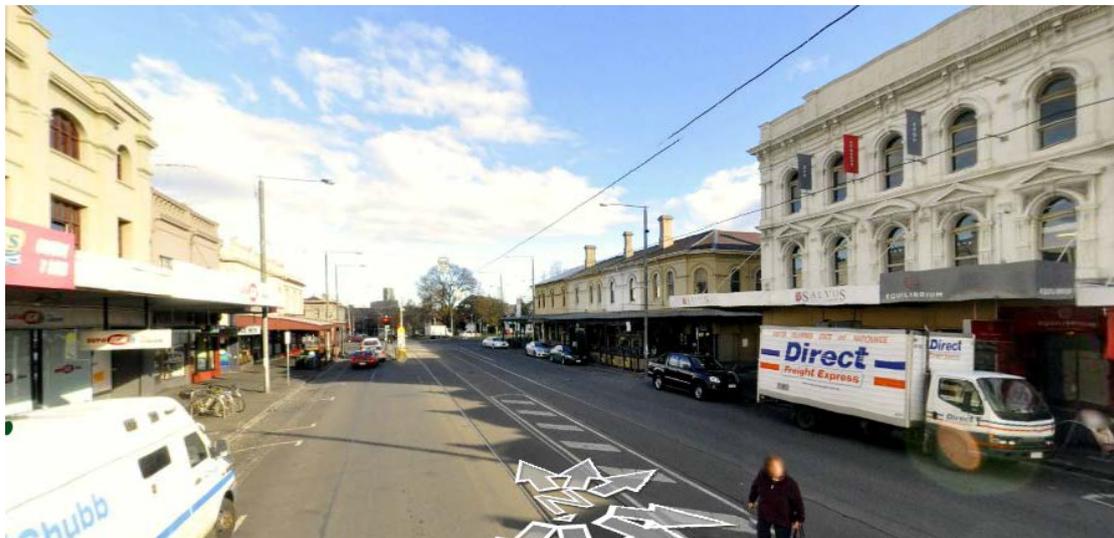
Other comments:

Integrity - Generally original above the verandah line, but cantilever verandah added and the iron street verandah removed; and below verandah-level generally renovated. Streetscape - Contributing (above the verandah) and dominating part of the generally earlier Errol Street commercial streetscape.



Subject building source building identification sheet

The subject site is located in the Errol Street strip shopping precinct which is lined with two and three storey Victorian shop / dwellings.



Errol Street view to the south subject site on the right source street view 5.9.2017



Errol Street view to the north subject site on the left source street view 5.9.2017

## 2 BACKGROUND AND HISTORY

### 2.1 Pre-application discussions

This retrospective application has been lodged following enforcement action.

### 2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

- TP-2003-1048 issued February 2004 allowing “Construction and display of signage”
- TP-1997-960 issued December 1997 allowing “Erection of signs”

## 3 PROPOSAL

Erect and display external strip lighting, internally illuminated business identification signage, business identification signage, electronic promotional signage and promotional signage.



The plans which have been considered in this planning assessment are date stamped 1 June 2017. Details are:

- External strip lighting along the building line under the verandah
- Promotional signage attached to the existing fascia fronting Errol Street and the laneway. The wording is: Australia's cheapest chemist and two logos. The sign is larger than the existing fascia (see image below before and after). The fascia sign along the Errol Street frontage measures 11.4m by 0.6m = 6.84sqm. The fascia sign fronting the laneway measures 4.8m by 0.6m = 2.88sqm. Total fascia promotional signage = 9.72sqm.

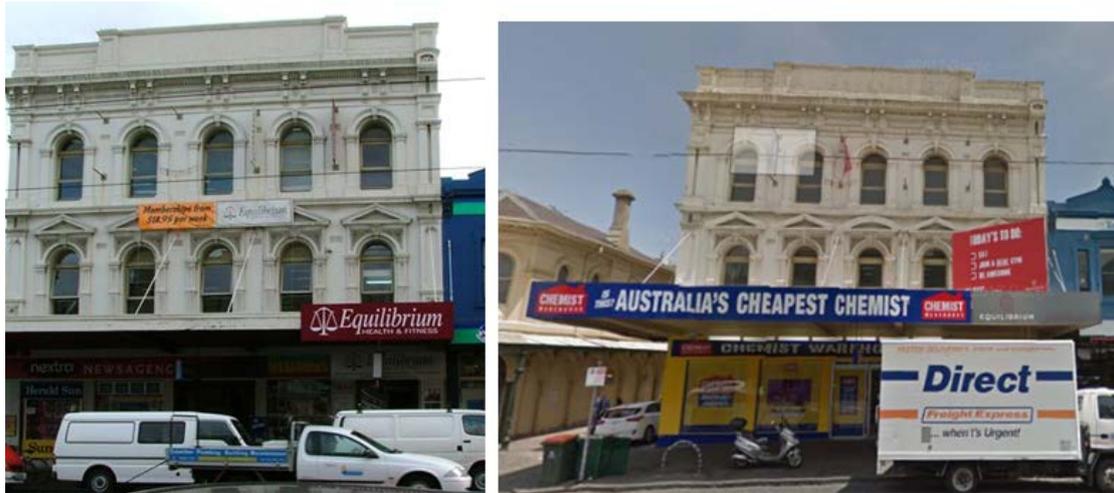


Image showing width of fascia before and after (the Equilibrium fascia sign does not have a permit)



Building Identification Sheet 1985

- Business identification signage above the windows and entry. A painted sign which measures 10.125m by 0.675m = 6.8sqm
- Internally illuminated under verandah light box, the dimensions of the existing sign have not been provided. The standard is 2.5m by 0.5m a total double sided area of 2.5sqm.

The chemist tenancy shopfront has three display windows and one entry door and side window, the signage proposed for the windows includes:

- Window 1 (southern): 2.075m by 2.34m = 4.856sqm internally illuminated business identification sign.

- Window 2 (middle): 2.075m by 2.34m = 4.856sqm has been yellowed out, with one chemist warehouse logo sign and one promotion sign with the wording: real brands! real savings! and an electronic promotion sign, TV screen, located centrally measuring 1.425m by 0.75m = 1.07sqm.
- Side window and entry door: business identification signage with hours of operation measuring 0.525m by 1.2m = 0.63sqm.
- Window 3 (northern): window display fragrances and two promotional signs with the wording: fragrances, up to 85% off one sign measures 1.8m by 0.3m = 0.54sqm and the other 1.8m by 0.15m = 0.27sqm total signage 0.81sqm

The shopfront columns between the windows have been clad with yellow ACM panelling (composite aluminium e.g. Alucobond) and the area below the windows have been painted blue.

- The yellow accounts for 1.8sqm + 1.08sqm + 1.08sqm + 0.72sqm = 4.68sqm of yellow wall.
- The blue accounts for 1.3sqm + 0.5sqm = 1.8sqm

The painting and finishing of the buildings ground floor in corporate colours constitutes signage.

The total area of signage proposed is 37.9sqm (including the corporate colours).

#### 4 STATUTORY CONTROLS

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

Clause	Permit Trigger
Clause 34.01-9 Commercial 1 Zone & Clause 52.05 Advertising	<p>Pursuant to Clause 34.01-4 a permit is required to carry out works which includes external lighting.</p> <p>Pursuant to Clause 34.01-9, advertising sign requirements are at Clause 52.05, Category 1.</p> <p>Pursuant to Clause 52.05-7, a permit is not required for a business identification or promotion sign provided the total advertisement area of all signs to each premises does not exceed 8sqm. This does not include a sign with an advertisement area not exceeding 1.5sqm that is a below a verandah or, if no verandah, that is less than 3.7 metres above pavement level.</p> <p>Pursuant to Clause 52.05-7, a permit is not required for an internally illuminated sign providing:</p> <ul style="list-style-type: none"> <li>• The total advertisement area to each premises must not exceed 1.5 sq m.</li> <li>• No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.</li> <li>• The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</li> </ul> <p>As the proposed signage does not meet the exemption criteria listed above, a planning permit is required to construct and display signage.</p>
Clause 43.01 HO3	Pursuant to Clause 43.01, a permit is required to construct a building or construct or carry out works including the construction or display of

	<p>a sign.</p> <p>Pursuant to Clause 43.01-3 an application to construct or display a sign is exempt from notice.</p> <p>Pursuant to Clause 43.01-1, a permit is required to externally alter a building by structural work, rendering, sandblasting or in any other way and to externally paint a building as External Paint Controls apply.</p>
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## 5 STRATEGIC FRAMEWORK

### State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 15 (Built Environment and Heritage) seeks the following objective:
  - *Clause 15.01 (Urban Environment) seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

### Local Planning Policy Framework (Municipal Strategic Statement)

The City of Melbourne’s Municipal Strategic Statement, listed at Clause 21 sets out the vision, objectives and strategies for managing land use change and development in the City of Melbourne. It provides the basis for the application of local policies, zones, overlays and other provisions in the Melbourne Planning Scheme.

The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

- *Clause 21.06 (Built Environment and Heritage) contains various strategies and policy direction in regard to achieving architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm.*
- *Clause 21.16-5 (North and West Melbourne) seeks to maintain the existing two storey scale in the Errol and Victoria Street shopping precinct consistent with the area’s heritage buildings.*

### Local Planning Policy Framework (Local Policies)

- Clause 22.17 (Urban Design outside the Capital City Zone) includes objectives as follows:
  - *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
  - *To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
  - *To reduce unacceptable bulk in new development.*
  - *To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility, quality of the public realm and to passive surveillance of the public domain.*
- Clause 22.04 (Heritage Places outside the Capital City Zone) seeks to;

- *To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.*
- *To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.*
- *To promote the identification, protection and management of aboriginal cultural heritage values.*
- Clause 22.07 (Advertising Signs) seeks to;
  - *To allow for the reasonable identification and marketing of institutions, businesses and buildings and communication of messages.*
  - *To encourage signs that improves the quality of the area.*

### **Zoning and Overlay Controls**

The subject site is located within the Commercial 1 Zone (C1Z). This zone seeks to;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

### **Heritage Overlay**

The subject site is affected by the Heritage Overlay – Schedule 3 North and West Melbourne Precinct. This overlay seeks to;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

### **Design and Development Overlay**

The site is also affected by the Design and Development Overlay – Schedule 34 Building Height/Setback Controls. This overlay seeks to;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

## **6 PARTICULAR PROVISIONS**

The following particular provision(s) apply to the application:

- Clause 52.05, Advertising Signs

## **7 GENERAL PROVISIONS**

The following general provision(s) apply to the application:

- 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 43.01-3 of the Heritage Overlay, an application to display 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.

Pursuant to Clause 34.01-7 of the Commercial 1 Zone, an application to construct or carry out works and to display signage is not exempt from the notice requirements as the land is within 30 metres of a residential zone (MUZ). However as the signage is within a commercial zone, not facing a residential zone notice of the application was not undertaken as it is not considered to result in material detriment.

## **9 OBJECTIONS**

A total of one objection was received, and raised the following concerns with the proposal:

- The signage does not comply with the policy, objectives or provisions of Clause 22.05.
- The use of continuous strip lighting along the soffit at the building line is out of character with the area and blinding.

## **10 CONSULTATION**

A number of meetings have been held with the applicants.

## **11 REFERRALS**

### **Heritage**

Heritage Assessment 19-23 Errol Street North Melbourne GROUND FLOOR TP-2017-407

Boundary to Errol Place

Heritage Context

- > Included in HO3 North and West Melbourne Heritage Place.
- > Graded C. This prominent, three storey building constructed in 1888 adjoins Errol Place, the A graded row at 1-13 Errol Street and a D graded building at number 25.
- > This site, the adjoining site and much of the street block between Victoria Street and Queensberry Street is a Level 1 streetscape.
- > This street block is amongst the best examples of a Victorian period shopping precinct within the City of Melbourne. Integrity of the buildings which contribute to the heritage place is generally high.

Assessment

Many post-supported street verandah are extant in this street block including for the adjoining A graded row to the south at 1-13 Errol Street.. At some sites including the subject property,

the post supported verandah has been replaced with a cantilevered awning over the footpath. In the case of this building the replacement has a slender form which are consistent with construction from the 1920s-1930s.

The effect of the cantilever replacement awnings is to diminish the visibility to upper levels and to increase visibility to the shop front. Tall fascia signs fixed to awning fascias exacerbate this negative impact.

A review of signage on verandahs and awnings was undertaken in 2011<sup>1</sup> [The Review]. The Review recorded signs on verandahs and awning fascias at the time heritage controls came into place in 1985. For this property, no fascia sign was in place in 1985. An update to the *North and West Melbourne Conservation Study* in 1991 includes a photo which shows the likely 1920s fascia in place and again, no fascia signage.

The Review found that in 1985: "Overall there were few signs on verandahs and cantilevered awnings, those that were in place are generally only set over the cast iron frieze or on the awning fascia." (page 2).

Council photographic records for this property from 2004 show a sign taller than the fascia attached only at the north end, otherwise the likely 1920s fascia is evident. By 2010, a 'Salvos' sign had been placed over the fascia, with a height close to that for the fascia. (Figure 2)

The Review makes recommendations for the size and location of signs, including to an awning fascia:

"Where there is an existing cantilevered awning covering the street, signs are appropriate on the fascia, but should be limited to the fascia height. Signs should not project above or below the fascia." Page 4.

- a. Signs to the fascia along Errol Place and Errol Street.

These signs are excessive in height, substantially exceeding the height of the fascia. The signs distract from the contributory elements to the streetscape. The signs are not consistent with the Purpose of the Heritage Overlay at Clause 43.01 inter alia:

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

The signs do not "enhance" the heritage place.

Fascia signs no taller than the height of the existing fascia would be satisfactory.

- b. Sign to the highlight above the shopfront windows.

This sign is satisfactory.

- c. Cladding panels to piers between and beside the shopfront windows.

These panels are not consistent with the form of the C graded building. The colour is strident and combines with other signage to produce a very large sign which distracts from the contribution this building makes to the streetscape and to the North and West Melbourne Heritage Place HO3.

The cladding panels and the colour of the cladding panels, do not "enhance" the heritage place.

### **Recommendation**

The proposal is not supported.

Amend the proposal:

<sup>1</sup> Meredith Gould, "Errol Street Verandahs and Signage, Retail Precinct between Queensberry Street and Victoria Street. Heritage assessment" February 2011.

- > Remove the fascia signs. Signage on the fascia in Errol Place and Errol Street should not extend above or below the original fascia panel as shown in Figure 1.
- > Remove the cladding panels. Paint the piers the same off white colour at the upper façade.

## 12 ASSESSMENT

The application seeks to construct external strip lighting and erect and display internally illuminated business identification signage, business identification signage and promotional signage.

Pursuant to Clause 52.07-7 the subject site is within category 1- commercial areas with the purpose:

- *To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.*

Signage is as of right providing the total advertising area of all signs to each premises does not exceed 8sqm and if internally illuminated the total advertising area must not exceed 1.5sqm. The proposal represents 38sqm of illuminated and non-illuminated signage.

The decision guidelines at Clause 52.05-3 require the Responsible Authority to consider the following:

*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 site is within a heritage overlay precinct and the host building has a C grading in a level 1 streetscape. The impact of the signage on the heritage place, existing character, streetscape and host building are discussed below.

The proposal represents 12 forms of signage on the building as well as external lighting, this is excessive and causes visual disorder and visual clutter.

*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 signage covers the ground level of the building, the scale of the signage is greater than any other in the streetscape and therefore dominates the site and streetscape. The fascia sign projects above the existing signage presenting as a dominant form along the road edge. The proposed signage dominates the streetscape and building.

*The relationship to the site and building:*

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*

The signage/branding covers the entire ground level of the building. The scale of the signage dominates the heritage building and the level 1 heritage streetscape. The signs do not display any innovation.

*The impact of any illumination:*

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The external strip lighting located along the building line under the verandah is used to illuminate the façade which is covered in advertising. A complaint has been received that *“the strip lighting is out of character with the area and blinding”*. The strip lighting should not cause glare nor detrimentally impact on the amenity of the area. It may be possible to control the hours and intensity of the illumination.

The internally illuminated business identification sign located in the southern most window and the electronic sign in the middle window also should not cause glare nor detrimentally impact on the amenity of the area. It may be possible to control the hours and intensity of the illumination.

*The need for identification and the opportunities for adequate identification on the site or locality.*

The commercial zone allows for 8sqm of signage or 1.5m of internally illuminated signage to provide for signs which provide vitality and colour to a commercial area. A reduction by approximately 80% of the proposed signage (38sqm) would achieve this prescriptive requirement.

## **12.1 Heritage**

The site is located within the Heritage Overlay the relevant purposes at Clause 43.01 are:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

Decision guidelines at Clause 43.01-4 include:

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance, heritage study and any applicable conservation policy.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*

Council has afforded the subject building a C grading and the streetscape a Level 1 grading in the North and West Melbourne Heritage Study. Local Policy Clause 22.05 defines these gradings:

- *'C' buildings. Demonstrate the historical or social development of the local area and /or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.*
- *Level 1 streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.*

The subject building and streetscape have a high heritage significance and the proposed signage will adversely affect the significance, character and appearance of the heritage place.

The subject site is located within a level 1 streetscape with a number of a, C and D graded buildings within the locality (see figure 1). Council's heritage advisor has noted:

*This street block is amongst the best examples of a Victorian period shopping precinct within the City of Melbourne. Integrity of the buildings which contribute to the heritage place is generally high.*



Figure 4: Location of graded properties (source: CoMPASS 18/07/2017).

Figure 1

The heritage advisor has commented on the following specific signage:

Signs to the fascia along Errol Place and Errol Street:

- *These signs are excessive in height, substantially exceeding the height of the fascia. The signs distract from the contributory elements to the streetscape. The signs are not consistent with the Purpose of the Heritage Overlay at Clause 43.01 inter alia:*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *The signs do not “enhance” the heritage place.*

- *Fascia signs no taller than the height of the existing fascia would be satisfactory.*

Sign to the highlight above the shopfront windows.

- *This sign is satisfactory.*

Cladding panels to piers between and beside the shopfront windows.

- *These panels are not consistent with the form of the C graded building. The colour is strident and combines with other signage to produce a very large sign which distracts from the contribution this building makes to the streetscape and to the North and West Melbourne Heritage Place HO3.*
- *The cladding panels and the colour of the cladding panels, do not “enhance” the heritage place.*

The proposed signage does not comply with the policy stated in Clause 22.05:

Policy

*This policy is the mechanism to conserve and enhance places and areas of architectural, social or historic significance and aboriginal archaeological sites and to encourage development which is in harmony with the existing character and appearance of designated heritage places and areas.*

The signage does not comply with the objectives of Clause 22.05:

Objectives

- *To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.*
- *To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.*

The proposed signage does not make a positive contribution to the amenity of the heritage area and is not respectful to the historic character and appearance of the area.

## **12.2 Summary**

The proposed signage is contrary to all relevant planning controls for the following reasons:

- The amount of signage and external lighting is excessive and contrary to Clause 52.07-7
- The proposal represents visual disorder and visual clutter and is contrary to Clause 52.05-3.
- The scale of the signage is greater than any other in the streetscape and dominates the site and streetscape. The fascia sign projects above the fascia and existing signage presenting as a dominant form along the road edge.
- The proposed signage dominates the streetscape and building and is contrary to Clause 52.05-3.
- The signs do not display any innovation and are contrary to Clause 52.05-3.

- The external strip lighting should not cause glare nor detrimentally impact on the amenity of the area and is contrary to Clause 52.05-3.
- The internally illuminated business identification sign located in the southern most window and the electronic sign in the middle window also should not cause glare nor detrimentally impact on the amenity of the area and may be contrary to Clause 52.05-3.
- The proposal exceeds reasonable need for identification and adequate identification on the site or locality and is contrary to Clause 52.05-3.
- The scale of the signage dominates the heritage building and the level 1 heritage streetscape and is contrary to Clauses 52.05-3, 43.01 and 22.05.
- The proposed signage does not make a positive contribution to the amenity of the heritage area and is not respectful to the historic character and appearance of the area and is contrary to Clauses 52.05-3, 43.01 and 22.05.
- The subject building and streetscape have been recognised to have special heritage significance and the proposed signage will adversely affect the character, significance and appearance of the heritage place and is therefore not in accordance with Clauses 43.01 and 22.05.
- The fascia sign projects above the existing fascia and is therefore not well integrated with the architectural features of the site which is contrary to Clauses 52.07, 43.01 and 22.05.
- The proposed signage does not comply with the policy or objectives stated in Clause 22.05.

The site is within the commercial zone which allows for 8sqm of signage or 1.5m of internally illuminated signage to provide for signs which provide vitality and colour to a commercial area. A reduction by approximately 80% of the proposed signage (38sqm) would achieve this prescriptive requirement. Therefore if a number of signs are removed the proposal can be supported. Each aspect of the proposal is discussed below:

- The external strip lighting along the building line under the verandah illuminates the ground level façade. No other retail tenancy relies on this form of external lighting and this is out of character with the area, causes glare and is not supported.
- Promotional signage attached to the existing fascia fronting Errol Street and the laneway. The fascia sign projects above the existing fascia and is therefore not well integrated with the architectural features of the host structure, obscures views to the upper heritage facade and is not supported. As a number of retail premises have fascia signs, which are integrated into the existing fascia, it is appropriate that the property has such signage which does not project above or below the existing fascia.
- Business identification signage above the windows and entry. This is a painted sign. Other tenancies have painted signs in this location and this 6.8sqm sign can be supported.
- Internally illuminated under verandah light box. Other tenancies have these signs and this sign can be supported (2.5sqm).
- Window 1 (southern): 2.075m by 2.34m = 4.856sqm yellowed out with an internally illuminated business identification sign

- Window 2 (middle): yellowed out with three signs, one electronic. This proliferation adds to visual clutter, removes active street frontage and the electronic sign is not in character with the area and is not supported.
- Side window and entry door: business identification signage with hours of operation measuring 0.63sqm is supported.
- Window 3 (northern): the window display is supported however the two promotional signs 0.81sqm add to the proliferation of signs and are not supported.
- The shopfront columns between the windows have been clad with yellow ACM panelling (composite aluminium eg Alucobond) and the area below the windows have been painted blue 6.48sqm. These panels and the blue painting are not consistent with the form of the C graded building. The colour is strident and combines with other signage to produce a very large sign which distracts from the contribution this building makes to the streetscape and to the North and West Melbourne Heritage Place HO3. The cladding panels and the colour of the cladding panels, do not “enhance” the heritage place and are not supported.

### 12.3 Recommendation

Remove the following lighting and signs for the reasons outlined above:

- The external strip lighting along the building line under the verandah.
- Window 1 (southern) and 2 (middle): remove the yellow decal / film and the electronic sign and all other signage from the middle shopfront window.
- Window 3 (northern) the two promotional signs 0.81sqm (retain the shopfront display)
- The shopfront columns between the windows which have been clad with yellow ACM panelling and the area below the windows which have been painted blue.

Approve the following signs for the reasons outlined above:

- Promotional signage attached to the existing fascia providing the sign does not project above or below the existing original fascia.
- Business identification signage painted above the windows and entry.
- Internally illuminated under verandah light box.
- Side window to the entry door: business identification signage with hours of operation with clear glazing.
- Window 3 (northern): the window display is supported (promotion signage to be removed).

### 12.4 Conclusion

It is considered that the conditional proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal.

## 13 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Within two months of the date of this permit, two copies of plans must be submitted to the Responsible Authority generally in accordance with the plans accompanying the application, but amended to show:
  - a) Delete the external strip lighting along the building line under the verandah.
  - b) Delete the proposed verandah fascia sign or reduce the size of the fascia sign so that no part of the sign protrudes above or below the existing verandah fascia.
  - c) Delete all signage, including internally illuminated and electronic signage, from windows 1 (south) and 2 (middle) and the windows shall be clear glazing.

A maximum 1.1 metre high yellow and/or blue window film/decal applied to windows 1 (south) and 2 (middle), with a maximum of one window decal of the business logo applied above to either window 1 (south) or 2 (middle).
  - d) The entry door and attached side window to be clear glazing with a maximum signage area measuring 0.525m (w) by 1.2m (h) detailing business hours of operation.
  - e) Delete all promotional signage from window 3 (north). The shopfront window display may be retained.
  - f) Delete the yellow cladding to the shopfront columns between and beside the windows and repaint or make good so that the paint colour matches the off-white colour of the upper building façade.
  - g) Delete the blue painted area below the ground floor shop windows and repaint or make good so that the paint colour matches the off-white colour of the upper building façade.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. The development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. The sign(s), including its/their structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
4. No part of the advertising sign(s) shall be internally or externally illuminated with the exception of the under verandah sign.
5. This permit expires 15 years from the date of issue, at which time the sign(s) and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

## 14 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 20 Sept 2017.

It has been requested that this application be presented to the Future Melbourne Committee for decision.