

Report to the Future Melbourne Committee

Agenda item 6.5

**Planning Permit Applications: TP-2018-1005 and 46 others
Address: Various road reserves in Melbourne and Carlton**

16 May 2023

Presenter: Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to provide an update and seek Future Melbourne Committee approval of a position for the upcoming 10 week Victorian Civil and Administrative Tribunal (VCAT) hearing for 47 telecommunication facilities and associated signage proposed in the Melbourne CBD and Carlton (refer Attachment 2 – Locality Plan).
2. The applicant is JCDecaux Australia Pty Ltd.
3. Eighty-one planning permit applications were lodged in 2018 and were refused by Council in March 2019. In May 2019 the applicant lodged an application with VCAT for review against 76 of the refusals. Since that time a further 29 applications have been withdrawn.
4. The 47 cabinets are referred to in the application material as “Smart City Payphone” cabinets that are a part of Telstra’s upgrading of its existing national network.
5. The cabinets are 2.73 m high and 1.2 m wide and include a variety of additional features such as mobile phone charging, Wi-Fi access and two (2) digital displays. The digital display to the rear is a 75” electronic promotional sign.
6. Public notification of the applications was undertaken as part of the VCAT process. The Head, Transport for Victoria is a party to the proceedings and has filed statements of grounds against all 47 applications, the grounds of which include matters of impact on the operation of the road network, dwell time of the signage, impact on pedestrian accessibility and movement, and impacts on public transport infrastructure. Two additional parties have lodged statements of grounds against Cabinet 3 (35 Spring Street, Melbourne).
7. Due to the substantive changes to the statutory planning framework and regulation as a result of the Victorian Government’s planning scheme amendment VC226 and the circulation of amended plans for all 47 cabinets and associated signage, this report provides an updated position for VCAT on each application.

Key issues

8. A range of zone and overlay combinations apply to each of the 47 applications as outlined in Attachment 2 to the report from management. However, the relevant considerations can be categorised into four (4) key themes which have been adopted for the assessment of each application. These are heritage impacts, movement and mobility, urban design and advertising signage.
9. Following the assessment of the amended plans against the key considerations, officers recommend that 12 of the applications can be supported subject to conditions, however 35 of the applications cannot be supported on the grounds outlined in Attachment 3.

Recommendation from management

10. Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under section 60 of the *Planning and Environment Act 1987*, it is recommended that the Future Melbourne Committee resolves that management advise the Victorian Civil and Administrative Tribunal that:
 - 10.1. Council has considered the 47 amended applications filed and served by JCDecaux Australia Pty Ltd on 14 February 2023 (and subsequently corrected on 2 March 2023).

10.2. Council does not object to the amended applications being formally substituted in the various proceedings pursuant to section 127 and clause 64 of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*.

10.3. On the basis of the amended applications and subject to:

- any specific modification to the applications detailed in the applicable Assessment Sheet in Attachment 3 of the report from management; and
- the standard conditions contained in the Schedule of Standard Conditions in Attachment 3 of the report from management

Council supports the grant of a permit for 12 of the applications as recommended in Attachment 3 of the report from management.

10.4. On the basis of the amended applications Council continues to oppose the grant of a permit for 35 of the applications on the grounds set out in Attachment 3 of the report from management.

Attachments:

1. Supporting Attachment (Page 3 of 287)
2. Locality Plan (Page 4 of 287)
3. Assessment Sheets (Page 5 of 287)
4. Delegate Report (Page 238 of 287)

Supporting Attachment

Legal

1. This report considers the 47 separate applications (being applications for review made under section 77 of the *Planning and Environment Act 1987*) which remain within VCAT's jurisdiction.
2. It is anticipated that the amended applications will be formally substituted (pursuant to section 127 and clause 64 of schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998*) in the 47 separate proceedings at the commencement of the hearing in August 2023.

Finance

3. There are no direct financial issues arising from the recommendations contained within 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 material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations such as pedestrian mobility, traffic hazards and light spill that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to section 83 of the *Planning and Environment Act 1987*.

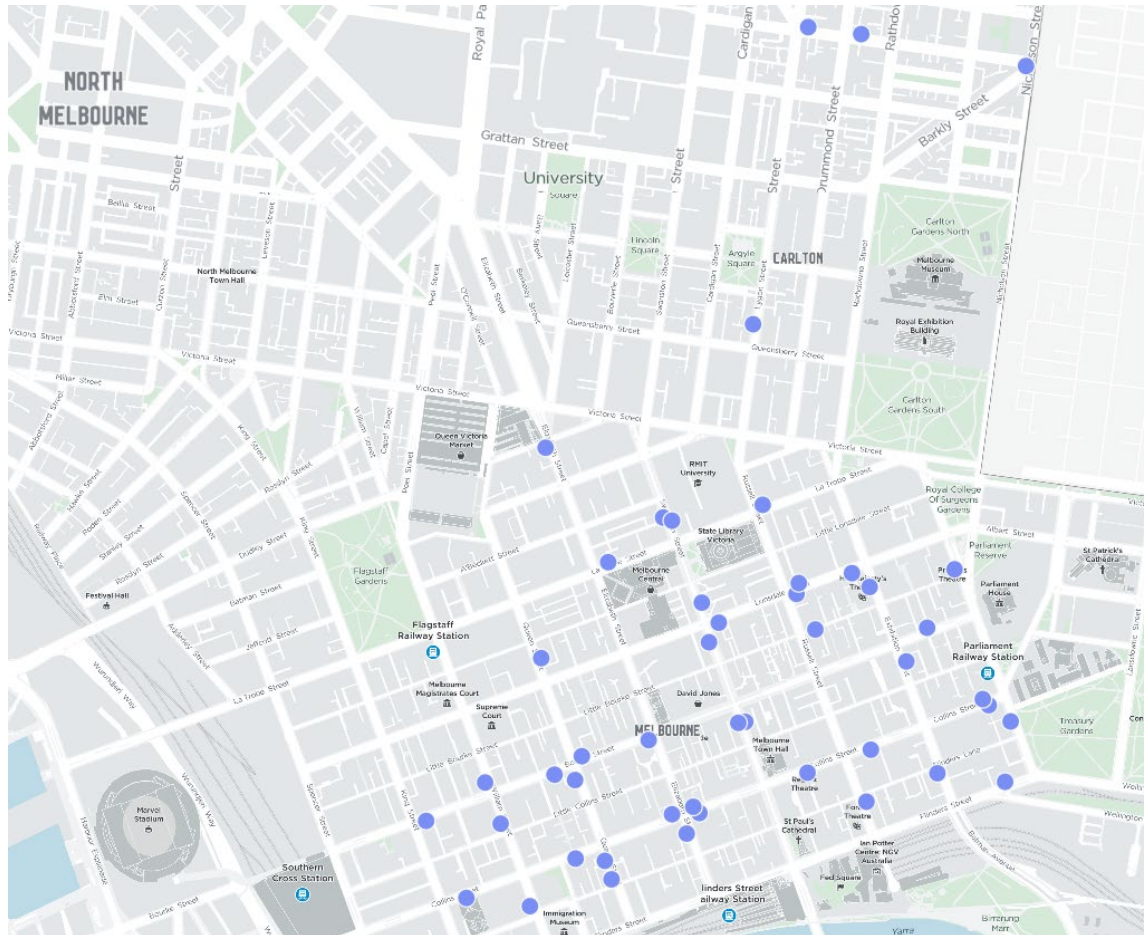
Relation to Council policy

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

Environmental sustainability

8. The Melbourne Planning Scheme does not impose Environmental Sustainability Development requirements for telecommunications infrastructure and signage proposals.

Locality Plan



SCHEDULE OF APPLICATIONS

No.	Application Ref. No.	VCAT Ref. No.	Proposed Installation Location	Assessment Sheet
1	TP-2018-1005	P937/2019	Road reserve adjacent to 145-149 Flinders Lane, Melbourne	LINK
3	TP-2018-1008	P941/2019	Road reserve adjacent to 49-51 Spring Street, Melbourne	LINK
4	TP-2018-1010	P944/2019	Road reserve adjacent to 37 Exhibition Street, Melbourne	LINK
5	TP-2018-1011	P948/2019	Road reserve adjacent to 39 Queen Street, Melbourne	LINK
6	TP-2018-1012	P951/2019	Road reserve adjacent to 45 William Street, Melbourne	LINK
7	TP-2018-1013	P953/2019	Road reserve adjacent to 58 Bourke Street, Melbourne	LINK
9	TP-2018-1015	P960/2019	Road reserve adjacent to 303 Collins Street, Melbourne	LINK
12	TP-2018-1019	P979/2019	Road reserve adjacent to 68 La Trobe Street, Melbourne	LINK
14	TP-2018-1022	P987/2019	Road reserve adjacent to 69 Queen Street Melbourne	LINK
18	TP-2018-1027	P954/2019	Road reserve adjacent to 221 Exhibition Street, Melbourne	LINK
22	TP-2018-1032	P961/2019	Road reserve adjacent to 1 Spring Street, Melbourne	LINK
24	TP-2018-1034	P969/2019	Road reserve adjacent to 9 Collins Street, Melbourne	LINK
25	TP-2018-1036	P966/2019	Road reserve adjacent to 12 Collins Street, Melbourne	LINK
26	TP-2018-1038	P973/2019	Road reserve adjacent to 1-15 Elgin Street, Carlton	LINK
27	TP-2018-1040	P974/2019	Road reserve adjacent to 253 Lonsdale Street, Melbourne	LINK
29	TP-2018-1042	P978/2019	Road reserve adjacent to 262 Queen Street, Melbourne	LINK
31	TP-2018-1045	P983/2019	Road reserve adjacent to 257-259 Swanston Street, Melbourne	LINK
32	TP-2018-1046	P950/2019	Road reserve adjacent to 260 La Trobe Street, Melbourne	LINK
33	TP-2018-1048	P964/2019	Road reserve adjacent to 131 Queen Street, Melbourne	LINK
34	TP-2018-1049	P968/2019	Road reserve adjacent to 271-285 Collins Street, Melbourne	LINK
36	TP-2018-1053	P981/2019	Road reserve adjacent to 278-300 Swanston Street, Melbourne	LINK
37	TP-2018-1054	P985/2019	Road reserve adjacent to 136-144 Exhibition Street, Melbourne	LINK

38	TP-2018-1058	P938/2019	Road reserve adjacent to 146-154 Elgin Street, Carlton	LINK
39	TP-2018-1059	P940/2019	Road reserve adjacent to 150-162 Lonsdale Street, Melbourne	LINK
41	TP-2018-1061	P945/2019	Road reserve adjacent to 159 Swanston Street, Melbourne	LINK
42	TP-2018-1064	P949/2019	Road reserve adjacent to 160 Swanston Street, Melbourne	LINK
43	TP-2018-1065	P952/2019	Road reserve adjacent to 175-177 Collins Street, Melbourne	LINK
44	TP-2018-1066	P959/2019	Road reserve adjacent to 181 William Street, Melbourne	LINK
45	TP-2018-1067	P963/2019	Road reserve adjacent to 185 Spring Street, Melbourne	LINK
46	TP-2018-1069	P967/2019	Road reserve adjacent to 359-385 Bourke Street, Melbourne	LINK
47	TP-2018-1071	P971/2019	Road reserve adjacent to 401-405 Swanston Street, Melbourne	LINK
49	TP-2018-1073	P977/2019	Road reserve adjacent to 419-429 Collins Street, Melbourne	LINK
50	TP-2018-1075	P980/2019	Road reserve adjacent to 160 Queen Street, Melbourne	LINK
51	TP-2018-1076	P993/2019	Road reserve adjacent to 457-471 Bourke Street, Melbourne	LINK
52	TP-2018-1077	P994/2019	Road reserve adjacent to 503 Elizabeth Street, Melbourne	LINK
53	TP-2018-1079	P996/2019	Road reserve adjacent to 505-535 Collins Street, Melbourne	LINK
55	TP-2018-1084	P986/2019	Road reserve adjacent to 589-603 Bourke Street, Melbourne	LINK
57	TP-2018-1086	P997/2019	Road reserve adjacent to 103 Lonsdale Street, Melbourne	LINK
58	TP-2018-1087	P1000/2019	Road reserve adjacent to 113 Lygon Street, Carlton	LINK
60	TP-2018-1089	P988/2019	Road reserve adjacent to 121 William Street, Melbourne	LINK
65	TP-2018-1095	P1001/2019	Road reserve adjacent to 296 Collins Street, Melbourne	LINK
68	TP-2018-1098	P1006/2019	Road reserve adjacent to 330 Collins Street, Melbourne	LINK
71	TP-2018-1101	P1011/2019	Road reserve adjacent to 344 Swanston Street, Melbourne	LINK
74	TP-2018-1120	P1015/2019	Road reserve adjacent to 165 Lonsdale Street, Melbourne	LINK
75	TP-2018-1122	P1016/2019	Road reserve adjacent to 161 Little Bourke Street, Melbourne	LINK
78	TP-2018-1141	P1004/2019	Road reserve adjacent to 200 Elgin Street, Carlton	LINK
80	TP-2018-515	P1010/2019	Road reserve adjacent to 121 - 131 Collins Street, Melbourne	LINK

SCHEDULE OF STANDARD CONDITIONS

Amended Plans

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to and approved by the Responsible Authority generally in accordance with the plans prepared by JCDecaux Pty Ltd dated <day><month><year>, Revision #, but amended to show:

a) ...

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

Secondary Consent Mechanism

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Lighting Impact Assessment

3. Prior to the commissioning or commencement of operation of the Telecommunications Facility, a Lighting Impact Assessment report prepared by a suitably qualified professional, addressing all lighting, displays and screens associated with the Telecommunications Facility, must be submitted to and approved by the Responsible Authority in consultation with the Head, Transport for Victoria.. When approved, the Lighting Impact Assessment report will be endorsed to form part of this permit. The Light Impact Assessment report must:

- a) Describe how lighting associated with the device has been designed in accordance with AS/ANZ 4282:2019.
- b) The proposed maximum luminance of the sign for each lighting condition, with detailed calculations provided to demonstrate compliance with the criteria outlined in the Department of Transport Requirements and Guidelines for Illuminated Outdoor Advertising Signage. Calculations must use the definitions and methodology as described in AS4282 where relevant. A maintenance factor of 1 is to be used for all calculations.
- c) Certification, signed by a suitably qualified Lighting Consultant, stating that the design complies with the Department of Transport Requirements and Guidelines for Illuminated Outdoor Advertising Signage.
- d) Images showing the proposed sign from a driver's perspective (with approximate distances) from any locations where drivers would be able to view the proposed sign.
- e) A classification of the existing night time lighting condition as either High District Brightness, Medium District Brightness or Low District Brightness and justification for the classification.
- f) Demonstrate that lighting associated with the device will not exceed the ambient public lighting levels of adjoining streets or spaces.
- g) Confirm all luminaires, and all lighting within the public domain are controllable and dimmable.

Lighting compliance

4. The operator must keep a Compliance Record of the operation of the sign. This must be provided to the Responsible Authority within 5 days of a written request. The Compliance Record must include:
 - a) The sign's luminance (cd/m² or as a percentage of its maximum luminance) in minimum 10-minute intervals.

- b) The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.
- c) The dwell time and transition time between successive images.
- d) All record information must be time and date stamped to show the time of measurement.
- e) Compliance Records must be maintained for a minimum of 12 months.

Maintenance

5. The Telecommunications Facility structure must be maintained in good order and condition at all times to the satisfaction of the Responsible Authority.

Decommissioning

6. In the event that the use of the structure for a Telecommunications Facility is discontinued for a period of six (6) or more months, the Telecommunications Facility structure must be decommissioned, dismantled and removed from the land, and all portions of roads (including footpaths) reconstructed to the satisfaction of the Responsible Authority.
7. Within three (3) months of the commissioning or commencement of operation of any Telecommunications Facilities that were nominated to be either a direct replacement or a relocation of an existing payphone cabinet, those existing payphone cabinets must be decommissioned, dismantled and removed from the land, and all portions of roads (including footpaths) reconstructed to the satisfaction of the Responsible Authority.

Civil Design Conditions

8. Prior to the commissioning or commencement of operation of the Telecommunications Facility, all portions of roads (including footpaths) affected by the building related activities must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the full cost of the permit holder, in accordance with plans and specifications first approved by the Responsible Authority.
9. Prior to the commissioning or commencement of operation of the Telecommunications Facility, all street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased at the full cost of the permit holder. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority.
10. Council assets, existing street furniture, light poles and street trees must not be removed without first obtaining the written approval of the Responsible Authority.

Sign Conditions

11. Prior to commencement of the development a Road Safety Audit to be undertaken at each site by a suitably qualified traffic engineering consultant with experience in lighting assessments must be submitted and approved by the Responsible Authority in consultation with the Head, Transport for Victoria.
12. The sign(s), including the supporting structure and advertising material therein as shown on the endorsed plan, shall at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.
13. The dwell time between the advertisements no less than 15 seconds.
14. The changeover of one advertisement to another must be instantaneous.
15. In relation to the images displayed on the sign(s):
 - a) Sequences of images giving the illusion of continuous movement must not be displayed.
 - b) Must not be capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.

- c) The image displayed in each advertisement sequence must be static (not feature motion or continuous movement).
 - d) The advertising area must not be split into two or more screens with different messages.
16. Flashing background, flashing text or flashing images must not be displayed.
 17. The use of sound or motion to activate the sign is not permitted.
 18. The use of sound to interact with road users is not permitted.
 19. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign(s) are to shut down and cease any form of visual output until the malfunction is repaired.
 20. Appropriate controls be placed on the content of the signs to ensure that they are not likely to be mistaken for a traffic control device or directional signage. These could include that the sign:
 - a) Not be capable of being mistaken for a traffic signal or a traffic control device. This includes the use of red, amber or green circles, octagons, crosses or triangles.
 - b) Not be a traffic instruction, or be capable of being mistaken as, an instruction to a road user. This includes the use of the wording stop, give way, slow, turn left or turn right.
 21. On expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

Permit Expiry

22. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.
23. This permit (in relation to the construction and display of an electronic promotion sign) will expire in ten (10) years from the date of the issue of the permit.

End of Conditions

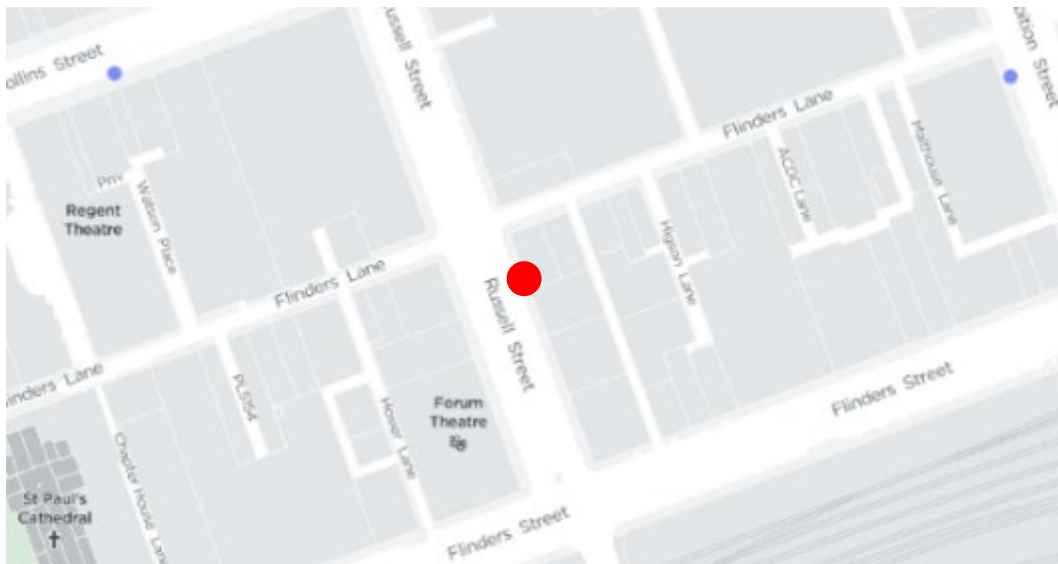
APPENDIX - CABINET NO.: 1

Application No.:	TP-2018-1005
VCAT Ref.:	P937/2019
Address:	Road reserve adjacent to 145-149 Flinders Lane, Melbourne
Cabinet Orientation:	North, towards Flinders Lane
Installation Type:	Replacement cabinet (existing 5 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Russell Street between Flinders Street and Flinders Lane.

The adjacent property is 145-149 Flinders Lane, Melbourne.



Location map of Cabinet 1 [Source: Council GIS]



Site Photographs of Cabinet 1 Location, 28 March 2023 [Source: Council Officers]

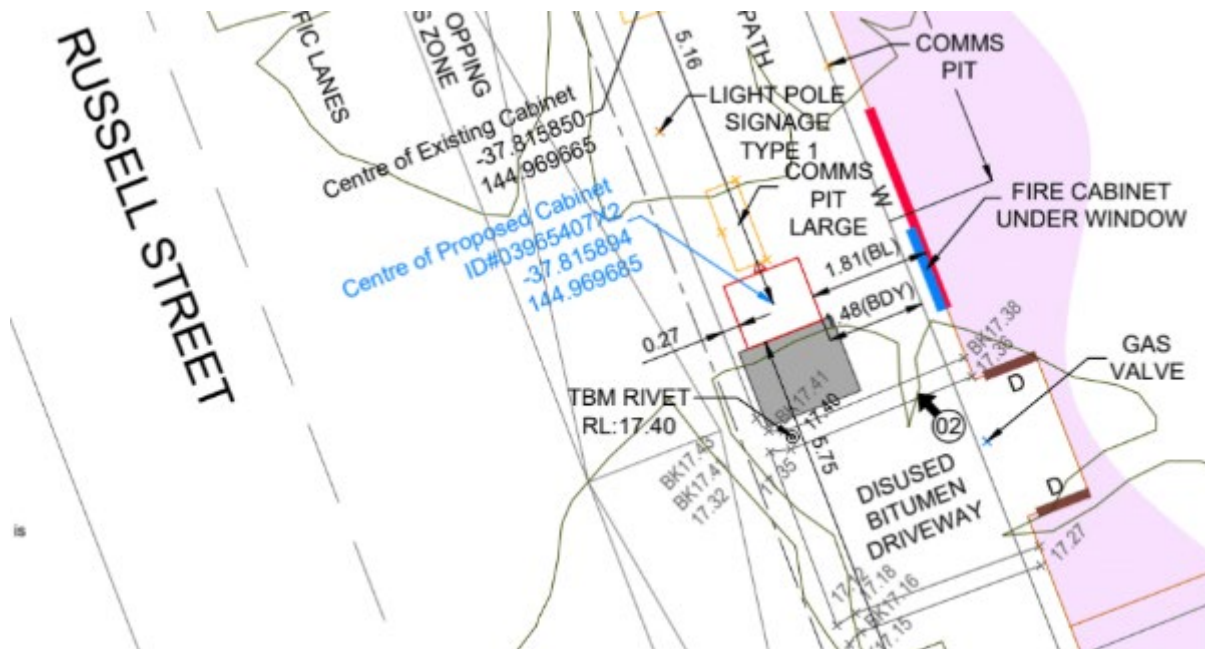
2 PROPOSAL

The proposed cabinet will replace an existing cabinet with relocation 5.16 metres to the south.

The existing cabinet is a 'Majestic' style cabinet sited parallel to the kerb alignment with a static sign to the rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the 75" advertising screen facing north.

A 270 mm offset will be provided from the back of kerb, and a 1.48 metre setback from the adjacent title boundary.



Proposed Site Plan of Cabinet 1 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the road reserve is also immediately adjacent to Heritage Overlay (HO847).

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)

- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO847. The building's significance is attributed to its architectural execution on the front façade to Flinders Lane and ornate corner detailing.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The cabinet is located at the southern extent of the Russell Street elevation. The building has an intact heritage presence to Russell Street and does not have any existing signage on the frontage or immediately surrounding area. The proposed structure, illumination and signage would adversely impact on the heritage place and precinct.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes both a reorientation and relocation of the cabinet from the existing location further north. The reorientation and wider cabinet design results in an increased visual impact to pedestrians and decreased width of the footpath.

This section of footpath is relatively narrow and the proposal will result in footpath width of 1.48 metres from the adjacent property boundary, this provides insufficient clearance for two wheelchairs to pass, which is unacceptable. If the privately owned land adjacent to the footpath were to be included in the assessment of the width of the footpath it would still result in a 1.8m wide footpath which is less than the critical minimum footpath width.

This clearance increases the incursion of the existing infrastructure zone upon pedestrians, compromises usability of the pedestrian network and fails to provide adequate space for those with limited mobility. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 270 mm is below the minimum requirements for Council infrastructure; however it would appear to replicate the offset of the street trees to the north and south.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. The proposed location will however conflict with the adjacent bus bay being in a location that sits at a coach's front door for egressing passengers.

Relocation to the north or south will not address the pedestrian clearance issue identified above, as to the south is another bus bay which is likely to create the same conflict.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

In terms of potential conflict with the adjacent property, the alcove opposite is used as a bin storage area (rather than a loading dock space). The resultant footpath width may impact access and use of the adjacent essential building service (fire booster) which in isolation could be addressed by a slight shift in location.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres. There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content only.
- The location presents very little signage in the area with the character being an uncluttered streetscape.
- Where signs do exist they are modest and identify businesses occupying the various buildings. There is little, if any example of promotional signage.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location of Russell Street presents a number of conflicts and character issues for the proposed structure and relocation along the property frontage is unlikely to achieve an acceptable outcome.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact on the significant of the adjoining heritage place (HO847) and the surrounding precinct.
2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposal will unreasonably impact the use and operation of the adjacent bus bay.
4. The proposal will restrict the access and use of building services on the adjacent land (fire booster cupboard).
5. The proposed electronic promotion sign is contrary to the character of the area.

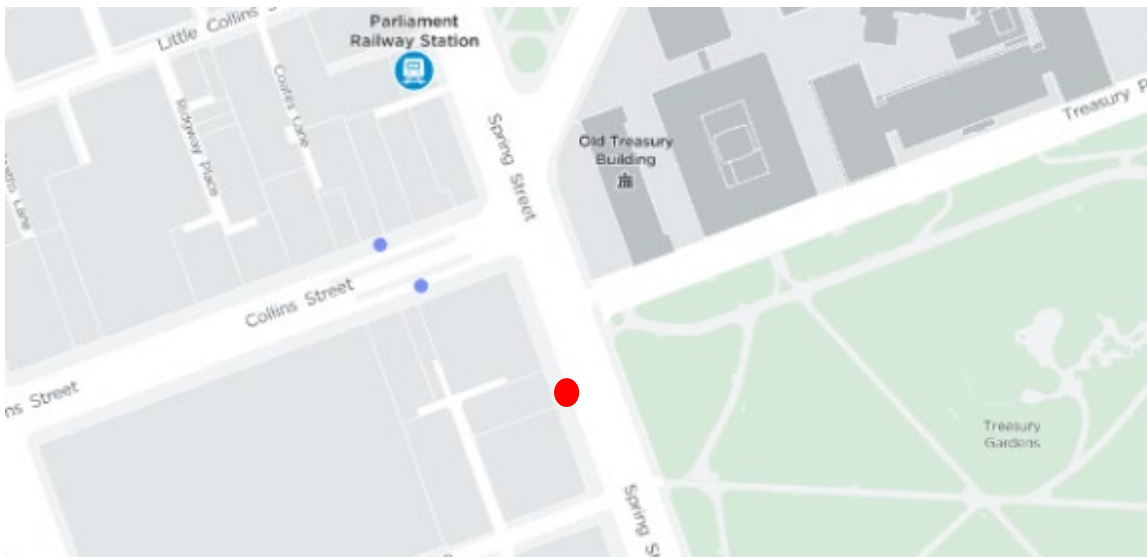
APPENDIX - CABINET NO.: 3

Application No.:	TP-2018-1008
VCAT Ref.:	P941/2019
Address:	Road reserve adjacent to 49-51 Spring Street, Melbourne
Cabinet Orientation:	South, towards Flinders Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Spring Street between Flinders Lane and Collins Street.

The adjacent property is 49-51 Spring Street, Melbourne.



Location map of Cabinet 3 [Source: Council GIS]



Site Photographs of Cabinet 3 Location, 28 March 2023 [Source: Council Officers]

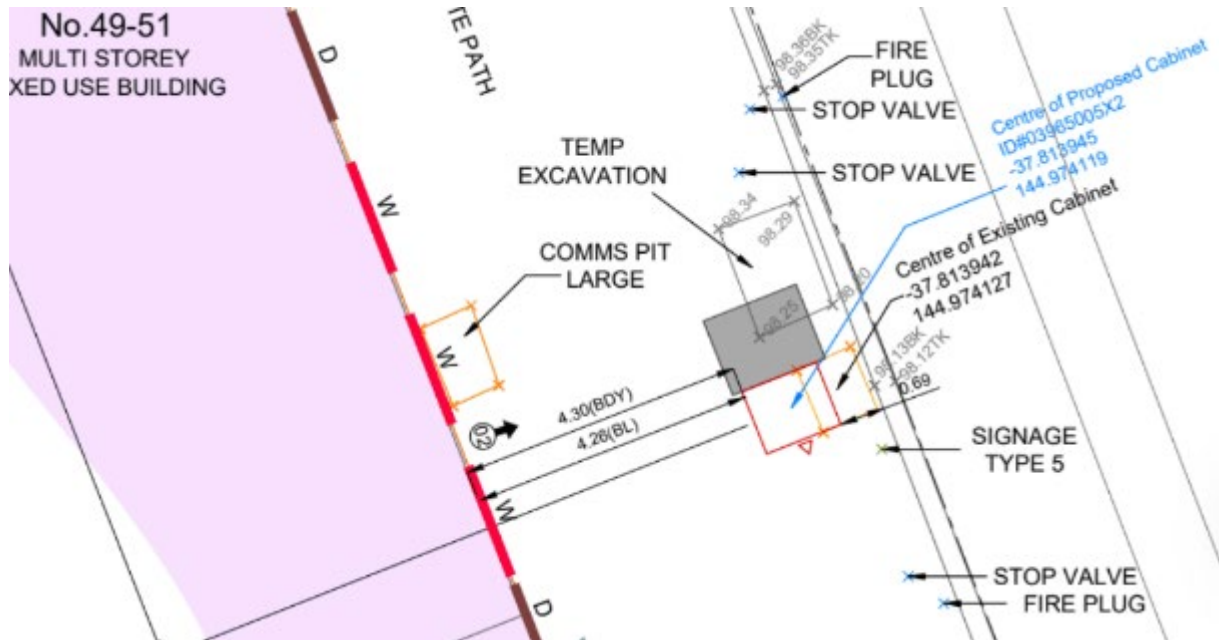
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location, with an increased setback from back of kerb.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 690 mm offset will be provided from the back of kerb, and a 4.3 metre setback from the adjacent title boundary (4.26 m to the building line).



Proposed Site Plan of Cabinet 3 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)

- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes a direct swap replacement of an existing cabinet with a slight shift inboard from the back of kerb. This section of footpath is relatively wide and the proposal will allow a footpath width of 4.3 metres from the adjacent property boundary. The street tree beds loosely defined the pedestrian corridor (noting the bed adjacent is empty). Given the atypical footpath width along Spring Street this is a location where the structure can be accommodated without unreasonable pedestrian flow impacts. To allow for accessibility the cabinet clearance area should be shifted south to abut the southern edge of the cut out.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. The cabinet will be located between two (2) parking bays to avoid conflict with passengers exiting vehicles.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The location of the cabinet along the stretch of footpath places it comfortably between two primary building entries rather than directly in front of them. The generous width of the footpath in this location means the cabinet will not conflict with any ground floor active frontage (noting the adjacent tenancy is currently vacant). The northern section of the 35

Spring Street frontage comprises building services but is provided with adequate clearance. The cabinet is more than 5 metres north of the outdoor dining area.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- The width of the footpath assists in mitigating the effect of visual clutter created by various pieces of on street infrastructure and the recent kerbside dining expansion.
- Signage in this location is extremely limited following recent residential developments with ground floor interfaces often presenting solid window decals or tinted windows.
- The site is directly opposite Treasury Gardens and the Old Treasury Building form part of the backdrop when viewing the signage.

With these matters considered, this is an area where electronic promotional signage is not acceptable.

It is noted that the orientation of the signage 180 degrees would reduce the impact of the signage from the more sensitive view lines towards Old Treasury Building.

5 CONCLUSION AND RECOMMENDATION

The cabinet is located within Spring Street and within proximity to Treasury Gardens and the Old Treasury Building.

The proposed cabinet is not supported on the following grounds:

1. The proposed electronic promotion sign is contrary to the character of the area.

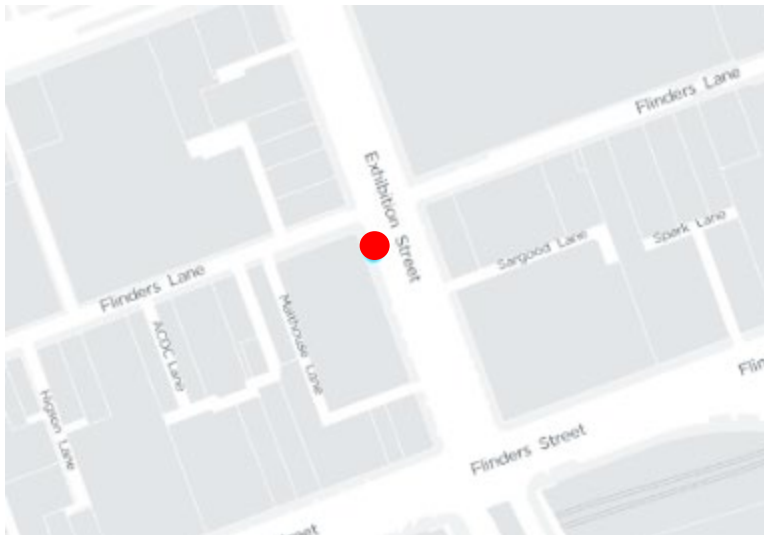
APPENDIX - CABINET NO.: 4

Application No.:	TP-2018-1010
VCAT Ref.:	P944/2019
Address:	Road reserve adjacent to 37 Exhibition Street, Melbourne
Cabinet Orientation:	South, towards Malthouse Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Exhibition Street between Flinders Street and Flinders Lane.

The adjacent property is 37 Exhibition Street, Melbourne.



Location map of Cabinet 4 [Source: Council GIS]



Site Photographs of Cabinet 4 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south. The cabinet is slightly increased from the kerb compared to the existing cabinet.

A 340 mm offset will be provided from the back of kerb, and a 2.12 metre setback from the adjacent title boundary (2.0 metres to the building line).



Proposed Site Plan of Cabinet 4 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1
- City Link Project Overlay.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)

- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes a direct replacement of an existing cabinet in a similar location, with the additional width of the new cabinet being absorbed on the pedestrian corridor side of the footpath.

This section of footpath is relatively narrow and the proposal will result in a footpath width of 2.12 metres from the adjacent property boundary (2.0 metres to the building line).

While meeting the critical minimum footpath width, it represents a reduction on current circumstances in an active part of the city given it projects wider than the ground level street tree bed to the south (partially trafficable), and notably more than the tree guard. In order to achieve an acceptable outcome, a minimum of 2.4 m footpath width would be required for this site.

The impacts on the pedestrian network of the proposed cabinet are not acceptable. Reorientation to be parallel to the kerb alignment would assist (90 degrees) and may mitigate the pedestrian clearance issues.

The proposed offset from the back of kerb at 340 mm is below the minimum requirements for Council infrastructure; however would appear to replicate the offset of the immediately adjacent light pole.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. The immediately adjacent section of road reserve is a separated bike lane.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet location is sited to the south of the primary building entry addressing the corner of Exhibition Street and Flinders Lane which is defined by the recessed foyer, steps and revolving door. The adjacent space is a window which serves as a secondary side interface to the building lobby with a gradually rising stall riser due to the topography.

There is no direct conflict with other on street infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- This location presently exhibits a very modest volume of signage – the adjacent building presents none other than the Bupa ‘cube’ within the ground floor window itself.
- The largest sign in the immediate area is on the opposite side of the road and is a road sign.
- There are no electronic signs and illumination is limited.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed cabinet location will further restrict the already narrow pedestrian thoroughfare and introduce uncharacteristic signage to an uncluttered context. Relocation to the north where the public realm “opens up” will conflict with the building entry and potentially the signalised intersection.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposed electronic promotion sign is contrary to the character of the area.

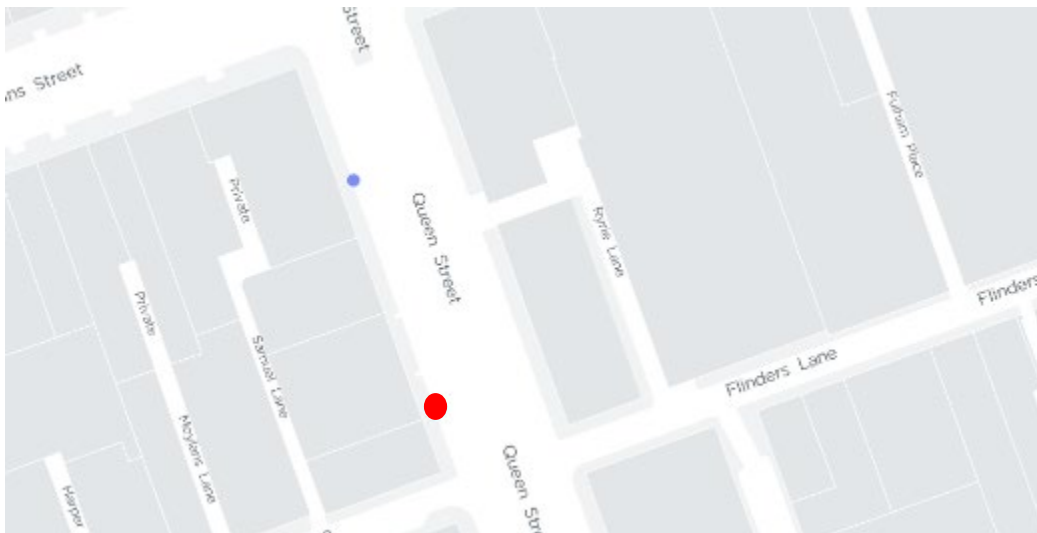
APPENDIX - CABINET NO.: 5

Application No.:	TP-2018-1011
VCAT Ref.:	P948/2019
Address:	Road reserve adjacent to 39 Queen Street, Melbourne
Cabinet Orientation:	South, towards Flinders Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Queen Street between Flinders Lane and Collins Street.

The adjacent property is 39 Queen Street, Melbourne.



Location map of Cabinet 5 [Source: Council GIS]



Site Photographs of Cabinet 5 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 300 mm offset will be provided from the back of kerb, and a 1.84 metre setback from the adjacent title boundary (1.85 metres to the building line). The cabinet will have an increased setback to the kerb compared to the existing cabinet, which in conjunction with the increase in width of the cabinet will result in a reduction in the footpath width.



Proposed Site Plan of Cabinet 5 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

Additionally, the land is immediately adjacent to Heritage Overlay HO1067.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)

- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1067 (37-41 Queen Street). The building's significance is attributed to its post war design.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street/lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The proposed cabinet location is along the building's primary frontage which is relatively narrow, and will be in close proximity to its main entry.

There is a moderately cluttered streetscape and presence of illuminated buildings and signage within the context, therefore it is not considered the signage would unreasonably impact on the heritage place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes a direct swap of an existing cabinet with the additional width of the new cabinet being absorbed inboard on the pedestrian corridor of the footpath. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.84 metres from the adjacent property boundary (being a solid wall).

Pedestrian movement in this section of Queen Street is high in peak times and is identified in the Transport Strategy 2030 as an area of overcrowding. Therefore, a minimum footpath width of 2.4 m is required to provide an acceptable outcome.

The proposed location of the cabinet decreases the footpath width and compromises usability of the pedestrian network. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 300 mm is marginal and below the minimum requirements for Council infrastructure; however it is an improvement on existing conditions.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements; however the increased structure size from existing will further obscure the 40 km/h sign behind. The proposed location will introduce a greater obstruction for passengers awaiting buses in the adjacent bus bays.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to *"...ensure that development integrates with, and makes a positive contribution to, its context..."* through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that *"...maintains and contributes to the valued public realm attributes of the Central City"*. A critical decision guideline is to consider *"...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale..."*.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is located within 5 metres of the building entry of a significant heritage building and in close proximity to its principal frontage (discussed above). The cabinet is however sited clear of the awning structure and is located to the south of the active frontage of the tenancy to the north. It does not present any direct conflict with existing infrastructure or access to adjacent building services.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- Advertising signage in this location is moderate and there is a presence of illuminated signage.
- In combination with proposed Cabinet 14, the proposed cabinet would create a cluster of two free standing signs in close proximity.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition, if Cabinet 14 were to be approved.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location presents a series of functional and character constraints both within the public realm and on adjoining land which cannot be addressed by conditions. It also seeks to contribute two of the same structures in a relatively small area of the central city.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will unreasonably impact the use and operation of the adjacent bus stops and visibility of the 40 km/h road sign.
3. The proposed electronic promotion in combination with proposed Cabinet 14 would create a cumulative cluster of public realm signage.

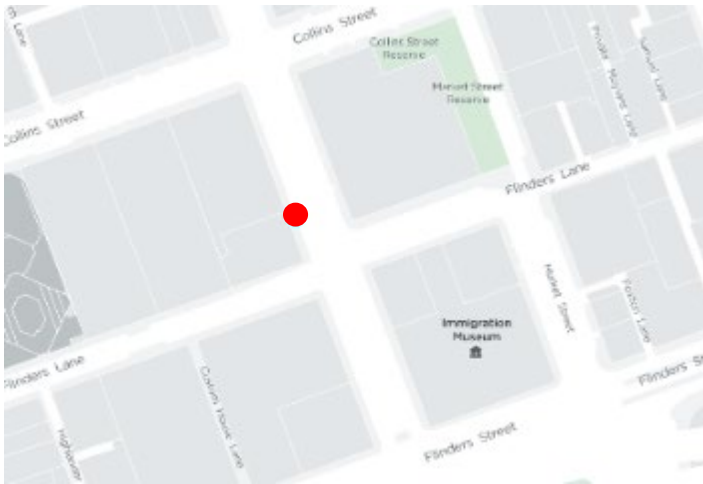
APPENDIX - CABINET NO.: 6

Application No.:	TP-2018-1012
VCAT Ref.:	P951/2019
Address:	Road reserve adjacent to 45 William Street, Melbourne
Cabinet Orientation:	South, towards Flinders Lane
Installation Type:	Replacement cabinet (existing 40 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of William Street between Flinders Lane and Collins Street.

The adjacent property is 45 William Street, Melbourne.



Location map of Cabinet 6 [Source: Council GIS]



Site Photographs of Cabinet 6 Location, 28 March 2023 [Source: Council Officers]

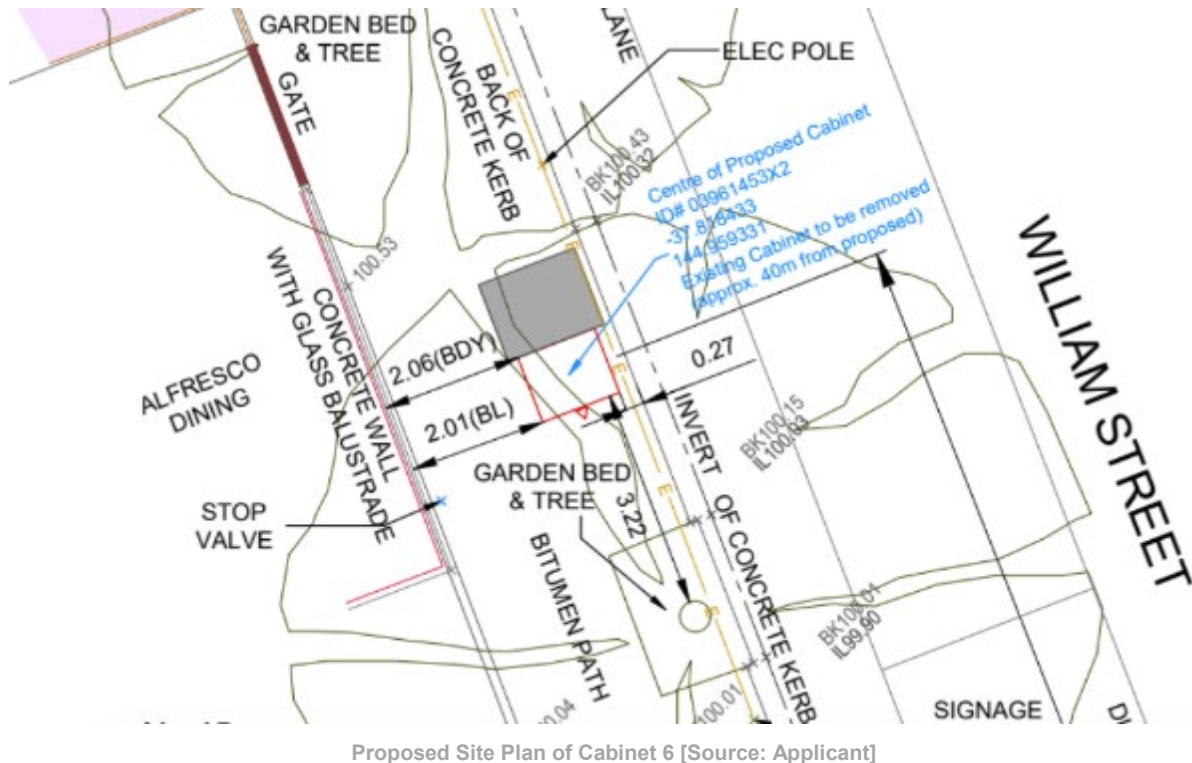
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 40 metres.

The existing cabinet is a 'Majestic' style cabinet on the diagonally opposite corner of Flinders Lane, sited parallel to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 270 mm offset will be provided from the back of kerb, and a 2.06 metre setback from the adjacent title boundary (2.01 metres to the building line).



3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)

- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes both a reorientation and relocation of the cabinet from the existing location diagonally opposite across the intersection with Flinders Lane. This section of footpath is relatively narrow and the proposal will result in a footpath width of 2.06 metres from the adjacent property boundary.

While achieving the critical minimum clearance, the incursion of the existing infrastructure zone upon pedestrians will increase – projecting further than the street tree beds (partially trafficable) in an area adjacent to a solid wall / balustrade. This area is identified in the Transport Strategy 2030 as an area of high growth of pedestrian activity and clutter in the public realm. Therefore, the impact of the reduction in footpath width on the pedestrian network is not acceptable. A minimum width of 2.4 m would be required in this location.

The proposed offset from the back of kerb at 270 mm is marginal and below the minimum requirements for Council infrastructure; however would appear to replicate the offset of the street tree to the south.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. A bike lane is immediately adjacent within the road carriageway.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

In urban design terms the cabinet has been sited to the north of the primary building entry and south of the access gate. The immediately adjacent context is an outdoor dining area which is presently vacant but historically used by a food and drink premises. The high, partially obscured balustrade partially buffers this area from the public realm. The cabinet will not directly conflict with any existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced (on the diagonally opposite corner) has a sign displaying Telstra advertising. The Tribunal has previously refused a promotion sign (Ref.: P3167/2005) on this cabinet on the basis it would detract from the streetscape.
- This location presently exhibits a very modest volume of signage which principally relates to the occupants of the neighbouring commercial buildings.
- The recent completion of Collins Arch opposite has only reinforced the uncluttered and modest level of signage in and around this area.
- The visibility of the sign will be emphasised given the wider aperture afforded from the widened section of Flinders Lane to the east.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location will introduce a further constraint on a relative narrow section of footpath, and relocation to the south where the public realm “opens up” would place the cabinet adjacent to the main building entry. The proposed sign is not considered compatible with what is an uncluttered streetscape with little signage.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposed electronic promotion sign is contrary to the character of the area.

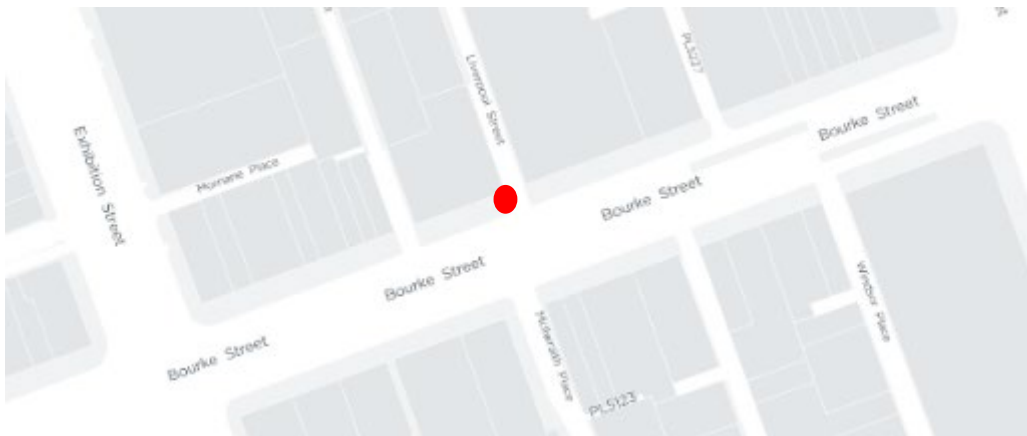
APPENDIX - CABINET NO.: 7

Application No.:	TP-2018-1013
VCAT Ref.:	P953/2019
Address:	Road reserve adjacent to 58 Bourke Street, Melbourne
Cabinet Orientation:	West, towards Crossley Street
Installation Type:	Replacement cabinet (existing 12 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Bourke Street between Exhibition Street and Spring Street.

The adjacent property is 58 Bourke Street, Melbourne.



Location map of Cabinet 7 [Source: Council GIS]



Right: Googlemaps photo 2018

Left: Site Photograph of Cabinet 7 Location, 28 March 2023 [Source: Council Officers]

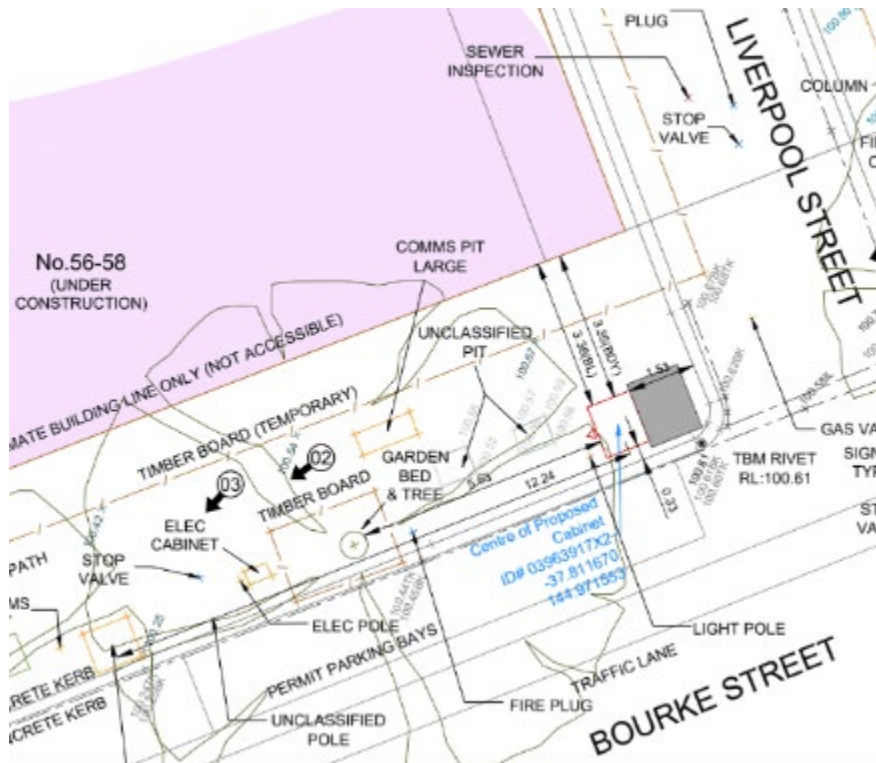
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 12 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 330 mm offset will be provided from the back of kerb, and a 3.35 metre setback from the adjacent title boundary (3.36 metres to the building line).



Proposed Site Plan of Cabinet 7 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Heritage Overlay (HO500)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 62 (Area B1).

In addition to the above, the land is adjacent to Heritage Overlay HO532 and Victorian Heritage Register listing H0435.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO500 covering the Bourke Hill Precinct. Immediately adjacent to the individually significant building within HO502 (Jobs Warehouse building) which is also listed on the Victorian Heritage Register (Ref.: H0435).

The building's significance is attributed to its history as one of the Central City's earliest buildings and makes a notable contribution to the Bourke Hill Precinct.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street/lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The proposed cabinet will visually dominate, obscure views and distract the appreciation of an important heritage building which is currently undergoing extensive refurbishment. Additionally it will be located in the view line to Parliament House. The application is an unacceptable heritage outcome.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal is a relocation of the cabinet from the existing location further west. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.35 metres from the adjacent property boundary. This clearance increases the incursion relative to the nearby street tree, and while it may replicate that of the bins further west, these are more relatable to the existing location rather than proposed.

Council's City Infrastructure team have expressed "*...the proposed payphone location creates a safety hazard by obstructing the view of pedestrians moving west-to-east along the footpath and wishing to cross Liverpool Street*".

The cabinet relocation is its immediate abuttal to the Liverpool Street intersection. This creates a variety of conflicts between pedestrians and vehicles in any combination of vehicles or pedestrians entering Liverpool Street, vehicles or pedestrians exiting Liverpool Street, pedestrians crossing, and users of the phone itself.

The proposed offset from the back of kerb at 330 mm is below the minimum requirements for Council infrastructure; however would appear to replicate the offset of the street trees to the north and south.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO62 applies to the special character area of Bourke Hill which seeks through a variety of objectives to preserve the distinctive and unique character of the area, heritage attributes and openness of the streetscape. Area B1 in which this location is situated is the spine of the area with the lowest building heights applying and outcomes which further reinforce objectives.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will introduce an imposing element to the public realm which will be taller, wider and more disruptive than the existing conditions present. The controls that are applicable to this area deliberately set a high bar with very clear expectations on what is important and what is to be respected in terms of openness, views, prominence of heritage buildings and pedestrian amenity. The proposed cabinet contributes to none of those elements.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is in the Bourke Hill precinct where signs are encouraged to be small in scale, individually crafted, limited in number and not include promotional content.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced (slightly to the west) has a sign displaying Telstra content.
- The proposed sign does none of the things sought by policy for this precinct and will be a jarring addition to the established signage character.
- The location of the sign means it will sit within views towards Parliament House.
- The issues outlined above with respect to heritage for the cabinet apply equally to the signage component.
- Despite replacing an existing cabinet with promotional sign, this is sensitive heritage context where the introduction of a larger electronic sign in close proximity to significant buildings is problematic.
- The Tribunal has noted the sensitivities of this location in refusing tram stop signage (Ref.: P1737/2018), noting the current proposal is even more problematic given it occupies the footpath (rather than central to the road reserve) and even more proximate to heritage buildings.
- The sign presents road safety issues as detailed above.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition and is not supported.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents fundamental issues which will functionally impact on pedestrians, the operation of the road network. It is immediately adjacent and will unreasonably impact the significance of the heritage places (both individually and as a precinct), and fails to respect or achieve the valued character objectives of the Bourke Hill area.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place both individually (Heritage Overlay HO502 and VHR/H0435) and as a precinct (Heritage Overlay HO500).
2. The proposed cabinet will adversely affect the character of the area and fails to achieve the design objectives and built form outcome for the Bourke Hill special character area.
3. The proposal will unreasonably impact the use and operation of the pedestrian network.
4. The proposal will unreasonably impact the use and operation of the road network at the adjacent intersection.
5. The proposed electronic promotion sign is contrary to the character of the area and does not achieve the specific objectives and strategies for the Bourke Hill precinct.

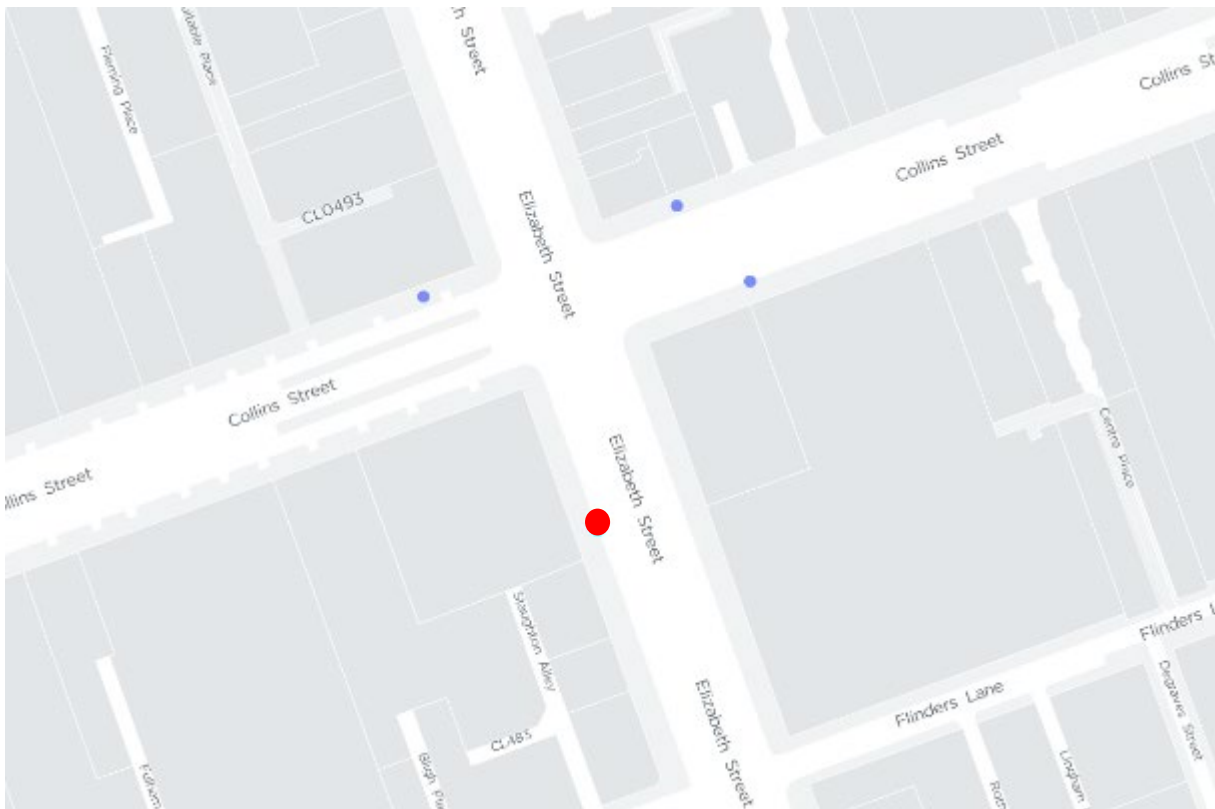
APPENDIX - CABINET NO.: 9

Application No.:	TP-2018-1015
VCAT Ref.:	P960/2019
Address:	Road reserve adjacent to 303 Collins Street, Melbourne
Cabinet Orientation:	South, towards Flinders Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Elizabeth Street between Flinders Lane and Collins Street.

The adjacent property is 303 Collins Street, Melbourne.



Location map of Cabinet 9 [Source: Council GIS]



Site Photographs of Cabinet 9 Location, 28 March 2023 [Source: Council Officers]

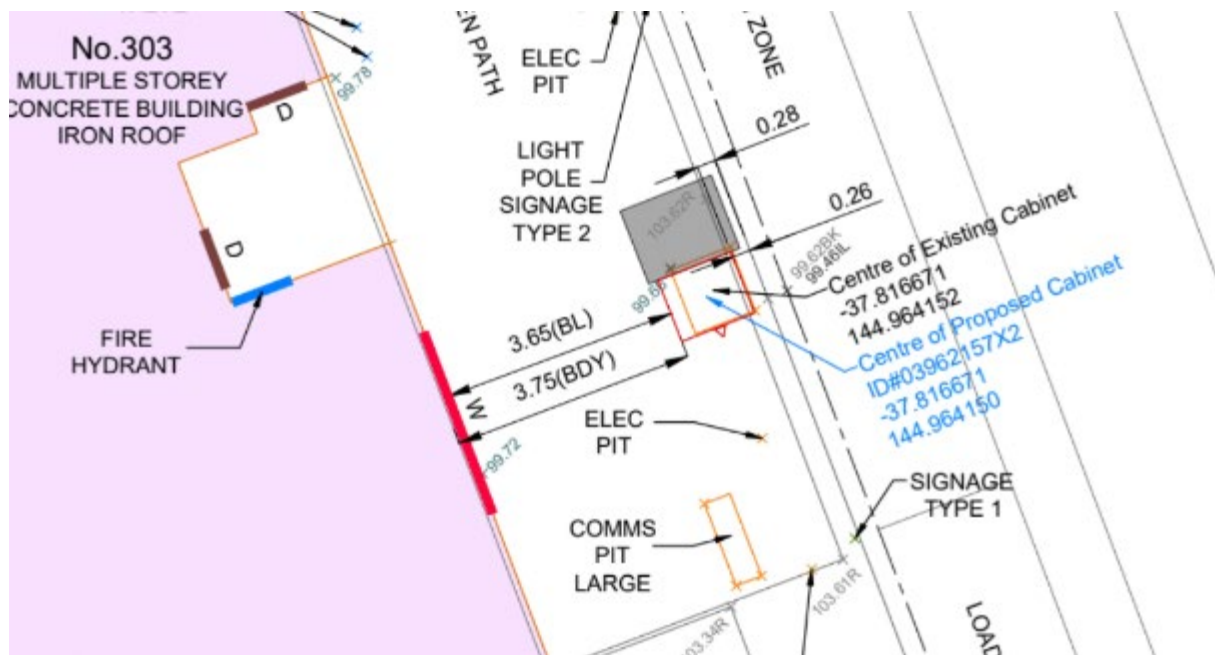
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 260 mm offset will be provided from the back of kerb, and a 3.75 metre setback from the adjacent title boundary (3.65 metres to the building line).



Proposed Site Plan of Cabinet 9 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)

- Special Building Overlay
- Parking Overlay – Schedule 2.

In addition to the above, the land is adjacent to Heritage Overlay HO615.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO615 (the former MLC building). The building's significance is attributed to its remarkable curved façade which presents to the corner of Collins and Elizabeth streets.

The CCZ2 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street/lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor supports the proposal.

The cabinet location is at the southern extent of the building's Elizabeth Street frontage. It is removed from the principal façade which addresses the corner of the land. The adjacent part of the building is the sheer wall which forms the outer flank of the floorplate which fans between the respective street frontages. It is therefore unlikely to be viewed in conjunction with the identified curved façade, and will not obscure this significant feature. Therefore, having regard to the context of the proposed location, the proposed cabinet will not adversely impact on the heritage place or precinct.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of the cabinet in the same location with the additional width of the new cabinet being absorbed inboard on the pedestrian corridor of the footpath. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.65 metres from the adjacent property boundary (3.75 metres to the building line).

There is limited infrastructure in this section of Elizabeth Street by which to define the pedestrian corridor; however given the atypical width of the footpath and the consistency with the bike racks to the north, pedestrian movement will not be unreasonably impacted.

The proposed offset from the back of kerb at 260 mm is marginal and below the minimum requirements for Council infrastructure; however would appear to replicate the offset of the light and signage poles to the north and south.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to "...protect the unique built form and public realm amenity". Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet has been sited along the generally blank secondary frontage of the adjacent building which has its primary plaza entry to the corner of Collins Street and Elizabeth Street. The location benefits from a wide section of footpath and is situated south of the adjacent fire exit and building services rebate. The adjacent window is a fully obscured

back of house window rather than an active frontage. The cabinet will not conflict with any existing infrastructure.

Strategic work has been undertaken for Elizabeth Street under the *Elizabeth Street Strategic Opportunities Plan*. The location of the proposed cabinet is not located within any of the three (3) stages of the identified opportunities.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign.
- The location is within the Retail Core where a presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- The Elizabeth Street corridor, particularly south of Collins Street has a proliferation of signs which have become entrenched in its character. The signs are both business and promotional in nature and varied in their form.
- Illumination and electronic signs are common in this context.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width, siting relative to heritage significance of the adjacent place and character of the area achieve an acceptable outcome.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS03V7 (303 COLLINS ST) and dated 11 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:

- a) Offset dimension provided to the face of kerb in lieu of the back of kerb.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

APPENDIX - CABINET NO.: 12

Application No.:	TP-2018-1019
VCAT Ref.:	P979/2019
Address:	Road reserve adjacent to 68 La Trobe Street, Melbourne
Cabinet Orientation:	West, towards Russell Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of La Trobe Street between Russell Street and Exhibition Street.

The adjacent property is 68 La Trobe Street, Melbourne.



Location map of Cabinet 12 [Source: Council GIS]



Site Photographs of Cabinet 12 Location, 28 March 2023 [Source: Council Officers]

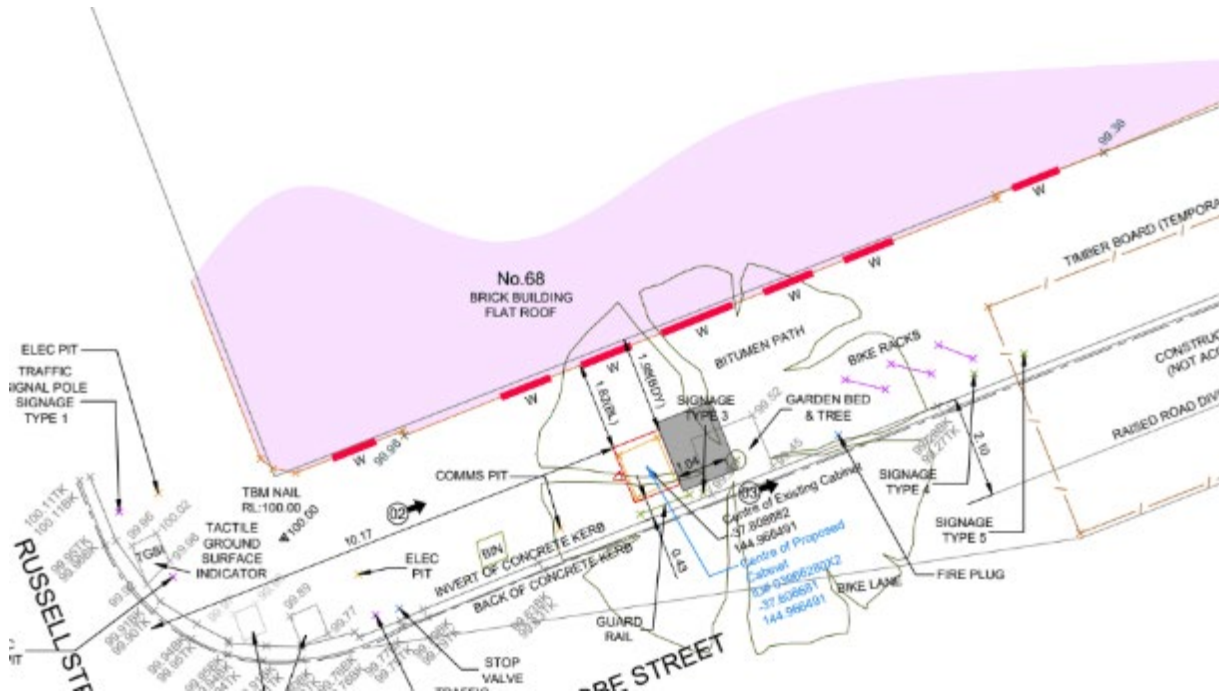
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited parallel to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 430 mm offset will be provided from the back of kerb, and a 1.98 metre setback from the adjacent title boundary (1.82 metres to the building line).



Proposed Site Plan of Cabinet 12 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO488 and Victorian Heritage Register listing H0913.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO488 (the Police Headquarters Complex) which is also listed on the Victorian Heritage Register (Ref.: H0913). The building's significance is attributed to its rare stepped geometric architecture and historic use as a former police headquarters.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The building's primary frontage is to Russell Street marked with the (now adapted) recessed central entrance with the main tower above. The extension to La Trobe Street is a lower podium with La Trobe Street presenting as a secondary elevation which is architecturally consistent.

In heritage terms the location of the cabinet on La Trobe Street it is considered that the combination of its location on a significant corner of three Victoria Heritage Registered properties (State Library, subject site and former Magistrates Court building) and location on the frontage of an intact significant graded (and VHR) building that the proposed cabinet

would have an unreasonable and unacceptable heritage impact on the place and precinct. Relocation to a neighbouring non-contributory building, or a building without an intact original ground floor would be an improved and acceptable outcome.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes a reorientation of the existing cabinet in the same location. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.98 metres from the adjacent property boundary (1.82 metres to the building line). This clearance increases the incursion of the existing infrastructure zone (defined by the bin, tree and bike hoops) upon pedestrians, compromises usability of the pedestrian network. Accessibility to the cabinet conflicts with the adjacent street tree. Based on pedestrian volumes and existing infrastructure in this location, a minimum footpath width of 2.4 m is required for an acceptable outcome.

The impacts of the proposed cabinet on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 430 mm is marginal and below the minimum requirements for Council infrastructure; however benefits from an existing low guard rail and would replicate the offset of the street tree and bin to the east and west.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

It is noted the physical environment in this location is likely to change due to public realm works and funded level-access tram stop upgrades.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet will be located in proximity of the adjacent building due to the narrow footpath width in this location which will be worsened by the reorientation. The windows are a generally inactive secondary frontage of the building with raised sills. The reorientation of the cabinet means the exclusion zone for accessibility conflict with the street tree. Relocation to the west will bring the cabinet closer to the intersection and on the eastern side of the street tree will conflict with the existing bike hoops. The location and reorientation represent a poorly conceived urban design outcome.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- Given how much of the north-east corner is occupied by the former Victoria Police complex there is little signage in the immediate vicinity. Diagonally opposite however there are a number of high wall promotional signs associated with the State Library.
- The adjacent heritage place presents a sensitivity that the siting of this cabinet on the La Trobe Street frontage adequately addresses.
- While this application seeks to introduce a new promotion sign on the new cabinet, this is a context where this new addition will not offend or proliferate any established signage pattern.

With these matters considered, this is an area where the proposed electronic promotional sign could not be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location is a sensitive built form contact and at a constrained section of footpath in which pedestrian and accessibility issues will be exacerbated by the larger cabinet structure and perpendicular reorientation.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will unreasonably impact on the heritage significance of this location (Heritage Overlays HO488 / VHR799, HO487 / VHR1010, HO751/VHR1497).
3. The location of the proposed electronic signage will impact on the character of the site and surrounding area.
4. The cabinet exclusion zone will conflict with the adjacent street tree.

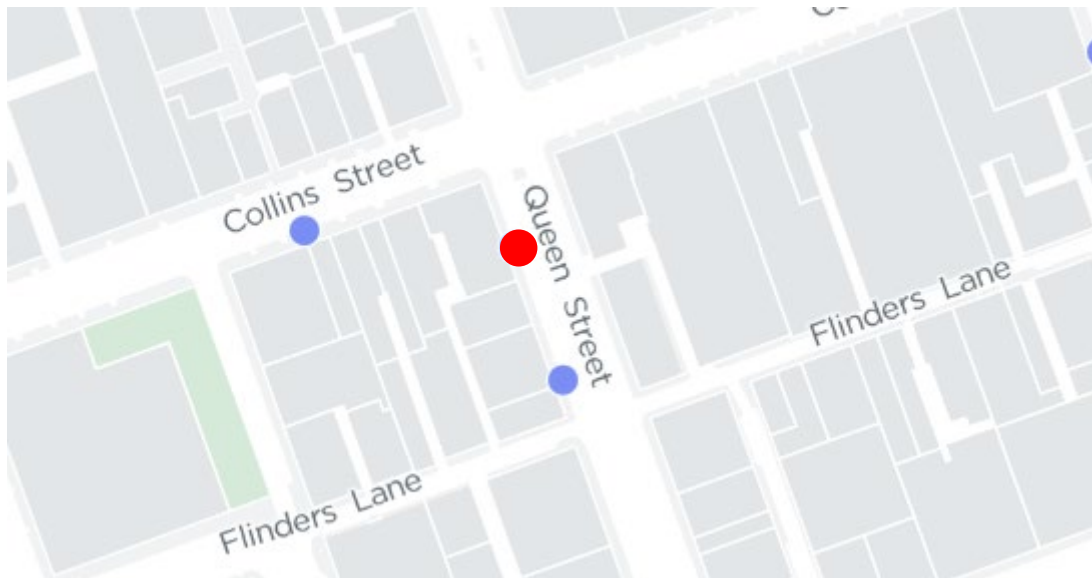
APPENDIX - CABINET NO.: 14

Application No.:	TP-2018-1022
VCAT Ref.:	P987/2019
Address:	Road reserve adjacent to 69 Queen Street, Melbourne
Cabinet Orientation:	South, towards Flinders Lane
Installation Type:	Replacement cabinet (existing 40.4 m metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Queen Street between Flinders Lane and Collins Street.

The adjacent property is 69 Queen Street, Melbourne.



Location map of Cabinet 14 [Source: Council GIS]



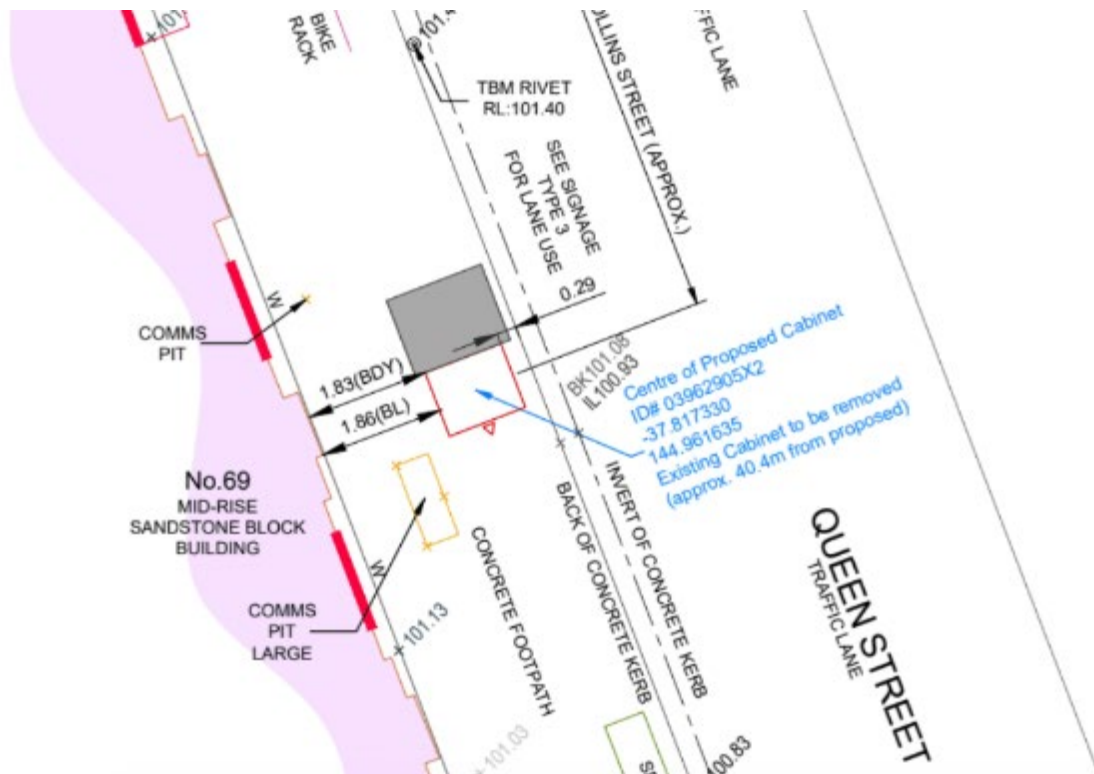
Site Photographs of Cabinet 14 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet purports to replace an existing cabinet and be relocated approximately 40.4 metres.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 290 mm offset will be provided from the back of kerb, and a 1.83 metre setback from the adjacent title boundary (1.86 metres to the building line).



Proposed Site Plan of Cabinet 14 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO605 and Victorian Heritage Register listing H0036.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO605 (the former National Mutual Life Association Building). The building is also listed on the Victorian Heritage Register (Ref.: H0036).

The building's significance is attributed to its exemplar detailing to the era (exuberant modelling, a turret, parapeted gables and masonry mullions) and highly detailed interiors.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The proposed cabinet location is along the building's secondary frontage to one of the most intact and important gothic revival buildings. The constrained footpath width creates further visual dominance and obscuring of the heritage building beyond. The proposed location will adversely impact on the heritage place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is effectively a new cabinet as the cabinet it is replacing is already being directly swapped with Cabinet 5. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.83 metres from the adjacent property boundary (1.86 metres to the building line, being a solid wall). Pedestrian movement in this section of Queen Street is high. The clearance increases the incursion of the existing infrastructure zone upon pedestrians and compromises usability of the pedestrian network.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 290 mm is marginal and below the minimum requirements for Council infrastructure. There is no immediately adjacent infrastructure that would support this limited offset in this location.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. The location at the rear of one of the adjacent loading zone bays is likely to result in conflict and obstruction with service and delivery vehicles.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...ensure that development integrates with, and makes a positive contribution to, its context...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...maintains and contributes to the valued public realm attributes of the Central City”. A critical decision guideline is to consider “...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will introduce a new, large urban design element to the public realm in a context which is largely uncluttered along the side interface of a prominent heritage building.

Functionally the cabinet is located north of the secondary access doors, and the immediately adjacent lower windows are obscured and the upper windows are sufficiently raised to not be directly impacted. The cabinet will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The proposed cabinet is effectively a new addition to the public realm.
- Advertising signage in this location is limited in its scale and extent, owing largely to the prevalence of office land uses in the area and heritage buildings.
- The issues outlined above with respect to heritage for the cabinet apply equally to the signage component.
- Despite replacing an existing cabinet with promotional sign, this is sensitive heritage context where the introduction of a larger electronic sign in close proximity to significant buildings is problematic.
- In combination with proposed Cabinet 5, the proposed cabinet would create a cluster of two free standing signs in close proximity.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location presents a series of functional and character constraints both within the public realm and on adjoining land which cannot be address by conditions. It also seeks to contribute two of the same structures in a relatively small area of the central city.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significant of the adjoining heritage place Heritage Overlay HO605 and VHR/H0036.
2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposed electronic promotion sign is contrary to the character of the area and in combination with Cabinet 5 would create a cumulative cluster of public realm signage.

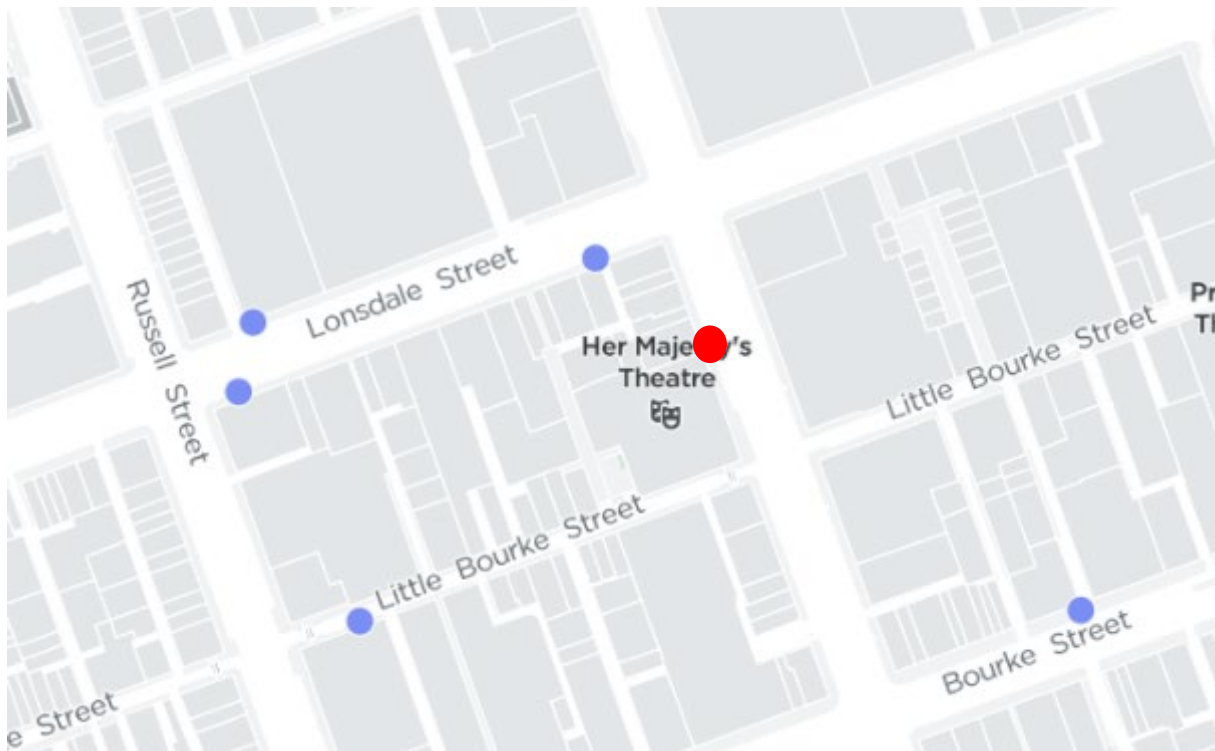
APPENDIX - CABINET NO.: 18

Application No.:	TP-2018-1027
VCAT Ref.:	P954/2019
Address:	Road reserve adjacent to 221 Exhibition Street, Melbourne
Cabinet Orientation:	South, towards Little Bourke Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Exhibition Street between Little Bourke Street and Lonsdale Street.

The adjacent property is 221 Exhibition Street, Melbourne.



Location map of Cabinet 18 [Source: Council GIS]



Site Photographs of Cabinet 18 Location, 28 March 2023 [Source: Council Officers]

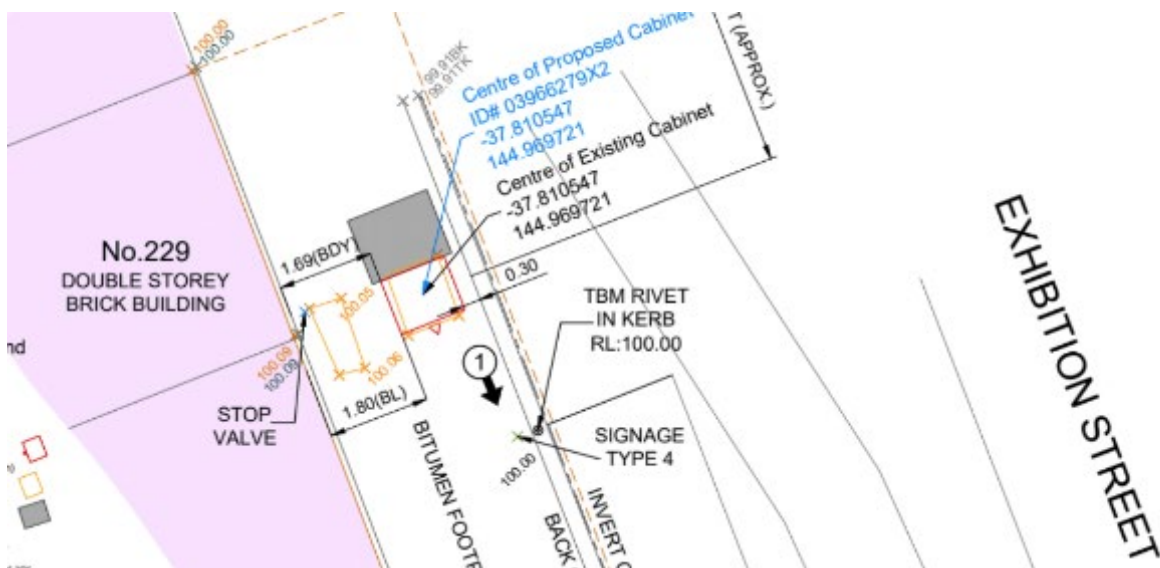
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Streetcab' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 300 mm offset will be provided from the back of kerb, and a 1.69 metre setback from the adjacent title boundary (1.8 metres to the building line).



Proposed Site Plan of Cabinet 18 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10

- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO631 and Victorian Heritage Register listing H0641.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO631 (Her Majesty's Theatre) which is also listed on the Victorian Heritage Register (Ref.: H0641).

The building's significance is attributed to its historical contribution to hosting musical comedy, and as an early example of the European Moderne style of architecture.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*

- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street/lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The ground floor shopfronts at the northern end of the theatre complex have been modified (now used as a ticket office and restaurant). The upper level façade above the awning however remains intact.

The footpath acts as part of the functional operation for the adjacent heritage place Her Majesty's Theatre. The footpath operates as an interval, pre and post-performance foyer and is an essential component of function for the historic theatre. The proposed cabinet would constrain the historic use associated with the theatre.

The location proposed is inappropriate and relocation should be considered to visually separate the proposed cabinet from the theatre building.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "*...movement of pedestrians and cyclists, and vehicles*".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes a direct swap of an existing cabinet with the additional width of the new cabinet being absorbed equidistant across the pedestrian corridor and kerb. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.69 metres from the adjacent property boundary (being a solid wall).

Pedestrian movement in this section of Exhibition Street can be high given the adjacent theatre. Other than the existing cabinet there is little if any other infrastructure that creates such an incursion into the pedestrian corridor of the footpath. Accepting only a marginal change from the existing cabinet, that structure was exempt from planning permission and to further entrench such a condition in perpetuity would be a poor outcome. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 300 mm is marginal and below the minimum requirements for Council infrastructure; however there is clear space adjacent used neither for vehicle parking nor for the bike lane.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 (immediately adjacent) applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 2 contains built form outcomes around pedestrian priority and recessive built form.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet will be located between two narrow shop fronts which have centrally located entry doors (restaurant and massage shop). The taller cabinet structure will be located underneath existing awning structures at a point where they lower in height which is not shown on survey. The result is a much larger and imposing urban design element which will be in close proximity to the awnings above and the building line adjacent. The enclosure of the public realm to such an extent and in close proximity to two narrow shop entries is a poor urban design outcome.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is at the periphery of the Chinatown signage precinct where, among other things, bright and animated signs are encouraged.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign for which a permit was granted by the Tribunal in 2006 (Ref.: P3151/2005) and extended in 2016.
- The original approval was on the basis it be orientated east. An earlier perpendicular sign was refused by the Tribunal in 2003 (Ref.: P1981/2002) due to its impact on pedestrian amenity.
- The introduction of electronic promotional signage in the location proposed presents a discrete conflict with the immediately adjacent heritage place which is discussed in detail above.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents issues which will functionally impact on pedestrians and create a sense of enclosure within the public realm. It is immediately adjacent and will unreasonably impact the significance of the heritage place which (in isolation) could be addressed by relocation to the north.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place both individually (Heritage Overlay H0631 and VHR/H0641).

2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposal will create an unreasonable sense of enclosure in the public realm.
4. The proposed electronic promotion sign will adversely impact the adjacent heritage place.

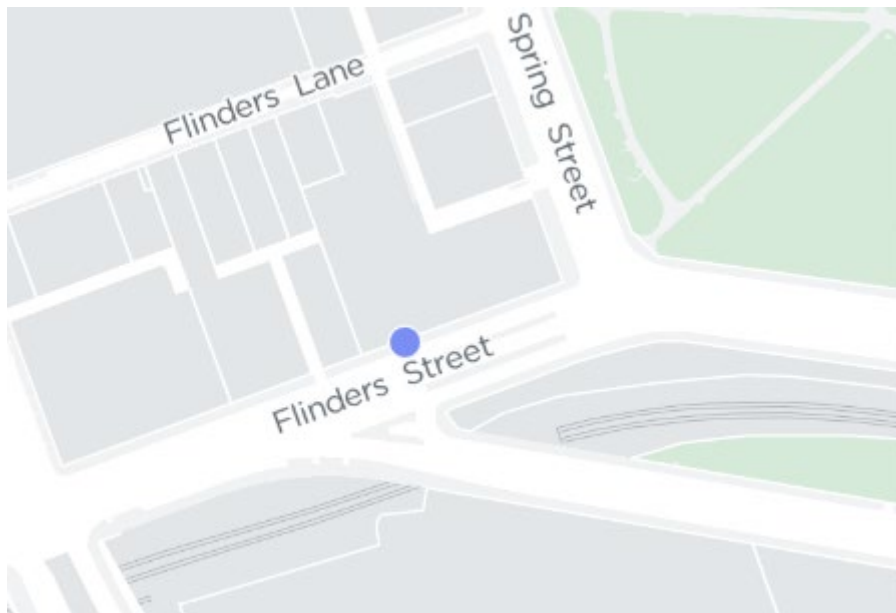
APPENDIX - CABINET NO.: 22

Application No.:	TP-2018-1032
VCAT Ref.:	P961/2019
Address:	Road reserve adjacent to 1 Spring Street, Melbourne
Cabinet Orientation:	West, towards Spark Lane
Installation Type:	New cabinet

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Flinders Street between Exhibition Street and Spring Street.

The adjacent property is 1 Spring Street, Melbourne.



Location map of Cabinet 22 [Source: Council GIS]

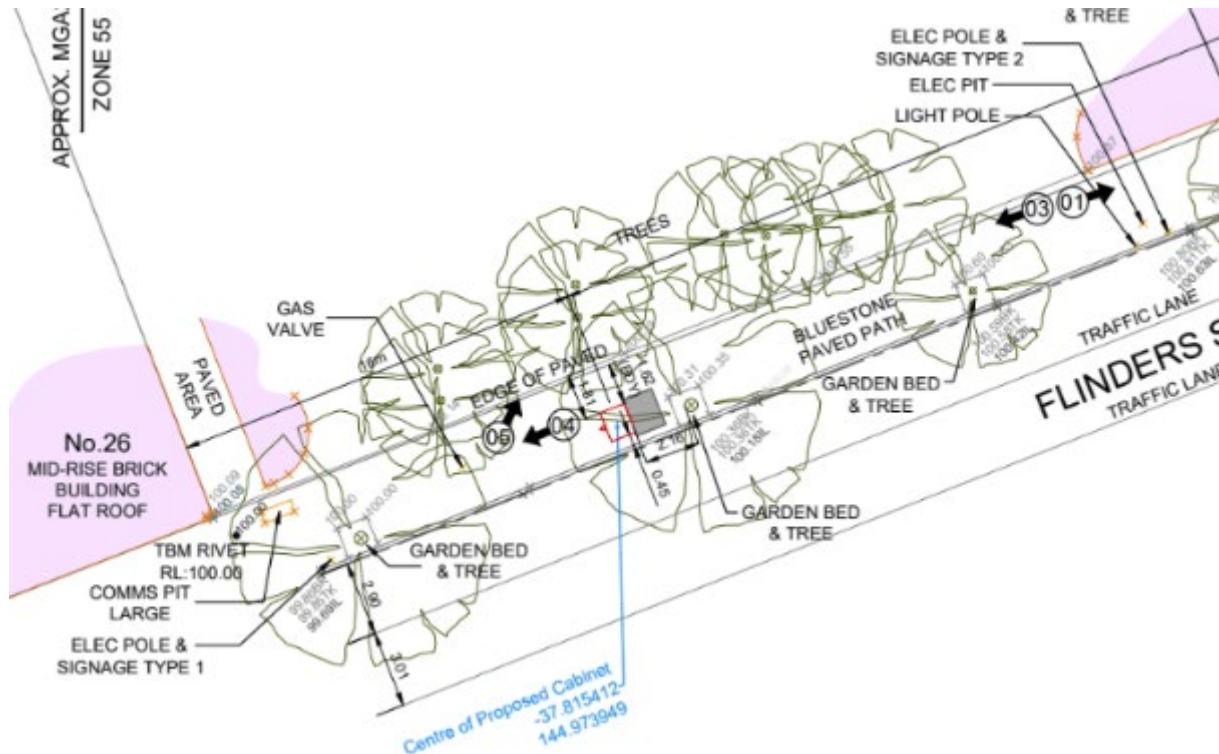


Site Photographs of Cabinet 22 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet is a new cabinet. The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 430 mm offset will be provided from the back of kerb, and a 1.62 metre setback from the adjacent title boundary (1.81 metres to the edge of the paved plaza).



Proposed Site Plan of Cabinet 22 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1235 and Victorian Heritage Register listing H2365.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)

- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1235 (Shell House) which is also listed on the Victorian Heritage Register (Ref.: H2365).

The building's significance is attributed to its purpose-built Harry Seidler design for Shell presenting a curved façade, integrated plazas and clear span interior floorplates.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The placement of the proposed cabinet adjacent to the south-east plaza directly conflicts with one of the carefully designed and recognised elements of the Seidler design. While the primary entrance is located at the Spring Street corner, this entry and plaza nonetheless forms part of the recognised significance of the heritage place which will be visually dominated and partly obscured by the proposed cabinet. It is an unacceptable heritage outcome.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes a new cabinet. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.62 metres from the adjacent property boundary (1.82 metres to the edge of the paved plaza).

The resultant footpath width is inadequate for pedestrian movement, and while the adjacent open plaza has the effect of providing additional width, reliance on private realm land to provide the necessary clearance is not appropriate. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 450 mm is marginally below the minimum requirements for Council infrastructure; however would align with the offset of the adjacent street tree.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The adjacent building to the cabinet location is Shell House – a prominent central city landmark at the corner of the Hoddle Grid. Its remarkable design includes the various plaza entries, one of which the cabinet will be located adjacent to. This site has recently been the subject of an Advisory Committee process to redevelop the rear of the site; however there was no proposal to modify the frontage to Flinders Street or Spring Street. The location of the proposed cabinet adjacent to one of the building’s identified entry points is a poor outcome in both heritage and urban design terms.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- This application is for a new cabinet and hence there is no pre-existing sign.
- This location is defined by a low volume of signage. Shell House exhibits effectively no signs, and the Lindrum signage to the west is tied to its heritage significance.
- The issues highlighted above regarding heritage apply equally to the signage component being an integrated part of the structure.
- Although promotional signage is displayed within the tram stop structure, its location within the road reserve and integration with the shelter can be readily distinguished from the proposed free standing structure in the footpath.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents fundamental issues which will functionally impact on pedestrians. It is immediately adjacent and will unreasonably impact the significance of the heritage place, and fails to respect or achieve the valued character objectives of the Bourke Hill area.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place (Heritage Overlay HO1235 and VHR/H2365)
2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposal conflicts with the adjacent publicly accessible plaza and building entry.
4. The proposed electronic promotion sign is contrary to the character of the area.

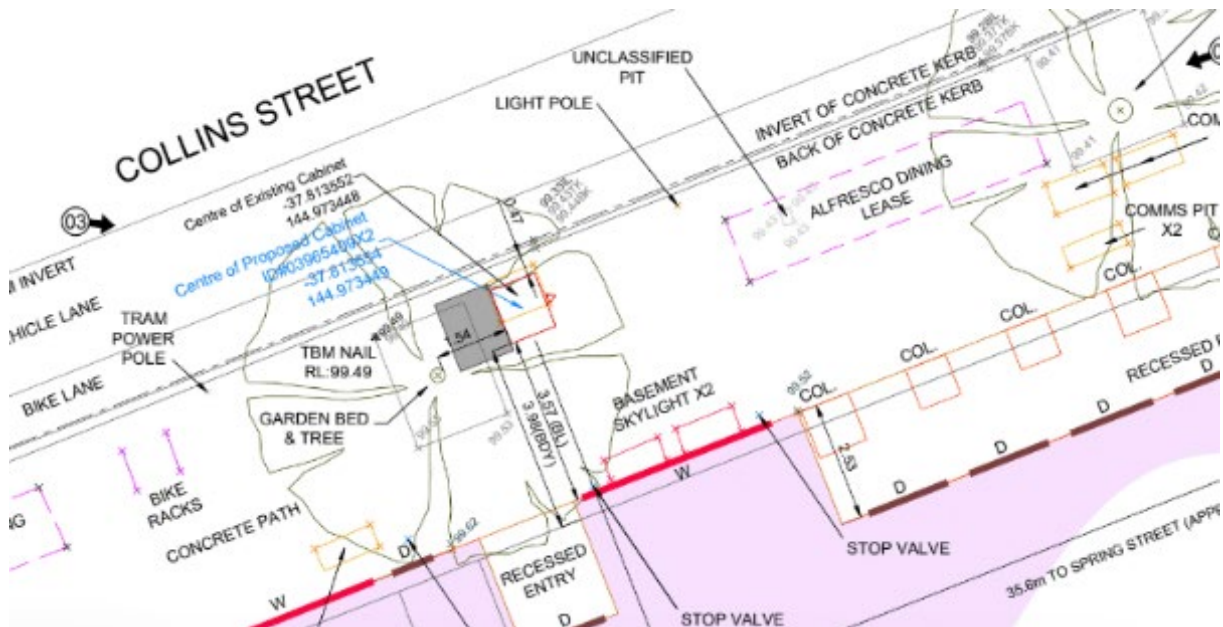
APPENDIX - CABINET NO.: 24

Application No.:	TP-2018-1034
VCAT Ref.:	P969/2019
Address:	Road reserve adjacent to 9 Collins Street, Melbourne
Cabinet Orientation:	East, towards Spring Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between Exhibition Street and Spring Street.

The adjacent property is 9 Collins Street, Melbourne.



Location map of Cabinet 24 [Source: Council GIS]



Site Photographs of Cabinet 24 Location, 28 March 2023 [Source: Council Officers]

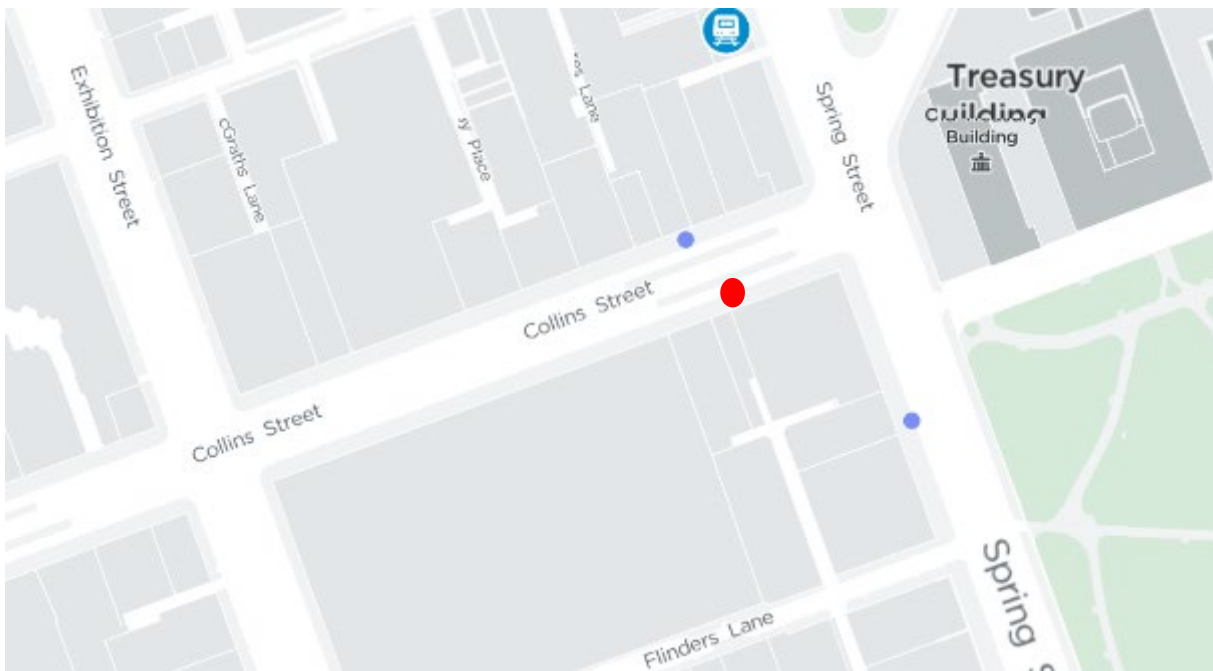
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 470 mm offset will be provided from the back of kerb, and a 3.98 metre setback from the adjacent title boundary (3.57 metres to the building line).



Proposed Site Plan of Cabinet 24 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO504)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1265.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)

- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO504 which covers the Collins East Precinct. The Precinct statement of significance speaks to the consistent 19th and early 20th century buildings, and the boulevard quality of street trees / street furniture.

The CCZ1 also contains a decision guideline to consider “[t]he proximity to heritage places...” and the cabinet is also immediately adjacent to Heritage Overlay HO561 which applies discretely to the buildings at 5-9 Collins Street.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council’s Heritage Advisor has objected to the proposal.

This location sits within an important heritage context which is represented both by the precinct and both sides of the street comprising individually significant buildings in their own right. The appreciation of buildings extends down to ground level further assisted by the

absence of awnings. The central tram stop already provides an undesirable level of clutter and visual disruption, and the introduction of the new cabinets within the footpath corridor will unreasonably detract from the heritage significance of the place. Views to Treasury House will be impacted given the orientation and size of the structure.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet in the same location. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.98 metres from the adjacent property boundary (3.57 metres to the building line). The proposed siting aligns with the defined infrastructure corridor formed by street trees, outdoor dining and bike hoops. There will be no appreciable impact on the movement of pedestrians.

The proposed offset from the back of kerb at 470 mm is marginally below the minimum requirements for Council infrastructure; however is an improvement on existing conditions and largely replicates the setback of the outdoor dining area to the east.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet would be a taller, wider and more solid introduction to the streetscape in this location than much of the existing conditions present. The adjacent infrastructure comprises low bike hoops and bins, street trees with high canopies; however unlike the northern side of Collins Street there is a solid City of Melbourne information pillar. The location presents conflicts with the reading of adjacent heritage (refer above). While it is opposite a building entry and active frontage the footpath width assists in mitigating the impact. The cabinet will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content with an application to display promotional content (Ref.: TP-2006-236) withdrawn.
- The proposed sign does none of the things sought by policy for this precinct and will be a jarring addition to the established signage character.
- The sign, as an integrated part of the cabinet also raises a series of heritage concerns as outlined above with both sides of Collins Street flanked by significant heritage buildings.
- Although the proposed cabinet will replace one which already displays as of right signage, this is a situation and sensitive heritage context (as outlined above) where the introduction of a larger electronic sign in close proximity to significant buildings is unacceptable.
- Like Cabinet 7, it can be readily distinguished from the signage within the central tram stop.
- Relocation further west is not available as there is an existing phone cabinet on the frontage of 55 Collins Street.
- The sign orientation means it will not be viewed in conjunction with the Old Treasury Building.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents fundamental issues with the location's sensitive context. It is both in and immediately adjacent to sensitive heritage places which will be unreasonably impacted and fails to integrate with the modest and uncluttered signage character of the area.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place both individually (Heritage Overlay HO651) and as a precinct (Heritage Overlay HO504).
2. The proposed electronic promotion sign will exacerbate the visual clutter of the central tram stop signage.

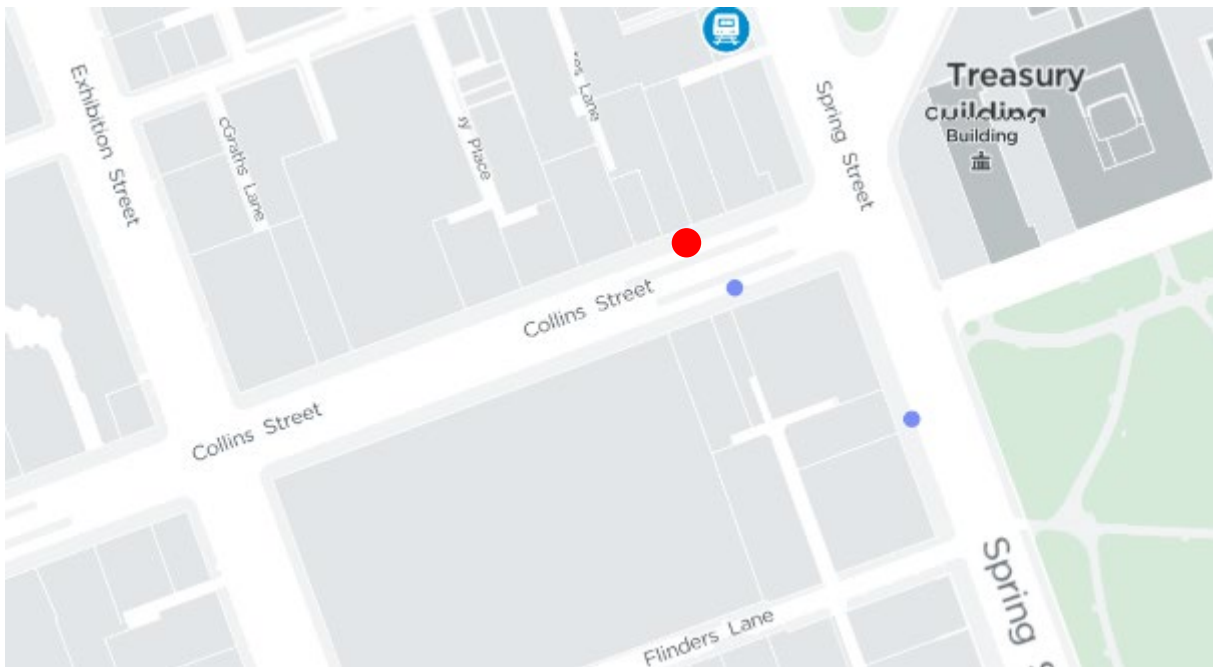
APPENDIX - CABINET NO.: 25

Application No.:	TP-2018-1036
VCAT Ref.:	P966/2019
Address:	Road reserve adjacent to 12 Collins Street, Melbourne
Cabinet Orientation:	West, towards Exhibition Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Collins Street between Exhibition Street and Spring Street.

The adjacent property is 12 Collins Street, Melbourne.



Location map of Cabinet 25 [Source: Council GIS]



Site Photographs of Cabinet 25 Location, 28 March 2023 [Source: Council Officers]

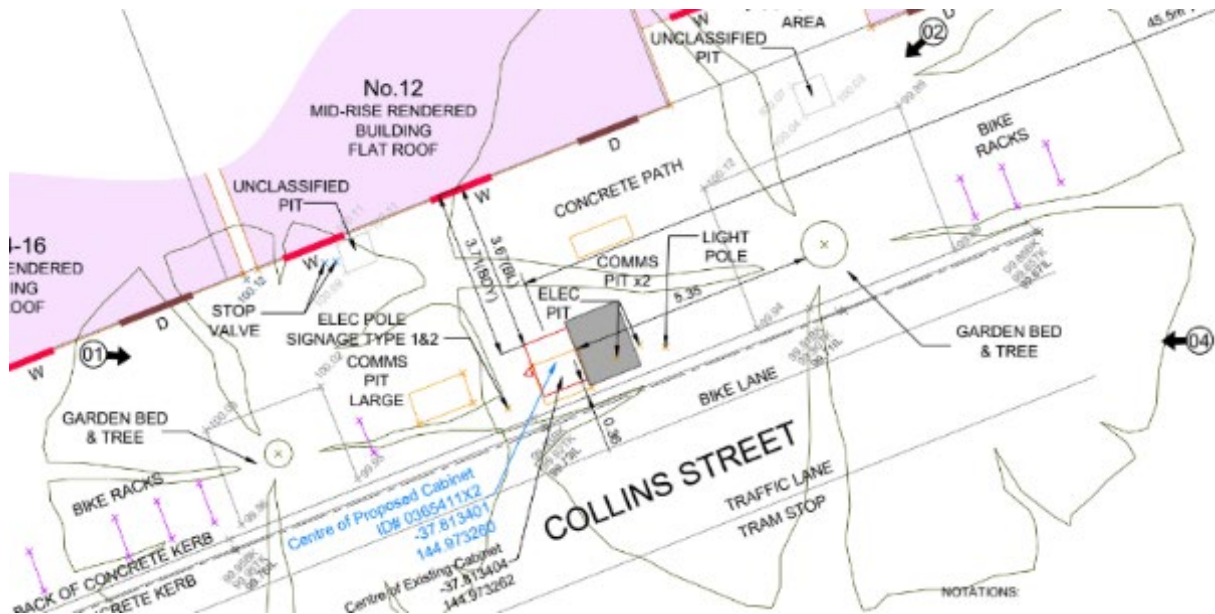
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 360 mm offset will be provided from the back of kerb, and a 3.71 metre setback from the adjacent title boundary (3.67 metres to the building line).



Proposed Site Plan of Cabinet 25 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO504)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO563 and Victorian Heritage Register listing H713.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)

- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO504 which covers the Collins East Precinct. The Precinct Statement of Significance speaks to the consistent 19th and early 20th century buildings, and the boulevard quality of street trees / street furniture.

The CCZ1 also contains a decision guideline to consider “[t]he proximity to heritage places...” and the cabinet is also immediately adjacent to Victor Horsley Chambers – an individually significant building also listed on the Victorian Heritage Register.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council’s Heritage Advisor has objected to the proposal.

This location sits within an important heritage context which is represented both by the precinct and both sides of the street comprising individually significant buildings in their own right. The appreciation of buildings extends down to ground level further assisted by the absence of awnings. The central tram stop already provides an undesirable level of clutter and visual disruption, and the introduction of the new cabinets within the footpath corridor will unreasonably detract from the heritage significance of the place. Views to Treasury House

will be impacted given the orientation and size of the structure (noting the advertising panel will face west in contrast to Cabinet 24).

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet in the same location. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.71 metres from the adjacent property boundary (3.67 metres to the building line). The proposed siting aligns with the defined infrastructure corridor formed by street trees and bike hoops. There will be no appreciable impact on the movement of pedestrians.

The proposed offset from the back of kerb at 360 mm is marginal and below the minimum requirements for Council infrastructure; however is an improvement on existing conditions and largely replicates the setback of the bike hoops to the west.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet would be a taller, wider and more solid introduction to the streetscape in this location than the existing conditions present. The adjacent infrastructure comprises low bike hoops and bins, street trees with high canopies and footpath trading enclosures are fully transparent. The location presents conflicts with the reading of adjacent heritage (refer above), however functionally has been sited clear of the adjacent building entries and the windows present raised sills within the original façade rather than a contemporary active frontage. The cabinet will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- The proposed sign does none of the things sought by policy for this precinct and will be a jarring addition to the established signage character.
- The sign, as an integrated part of the cabinet also raises a series of heritage concerns as outlined above with both sides of Collins Street flanked by significant heritage buildings.
- Although the proposed cabinet will an existing cabinet, it did not require a planning permit. This application does require a planning permit and therefore an assessment of the sensitive heritage context is required (as outlined above). The introduction of a larger electronic sign in close proximity to significant buildings is unacceptable.
- Like Cabinet 7, it can be readily distinguished from the signage within the central tram stop.
- The sign orientation means it will be viewed in conjunction with the Old Treasury Building.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents fundamental issues with the location's sensitive context. It is both in and immediately adjacent to sensitive heritage places which will be unreasonably impacted and fails to integrate with the modest and uncluttered signage character of the area.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place both individually (Heritage Overlay HO563 and VHR/H0474) and as a precinct (Heritage Overlay HO504).
2. The proposal will introduce a large and obtrusive element into an otherwise low scale and uncluttered public realm.
3. The proposed electronic promotion sign will exacerbate the visual clutter of the central tram stop signage.

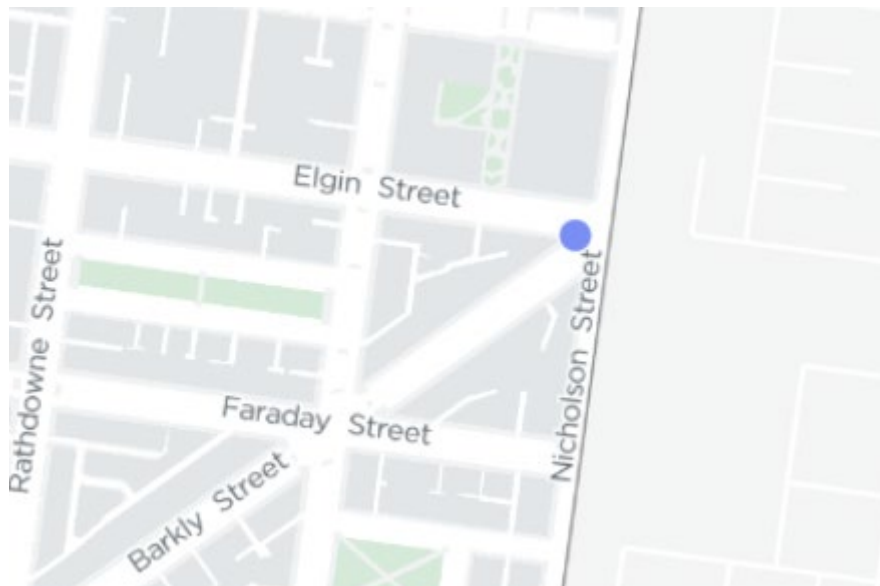
APPENDIX - CABINET NO.: 26

Application No.:	TP-2018-1038
VCAT Ref.:	P973/2019
Address:	Road reserve adjacent to 1-15 Elgin Street, Carlton
Cabinet Orientation:	East, towards Nicholson Street
Installation Type:	Replacement cabinet (existing 1.5 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Elgin Street at the intersection with Barkly Street and Nicholson Street.

The adjacent property is 1-15 Elgin Street, Carlton.



Location map of Cabinet 26 [Source: Council GIS]



Site Photographs of Cabinet 26 Location, 12 April 2023 [Source: Council Officers]

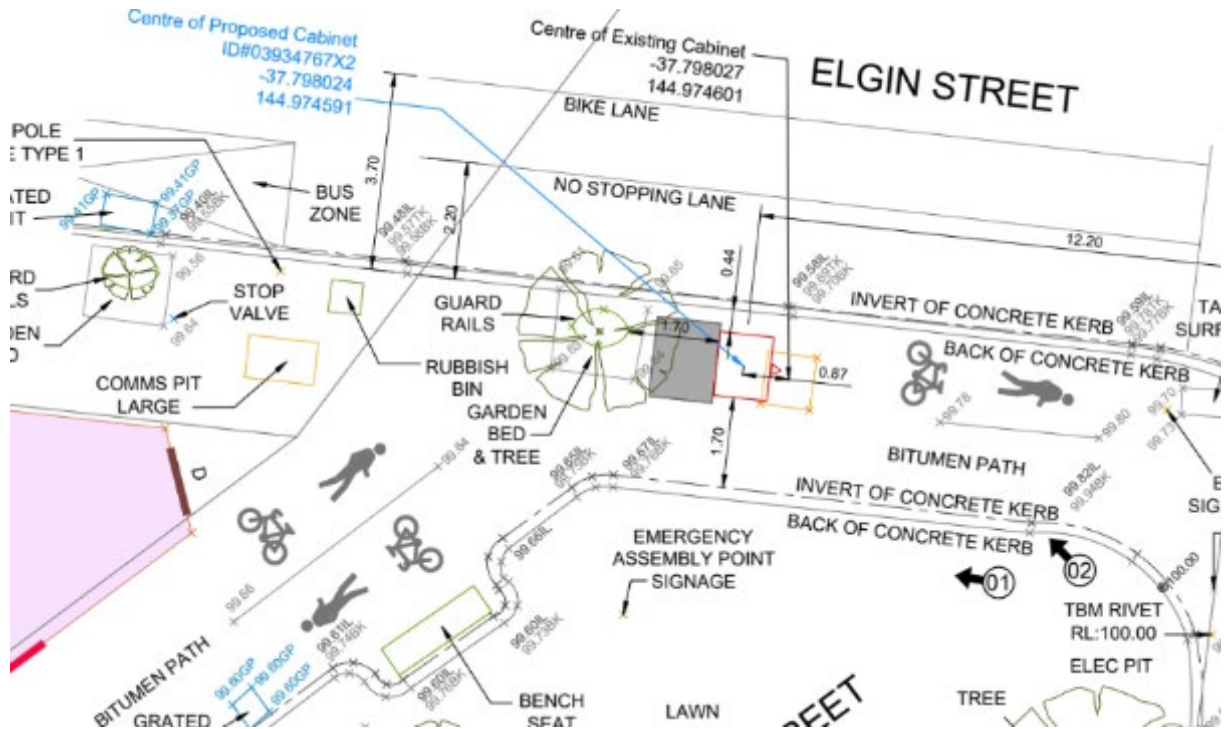
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 1.5 metres.

The existing cabinet is a 'Streetcab' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 440 mm offset will be provided from the back of kerb, and a 1.7 metre setback from the adjacent concrete kerb.



Proposed Site Plan of Cabinet 26 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the General Residential Zone

The following overlays apply:

- Heritage Overlay (HO1)
- Parking Overlay – Schedule 12.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-02 (Carlton)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-05 (Urban design outside the Capital City Zone)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)

- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1 which covers the Carlton Precinct. The Precinct Statement of Significance speaks to lower scale significant and contributory development predominantly from the mid Victorian development era, and principal streets are “...characterised by their width and open character”. There is little identification of elements in the public realm (other than materials).

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council’s Heritage Advisor has objected to the proposal.

The adjacent building at 1-13 Elgin Street is graded as Contributory to the precinct under the Inventory. The proposed cabinet location however is located further east on the footpath area opposite the pocket park terminating Barkly Street.

The proposed cabinet does not result in any unreasonable heritage impact on the precinct.

4.2 Mobility and Movement

The MPS and PPF does call for consideration of “...safety, efficiency and amenity effects of traffic to be generated by the proposal”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 1.5 metres (pedestrian only).

The proposal includes the replacement of an existing cabinet with a slight relocation west of 870 mm. This section of footpath is a shared pedestrian and bike path and the existing cabinet is a significant burden being located in a designated movement lane at a point of intersection. The proposed cabinet will entrench this unacceptable situation with a much larger structure, providing a clearance of 1.7 metres to the adjacent kerb.

The proposed offset from the back of kerb at 440 mm is marginally below the minimum requirements for Council infrastructure. It is less than the existing clearance provided however would generally align with the adjacent street tree.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. Given the increased size of the cabinet it is likely to further impede visibility for passengers awaiting buses at the adjacent stop.

4.3 Urban Design

The decision guidelines of Clause 52.19-5 call for consideration of *"[t]he design, siting, construction and operation of the telecommunications facility"* and *"[t]he effect of the telecommunications facility on adjacent land"*.

Clause 15.01-1L-05 provides important urban design guidance on a variety of elements including (as relevant) street level frontages, visibility and safety, and pedestrian connection.

The proposed cabinet will be located between the robust context of Elgin Street and Nicholson Street, and the more benign residential setting of Barkly Street. It is separated from the latter by the small pocket park which forms the termination of Barkly Street. The cabinet will not conflict with the entry or active frontage of an adjoining building. The location however does raise issues with pedestrian and cyclist movement through the public realm which are detailed above.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. This is further strengthened by the zone strategy which states signs are to be *"[s]ensitive to the residential character and amenity of the area"*, and that signs are to be located at ground level.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign.
- Despite its zoning, this section of Elgin Street does not present an immediate residential character with an adjacent commercial premises and Johnston Street further east.
- It is visually separated from the residential setting of Barkly Street.

With these matters considered, it is a rare instance where this electronic promotion sign can be accommodated in a residential zone, noting the display area is below the 3 square metre threshold in order to not be prohibited

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents a discrete conflict by entrenching an existing conflict with the shared path and exacerbating the issue with a larger structure. It may be possible to relocate the cabinet further to the west to avoid this conflict point however this will require further survey and dimension analysis rather than something that can be addressed by conditions.

The proposal is not supported on the following ground:

1. The proposal will unreasonably impact the use and operation of the pedestrian and cyclist network.

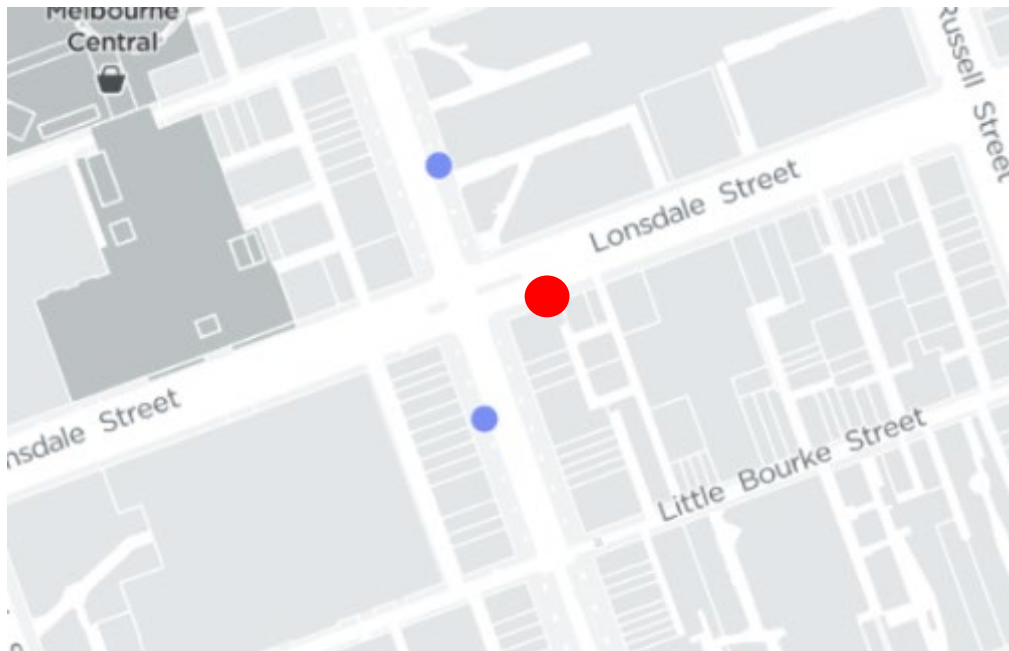
APPENDIX - CABINET NO.: 27

Application No.:	TP-2018-1040
VCAT Ref.:	P974/2019
Address:	Road reserve adjacent to 253 Lonsdale Street, Melbourne
Cabinet Orientation:	East, towards Tattersalls Lane
Installation Type:	Replacement cabinet (existing 10.6 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Lonsdale Street between Swanston Street and Russell Street.

The adjacent property is 253 Lonsdale Street, Melbourne.



Location map of Cabinet 27 [Source: Council GIS]



Site Photographs of Cabinet 27 Location, 28 March 2023 [Source: Council Officers]

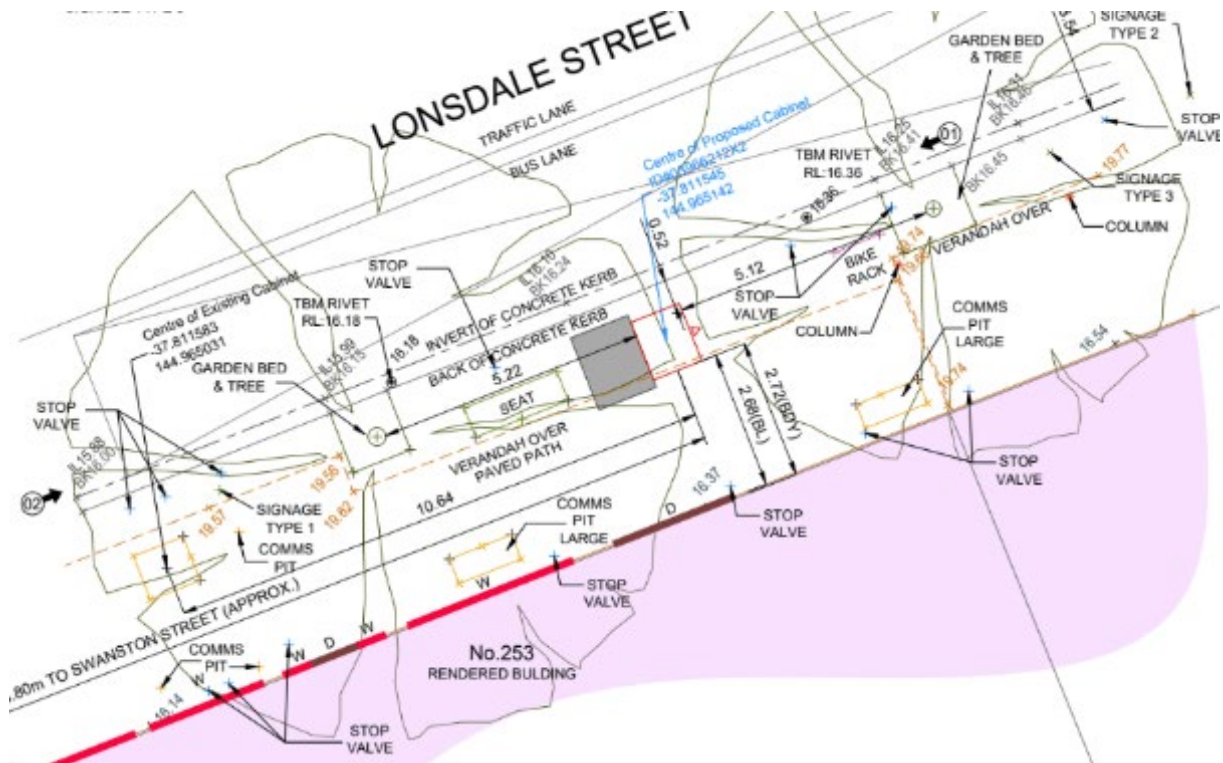
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 10.6 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 520 mm offset will be provided from the back of kerb, and a 2.72 metre setback from the adjacent title boundary (2.68 metres to the building line).



Proposed Site Plan of Cabinet 27 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area A1)
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)

- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ2 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes the relocation of the cabinet from the existing location further west. This section of footpath adjoins a busy intersection and the proposal will result in a footpath width of 2.72 metres from the adjacent property boundary (2.68 metres to the building line). This section of Lonsdale Street experiences a high number of pedestrians, particularly during AM/PM peaks and lunchtime hours through people arriving / leaving Swanston Street and boarding / alighting the raft of bus services. The existing cabinet is poorly located and already imposes a constraint on movement in this area. As a key modal interchange area the impact on pedestrian access at this location is unreasonably impacted. The impacts on the pedestrian network are not acceptable.

Relocation to the east would at a minimum need to be clear of the bus stop which comprises tandem bays extending to Tattersalls Lane.

The proposed offset from the back of kerb at 520 mm accords with the minimum requirements for Council infrastructure. It will sit closer to the dedicated bus lane than the neighbouring seat and street trees.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. It is noted that the cabinet is located at the rear of the first bus bay and unlikely to conflict with the rear bus door.

The increased size will significantly reduce visibility for passengers awaiting buses, in particular those using the seat which is clearly provided for waiting passengers.

4.2 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...ensure that development integrates with, and makes a positive contribution to, its context...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...protect the unique built form and public realm amenity”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be introduced to an already cluttered footpath environment, noting the existing cabinet (not noted for removal) is possibly the most disruptive piece of infrastructure. The new location will be disruptive to a public transport interchange. The cabinet will sit partially below the awning of the adjacent building with very little clearance. The adjacent building has its entry opposite the proposed location. Similar to Cabinet 18, the additional height of the structure will provide limited clearance and result in an enclosing of the public realm.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is in the Greek precinct where signs are encouraged to be horizontal, small in scale, reflective of the Greek character and compatible with post-supported verandahs.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- The proposed sign does not respond to the outcomes sought by policy for this precinct; however in proximity to the Swanston Street intersection there is a different signage character than what prevails further to the east.
- Being in the Retail Core at a vibrant corner and opposite QV this is a location where the introduction of an electronic promotion sign can comfortably fit without compromising the signage character of the precinct.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location of Lonsdale Street presents a number of conflicts serving as a busy pedestrian intersection within the Retail Core along with multiple bus routes which converge at this stop.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will unreasonably impact the use and operation of the adjacent bus stop bays.

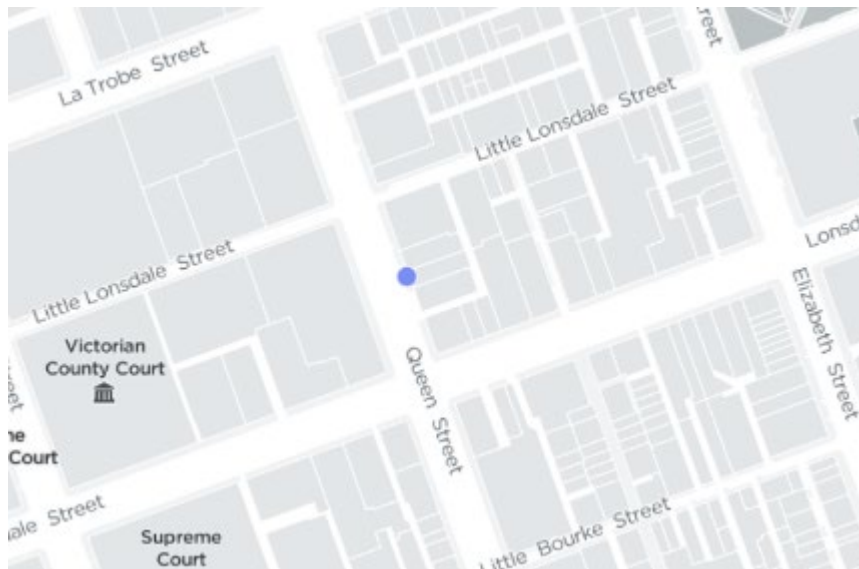
APPENDIX - CABINET NO.: 29

Application No.:	TP-2018-1042
VCAT Ref.:	P978/2019
Address:	Road reserve adjacent to 262 Queen Street, Melbourne
Cabinet Orientation:	North, towards Little Lonsdale Street
Installation Type:	Replacement cabinet (existing 4.2 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Queen Street between Lonsdale Street and Little Lonsdale Street.

The adjacent property is 262 Queen Street, Melbourne.



Location map of Cabinet 29 [Source: Council GIS]



Site Photographs of Cabinet 29 Location, 28 March 2023 [Source: Council Officers]

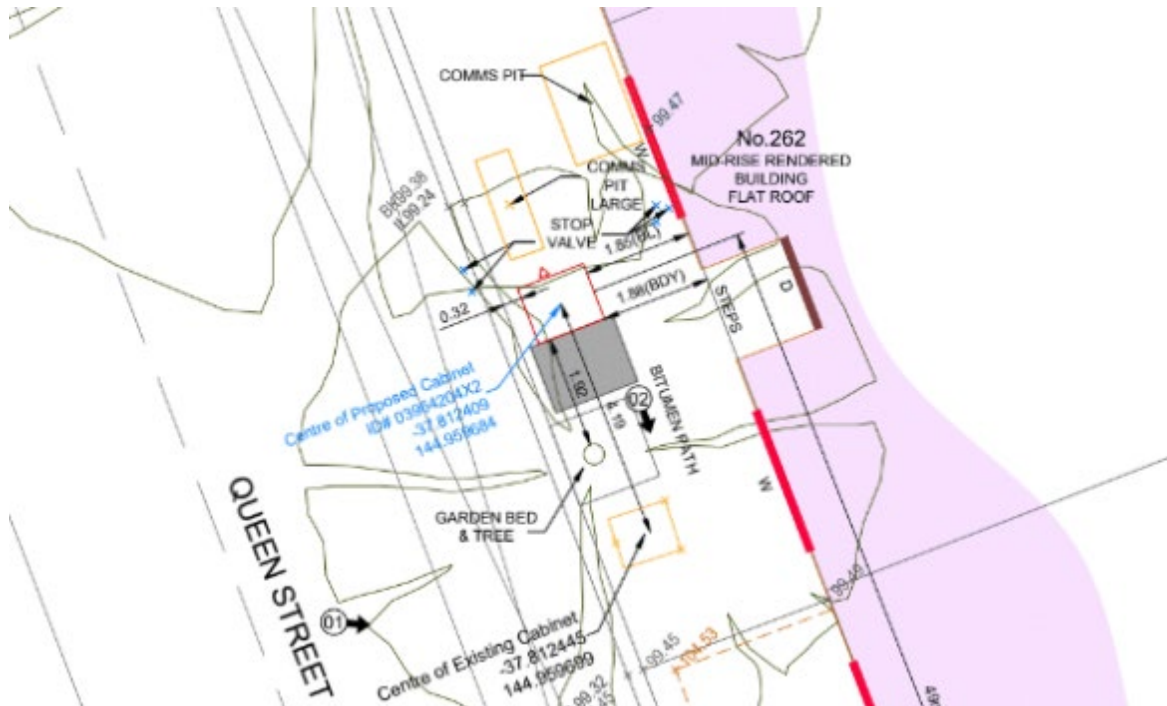
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated 4.2 metres.

The existing cabinet is a 'Majestic' style cabinet sited parallel to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the advertising display facing north.

A 320 mm offset will be provided from the back of kerb, and a 1.88 metre setback from the adjacent title boundary (1.85 metres to the building line).



Proposed Site Plan of Cabinet 29 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)

- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes both a reorientation and relocation of the cabinet from the existing location on the southern side of the street tree. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.88 metres from the adjacent property boundary (1.85 metres to the building line). The cabinet is opposite a staired, alcove building entry which would reduce the footpath width if a building occupant was leaving. The proposed cabinet notably reduces the pedestrian corridor which exists to the north and south. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 320 mm is marginal and below the minimum requirements for Council infrastructure. The plans also indicate it will sit closer to the kerb alignment than the street tree and existing cabinet.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. Impact on the adjacent bus bays is dependent on whether buses arrive individually or simultaneously. Regardless, the proposed cabinet should be located clear of the bus stop location.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The new cabinet will be relocated and reorientated to the north side of the street tree. It will sit directly opposite a relatively narrow building entry which has low visibility to the footpath and creates a conflict point with pedestrians. While comparative in scale to the bus shelter to the south, the shelter (other than the sign) is a cantilevered structure sitting beneath a high, clear awning. The new cabinet location will not directly conflict with any existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign. An application to display a promotion sign and reorient the cabinet was refused by the Tribunal in 2006 (Ref.: P3164/2005).
- Building stock and its signage is unremarkable, principally modest business identification signs. Signage intensifies to a degree on the south side of Lonsdale Street, and there is no signage associated with the former Land Titles Office on the opposite side of Queen Street.
- The adjacent building exhibits very little signage and the eastern footpath is largely uncluttered with the bus stop displaying the only notable signage north of Finlay Alley.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location presents a number of conflicts with the adjacent building in the private realm and adjacent bus stop bays in the public realm. These will be exacerbated by the larger and reorientated cabinet structure. The proposed electronic promotion sign will introduce a new element into a streetscape which exhibits little clutter from signage.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will unreasonably impact the use and operation of the adjacent bus stop bays.
3. The proposal conflicts with the adjacent publicly accessible plaza and building entry.
4. The proposed electronic promotion sign is contrary to the character of the area.

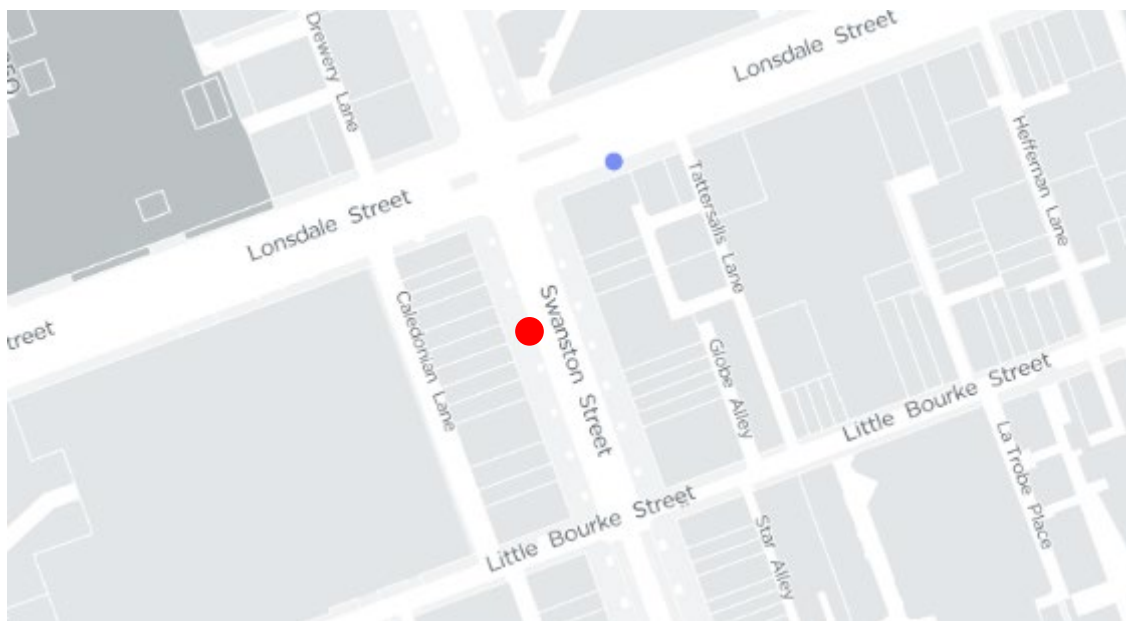
APPENDIX - CABINET NO.: 31

Application No.:	TP-2018-1045
VCAT Ref.:	P983/2019
Address:	Road reserve adjacent to 257-259 Swanston Street, Melbourne
Cabinet Orientation:	South, towards Little Bourke Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Swanston Street between Little Bourke Street and Lonsdale Street.

The adjacent property is 257-259 Swanston Street, Melbourne.



Location map of Cabinet 31 [Source: Council GIS]



Site Photographs of Cabinet 31 Location, 28 March 2023 [Source: Council Officers]

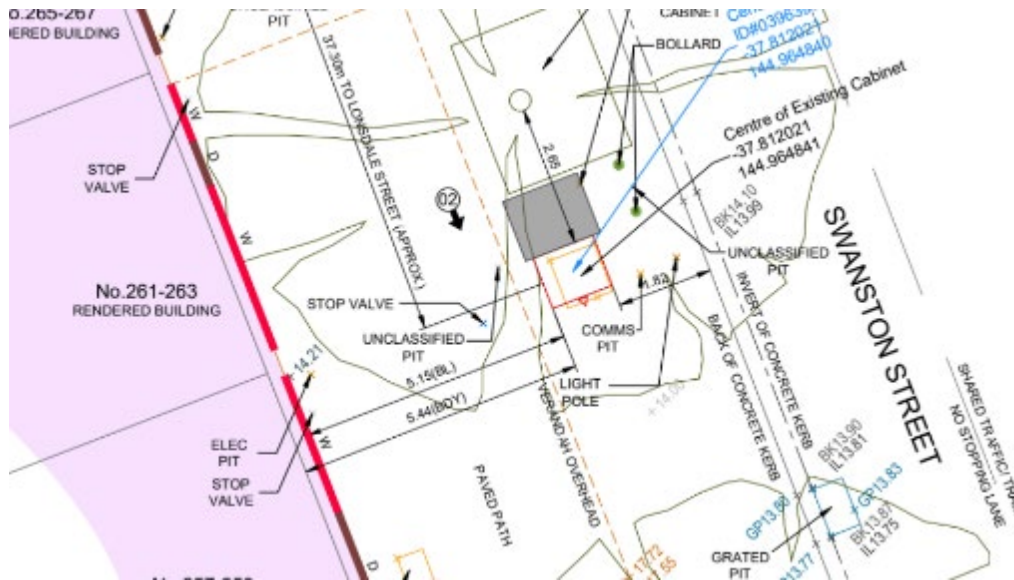
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 1.82 metre offset will be provided from the back of kerb, and a 5.44 metre setback from the adjacent title boundary (5.15 metres to the building line).



Proposed Site Plan of Cabinet 31 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 2.

In addition to the above, the land is adjacent to Heritage Overlay HO1288.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)

- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of the existing cabinet in the same location. This section of footpath is relatively wide and the proposal will result in a footpath width of 5.44 metres from the adjacent property boundary (5.15 metres to the building line). The cabinet has been sited to align its inboard edge with the adjacent raised street tree bed.

The proposed offset from the back of kerb at 1.82 metre is in excess of the minimum requirements for Council infrastructure.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.2 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context*...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located in front of a strip of active frontage and entries within a busy part of the Retail Core. The expansive footpath width in this location mitigates any direct conflict between the proposed cabinet and the adjacent private realm. Adequate clearances are provided between the shop awning above and the seating area to the south. There is no direct conflict with any existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign (previously being a back-to-back cabinet).
- A promotion sign in this location was previously approved by the Tribunal (Ref.: P1664/2006) and never acted on.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its south facing orientation means it will not be viewed in conjunction with the identified view.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and Retail Core setting will allow the structure to comfortably sit in this location. Signage forms an established part of this active spine of the central city.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS16V7 (257-259 Swanston St) and dated 11 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

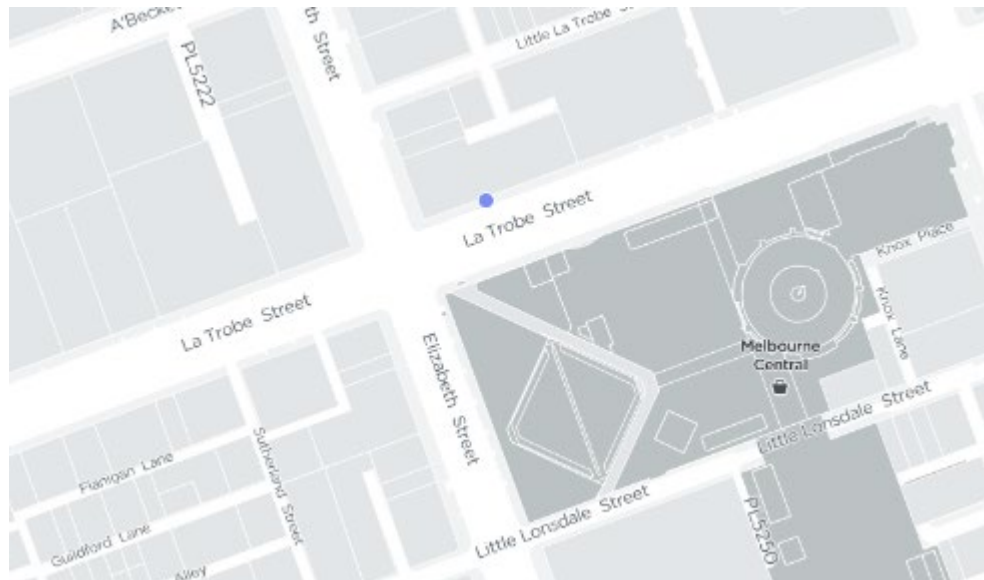
APPENDIX - CABINET NO.: 32

Application No.:	TP-2018-1046
VCAT Ref.:	P950/2019
Address:	Road reserve adjacent to 260 La Trobe Street, Melbourne
Cabinet Orientation:	West, towards Elizabeth Street
Installation Type:	Replacement cabinet (existing 16.1 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of La Trobe Street between Elizabeth Street and Swanston Street.

The adjacent property is 260 La Trobe Street, Melbourne.



Location map of Cabinet 32 [Source: Council GIS]



Site Photographs of Cabinet 32 Location, 28 March 2023 [Source: Council Officers]

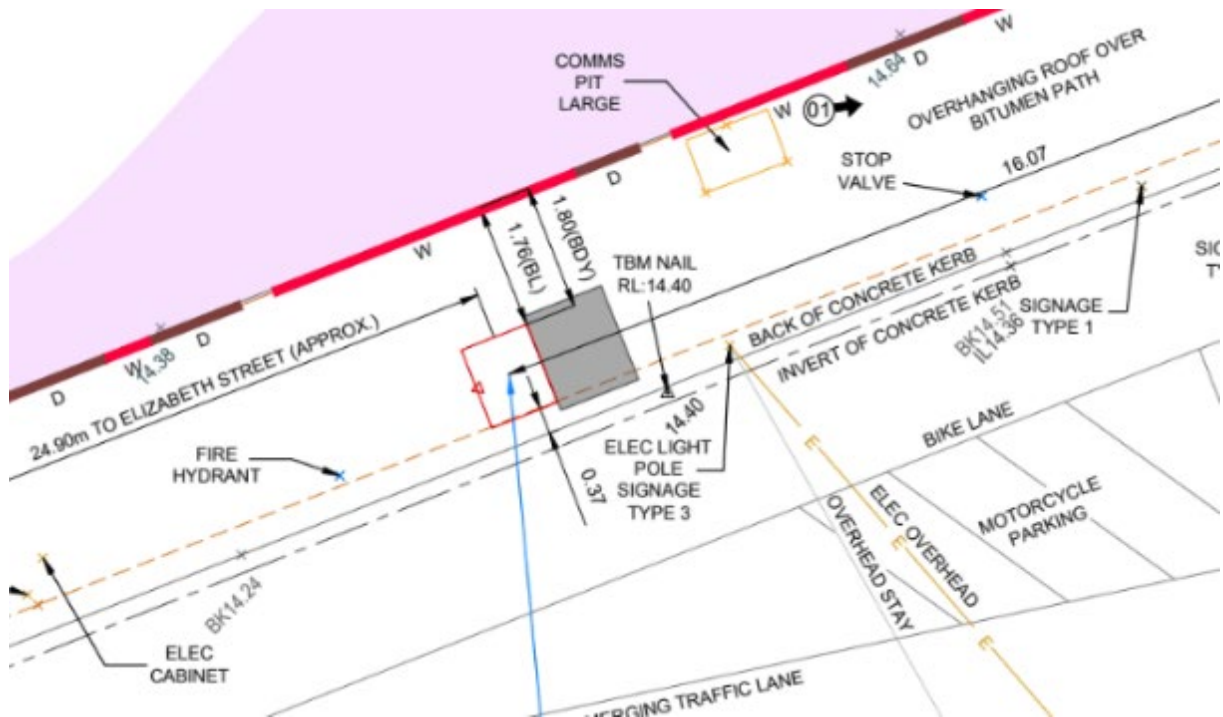
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 16.1 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 370 mm offset will be provided from the back of kerb, and a 1.8 metre setback from the adjacent title boundary (1.76 metres to the building line).



Proposed Site Plan of Cabinet 32 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)

- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is to replace an existing cabinet located 16 metres to the east. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.8 metres from the adjacent property boundary (1.76 metres to the building line, being a solid wall). Pedestrian movement along this section of La Trobe Street is high given the Retail Core opposite (Melbourne Central), public transport interchanges and nearby RMIT University. Pedestrian volumes are anticipated to increase following the completion of State Library Station.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 370 mm is marginal and below the minimum requirements for Council infrastructure. There is no immediately adjacent infrastructure that would necessarily support this limited offset; however the location is adjacent to a separated bike lane rather than parking bays.

Council’s City Infrastructure team have expressed concern that the resultant footpath configuration represents a safety hazard and will likely tempt pedestrians to utilise the separated bike lane when bi-directional pedestrian movement is needed.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential*”

development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located directly opposite and in close proximity (due to the constrained footpath) to the entry and active frontage of a narrow shop front. The cabinet will be contained entirely under the existing awning with limited clearance as a result of its additional height creating significant enclosure of the public realm. The cabinet will not directly conflict with any existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign. A previous application to display a promotion sign on this cabinet was withdrawn at the Tribunal (Ref.: P1985/2002).
- Signage along this section of La Trobe Street is common owing to Melbourne Central opposite and a recent proliferation of ground floor active uses across the northern extent of the Retail Core and the completion of the Aurora building.
- There are no particular sensitivities such as heritage constraints which would be offended by the introduction of a promotional sign in this location.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents issues which will functionally impact on pedestrians and create a sense of enclosure within the public realm. The constrained pedestrian environment in this busy location on the edge of the Retail Core will also create issues with its adjacent private realm interface which comprises a series of narrow active frontages.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will create an unreasonable sense of enclosure in the public realm.
3. The proposal will create a conflict between the new, large cabinet structure and the adjacent narrow active frontages and entries.

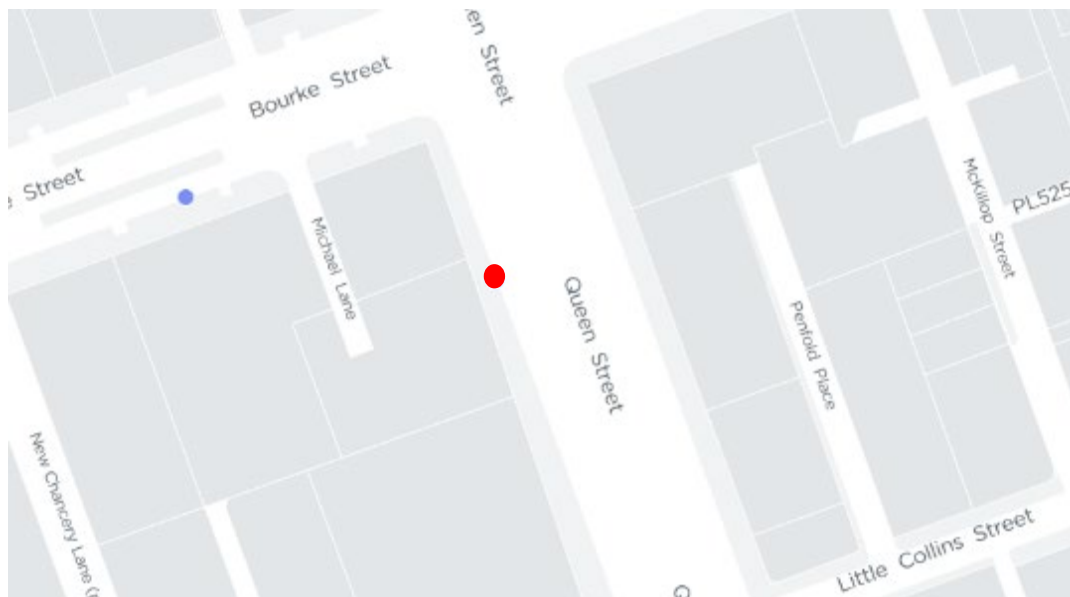
APPENDIX - CABINET NO.: 33

Application No.:	TP-2018-1048
VCAT Ref.:	P964/2019
Address:	Road reserve adjacent to 131 Queen Street, Melbourne
Cabinet Orientation:	South, towards Little Collins Street
Installation Type:	Replacement cabinet (existing 11.9 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Queen Street between Little Collins Street and Bourke Street.

The adjacent property is 131 Queen Street, Melbourne.



Location map of Cabinet 33 [Source: Council GIS]



Site Photographs of Cabinet 33 Location, 28 March 2023 [Source: Council Officers]

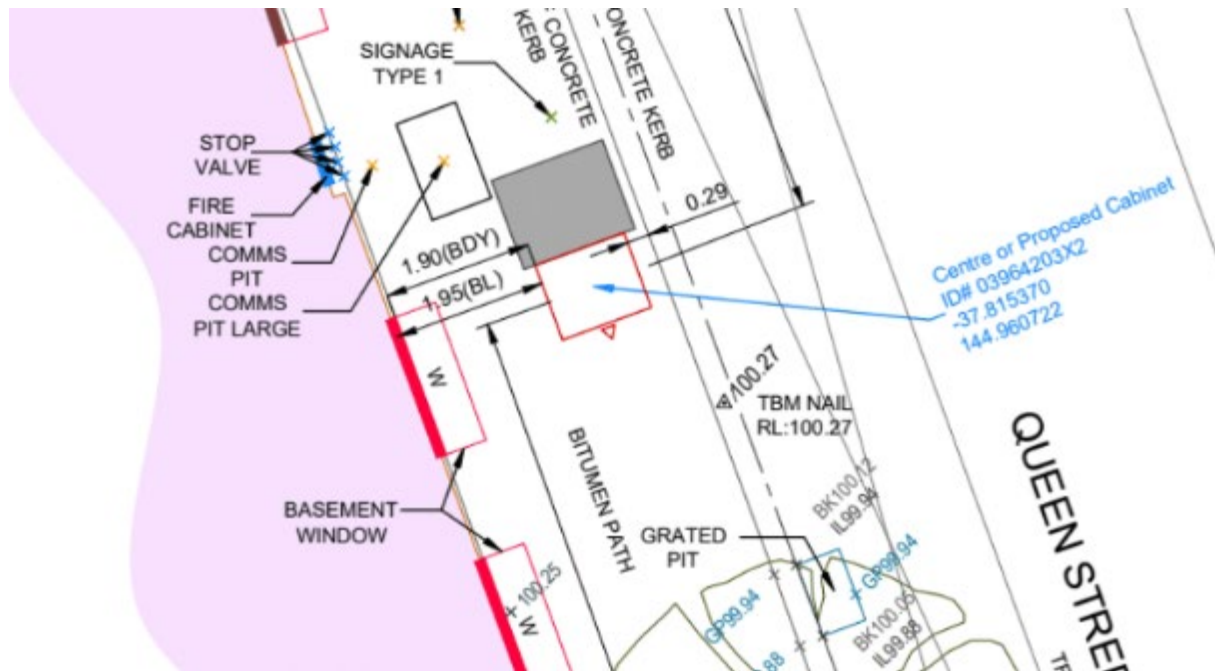
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and relocate the cabinet approximately 11.9 metres.

The existing cabinet is a 'Majestic' style cabinet sited parallel to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 290 mm offset will be provided from the back of kerb, and a 1.9 metre setback from the adjacent title boundary (1.95 metres to the building line).



Proposed Site Plan of Cabinet 33 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1258.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1258 (the Victoria Club building). The Building Information Sheet does not identify any elements of significance; however identifies it having a former C-grading.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council’s Heritage Advisor has objected to the proposal.

The ground floor detailing presents in good, original condition in terms of its architectural detailing and materials. As with other cabinets in confined pedestrian environments, the proximity of the device to the heritage building creates a visual disruption and greater obscuring of views when viewing from the public realm. The proposal is not supported on heritage grounds.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes both a reorientation and relocation of the cabinet from the existing location further south. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.9 metres from the adjacent property boundary (1.95 metre to the building line). This clearance increases the incursion of the existing infrastructure zone upon pedestrians, noting the southern-most bus shelter indicated on the plans has an entirely cantilevered canopy which allows pedestrians to traffic under. This location represents a high use pedestrian environment due to the bus stops and surrounding land uses. A minimum of 2.4 m footpath width is required in this location to provide an acceptable outcome.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 290 mm is marginal and below the minimum requirements for Council infrastructure. The plans indicate the cabinet would sit closer to the kerb alignment than the bus shelters and may conflict with swept path of a bus arrival

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. The location is likely an improvement on the existing location in terms of bus doors; however the notably larger structure will obstruct passenger visibility of arriving buses.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet has been sited between the two building entries however the constrained footpath width will place the structure in close proximity to the semi-basement windows which provide the outlook and interaction to the adjacent Turf Bar hotel. The reorientation of the structure compared to the existing cabinet, its relocation adjacent to the Red Spice Road blade sign and closer proximity to the bus shelters will create highly cluttered public realm environment.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives/strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The location is not one that presents as particularly cluttered where an existing proliferation of signs would be unreasonably exacerbated by the proposal.
- Signage in the vicinity already comprises particularly large signs which are fewer in number identifying businesses or buildings.
- While there are no obvious examples of electronic signs, many signs are illuminated.
- Noting heritage matters have been addressed (see above), there are no other obvious constraints on the signage character of this location.

With these matters considered, this is an area where the proposed electronic promotional sign could be considered save for heritage issues.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed cabinet is to be located at a point which presents numerous conflicts with the public and private realm, and will exacerbate the existing street infrastructure in this constrained pedestrian environment.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significant of the adjoining heritage place Heritage Overlay HO1258.
2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposal will conflict with and be unreasonably proximate to the lower ground windows of the adjacent property.

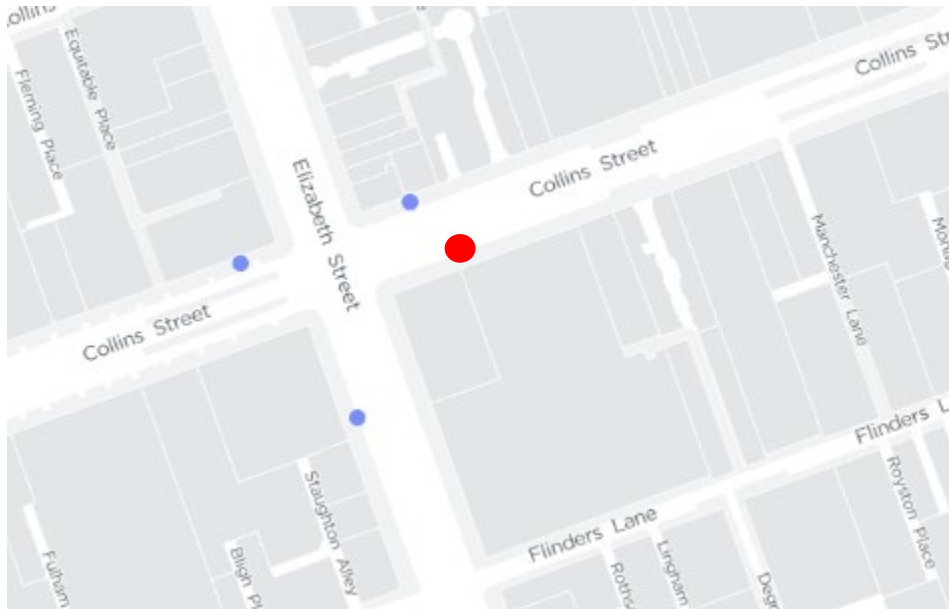
APPENDIX - CABINET NO.: 34

Application No.:	TP-2018-1049
VCAT Ref.:	P968/2019
Address:	Road reserve adjacent to 271-285 Collins Street, Melbourne
Cabinet Orientation:	East, towards Manchester Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between Elizabeth Street and Swanston Street.

The adjacent property is 271-285 Collins Street, Melbourne.



Location map of Cabinet 34 [Source: Council GIS]



Site Photographs of Cabinet 34 Location, 28 March 2023 [Source: Council Officers]

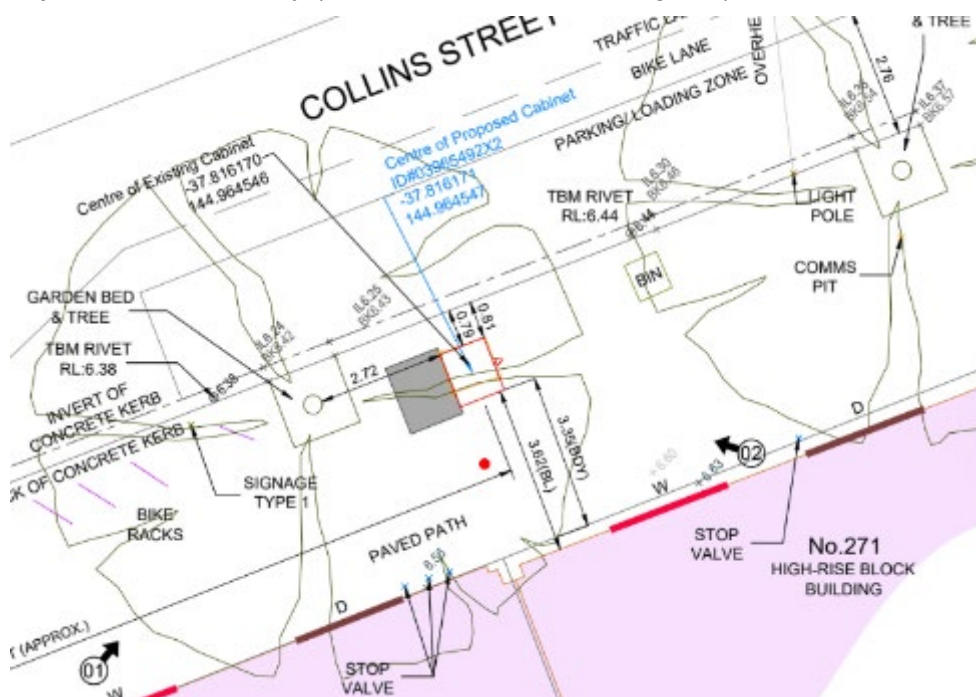
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 790 mm offset will be provided from the back of kerb, and a 3.35 metre setback from the adjacent title boundary (3.62 metres to the building line).



Proposed Site Plan of Cabinet 34 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Heritage Overlay (HO502)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Parking Overlay – Schedule 2.

In addition to the above, the land is adjacent to Heritage Overlay HO595 and Victorian Heritage Register listing H2064.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)

- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO502 which covers the Block Precinct. The Precinct Statement of Significance speaks to the historic character of the retail area which is “...characterised by a large number of buildings from the late Victorian and early 20th century periods and by the network of arcade shopping”. Comfortable pedestrian movement through the precinct is also identified.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council’s Heritage Advisor has objected to the proposal.

The adjacent building is the former National Australia Bank headquarters graded as significant to the precinct under the Inventory. The building is identified on the Victorian Heritage Register (Ref.: H2064). The building itself has a number of remarkable features including ground level details such as the original five bay arched bays. The area of building adjacent to the proposed cabinet is a later in-fill extension from c1930, and nonetheless is offset from the replicated arched bays. In signage terms, the building (now occupied by HSBC) has had a number of signs added in various forms.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet in the same location, with the additional width being accommodated entirely inboard in the pedestrian corridor. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.35 metres from the adjacent property boundary (3.62 metre to the building line). This is a high use pedestrian environment within the Retail Core and the pedestrian corridor will be reduced by approximately 300-350 mm.

The proposed offset from the back of kerb at 790-810 mm (or 1.09-1.11 metres to the face of kerb) exceeds the minimum requirements for Council infrastructure. On this basis the proposed cabinet can be shifted 300 mm to the north via condition to maintain an appropriate pedestrian corridor.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet has been appropriately sited between the entry door and window of the adjacent properties, with the latter housing an ATM rather than serving as an active frontage per se. The generous footpath width in this location and ability to co-locate the cabinet with existing infrastructure with good separation from the adjacent buildings assist in mitigating clutter in the public realm.

Strategic work has been undertaken for Elizabeth Street under the *Elizabeth Street Strategic Opportunities Plan*. The location of the proposed cabinet is not located within any of the three (3) stages of the identified opportunities.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Within this highly active retail area signs of various types associated with businesses are common place.
- In this context and where heritage matters are addressed (see above), the replacement of the existing promotion sign with a larger electronic version can be supported.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and Retail Core setting will allow the structure to comfortably sit in this location subject to a slight relocation. Signage forms an established part of this active spine of the central city.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS11V8 (271-285 Collins St) and dated 22 July 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Relocation of the cabinet to provide an 800 mm offset to the face of kerb

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

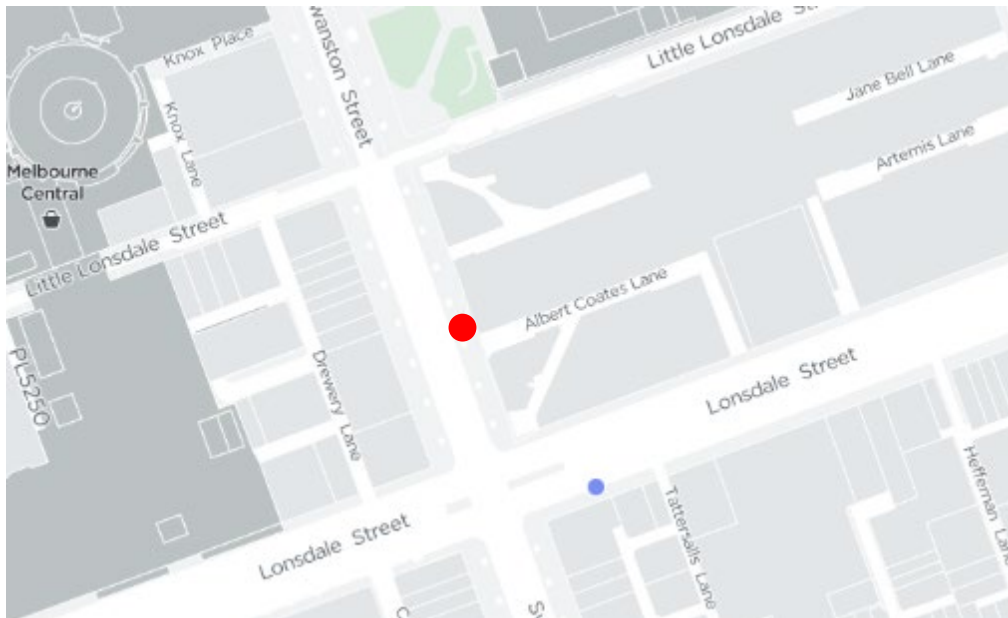
APPENDIX - CABINET NO.: 36

Application No.:	TP-2018-1053
VCAT Ref.:	P981/2019
Address:	Road reserve adjacent to 278-300 Swanston Street, Melbourne
Cabinet Orientation:	North, towards Red Cape Lane
Installation Type:	Replacement cabinet (existing 1 metre away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Swanston Street between Lonsdale Street and Little Lonsdale Street.

The adjacent property is 278-300 Swanston Street, Melbourne.



Location map of Cabinet 36 [Source: Council GIS]



Site Photographs of Cabinet 36 Location, 28 March 2023 [Source: Council Officers]

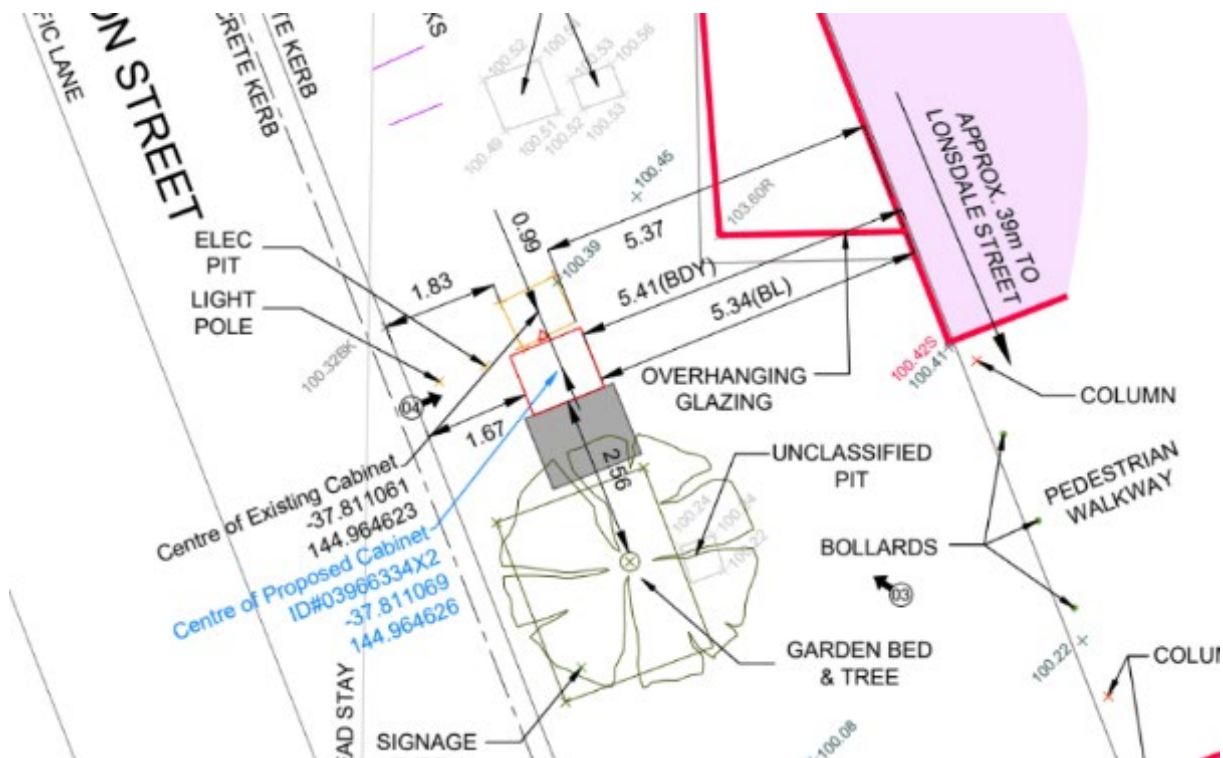
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 1 metre.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the advertising display facing north.

A 1.67 metre offset will be provided from the back of kerb, and a 5.34 metre setback from the adjacent title boundary (5.41 metres to the building line).



Proposed Site Plan of Cabinet 36 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2.

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 2.

In addition to the above, the land is adjacent to Heritage Overlay HO713.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)

- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO713 (the former Queen Victoria Hospital Tower and perimeter fence). The building / fence is identified on the Victorian Heritage Register (Ref.: H0956).

Much of the perimeter fence, and notably the section that formerly existed along the Swanston Street frontage has been demolished. Given the location of the proposed cabinet, there are no heritage concerns with this application.

Council's Heritage Advisor supports the proposal.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of "...*movement of pedestrians and cyclists, and vehicles*".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet with a slight relocation to the south of 1 metre. This section of footpath is relatively wide and the proposal will result in a footpath width of 5.41 metres from the adjacent property boundary (5.34 metre to the building line). The extent of the cabinet aligns with the adjacent street tree bed.

The proposed offset from the back of kerb at 1.67 metre exceeds the minimum requirements for Council infrastructure.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to "...protect the unique built form and public realm amenity". Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located in front of a strip of active frontage and entries within a busy part of the Retail Core. The expansive footpath width in this location mitigates any direct conflict between the proposed cabinet and the adjacent private realm. The cabinet provides good clearance from the awning, and will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its north facing orientation means it will be visible in the view line looking south and should be reorientated 180 degrees.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and Retail Core setting will allow the structure to comfortably sit in this location subject to a slight relocation. Signage forms an established part of this active spine of the central city and a condition requiring reorientation will ensure there is no conflict with the identified vista.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS04V8 (278-300 SWANSTON ST) and dated 8 January 2023), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Reorientation of the cabinet 180 degrees for the rear advertising panel to face south.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

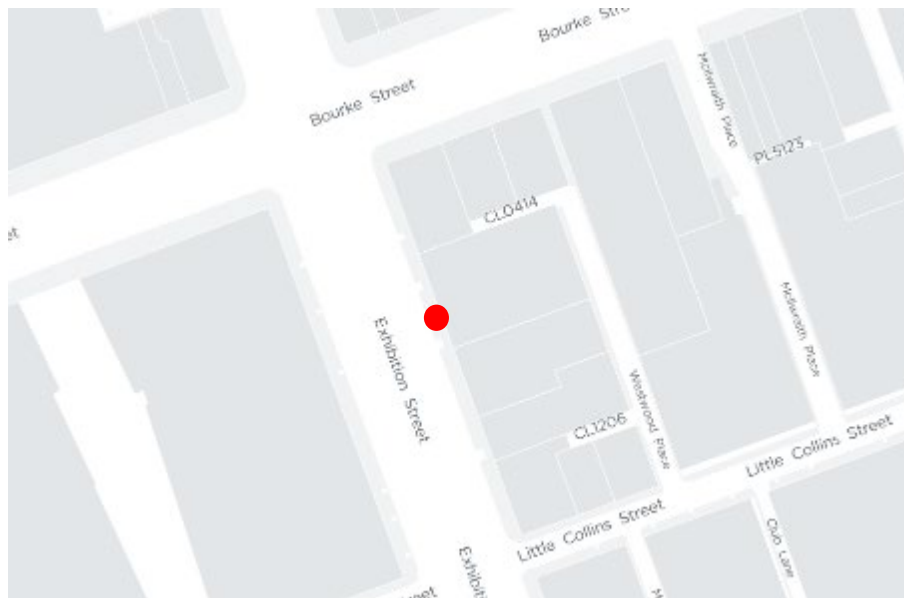
APPENDIX - CABINET NO.: 37

Application No.:	TP-2018-1054
VCAT Ref.:	P985/2019
Address:	Road reserve adjacent to 136-144 Exhibition Street, Melbourne
Cabinet Orientation:	North, towards Bourke Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Exhibition Street between Little Collins Street and Bourke Street.

The adjacent property is 136-144 Exhibition Street, Melbourne.



Location map of Cabinet 37 [Source: Council GIS]



Site Photographs of Cabinet 37 Location, 28 March 2023 [Source: Council Officers]

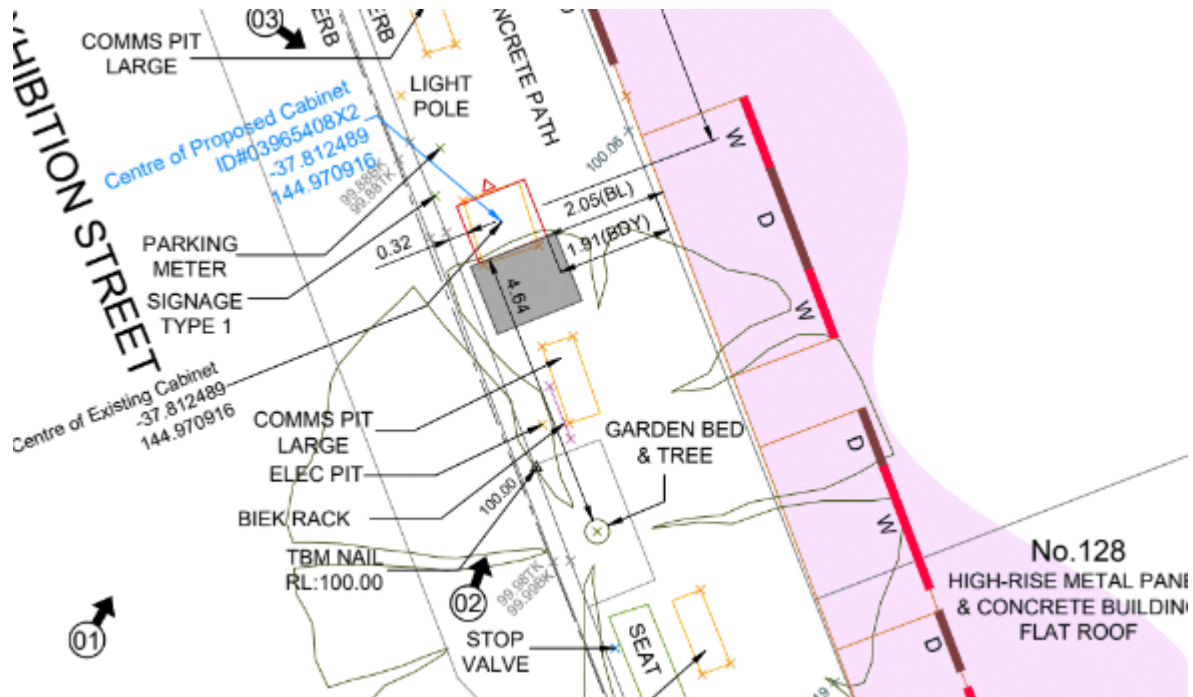
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Streetcab' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the advertising display facing north.

A 320 mm offset will be provided from the back of kerb, and a 1.91 metre setback from the adjacent title boundary (2.05 metres to the building line).



Proposed Site Plan of Cabinet 37 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1331.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)

- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1331 (the former Australia Pacific House). The building's significance is attributed to its post war architectural and building innovation.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor supports the proposal.

The ground floor has been substantially altered over various years including notable upgrades to the main building entry in 2015/16. While some original ground floor materiality remains, the heritage significance is largely derived from its interiors and upper level architectural expression. Given a Streetcab style cabinet already exists in the proposed location under a substantial awning extending close to the street edge, this is a circumstance where the heritage significance of the place is unlikely to be unreasonably impacted.

The proposed cabinet will not have an unreasonable impact on the heritage place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes the replacement of an existing cabinet in the same location. This section of footpath is relatively narrow and the proposal will result in a footpath width of 1.91 metres from the adjacent property boundary (2.05 metre to the building line). Although opposite a recessed building entry which could provide some refuge and opportunity for occasional passing, the reliance on private land for an acceptable pedestrian condition is not appropriate.

The proposed offset from the back of kerb at 320 mm is less than the minimum requirements for Council infrastructure and appears marginally less than the setback of the street trees to the north and south.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located directly opposite the main recessed entry of the adjacent building creating a conflict point between pedestrians. The awning above is not indicated on the survey plans; however it is likely to result in very limited clearance between the top of the higher new cabinet, and therefore resulting in an unacceptable enclosure of the public realm. The proposed cabinet will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is in the Bourke Hill precinct where signs are encouraged to be small in scale, individually crafted, limited in number and not include promotional content.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a sign. The original approval was obtained from the Tribunal (Ref.: P1980/2002) and has since expired.

- This location is on the edge of the defined precinct and not ordinarily read as forming part of Bourke Hill proper, with the buildings along Exhibition Street presenting a different character, and thus signage pattern to those further east.
- Signage between the corner of Bourke Street and the proposed cabinet location is prevalent and varied, before reducing significantly to the south.
- Being at a juncture of changing signage character, this is a location where the introduction of an electronic promotion sign could be accommodated and will not impact the precinct objectives.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed cabinet would worsen the available pedestrian corridor and reliance on the adjacent recessed building entry for acceptable clearance is not an acceptable remedy. The location presents a conflict point with the adjacent main building entry.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will conflict with the adjacent main building entry.

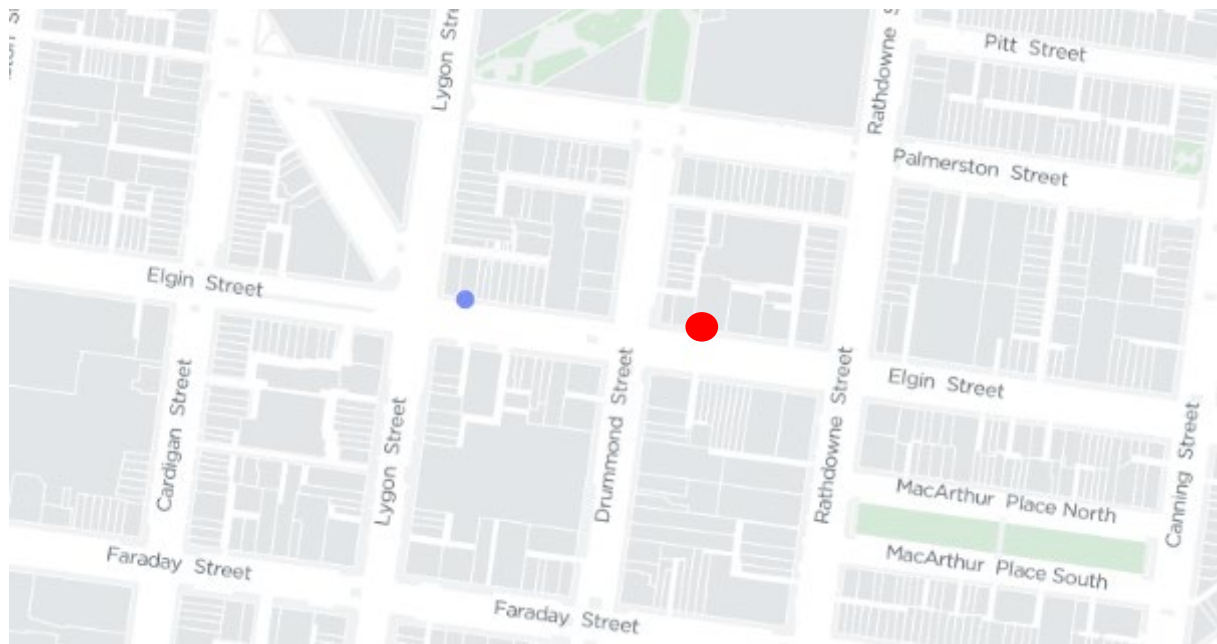
APPENDIX - CABINET NO.: 38

Application No.:	TP-2018-1058
VCAT Ref.:	P938/2019
Address:	Road reserve adjacent to 146-154 Elgin Street, Carlton
Cabinet Orientation:	West, towards Drummond Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Elgin Street between Drummond Street and Rathdowne Street.

The adjacent property is 146-154 Elgin Street, Carlton.



Location map of Cabinet 38 [Source: Council GIS]



Site Photographs of Cabinet 38 Location, 12 April 2023 [Source: Council Officers]

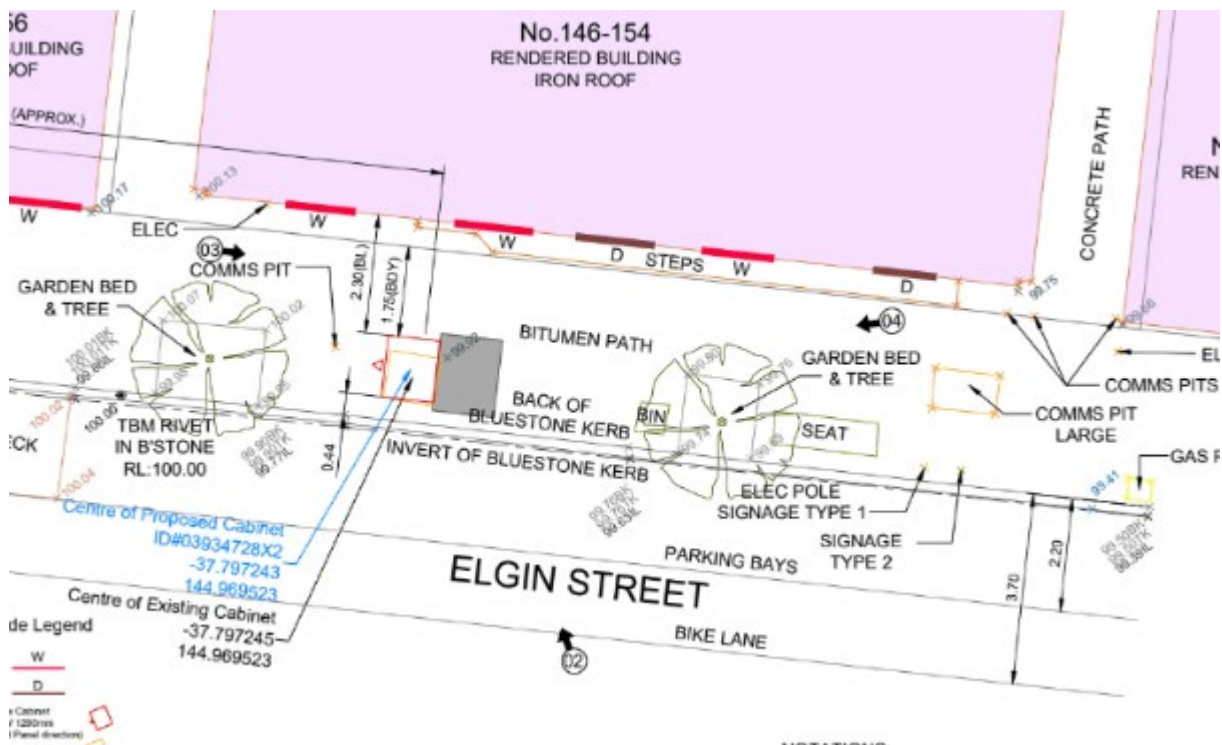
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 440 mm offset will be provided from the back of kerb, and a 1.75 metre setback from the adjacent title boundary (2.3 metres to the building line).



Proposed Site Plan of Cabinet 38 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Commercial 1 Zone

The following overlays apply:

- Heritage Overlay (HO1)
- Parking Overlay – Schedule 12.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-02 (Carlton)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-05 (Urban design outside the Capital City Zone)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.02-1L (Lygon and Elgin Street shopping centre)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1 which covers the Carlton Precinct. The Precinct Statement of Significance speaks to lower scale significant and contributory development predominantly from the mid Victorian development era, and principal streets are “...characterised by their width and open character”. Some areas are “...predominantly commercial; with historic shops...”. There is little identification of elements in the public realm (other than materials).

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The adjacent building is the Carlton Post Office graded as significant to the precinct under the Inventory. The existing cabinet has no advertising and will be replaced with the larger new cabinet along with the introduction of the electronic sign. The existing and proposed cabinets are directly in front of the building's principal façade to Elgin Street. The proposed cabinet will be more imposing and increasing the level of concealment of ground floor features of the building. The introduction of electronic signage displays will distract from the appreciation of the heritage place.

4.2 Mobility and Movement

The C1Z requires decision makers to have regard to "[t]he movement of pedestrians and cyclists".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 1.5 metres.

The proposal includes the replacement of an existing cabinet in the same location, with the additional width being accommodated entirely inboard in the pedestrian corridor. This will result in a footpath width of 1.75 metres from the adjacent property boundary (2.3 metres to the building line). In this case the use of a building line measurement (in lieu of boundary) is appropriate where the private land has been subsumed as part of the footpath rather than private realm.

The proposed offset from the back of kerb at 440 mm is less than the minimum requirements for Council infrastructure; however would align with the offset of the bin and seat to the west.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The decision guidelines of the C1Z calls up a variety of urban design matters including access from the street, protection of active frontages, illumination and services.

Clause 15.01-1L-05 provides important urban design guidance on a variety of elements including (as relevant) street level frontages, visibility and safety, and pedestrian connection. These considerations are strengthened by Clause 17.02-1L which speaks to street level activation and the discouraging on non-shop uses.

The proposed cabinet has been located west of the main entry door to the building and will be in front of a series of original window openings which exhibit raised sill heights. The width of the footpath in this location outside of the central city is considered sufficient to mitigate any conflict between the functional operation of the building and the new structure.

The proposed structure will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. This is further strengthened by the zone strategy which states “...*promotion signs are not supported unless part of an established signage pattern*”, and that signs are to be located at ground level.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The signage pattern within the centre is principally business identification, and any promotional signage that does exist relates to products sold by those businesses rather than third party promotion.
- Electronic signage is not part of any established signage pattern.
- The issues highlighted above regarding heritage apply equally to the signage component being an integrated part of the structure.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposal presents a discrete heritage conflict with the adjacent significant building. Relocation to be adjacent to an otherwise non-contributory building should be considered and may address the issues with this application.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place Heritage Overlay HO1 and adjacent significant building.
2. The proposed electronic promotion sign is contrary to the character of the area.

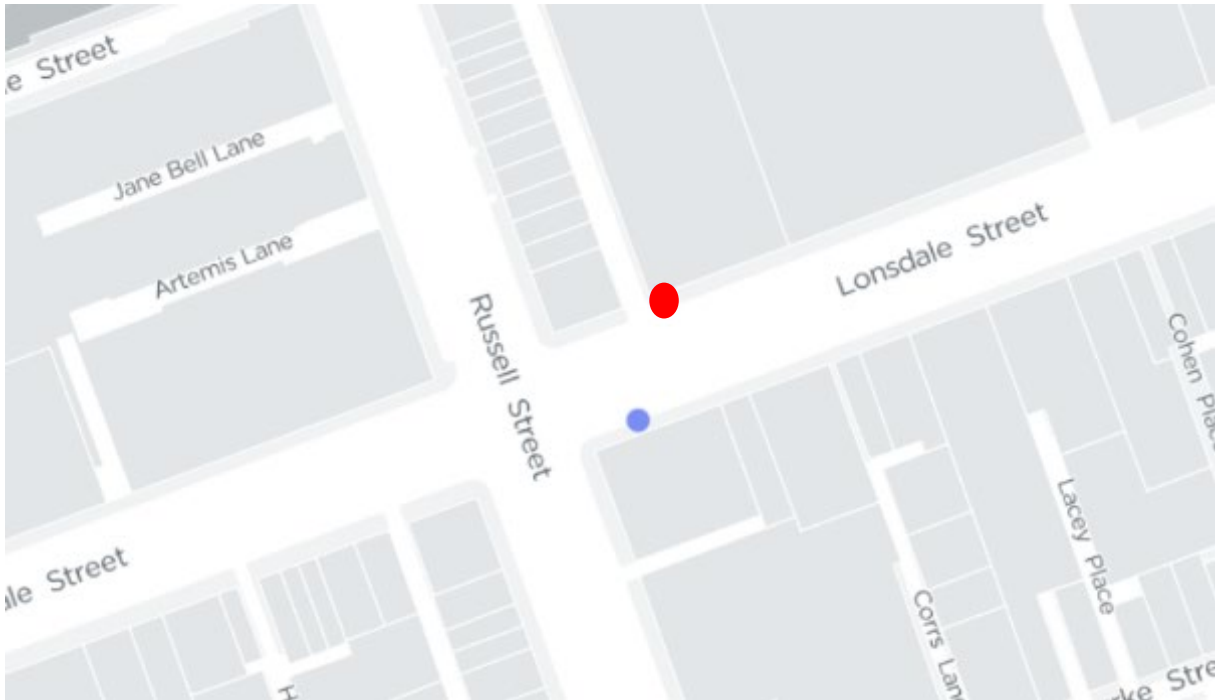
APPENDIX - CABINET NO.: 39

Application No.:	TP-2018-1059
VCAT Ref.:	P940/2019
Address:	Road reserve adjacent to 150-162 Lonsdale Street, Melbourne
Cabinet Orientation:	West, towards Russell Street
Installation Type:	Replacement cabinet (existing 29 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Lonsdale Street between Russell Street and Exhibition Street.

The adjacent property is 150-162 Lonsdale Street, Melbourne.



Location map of Cabinet 39 [Source: Council GIS]



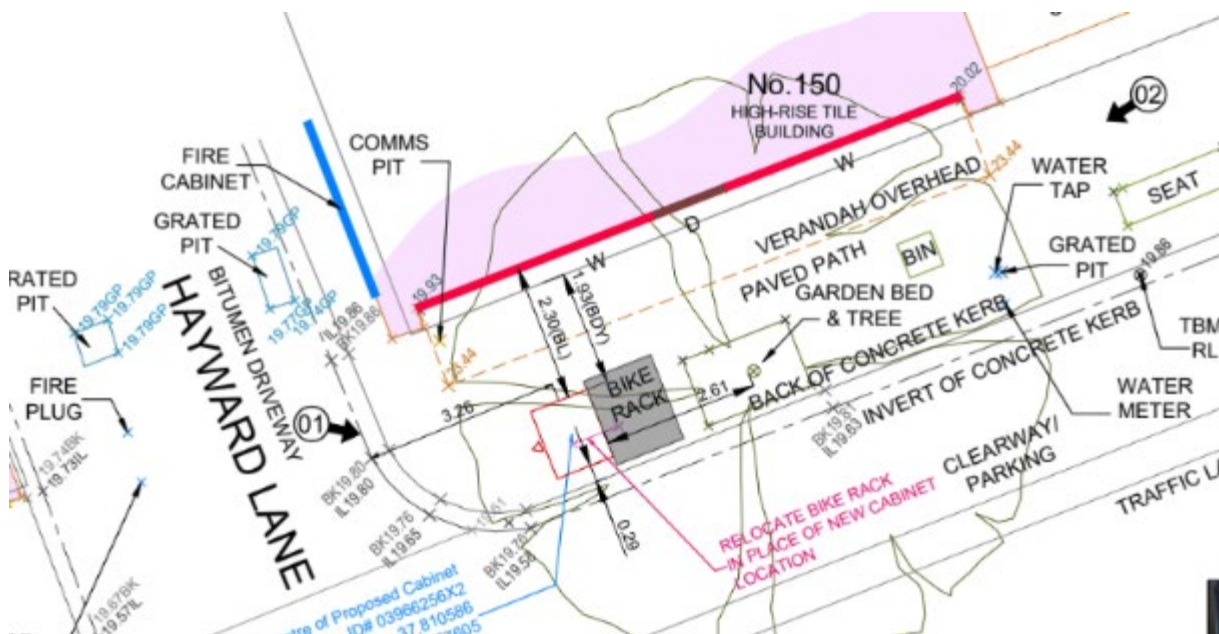
Site Photographs of Cabinet 39 Location, 13 April 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 29 metres. While it is unclear from the documentation, it appears to be proposed for removal as part of the direct swap replacement of Cabinet 74.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 290 mm offset will be provided from the back of kerb, and a 1.93 metre setback from the adjacent title boundary (2.3 metres to the building line).



Proposed Site Plan of Cabinet 39 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10

- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is to replace an existing cabinet located on the opposite side of Lonsdale Street. The proposed cabinet will result in a footpath width of 1.93 metres from the adjacent property boundary (2.3 metres to the building line). The boundary in this case is considered the appropriate metric given the structural columns on either side of the façade. This location sees a relatively high volume of pedestrian movement given the nearby building entry, cafe opposite and Hayward Lane intersection. The café servery window also further reduces the effective footpath width. The bin to the east is incorrectly shown and not indicative of the available footpath. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 290 mm is below the minimum requirements for Council infrastructure. There is no immediately adjacent infrastructure that would support this limited offset.

Council's City Infrastructure team have expressed concern that the cabinet position represents a safety hazard by distracting left-turning drivers at the most critical phase of their manoeuvre.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet location interacts poorly with the adjacent, recently completed development which has an improved interface with the public realm. The cabinet will directly conflict with the new servery window of the café and erodes the improved outcome achieved by the development. Adequate clearance is otherwise provided to the awning structure which is truncated from the street tree. The location requires the removal and relocation of a bike hoop which is unnecessary and unjustified.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is at the periphery of the Chinatown signage precinct where, among other things, bright and animated signs are encouraged.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign; however is located on the southern side of the street with little relationship to the new location.
- In character terms the recent completion of 150 Lonsdale Street has created a more cohesive and uncluttered environment along the building frontage which would be disrupted by the proposed electronic promotion sign.
- There are three cabinets proposed in one city block along Lonsdale Street (39, 57 and 74). If these were to be approved they would create a negative clustering of public realm signage clutter in one streetscape.
- The sign presents potential road safety issues as detailed above.

With these matters considered, this is an area where sign (both individually and cumulatively) is inappropriate.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location creates a series of conflicts with pedestrian movement in the public realm, the adjoining intersection and the adjacent land use which utilises a servery window to the footpath. The electronic signage is not cohesive with the rationalised and uncluttered contemporary development recently completed and will result in a cluster of public realm signage in a relatively small area of the central city.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal will unreasonably impact the use and operation of the road network at the adjacent intersection.
3. The proposal creates a conflict with the immediately adjacent land use which has a servery window immediately opposite the location.
4. The proposed electronic promotion sign is contrary to the character of the area in combination with other proposed cabinets would create an unacceptable cumulative cluster of public realm signage.

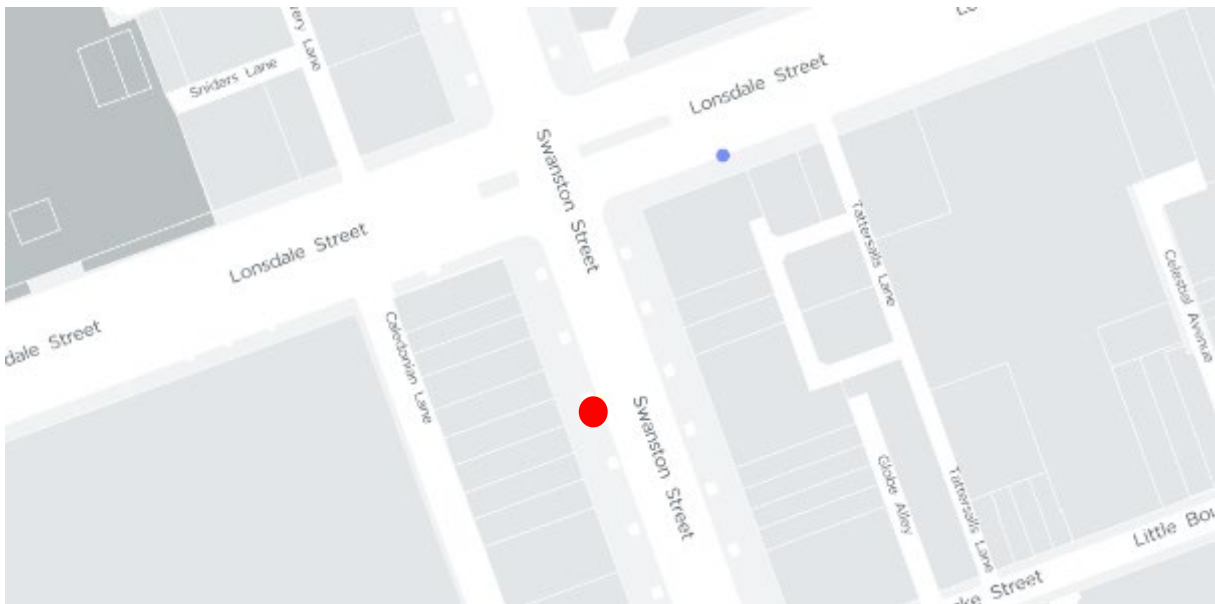
APPENDIX - CABINET NO.: 41

Application No.:	TP-2018-1061
VCAT Ref.:	P945/2019
Address:	Road reserve adjacent to 159 Swanston Street, Melbourne
Cabinet Orientation:	South, towards Little Collins Street
Installation Type:	Replacement cabinet (existing 1.07 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Swanston Street between Little Collins Street and Bourke Street.

The adjacent property is 159 Swanston Street, Melbourne.



Location map of Cabinet 41 [Source: Council GIS]



Site Photographs of Cabinet 41 Location, 28 March 2023 [Source: Council Officers]

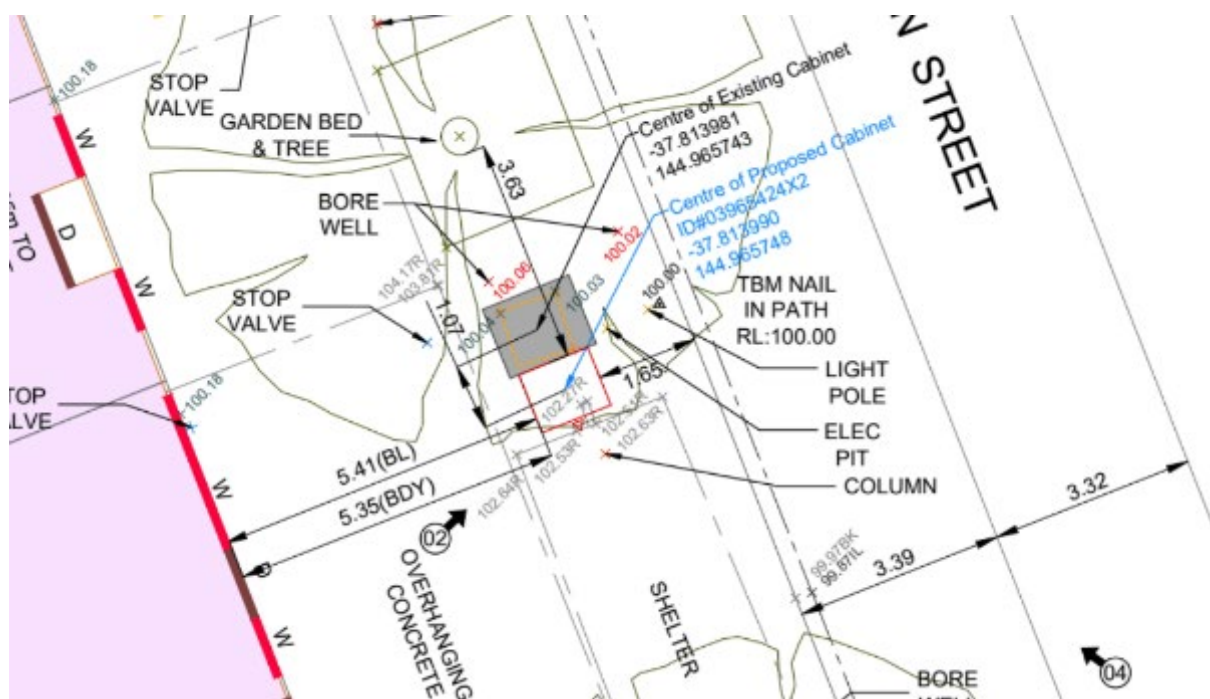
2 PROPOSAL

The proposed cabinet will replace an existing cabinet. The cabinet is relocated 1.07 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 1.65 metre offset will be provided from the back of kerb, and a 5.35 metre setback from the adjacent title boundary (5.41 metres to the building line).



Proposed Site Plan of Cabinet 41 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Heritage Overlay (HO1289)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)

- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1289 which covers the Swanston Street South Precinct. The *Swanston Street South Precinct Statement of Significance (July 2020)* speaks to the consistent two- and three-storey commercial building scale constructed from c1888 to c1938.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The adjacent building is graded as contributory to the precinct under the Inventory. Both neighbouring buildings are also identified as contributory.

The cabinet will sit at the ground level within a fairly cluttered and largely modified heritage context. Many of the ground level shop fronts have a variety of signs, varied colour palettes and unsympathetic verandahs. The consistent heritage character mentioned in the statement

of significance sits above the verandah line and will not be obscured by, or read in conjunction with the proposed cabinet.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of the existing cabinet with a slight relocation south of 1.07 metres. This section of footpath is relatively wide and the proposal will result in a footpath width of 5.35 metres from the adjacent property boundary (5.41 metres to the building line). The cabinet has been sited to align its inboard edge with the adjacent raised street tree bed.

The proposed offset from the back of kerb at 1.65 metre is in excess of the minimum requirements for Council infrastructure.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located in front of a strip of active frontage and entries within a busy part of the Retail Core.

Problematic to this particular location is the abuttal of the signage panel to the footpath dining area which is an inappropriate outcome. Reorientation to be north-facing would introduce a vista / visibility issue with the sign. Relocation to the north of the street tree or south of the footpath trading area may address the issues; however is beyond the scope of conditions.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign (formerly being a back-to-back cabinet).
- The Tribunal refused a promotion sign in this location in 2006 (Ref.: P1665/2006); however the physical conditions and infrastructure in Swanston Street since then have changed notably.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its south facing orientation means it will not be viewed in conjunction with the identified view.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This proposal presents discrete conflict by abutting directly up to the footpath dining area of the adjoining land use. Reorientation cannot remedy the issue due to signage vista issues. Relocation to the north and south area is likely to resolve the conflict however is beyond the scope of conditions.

The proposed cabinet is not supported on the following grounds:

1. The proposal directly conflicts with the footpath dining area of the adjoining land use.

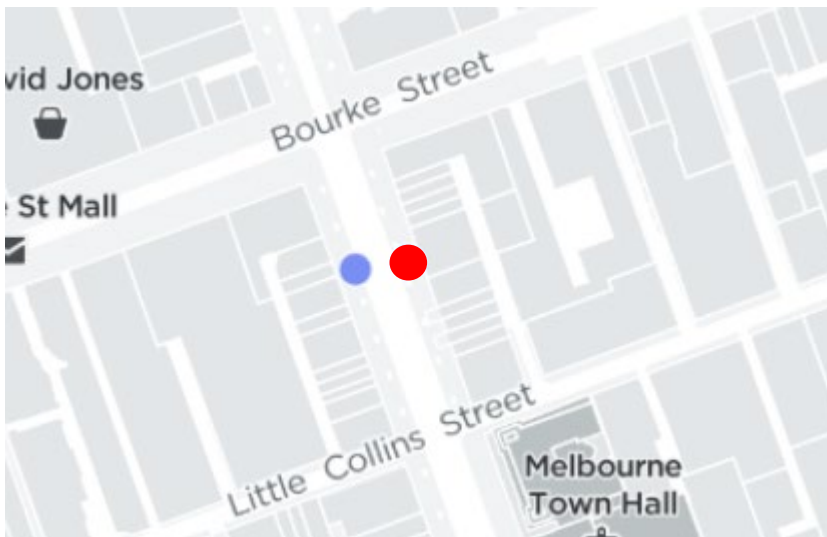
APPENDIX - CABINET NO.: 42

Application No.:	TP-2018-1064
VCAT Ref.:	P949/2019
Address:	Road reserve adjacent to 160 Swanston Street, Melbourne
Cabinet Orientation:	North, towards Bourke Street
Installation Type:	Replacement cabinet (existing 20 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Swanston Street between Little Collins Street and Bourke Street.

The adjacent property is 160 Swanston Street, Melbourne.



Location map of Cabinet 42 [Source: Council GIS]



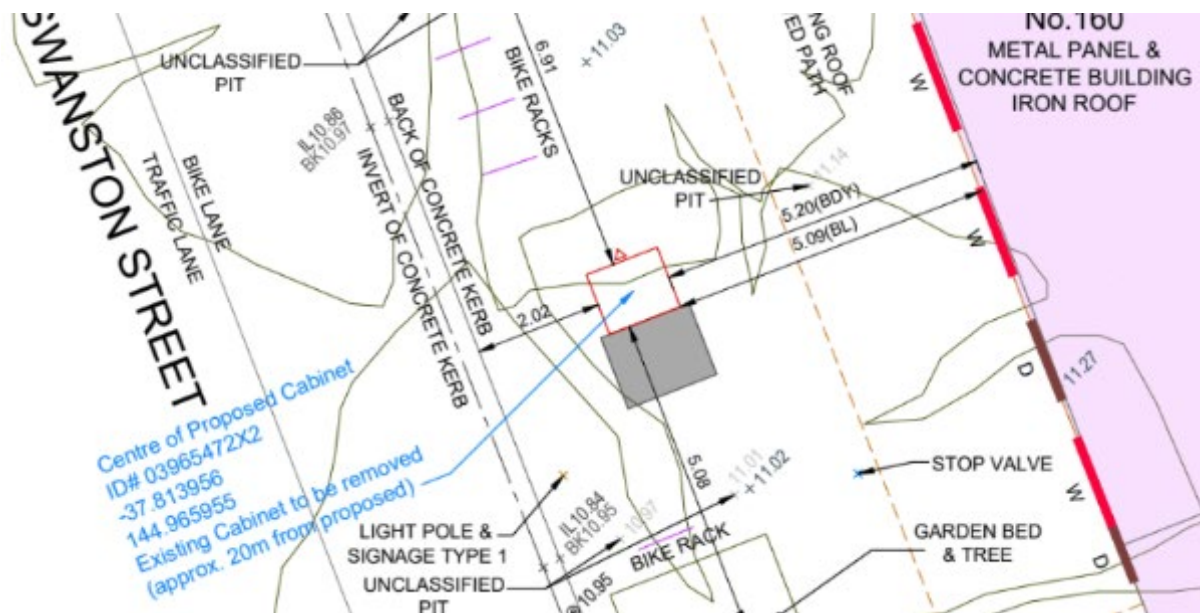
Site Photographs of Cabinet 42 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet purports to be replacing an existing cabinet, relocated 20 metres. While it is unclear from the documentation, this cabinet appears to be a direct swap with Cabinet 41.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the advertising display facing north.

A 2.02 metre offset will be provided from the back of kerb, and a 5.2 metre setback from the adjacent title boundary (5.09 metres to the building line).



Proposed Site Plan of Cabinet 42 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Heritage Overlay (HO1289)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)

- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1289 which covers the Swanston Street South Precinct. The *Swanston Street South Precinct Statement of Significance (July 2020)* speaks to the consistent two- and three-storey commercial building scale constructed from c1888 to c1938.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The adjacent building (former Woolworths Metro) is non-contributory to the precinct under the Inventory. The cabinet will sit at the ground level within a fairly cluttered and largely modified heritage context while the consistent heritage character mentioned in the statement of significance sits above the verandah line. Accordingly the proposal does not give rise to any unreasonable heritage concerns to the broader precinct.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

This section of footpath is relatively wide and the proposal will result in a footpath width of 5.2 metres from the adjacent property boundary (5.09 metres to the building line). The cabinet has been sited to align its inboard edge with the adjacent raised street tree bed.

The proposed offset from the back of kerb at 2.02 metre is in excess of the minimum requirements for Council infrastructure.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to "...protect the unique built form and public realm amenity". Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located in front of a strip of active frontage and entries within a busy part of the Retail Core. The expansive footpath width in this location mitigates any direct conflict between the proposed cabinet and the adjacent private realm. The cabinet will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- This is a new cabinet and hence there is no pre-existing sign.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its north facing orientation means it will be visible in the view line looking south and should be reorientated 180 degrees.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated, subject to a reorientation condition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and Retail Core setting will allow the structure to comfortably sit in this location subject to a slight relocation. Signage forms an established part of this active spine of the central city and a condition requiring reorientation will ensure there is no conflict with the identified vista.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS46V07 (160 Swanston Street) and dated 1 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Reorientation of the cabinet 180 degrees for the rear advertising panel to face south.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

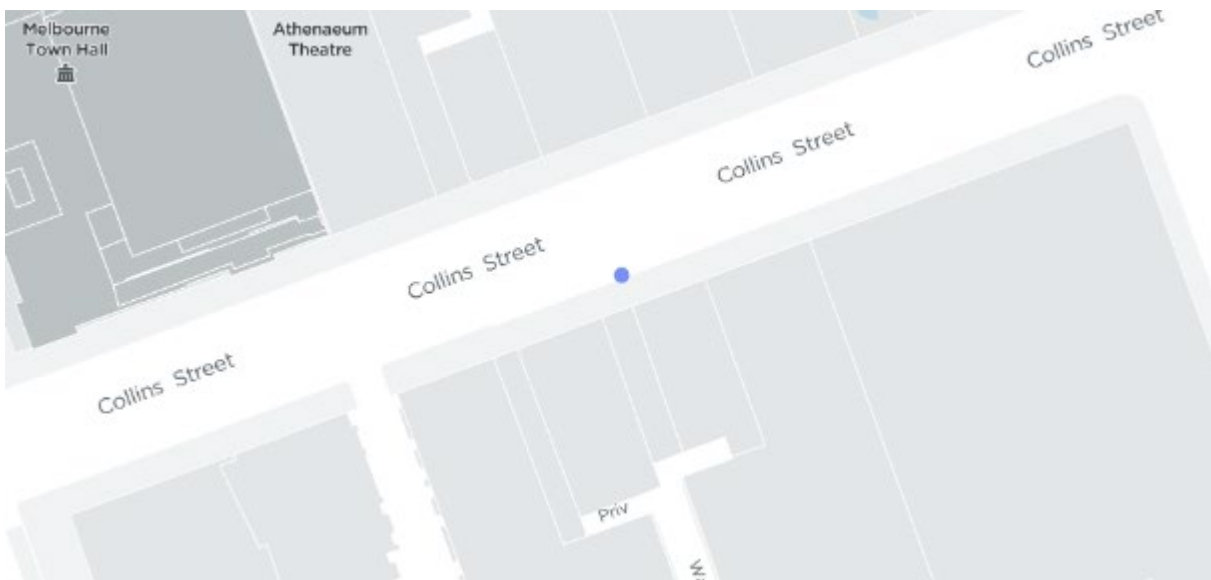
APPENDIX - CABINET NO.: 43

Application No.:	TP-2018-1065
VCAT Ref.:	P952/2019
Address:	Road reserve adjacent to 175-177 Collins Street, Melbourne
Cabinet Orientation:	East, towards Russell Street
Installation Type:	Replacement cabinet (existing 1 metre away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between Swanston Street and Russell Street.

The adjacent property is 175-177 Collins Street, Melbourne.



Location map of Cabinet 43 [Source: Council GIS]



Site Photographs of Cabinet 43 Location, 28 March 2023 [Source: Council Officers]

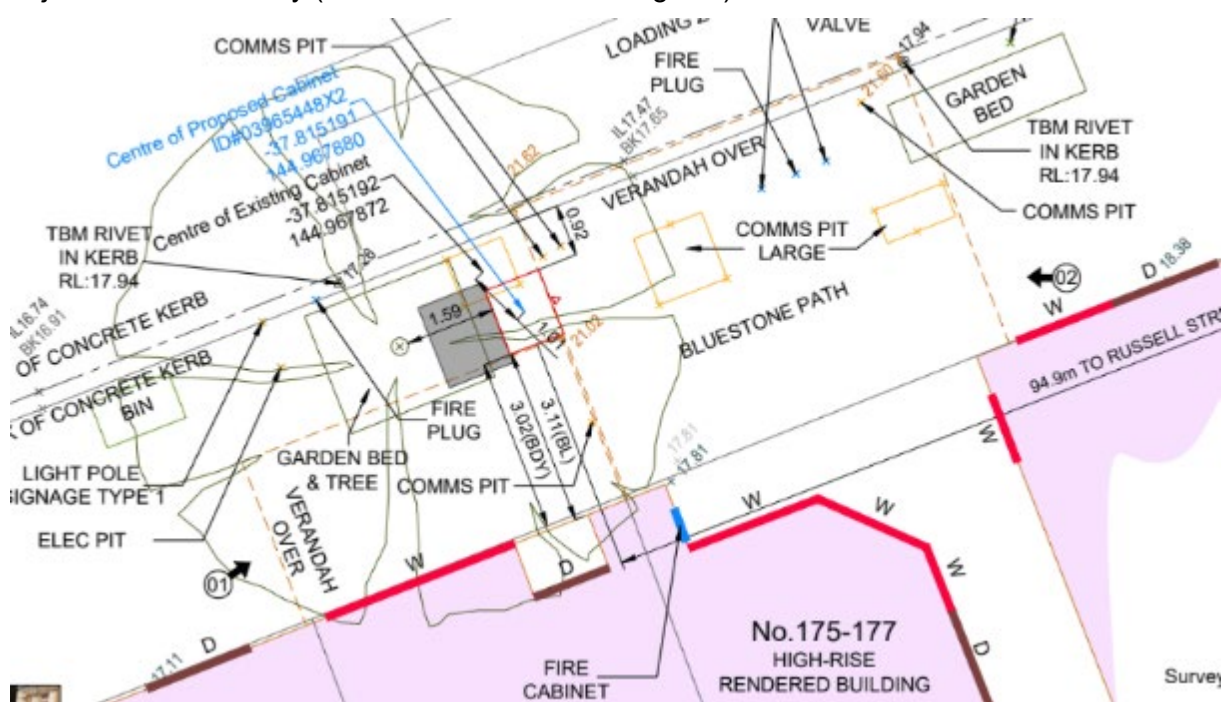
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 1 metre.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 920 mm offset will be provided from the back of kerb, and a 3.02 metre setback from the adjacent title boundary (3.11 metres to the building line).



Proposed Site Plan of Cabinet 43 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO504)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)

- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO504 which covers the Collins East Precinct. The Precinct Statement of Significance speaks to the consistent 19th and early 20th century buildings, and the boulevard quality of street trees / street furniture.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric/infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

This location sits within an important heritage context which is represented both by the precinct and both sides of the street comprising individually significant buildings in their own right. The openness of the footpath environment, low scale of existing street infrastructure, ground level intactness and limited clutter means the new cabinet will present as a notable disruption to the appreciation of the heritage place. The new cabinet proposed is highly incompatible with the heritage character of this location.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet with a slight shift of 1 metre to the south. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.02 metres from the adjacent property boundary (3.11 metres to the building line). The relocation creates an unnecessary and unacceptable reduction of the pedestrian corridor which will project beyond the existing infrastructure in the street.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 920 mm (or 1.22 metres from the face of kerb) exceeds the minimum requirements for Council infrastructure.

Given the available space on the kerb side, the cabinet could be modified by shifting it to the north to reduce the offset to the back of kerb to 500 mm (or 800 mm from the face of kerb). This would achieve a usable pedestrian width of 3.53 metres to the building line which better aligns with the defined infrastructure corridor. In addition, shifting the cabinet to the east would avoid the conflict between the adjacent street tree bed and the exclusion zone which is shown within the existing street tree bed.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 (on both sides of Collins Street) applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 5 contains built form outcomes around built form respecting landmark buildings.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is to be located directly opposite the narrow entry door of the adjacent building in a strip of high quality active frontages. The relocation will bring the cabinet closer to the building line which is inappropriate but could be addressed by condition. The new cabinet will introduce a much taller, wider and more solid element to the public realm than what is presently seen in this low scale, open streetscape. The conflict with the street tree could be addressed by condition.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site; however it is located in a Special Character Area (see above).

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- The signage character of this area is subdued – limited in number, small in scale, solely for business identification purposes and comprising discrete internal illumination.
- The introduction of a new, larger electronic promotion sign is incompatible with the setting, and would be a jarring intrusion to the consistent signage pattern.
- The sign, as an integrated part of the cabinet also raises a series of heritage concerns as outlined above with both sides of Collins Street flanked by significant heritage buildings.
- Although the proposed cabinet will replace a cabinet that did not require a planning permit, this is a situation and sensitive heritage context (as outlined above) where the introduction of a larger electronic sign in close proximity to significant buildings is problematic.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application presents fundamental issues with the location's sensitive context. It is both in and immediately adjacent to sensitive heritage places which will be unreasonably impacted and fails to integrate with the modest and uncluttered signage character of the area.

Pedestrian movement related issues could be resolved (in isolation) by conditions.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place both individually (Heritage Overlay HO584) and as a precinct (Heritage Overlay HO504).
2. The proposal will introduce a large and obtrusive element into an otherwise low scale and uncluttered public realm.
3. The proposed electronic promotion sign is inconsistent with the character of the area.

APPENDIX - CABINET NO.: 44

Application No.:	TP-2018-1066
VCAT Ref.:	P959/2019
Address:	Road reserve adjacent to 181 William Street, Melbourne
Cabinet Orientation:	South, towards Bourke Street
Installation Type:	New cabinet

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of William Street between Bourke Street and Little Bourke Street.

The adjacent property is 181 William Street, Melbourne.



Location map of Cabinet 44 [Source: Council GIS]



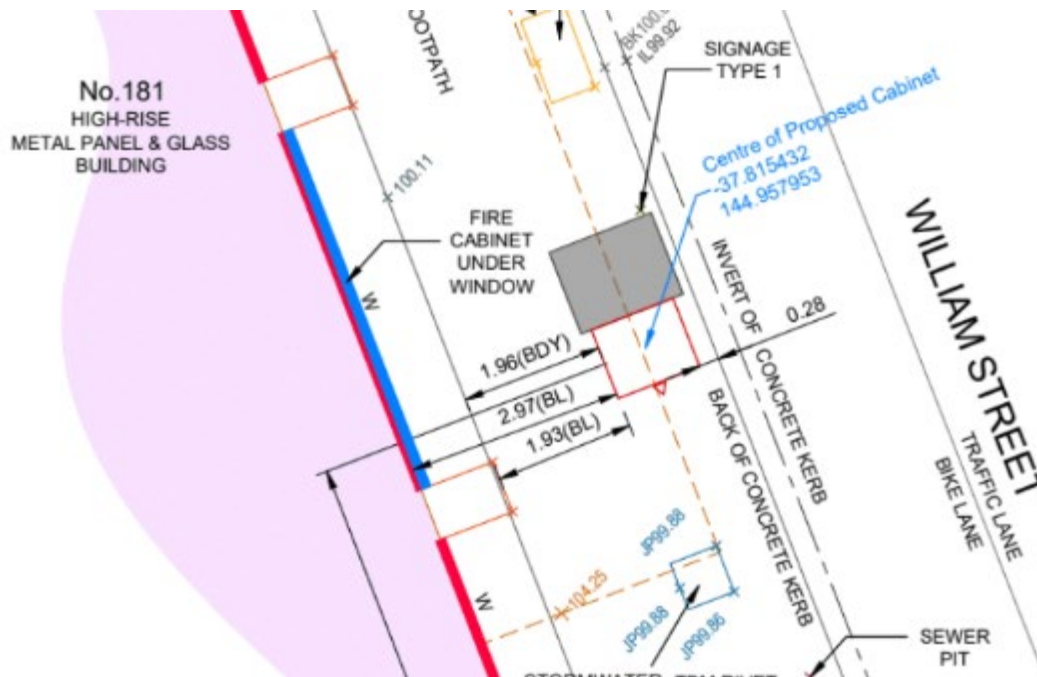
Site Photographs of Cabinet 44 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet is a new cabinet.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 280 mm offset will be provided from the back of kerb, and a 1.96 metre setback from the adjacent title boundary (1.93-2.97 metres to the building line).



Proposed Site Plan of Cabinet 44 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)

- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is a new cabinet. This section of footpath is relatively wide and unobstructed. The proposal will result in a footpath width of 1.96 metres from the adjacent property boundary (1.93 metres to the columns, and 2.97 metres to the window line). The boundary and columns are considered to represent the appropriate pedestrian corridor metric given the short distance of the window line. The proposed siting reduces the footpath to about half of its total width. Any reliance on the rebated window areas of the adjacent building relies on private land and places an unnecessary burden on pedestrians to avoid the cabinet obstruction. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 280 mm is below the minimum requirements for Council infrastructure.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements; however the cabinet will be located directly in front of a 40 km/h road sign.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet will be located between the two building entries which are to the immediate north and south. Immediately opposite is the fire booster cabinet for the building which will have its access clearance reduced.

The more recent era of construction means the awning of the building has a greater clearance than some existing buildings and although the cabinet will be partially beneath it, there should otherwise be sufficient clearance so as to not enclose the public realm.

It is noted that there is currently empty tree beds in the public realm, which will be replanted in the near future. The cabinet and associated exclusion zone must not impact on the tree bed.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- This is a new cabinet and hence there is no pre-existing sign.
- The location is not one that presents as particularly cluttered where an existing proliferation of signs would be unreasonably exacerbated by the proposal.
- Signage in the vicinity is limited and almost exclusively for business identification or major tenants where they do exist.
- Although promotional signage is displayed within the tram stop structure, its location within the road reserve and integration with the shelter can be readily distinguished from the proposed free standing structure in the footpath.

With these matters considered, this is an area where the proposed electronic promotional sign would result in an unacceptable impact on the character of the streetscape.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location presents a number of conflicts and character issues for the proposed structure and relocation along the property frontage is unlikely to achieve an acceptable outcome given the consistent footpath width and / or two building entries to the north and south.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposed road offset is unjustified and the cabinet location will obscure the adjacent 40 km/h road sign.
3. The proposal will restrict the access and use of building services on the adjacent land (fire booster cupboard).
4. The proposed electronic promotion sign is inconsistent with the character of the area.

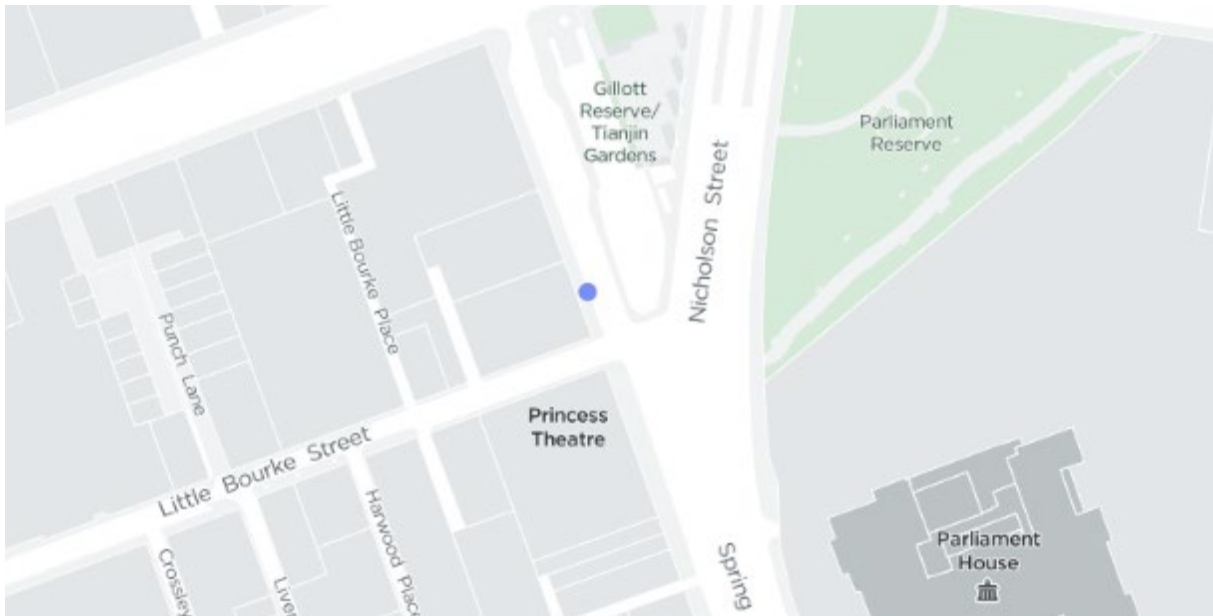
APPENDIX - CABINET NO.: 45

Application No.:	TP-2018-1067
VCAT Ref.:	P963/2019
Address:	Road reserve adjacent to 185 Spring Street, Melbourne
Cabinet Orientation:	South, towards Little Bourke Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Spring Street between Little Bourke Street and Lonsdale Street.

The adjacent property is 185 Spring Street, Melbourne.



Location map of Cabinet 45 [Source: Council GIS]



Site Photographs of Cabinet 45 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 410 mm offset will be provided from the back of kerb, and a 1.74 metre setback from the adjacent title boundary (1.75 metres to the building line).



Proposed Site Plan of Cabinet 45 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO500)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)

- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO500 which covers the Bourke Hill Precinct. The Precinct Statement of Significance speaks to the various significant and contributory buildings from the 19th century through to the post-war period, number of landmark buildings, and important vistas. The neighbouring building to this application is non-contributory.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

This location is at the periphery of the precinct, north of Princess Theatre. The adjacency to a non-contributory building and the distinguishable character in this part of the precinct in contrast to areas on or around Bourke Street, mean this is a circumstance where the introduction of the new cabinet will not unreasonably impact the heritage significance of the place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes the replacement of an existing cabinet in the same location with the additional width being absorbed inboard in the pedestrian corridor. The proposal will result in a footpath width of 1.74 metres from the adjacent property boundary (1.75 metres to the building line). This location sees a high volume of pedestrians during selected times given its proximity to Parliament Station, theatre and the immediately adjacent education centre, with overcrowding conditions experienced. The existing cabinet already creates an unacceptable pedestrian condition and should not be entrenched and worsened by the proposed larger cabinet. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 410 mm is below the minimum requirements for Council infrastructure; however appears to generally align with the existing bins to the north and south.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements; however note the conflict of both the existing and proposed conflict of the cabinet location with the loading zone (i.e. side loading van doors).

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO62 applies to the special character area of Bourke Hill which seeks through a variety of objectives to preserve the distinctive and unique character of the area, heritage attributes and openness of the streetscape. Area B2 in which this location is situated principally manages the eastern gateways and relationship to the landmark Princess Theatre and Hotel Windsor.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

As was noted above under the heritage assessment, the separation from the more sensitive parts of the precinct created by Little Bourke Street assist in mitigating impacts of this location on Bourke Hill.

The cabinet will be located to the south of the main building entry which is to the north, and the adjacent windows are treated in decal advertising and therefore not presenting an active frontage. The cabinet will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.

- This location is on the edge of the heritage precinct and not ordinarily read as forming part of Bourke Hill which signage policy recognises terminates at Little Bourke Street.
- The signage character of the adjacent land and extending north is distinguishable to that to the south. Being at a juncture of changing signage character, this is a location where the introduction of an electronic promotion sign could be accommodated and will not impact the precinct objectives.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location of Spring Street does not exhibit the sensitivities that many other parts of the central city do; however the constrained footpath width which is already impacted by the existing cabinet and will be worsened by the proposal is not an acceptable pedestrian movement outcome.

The proposed cabinet is not supported on the following ground:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.

APPENDIX - CABINET NO.: 46

Application No.:	TP-2018-1069
VCAT Ref.:	P967/2019
Address:	Road reserve adjacent to 359-385 Bourke Street, Melbourne
Cabinet Orientation:	East, towards Elizabeth Street
Installation Type:	Replacement cabinet (existing 68 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Bourke Street at the south-west corner intersection with Elizabeth Street.

The adjacent property is 359-385 Bourke Street, Melbourne.



Location map of Cabinet 46 [Source: Council GIS]



Site Photographs of Cabinet 46 Location, 28 March 2023 [Source: Council Officers]

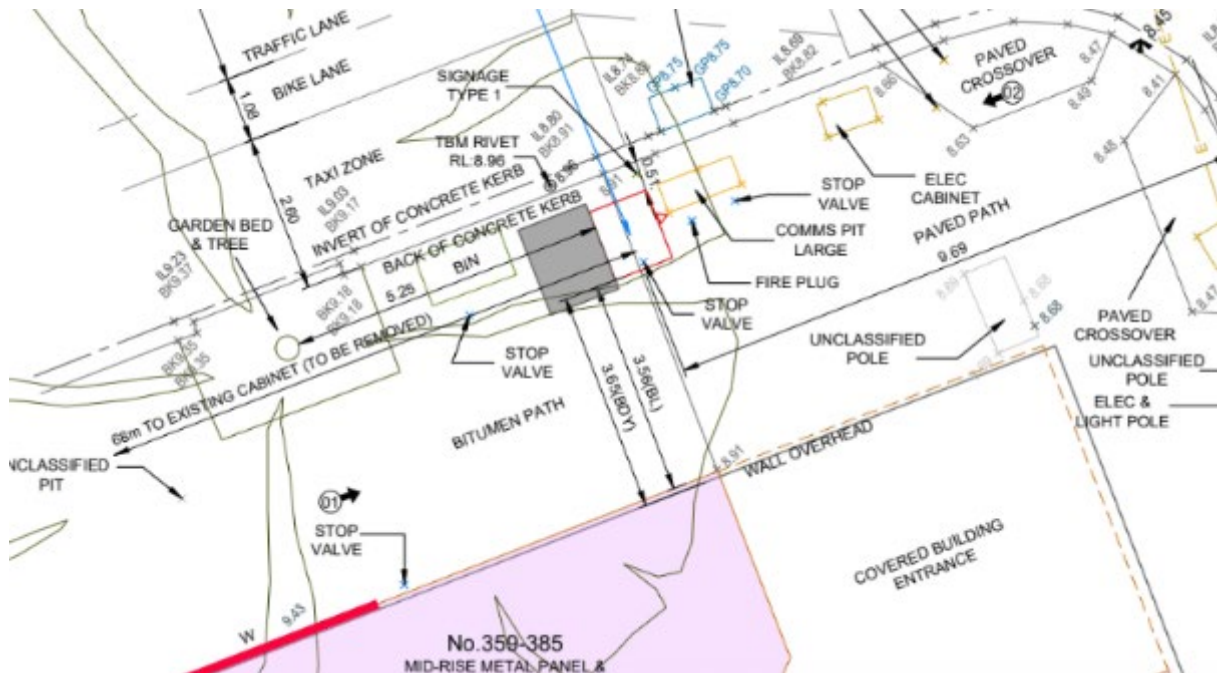
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 68 metres.

It is unclear which “existing cabinet” this proposal is replacing (noting there is an existing Version 1 Cabinet on the northern side of Bourke Street directly opposite); however it is understood to be a ‘Majestic’ style cabinet located to the west, sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 510 mm offset will be provided from the back of kerb, and a 3.65 metre setback from the adjacent title boundary (3.56 metres to the building line).



Proposed Site Plan of Cabinet 46 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the relocation of an existing cabinet further west closer to the intersection. This section of footpath is relatively wide and represents one of the busiest pedestrian storage areas entering the Retail Core. The proposal will result in a footpath width of 3.65 metres from the adjacent property boundary (3.56 metres to the building line). This represents a notable reduction to the existing conditions whereby the proposed cabinet siting will intrude the existing pedestrian corridor beyond what is already defined by neighbouring

bins. Given pedestrian volumes and storage requirements at the intersection the reduction is not supported. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 510 mm meets the minimum requirements for Council infrastructure. While a marginal shift to the kerb could be contemplated given the adjacent bins, this will not resolve the pedestrian movement deficiencies identified above.

Council's City Infrastructure team have expressed that the cabinet constitutes a safety hazard at an intersection environment where concentration on both other vehicles and pedestrians is required.

4.2 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale..."

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet location will be situated at a busy intersection and key entry point to the Retail Core. Despite the generous footpath width the volume multi-directional travel of pedestrians and storage requirements at the crossing make it particularly susceptible to clutter in the public realm. Improvements on Elizabeth Street are likely to lead to decluttering of this location in the future. Strategic work has been undertaken for Elizabeth Street under the *Elizabeth Street Strategic Opportunities Plan*. The location of the proposed cabinet is not located within any of the three (3) stages of the identified opportunities; however is adjunct to the proposed Stage 2 works.



Proposed Staging Plan [Source: Elizabeth Street Strategic Opportunities Plan]

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, the existing cabinet to be replaced has a sign displaying Telstra content.

This location presents a unique signage context given the entry function to Bourke Street Mall and proliferation of various sign types across the public and private realms.

This is a context which is undeniably cluttered with signage. There are countless business identification signs on the various businesses at this important entry point to the Retail Core. A major promotion sign is located immediately above the cabinet location. There are also a number of heritage sensitivities to the east across Elizabeth Street

In the public realm tram stops to the east and north display various electronic promotion signs (some approved by the Tribunal under P1738/2018). There are other phone cabinets in the area. These include proposed Cabinet 50, two (2) Version 1 Cabinets mid-block to the west, and Version 1 Cabinets on the opposite corner to the north (one having been recently removed). Three (3) Version 1 Cabinets exist in Bourke Street Mall.

This is a context where the electronic promotion signage in the public realm is already problematic, erodes the sense of place and will be further and unreasonably exacerbated. The proposal will add further visual clutter.

5 CONCLUSION AND RECOMMENDATION

The proposed location raises a series of urban design and signage clutter concerns at a prominent intersection and gateway entry to the Retail Core. Existing and proposed streetscape improvements along Elizabeth Street seek to declutter and improve pedestrian amenity. The introduction of an additional electronic promotion sign in this form will create a cumulative impact and cluster of other signs proposed to be installed by the applicant to the north and west.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the road network at the adjacent intersection.
2. The proposal will add additional public realm infrastructure at a busy pedestrian entry to the Retail Core and undermines precinct streetscape works being undertaken.
3. The proposed electronic promotion sign in combination with other existing and proposed cabinets will create a cumulative cluster of public realm signage.

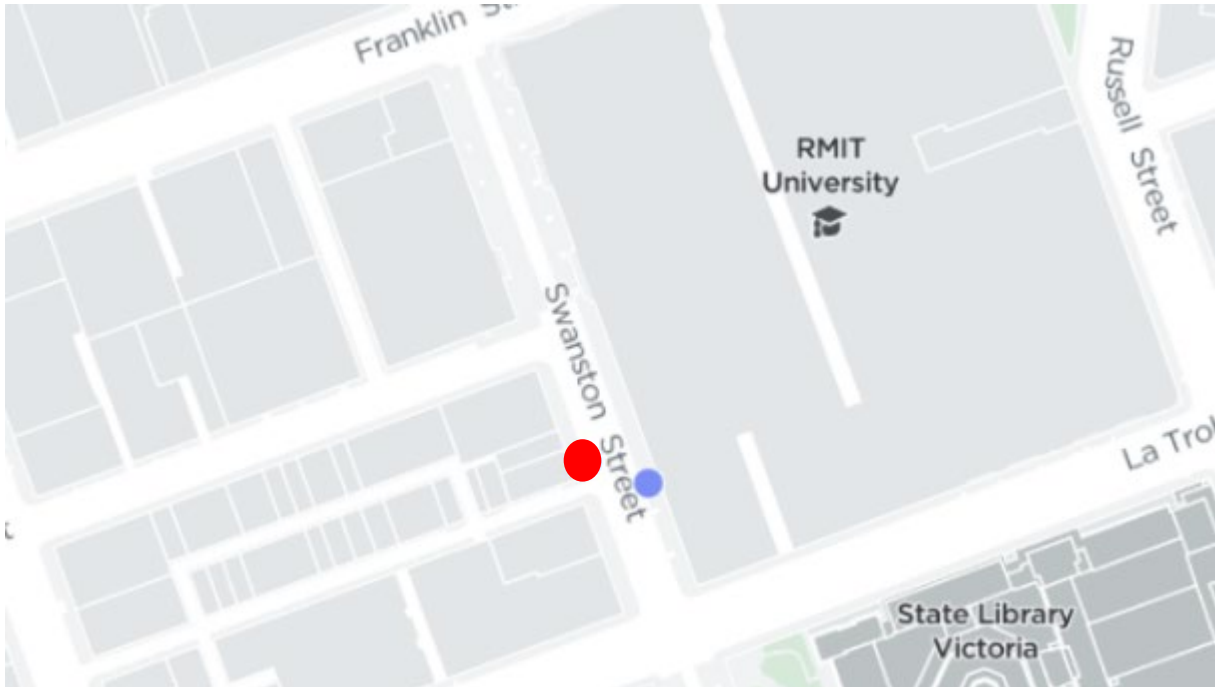
APPENDIX - CABINET NO.: 47

Application No.:	TP-2018-1071
VCAT Ref.:	P971/2019
Address:	Road reserve adjacent to 401-405 Swanston Street, Melbourne
Cabinet Orientation:	South, towards Little La Trobe Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Swanston Street between La Trobe Street and A'Beckett Street (at the corner of Little La Trobe Street).

The adjacent property is 401-405 Swanston Street, Melbourne.



Location map of Cabinet 47 [Source: Council GIS]



Site Photographs of Cabinet 47 Location, 28 March 2023 [Source: Council Officers]

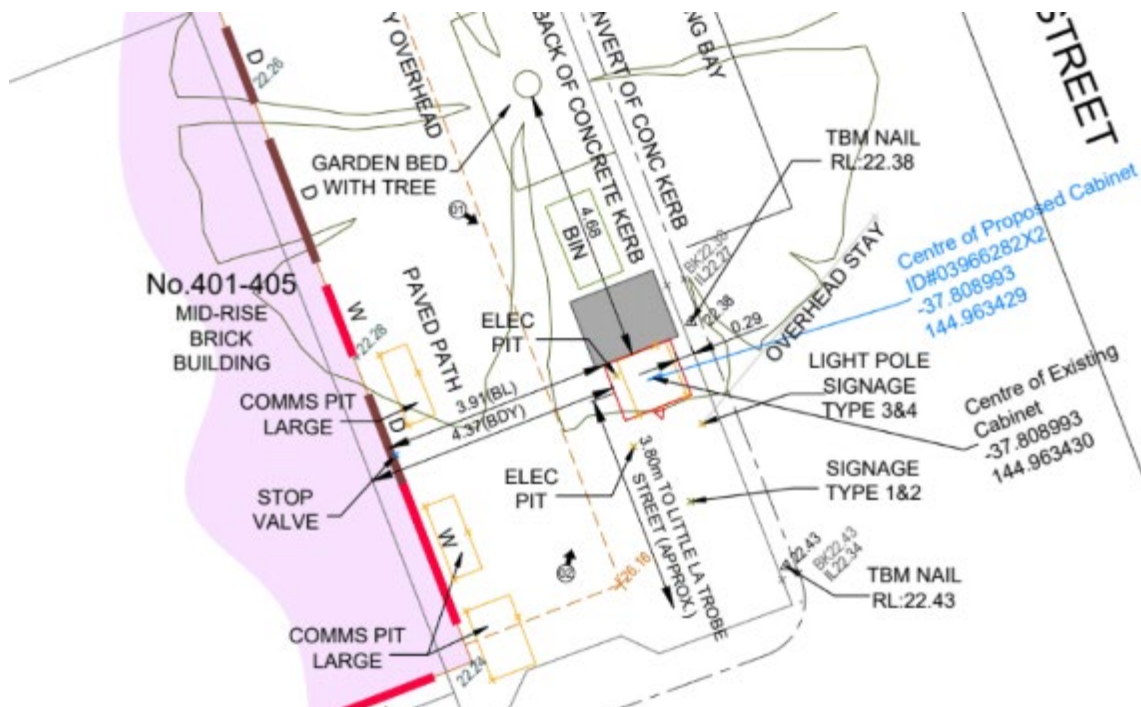
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 290 mm offset will be provided from the back of kerb, and a 4.37 metre setback from the adjacent title boundary (3.91 metres to the building line).



Proposed Site Plan of Cabinet 47 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1082.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1082.

The Building Information Sheet does not identify any specific significant elements; however notes it originally being a C-graded building with various unsympathetic appurtenances (such as the awning and signage).

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The ground floor has been substantially altered with signage, new awning (now with a balcony above). The footpath is already reasonably cluttered and the façade is partially obscured by the street tree.

The footpath is presently being rationalised which will influence the appreciation of the adjacent building and how the proposal reads against it. The proposal should be revisited following the completion of the public realm works.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of the existing cabinet in the same location. The proposal will result in a footpath width of 4.37 metres from the adjacent property boundary (3.91 metres to the building line).

Pedestrian volumes in this location are high and anticipated to increase further following completion of the State Library Station. The physical pedestrian environment will also change with precinct public realm work being undertaken which have not been accommodated by the proposal.

The proposed offset from the back of kerb at 290 mm (under current conditions) is below the minimum requirements for Council infrastructure; however the kerb alignment is to be built out in the next 12-18 months.

Council's City Infrastructure team have not expressed any road safety issues under current conditions; however have noted the conflict with proposed road and footpath works.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...ensure that development integrates with, and makes a positive contribution to, its context...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...maintains and contributes to the valued public realm attributes of the Central City”. A critical decision guideline is to consider “...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is to be located in an area which has been subject to detailed development planning as part of the streetscape works which are underway to form part of the new State Library Station precinct. The development plans are highly detailed and carefully prepared documents under the Melbourne Metro Rail Project Incorporated Document, May 2018 which have been approved by the Minister for Planning. The proposed cabinet location appears to have taken no regard of these documents, and their contents is not reflected in any application documents. The kerb alignment at this location is to be built out to the extent of the parking bays and a new widened zebra crossing constructed. The cabinet location should have regard to these works.

The cabinet is located directly opposite the main entry door of the adjoining shop. It appears to provide adequate clearance from the awning above. Nonetheless, the overall urban design outcome cannot be properly assessed, and should more appropriately be undertaken in the context of the new streetscape works being undertaken.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- This is an active part of the central city with a variety of active land uses and mix of signage in which the electronic promotional sign can appropriately sit.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its south facing orientation means it will not be viewed in conjunction with the identified view.
- The location of the sign shares similar issues identified with respect to heritage, mobility / movement and urban design in that major public realm works are afoot.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application has been prepared with no regard to the streetscape improvements being undertaken as part of the Melbourne Metro Tunnel works. These broad works will fundamentally change the physical environment, and any potential impacts on the adjacent property or surrounding area need to be understood in that context.

The proposed cabinet is not supported on the following grounds:

1. The proposal has not considered and is likely to conflict with the State Library Station development plan approved under the Melbourne Metro Rail Project Incorporated Document, May 2018.
2. The proposal is contrary to the proper and orderly planning of the precinct.

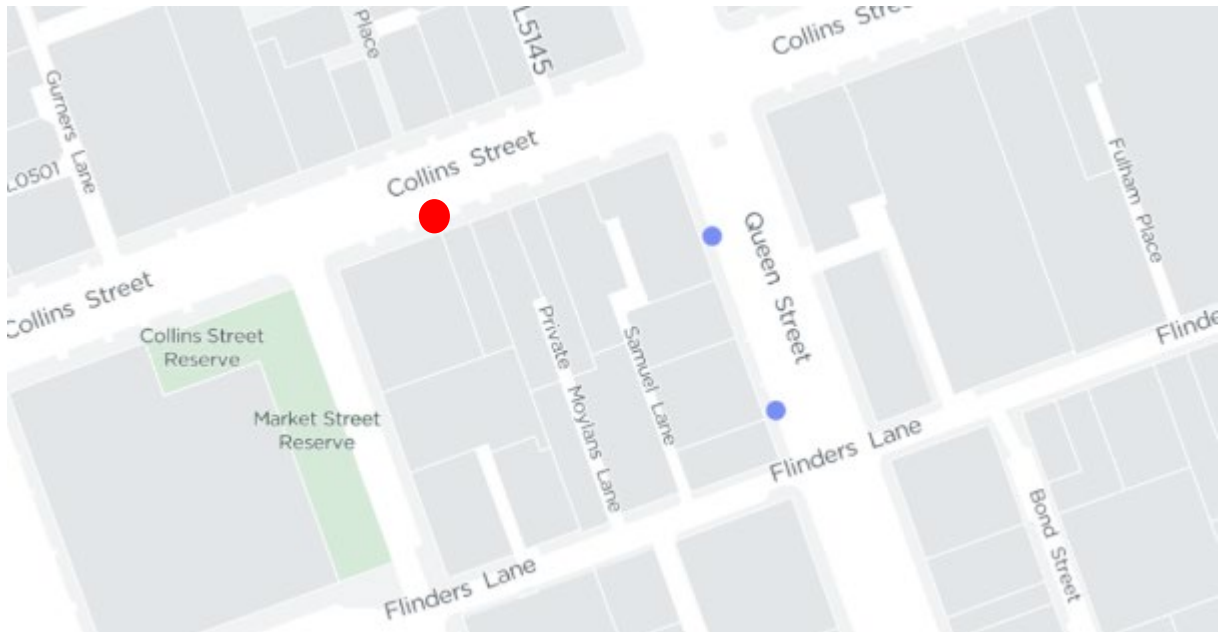
APPENDIX - CABINET NO.: 49

Application No.:	TP-2018-1073
VCAT Ref.:	P977/2019
Address:	Road reserve adjacent to 419-429 Collins Street, Melbourne
Cabinet Orientation:	East, towards Queen Street
Installation Type:	Replacement cabinet (existing 9.8 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between William Street and Queen Street.

The adjacent property is 419-429 Collins Street, Melbourne.



Location map of Cabinet 49 [Source: Council GIS]



Site Photographs of Cabinet 49 Location, 28 March 2023 [Source: Council Officers]

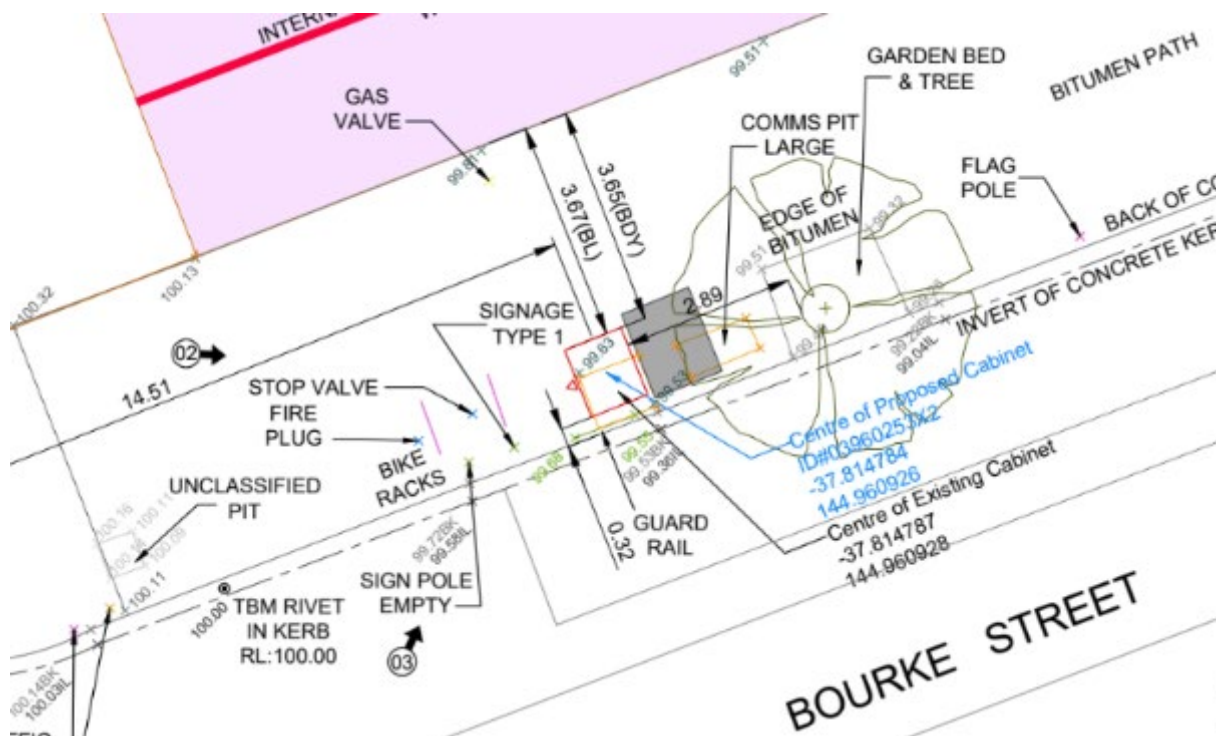
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated 9.8 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 590 mm offset will be provided from the back of kerb, and a 3.44 metre setback from the adjacent title boundary (3.41 metres to the building line).



Proposed Site Plan of Cabinet 49 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

Additionally, the land is adjacent to Heritage Overlay HO610 and Victorian Heritage Register listing H0421.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)

- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO610 (the former AMP building). The building is also listed on the Victorian Heritage Register (Ref.: H0421).

The building's significance is attributed to its architectural presentation, and a series of interiors and features.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The building is a highly intricate and detailed heritage asset which is currently undergoing extensive conservation works, including to its primary ground floor Collins Street façade. The

introduction of the new cabinet in this location will dominate, distract and obscure the appreciation of the heritage building. It will undermine and runs contrary to the efforts of the land owner to conserve and restore the building. The proposal is not supported on heritage grounds.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet located 9.8 metres west. The footpath in this location is relatively wide, and the proposal will result in a footpath width of 3.44 metres from the adjacent property boundary (3.41 metres to the building line).

The cabinet has been sited within the existing defined infrastructure zone of the footpath broadly (bike hoops further west and outdoor dining areas to the east); however would impose a greater intrusion on the immediate footpath area than the adjacent seat and street tree beds which are partially trafficable when the hoardings are not present.

Notwithstanding other concerns, there would be scope to shift the cabinet closer to the kerb to maintain an acceptable pedestrian corridor.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The urban design impacts at this location are difficult to appreciate due to the current gantry and hoardings along the footpath. Nonetheless, the cabinet has been located between two entry doors and the generous footpath width in this location could (if modified) mitigate any functional conflict with the adjoining properties. The structure will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- Advertising signage in this location is limited in its scale and extent, some signs are historic and there are some examples of illumination.
- The issues outlined above with respect to heritage for the cabinet apply equally to the signage component.
- Despite replacing an existing cabinet with promotional sign, this is sensitive heritage context where the introduction of a larger electronic sign in close proximity to significant buildings is problematic.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This location presents a sole issue of its relationship to the immediately adjacent significant, State listed heritage building which is currently undergoing extensive and detailed restoration works. The introduction of the structure and electronic sign is not an appropriate heritage outcome. Other urban design and pedestrian movement matters are (or could be by condition) addressed.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the adjacent heritage place (Heritage Overlay HO610 and VHR/0421).

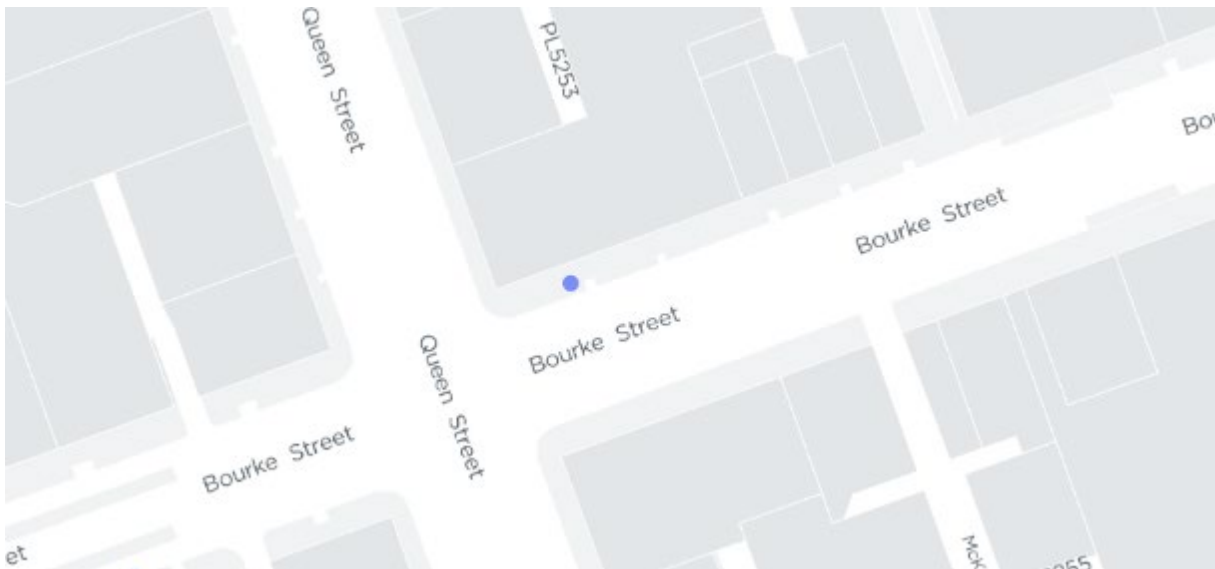
APPENDIX - CABINET NO.: 50

Application No.:	TP-2018-1075
VCAT Ref.:	P980/2019
Address:	Road reserve adjacent to 160 Queen Street, Melbourne
Cabinet Orientation:	West, towards Queen Street
Installation Type:	Replacement cabinet (direct swap)

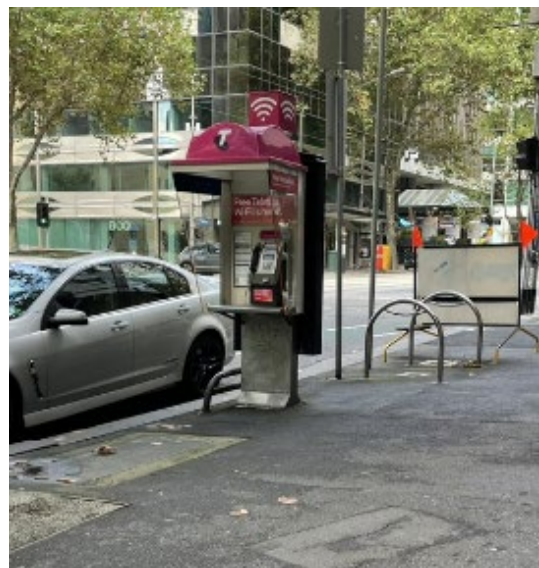
1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Bourke Street at the north-east intersection with Queen Street.

The adjacent property is 160 Queen Street, Melbourne.



Location map of Cabinet 50 [Source: Council GIS]



Site Photographs of Cabinet 50 Location, 28 March 2023 [Source: Council Officers]

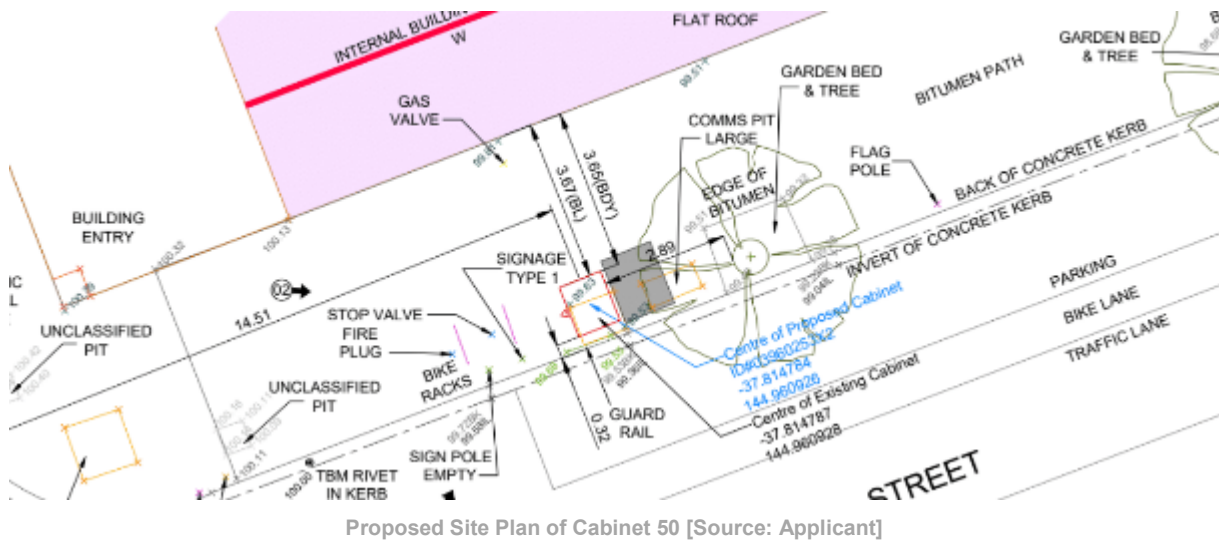
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 320 mm offset will be provided from the back of kerb, and a 3.65 metre setback from the adjacent title boundary (3.67 metres to the building line).



3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1.

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1369.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)

- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1369 (the former Sleigh Buildings). The building's significance is attributed to the execution of its façade system (curtain wall and fenestration pattern), the peripheral columns, foyers and shopfront, Tom Bass sculpture and original plaza. Later street level alterations are not significant.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The replacement cabinet is located on the Bourke Street frontage and is visually separated from the identified significant building elements. It is located east along the building's secondary frontage and does not conflict with side entry of the undercroft entry space at the corner.

The proposal will not unreasonably impact the heritage significance of the place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet in the same location. The footpath in this location is relatively wide, and the proposal will result in a footpath width of 3.65 metres from the adjacent property boundary (3.67 metres to the building line).

The cabinet is sited to align with the immediately adjacent infrastructure and will not obstruct the existing pedestrian corridor.

The proposed offset from the back of kerb at 320 mm is below the minimum requirements for Council infrastructure; however is an improvement on existing conditions and would replicate the offset of the street tree.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet has been located clear to the east of the undercroft building entry and the adjacent windows and doors are elevated in a raised section of the adjacent building. The proposed cabinet does not directly conflict with any existing infrastructure. At a broader level the proposed cabinet will combine with numerous other cabinets in this section of Bourke Street creating a clustering and cumulative impact of large pieces of public realm infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- In this context and where heritage matters are addressed (see above), the replacement of the existing promotion sign with a larger electronic version can be supported on heritage grounds.

- As noted with Cabinet 46, this cabinet combines with a series of existing installations to create an overwhelming and visually cluttered environment in which a large number of signs will be displayed in the public realm in a small area. This includes Cabinet 46, four (4) Version 1 Cabinets to the west along Bourke Street, and then proposed Cabinets 33 and 51 and an existing Version 1 Cabinet to the west.

This is a context where the electronic promotion signage in the public realm creates a cumulative impact of visual clutter and is not supported.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location raises urban design and signage clutter concerns which are consistent along this stretch of Bourke Street. The introduction of an electronic promotion sign in this form will create a cumulative impact and cluster of other signs already or proposed to be installed by the applicant to the east on both sides of Bourke Street.

The proposed cabinet is not supported on the following grounds:

1. The proposed electronic promotion sign in combination with other existing and proposed cabinets will create a cumulative cluster of public realm signage.

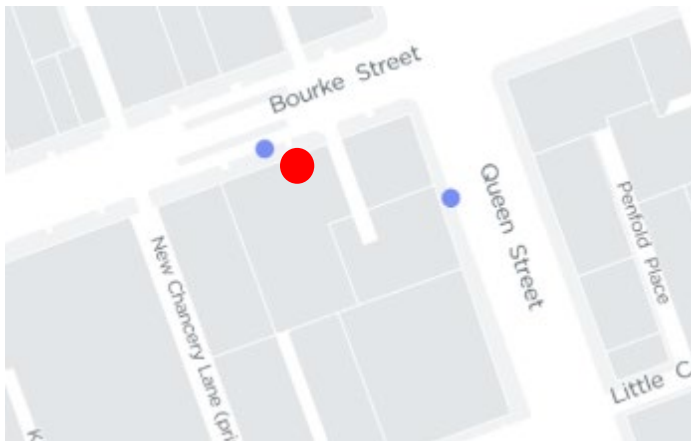
APPENDIX - CABINET NO.: 51

Application No.:	TP-2018-1076
VCAT Ref.:	P993/2019
Address:	Road reserve adjacent to 457-471 Bourke Street, Melbourne
Cabinet Orientation:	East, towards Michael Lane
Installation Type:	Replacement cabinet (existing 8.4 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Bourke Street between William Street and Queen Street.

The adjacent property is 457-471 Bourke Street, Melbourne.



Location map of Cabinet 51 [Source: Council GIS]



Site Photographs of Cabinet 51 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 8.4 metres.

- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1309 (the former Dalgety House). The building's significance is attributed to the building's original external form, materials and detailing. The building's original design exhibits a high level of integrity. Later alterations made to the street level facades are not significant.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

Much of the identified significance is located within the upper portions of the building such as its curtain wall construction, with the ground floor plane and alterations to same not being identified.

On this basis, given likely vantage points in which the building's significance can be appreciated, the location of the cabinet in the relative wide footpath context will not unreasonably obscure or detract from the heritage place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet located 8.4 metres west. The footpath in this location is relatively wide, and the proposal will result in a footpath width of 3.19 metres from the adjacent property boundary (3.3 metres to the building line).

The cabinet has been sited to project marginally beyond the adjacent news stand which represents a small reduction to the available pedestrian corridor in a high volume environment.

The proposed offset from the back of kerb at 710 mm exceeds the minimum requirements for Council infrastructure and could be shifted north to provide the requisite offset of 800 mm from the face of kerb.

On this basis it is recommended that the cabinet be shifted north to provide an offset of 800 mm to the face of the kerb. This will achieve a usable pedestrian corridor of 3.51 metres which replicates the existing infrastructure zone of this section of footpath.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...ensure that development integrates with, and makes a positive contribution to, its context...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...maintains and contributes to the valued public realm attributes of the Central City”. A critical decision guideline is to consider “...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is located west of the main building entry and opposite a forecourt area not used for outdoor dining. It is logically co-located adjacent to an existing piece of infrastructure of a similar scale (news stand); however directly conflicts with existing bike hoops. At a broader level the proposed cabinet will combine with other cabinets in this section of Bourke Street, namely an existing cabinet of the same style to the west, therefore creating a clustering and cumulative impact of large pieces of public realm infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- Although promotional signage is displayed within the tram stop structure, its location within the road reserve and integration with the shelter can be readily distinguished from the proposed free standing structure in the footpath.
- This cabinet combines with a series of existing installations to create an overwhelming and visually cluttered environment in which a large number of signs will be displayed in the public realm in a small area. This includes Cabinets 33 and 50 to the east and an existing Version 1 Cabinet less than 100 metres to the west.

This is a context where the electronic promotion signage in the public realm creates a cumulative impact of visual clutter and is not supported.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location raises urban design and signage clutter concerns which are consistent along this stretch of Bourke Street. The introduction of an electronic promotion sign in this form will create a cumulative impact and cluster two nearly identical structures within less than 100 metres of each other.

The proposed cabinet is not supported on the following grounds:

1. The proposed electronic promotion sign in combination with other existing and proposed cabinets will create a cumulative cluster of public realm signage.

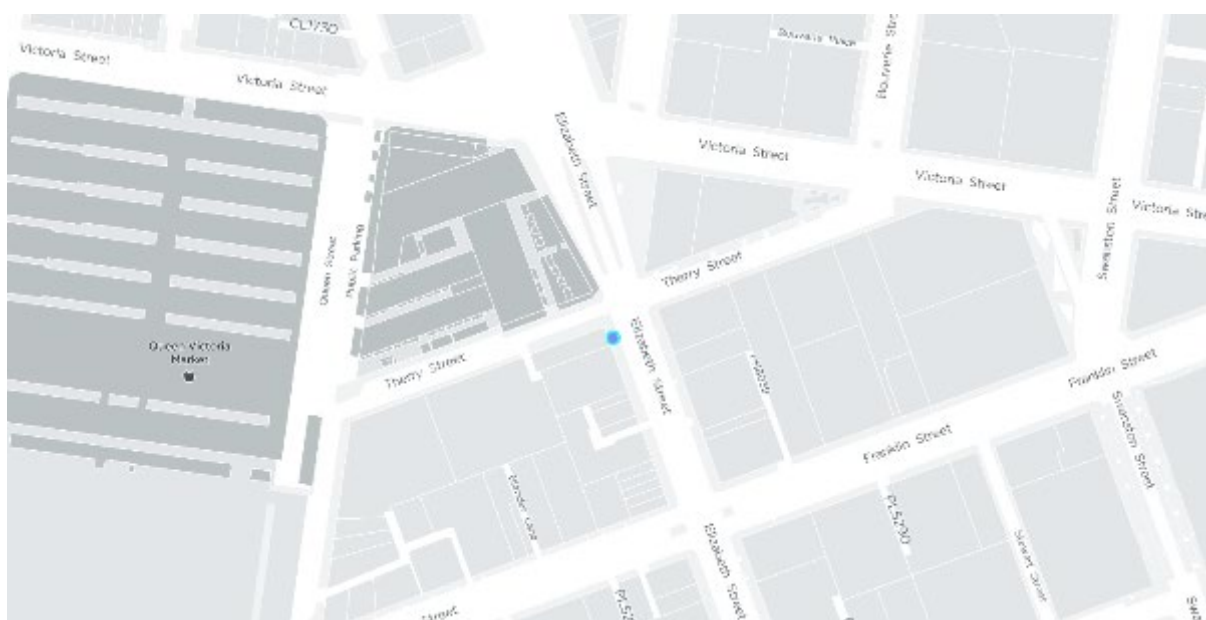
APPENDIX - CABINET NO.: 52

Application No.:	TP-2018-1077
VCAT Ref.:	P994/2019
Address:	Road reserve adjacent to 503 Elizabeth Street, Melbourne
Cabinet Orientation:	South, towards Franklin Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Elizabeth Street at the south-west intersection with Therry Street.

The adjacent property is 503 Elizabeth Street, Melbourne.



Location map of Cabinet 52 [Source: Council GIS]



Site Photographs of Cabinet 52 Location, 28 March 2023 [Source: Council Officers]

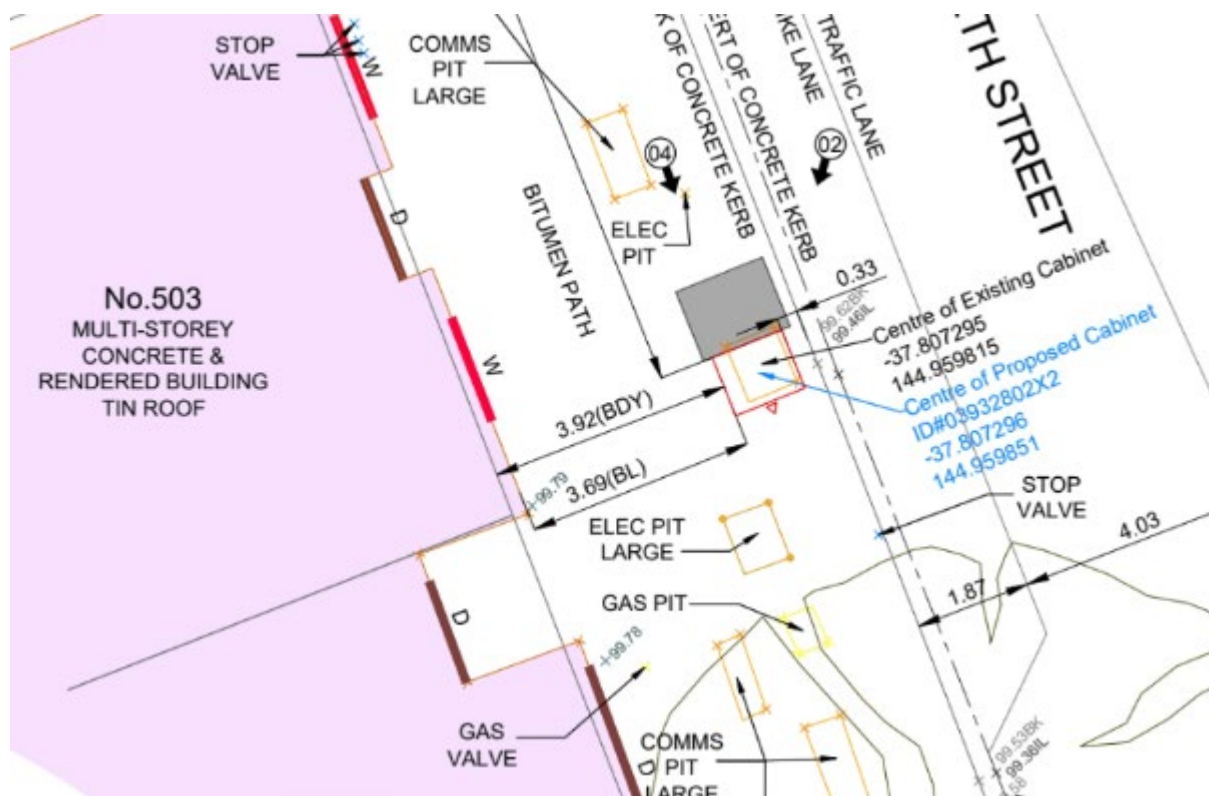
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 330 mm offset will be provided from the back of kerb, and a 3.92 metre setback from the adjacent title boundary (3.69 metres to the building line).



Proposed Site Plan of Cabinet 52 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlays HO1309 and HO7.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)

- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal is to replace an existing cabinet in the same location and reorientate it 180 degrees. This section of footpath is relatively wide which serves as an important thoroughfare and southern entry point to the Queen Victoria Market. The proposal will result in a footpath width of 3.92 metres from the adjacent property boundary (3.69 metres to the building line).

The proposed offset from the back of kerb at 330 mm is below the minimum requirements for Council infrastructure. As noted above no existing infrastructure supports this reduction; however this would match the offset of the existing cabinet, and it is to be located adjacent to a stationary bike lane.

Council’s City Infrastructure team have expressed concern that the cabinet location creates a safety hazard being around 7 metres south of the primary traffic signal pole at the Therry Street intersection. Relocation further south could resolve this issue; however would have the effect of siting the cabinet adjacent to a different property and is considered beyond the scope of this application. The proposal is not supported on this basis.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect*”

of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet location has been appropriately sited to the south of the entry door and active windows of the adjacent building. The area opposite is a section of blank wall and the service doors of the property are to the south. The generous footpath width in this area largely mitigates any conflict between the cabinet and adjoining properties. The structure will not conflict with any existing infrastructure.

The proposed cabinet location will not conflict with upgrading works within Therry Street which seek to improve the entrance to Queen Victoria Market.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- This location presently exhibits a modest volume of signage which principally relates to the occupants of the neighbouring commercial buildings.
- As noted above the proximity of the sign to the signalised intersection creates a safety concern and ought to be relocated to avoid confusion with the traffic lanterns.

With these matters considered, other than the fundamental traffic concern in this location this is an area where the proposed electronic promotional sign could otherwise be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location appropriately provides adequate pedestrian clearance along the footpath, does not raise any urban design concerns, and is in a location where the introduction of an electronic promotion sign could comfortably sit within the surrounding context.

The discrete issue is the introduction of the much larger structure and advertising sign in close proximity to the signalised intersection. Relocation south would address the concern; however would place the cabinet adjacent to a different property and is considered beyond the scope of conditions.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the road network at the adjacent intersection.

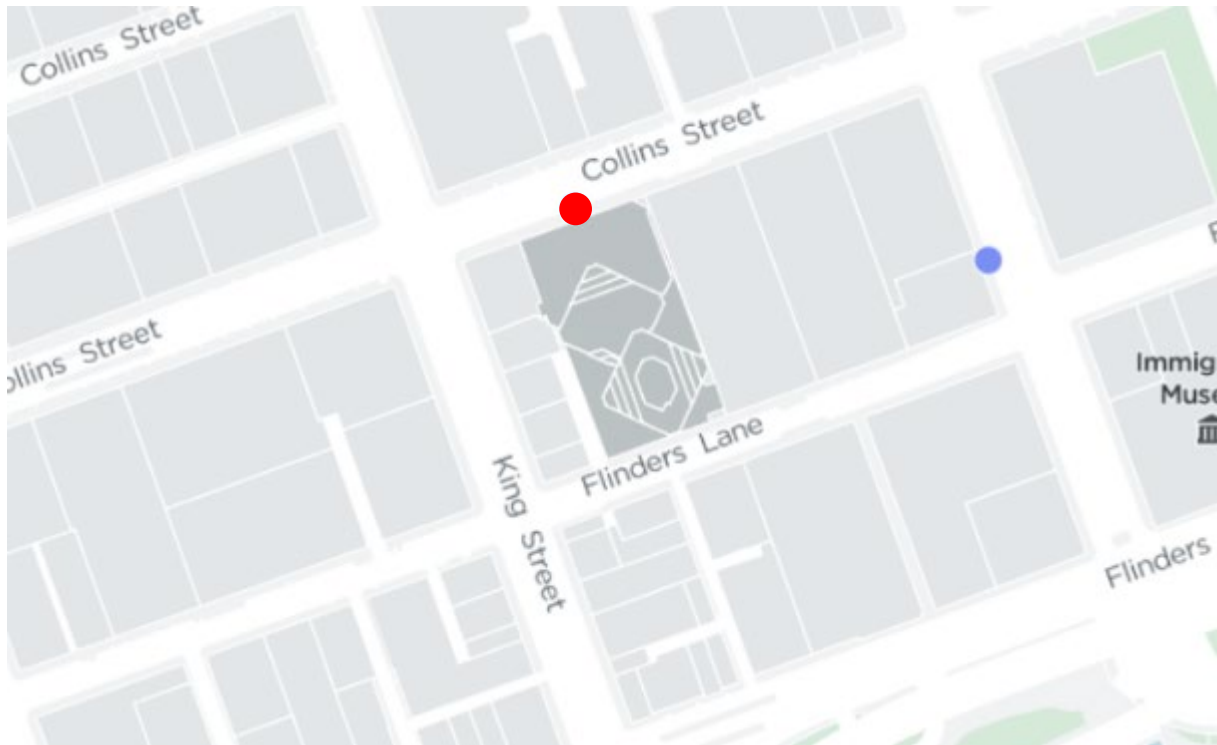
APPENDIX - CABINET NO.: 53

Application No.:	TP-2018-1079
VCAT Ref.:	P996/2019
Address:	Road reserve adjacent to 505-535 Collins Street, Melbourne
Cabinet Orientation:	East, towards William Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between King Street and William Street.

The adjacent property is 505-535 Collins Street, Melbourne.



Location map of Cabinet 53 [Source: Council GIS]



Site Photographs of Cabinet 53 Location, 28 March 2023 [Source: Council Officers]

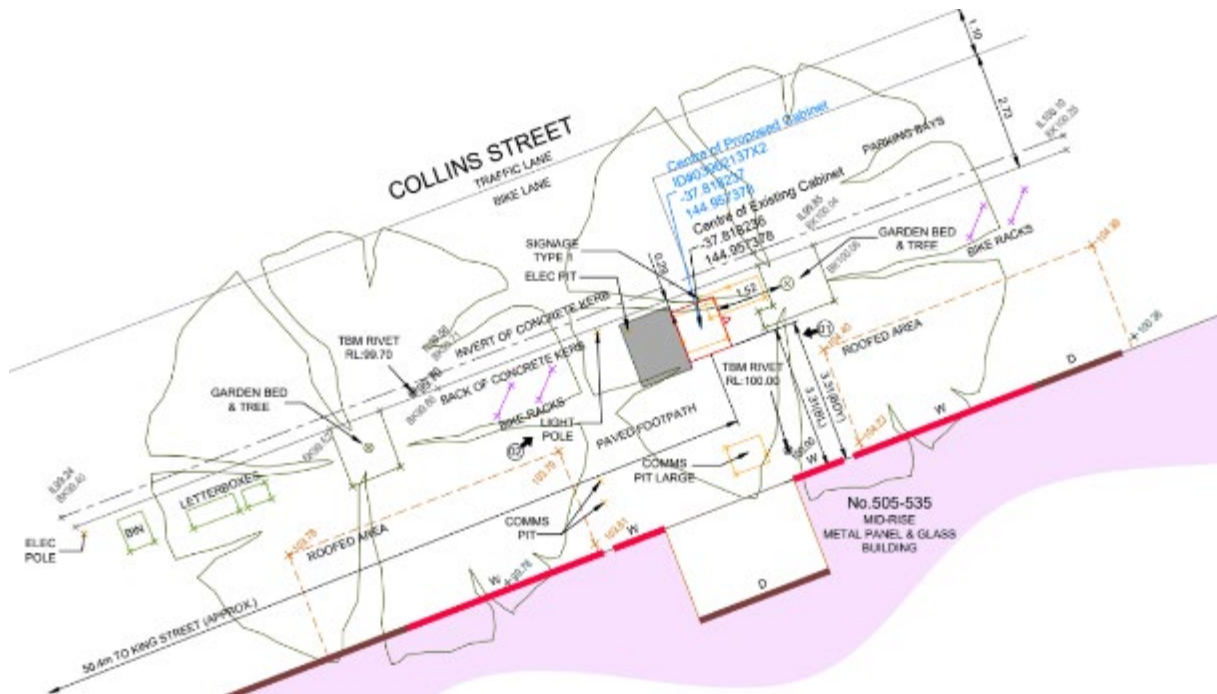
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 290 mm offset will be provided from the back of kerb, and a 3.31 metre setback from the adjacent title boundary / building line.



Proposed Site Plan of Cabinet 53 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal is to replace an existing cabinet in the same location and reorientate it 180 degrees. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.31 metres from the adjacent property boundary.

The cabinet will project marginally beyond the defined infrastructure zone of the footpath and encroach the pedestrian corridor. This is principally defined by the existing bike hoops and to a lesser extent the trafficable street tree beds which provide for occasional passing in busy periods.

The proposed offset from the back of kerb at 290 mm is below the minimum requirements for Council infrastructure; however would remain greater than the adjacent light pole in an area with no conflicts (e.g. parking bays or bike lanes).

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located directly opposite the recessed building entry of one of the city's premier buildings. Relocation to the east or west would place the cabinet adjacent to active frontages of the adjoining tenancies and would not be appropriate.

The structure will not conflict with the awning structure of the Rialto podium being sited in its void, and there is no conflict with existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The Tribunal previously refused a promotion sign in this location in 2006 (Ref.: P3146/2005); however this predates the redevelopment of the Rialto podium.
- This location presently exhibits a modest volume of signage which principally relates to the occupants of the neighbouring commercial buildings.
- The ground level of the Rialto building now comprises a range of signs in contrast to the neighbouring buildings to the east and north. Although numerous, they are not overwhelming or discordant.
- There are no particular sensitivities or prevailing visual clutter which will be exacerbated.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location and limited physical conflict will allow the structure to comfortably sit in this location subject to a slight relocation. Given the orientation and siting opposite an entry to one of the central city's premier buildings, a reorientation of the cabinet would avoid any visual impact associated with the perpendicular alignment and remedy any reduction to the usable pedestrian corridor.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS25V07 (505-535 Collins Street) and dated 1 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Any relocation of the cabinet to provide an offset from the face of kerb no less than the adjacent light pole.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

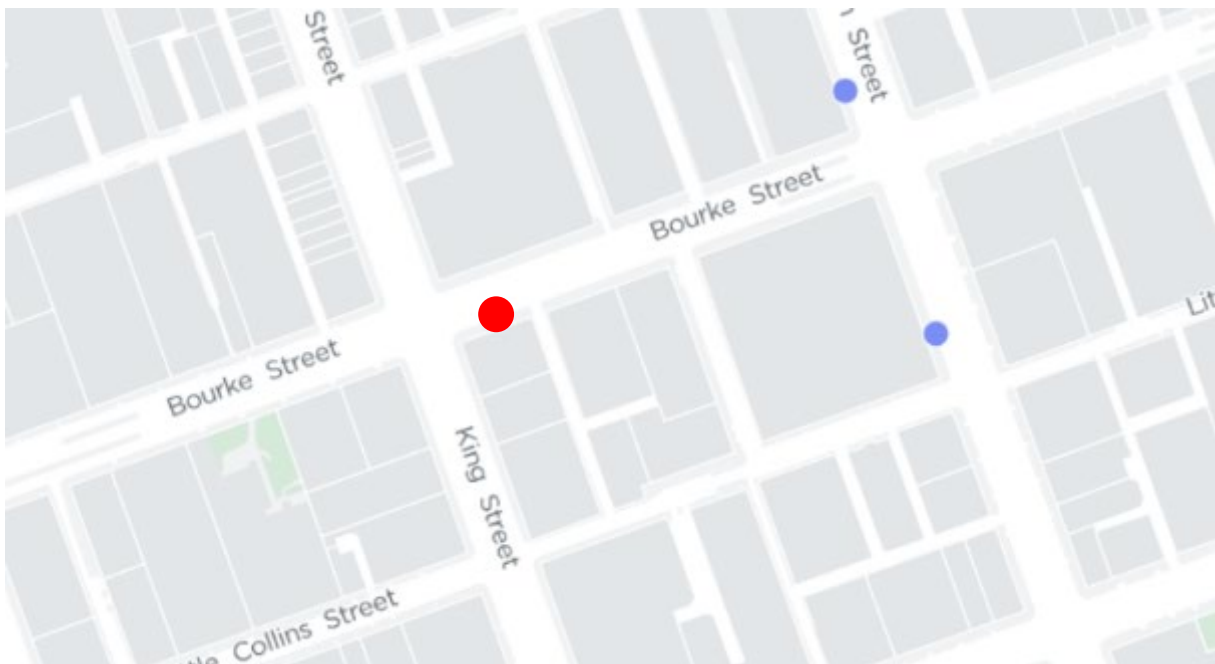
APPENDIX - CABINET NO.: 55

Application No.:	TP-2018-1084
VCAT Ref.:	P986/2019
Address:	Road reserve adjacent to 589-603 Bourke Street, Melbourne
Cabinet Orientation:	East, towards Gallaghers Place
Installation Type:	Replacement cabinet (existing 7.45 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Bourke Street between King Street and William Street.

The adjacent property is 589-603 Bourke Street, Melbourne.



Location map of Cabinet 55 [Source: Council GIS]



Site Photographs of Cabinet 55 Location, 28 March 2023 [Source: Council Officers]

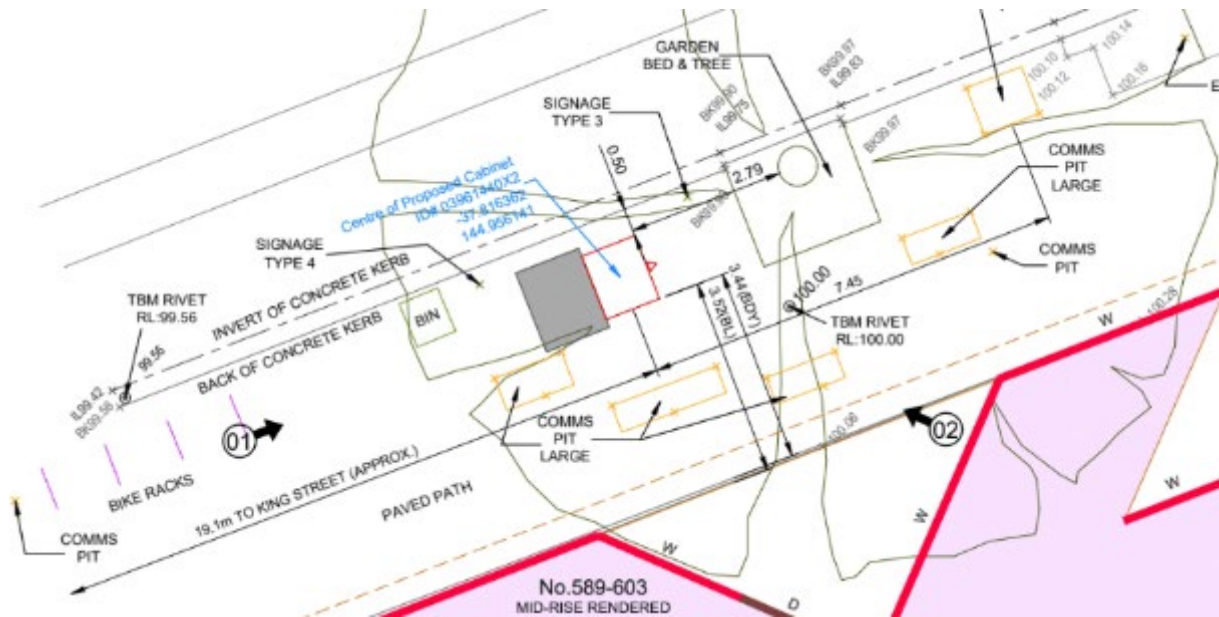
2 PROPOSAL

The proposed cabinet will replace an existing cabinet located 7.45 metres to the east.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 500 mm offset will be provided from the back of kerb, and a 3.44 metre setback from the adjacent title boundary (3.52 metres to the building line).



Proposed Site Plan of Cabinet 55 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1311.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1311. The building's significance is attributed to the building's original external form, materials and detailing. The building's original design exhibits a high level of integrity. Later alterations made to the street level facades are not significant.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

Much of the identified significance is located within the upper portions of the building such as its grid-like facade, with the ground floor plane and alterations to same not being identified. On this basis, given likely vantage points in which the building's significance can be appreciated, the location of the cabinet in the relative wide footpath context will not unreasonably obscure or detract from the place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal is to replace an existing cabinet approximately 7.45 metres to the east. This section of footpath is relatively wide and the proposal will result in a footpath width of 3.44 metres from the adjacent property boundary (3.52 metres to the building line).

The cabinet will project beyond the defined infrastructure zone of the footpath and encroach the pedestrian corridor. The immediate vicinity of the proposed location provides a far more generous pedestrian environment defined by the street tree and bin. Further west are a series of bike hoops which narrows the pedestrian space but not to the extent of the proposed cabinet.

The proposed offset from the back of kerb at 500 mm satisfies the minimum requirements for Council infrastructure; however would remain greater than the adjacent infrastructure.

Given the adjacent infrastructure (namely the pole to the east and bin to the west) shifting the cabinet towards the kerb would retain a pedestrian corridor width matching that formed by the neighbouring bike hoops.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements, noting the relocation would improve the conflict of the current location with the loading bays.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet will be located slightly offset from the triangular entry point of the adjacent tenancy and the generous footpath width assists in mitigating any conflict with the door. The Chemist Warehouse has effectively no frontage activation. The cabinet will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- The Tribunal previously refused a promotion sign on a cabinet which was located further east at the time given its conflict with the main building entry.
- This location broadly exhibits a modest volume of signage; however the immediately adjacent tenancy to the install location (Chemist Warehouse) has a disproportionate amount of signage.
- No heritage concerns.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location and limited physical conflict will allow the structure to comfortably sit in this location subject to a slight relocation. The reduction to the available pedestrian corridor can be remedied by utilising the additional kerb side space which is adjacent to an unused, no stopping zone of the road carriageway.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS30V6 (589-603 Bourke Street) and dated 1 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Any relocation of the cabinet to provide an offset from the face of kerb no less than the adjacent sign pole (Signage Type 3) and/or bin, whichever is the lesser.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

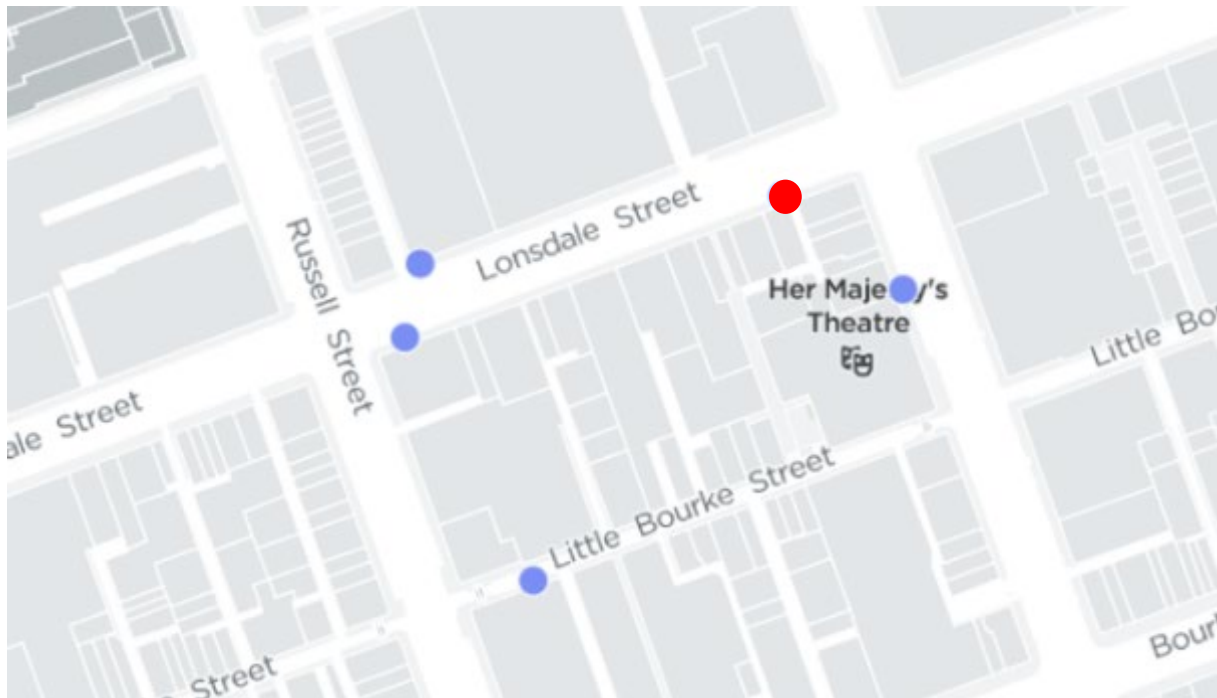
APPENDIX - CABINET NO.: 57

Application No.:	TP-2018-1086
VCAT Ref.:	P997/2019
Address:	Road reserve adjacent to 107-111 Lonsdale Street, Melbourne
Cabinet Orientation:	East, towards Exhibition Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Lonsdale Street between Russell Street and Exhibition Street.

The adjacent property is 107-111 Lonsdale Street, Melbourne.



Location map of Cabinet 57 [Source: Council GIS]



Site Photographs of Cabinet 57 Location, 28 March 2023 [Source: Council Officers]

2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 310 mm offset will be provided from the back of kerb, and a 1.86 metre setback from the adjacent title boundary (1.83 metres to the building line).



Proposed Site Plan of Cabinet 57 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO507.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is to replace an existing cabinet in the same location with the additional width being accommodated entirely inboard within the pedestrian corridor. The proposed cabinet will result in a footpath width of 1.86 metres from the adjacent property boundary (1.83 metres to the building line). The further reduction of the footpath width in this location will entrench a situation which is already inadequate for current pedestrian volumes.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 310 mm is below the minimum requirements for Council infrastructure. The nearby light pole and street trees appear to support a reduced setback along this section of Lonsdale Street. It is noted the plans were not resurveyed following amendment of the application therefore no information is provided on the physical conditions to the west.

Council's City Infrastructure team have not expressed any concern that the cabinet position represents a safety hazard for vehicles. The location is likely to present a level of conflict with the rear doors of a bus occupying the second bus bay.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale..."

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located adjacent to, and in close proximity to (owing to the narrow footpath) an elevated outdoor dining area. The survey plans does not accurately depict this space, nor the area to the west of it. The location in this confined context creates an inappropriate interface between the public and private realm.

In combination with other proposed cabinets in the surrounding area, the proposal will result in a cumulative clustering of large public realm structures in a relatively small area.

The structure will not directly conflict with any existing infrastructure.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location at the periphery of the Chinatown signage precinct where, among other things, bright and animated signs are encouraged.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign which was approved by the Tribunal in 2006 (Ref.: 1702/2006) and extended in 2016.
- In character terms the signage is something that is otherwise compatible with the surrounding precinct, broadly consistent with policy and could be supported.
- There are three cabinets proposed in one city block along Lonsdale Street (39, 57 and 74). If these were to be approved they would create a negative clustering of public realm signage clutter in one streetscape.

With these matters considered, this is an area where the number of signs cumulatively would need to be reviewed and rationalised in order to gain support.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location creates conflicts with pedestrian movement in the public realm and on the adjacent land use which benefits from an elevated outdoor dining area orientated to the street. The electronic signage will result in a cluster of public realm signage in a relatively small area of the central city.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposal creates a conflict with the immediately adjacent land use which has an elevated outdoor dining area immediately opposite the location.
3. The proposed electronic promotion sign in combination with other proposed cabinets will create a cumulative cluster of public realm signage.

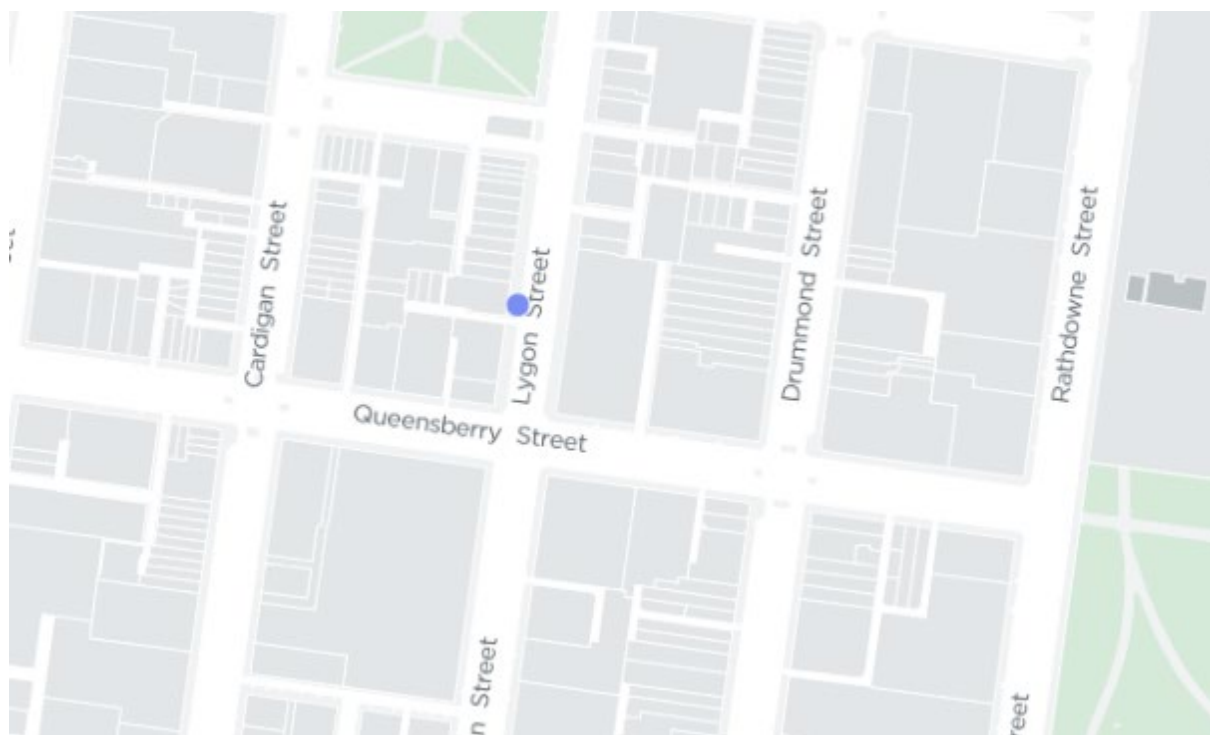
APPENDIX - CABINET NO.: 58

Application No.:	TP-2018-1087
VCAT Ref.:	P1000/2019
Address:	Road reserve adjacent to 113 Lygon Street, Carlton
Cabinet Orientation:	South, towards Magenta Place
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of Lygon Street between Queensberry Street and Argyle Place South.

The adjacent property is 113 Lygon Street, Carlton.



Location map of Cabinet 58 [Source: Council GIS]

Site Photographs of Cabinet 58 Location, 12 April 2023 [Source: Council Officers]

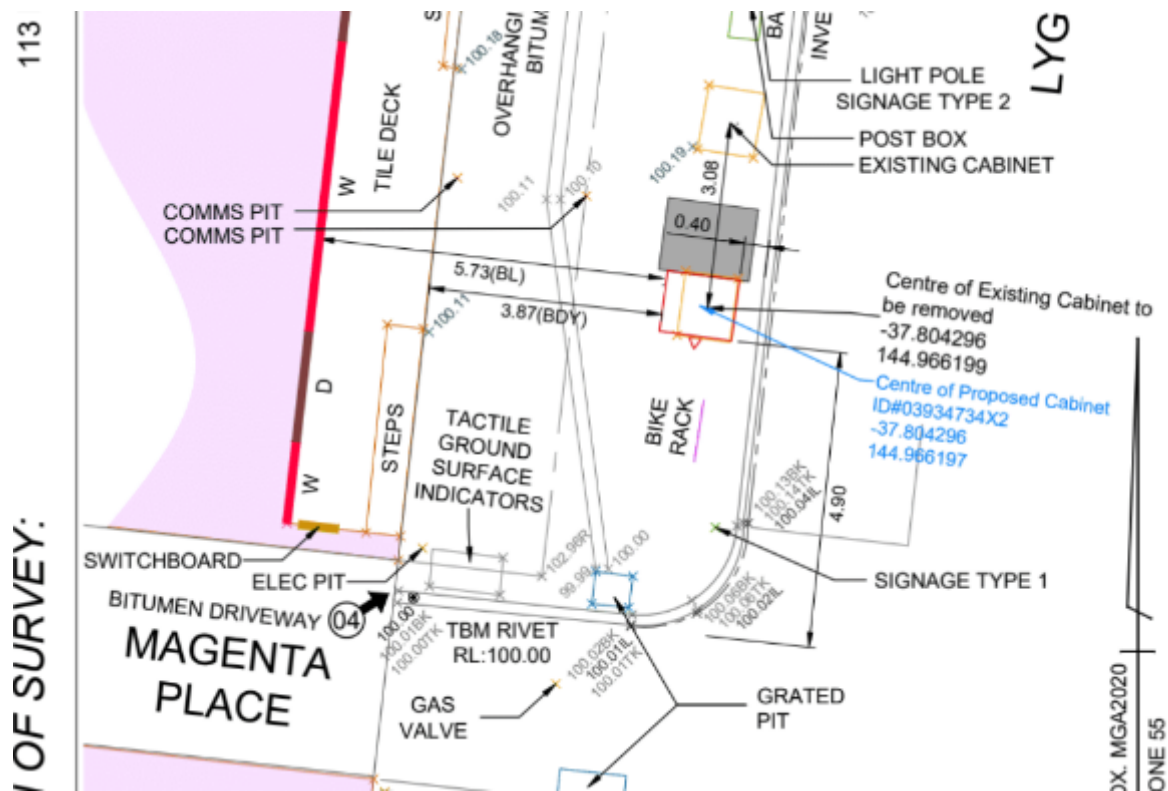
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 400 mm offset will be provided from the back of kerb, and a 3.87 metre setback from the adjacent title boundary and 5.73 metre setback to the building line.



Proposed Site Plan of Cabinet 58 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Commercial 1 Zone

The following overlays apply:

- Heritage Overlay (HO1)
- Design and Development Overlay – Schedule 47
- Parking Overlay – Schedule 12.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-02 (Carlton)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-05 (Urban design outside the Capital City Zone)
- Clause 15.01-1L-02 (Signs)

- Clause 15.03-1L-02 (Heritage)
- Clause 17.02-1L (Lygon and Elgin Street shopping centre)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1 which covers the Carlton Precinct. The Precinct Statement of Significance speaks to lower scale significant and contributory development predominantly from the mid Victorian development era, and principal streets are “...characterised by their width and open character”. Some areas are “...predominantly commercial; with historic shops...” and Lygon Street is important as “...one of inner Melbourne’s most iconic commercial streets”. There is little identification of elements in the public realm (other than materials).

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

The adjacent building at 113 Lygon Street is non-contributory to the precinct under the Inventory.

The proposed cabinet does not result in any unreasonable heritage impact on the precinct.

4.2 Mobility and Movement

The C1Z requires decision makers to have regard to “[t]he movement of pedestrians and cyclists”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.5 metres.

The proposal includes the replacement of an existing cabinet in the same location. It is unclear if the second cabinet slightly north is to also be removed, but in any event this will be

required by condition. This section of footpath is relatively wide and the proposal will provide a setback of 3.87 metres to the boundary line. This is consistent with the extent of the curved seat located further north, and notably less than the footpath dining area beyond.

The proposed offset from the back of kerb at 400 mm is marginally below the minimum requirements for Council infrastructure; however exceeds the offset of the street tree to the north.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. Being a lower order intersection with Magenta Place, a 5.0 metre setback will provide sufficient clearance from both the crossing to the south and 40 km/h sign to the north.

4.3 Urban Design

The decision guidelines of the C1Z calls up a variety of urban design matters including access from the street, protection of active frontages, illumination and services.

Clause 15.01-1L-05 provides important urban design guidance on a variety of elements including (as relevant) street level frontages, visibility and safety, and pedestrian connection. These considerations are strengthened by Clause 17.02-1L which speaks to street level activation and the discouraging on non-shop uses.

The proposed cabinet will be located in between the two sets of entry stairs opposite a section of balustrade. The ground level activation of the adjacent building is located within the recessed undercroft area and will not be impacted by the proposed cabinet.

Subject to a condition confirming both cabinets are to be removed as part of this application, there will be a net reduction and decluttering of this section of footpath.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. This is further strengthened by the zone strategy which states "*...promotion signs are not supported unless part of an established signage pattern*", and that signs are to be located at ground level.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign.
- The signage pattern within the centre is principally business identification, and any promotional signage that does exist relates to products sold by those businesses rather than third party promotion.
- Electronic signage is not part of any established signage pattern.
- This particular site is anomalous in this strip of Lygon Street, owing to its lack of heritage significance, land use, absence of footpath trading and setback built form. The same sign to the north or south of this location would be highly inappropriate.
- The heritage assessment above applies equally to the signage component being an integrated part of the structure.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location is adjacent to a non-contributory heritage building and will not result in any urban design issues at this interface being sited in line with its balustrade element rather

than one of its two entry points. There is adequate pedestrian clearance provided and conditions will require confirmation that both cabinets are to be removed and a slight shift of the structure to the north to provide better clearance from the intersection.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS19V8 (113 Lygon Street) and dated 8 January 2023), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) A notation confirming that northern cabinet is to be removed as part of the application;
 - c) Relocation to the north to provide a 5.0 metre clearance from intersection with Magenta Place.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

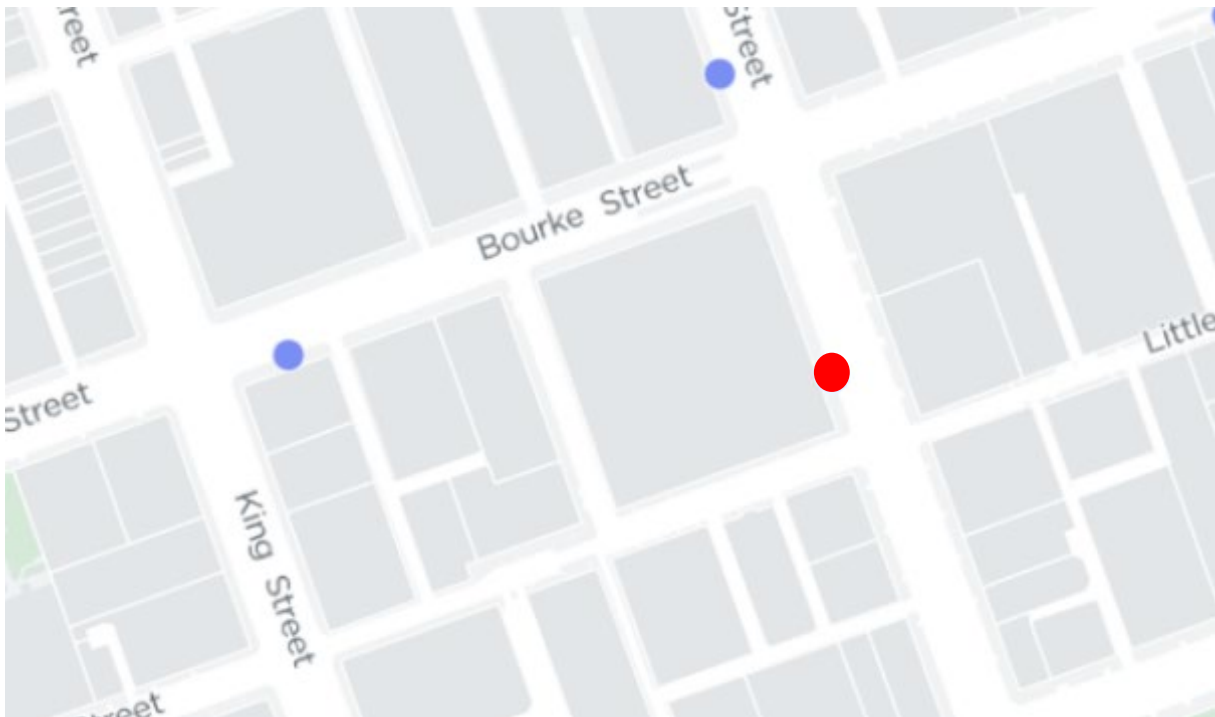
APPENDIX - CABINET NO.: 60

Application No.:	TP-2018-1089
VCAT Ref.:	P988/2019
Address:	Road reserve adjacent to 121 William Street, Melbourne
Cabinet Orientation:	South, towards Little Collins Street
Installation Type:	Replacement cabinet (direct swap)

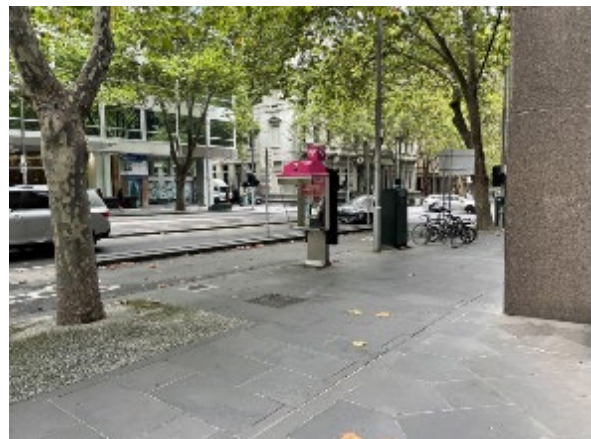
1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the western side of William Street between Little Collins Street and Bourke Street.

The adjacent property is 121 William Street, Melbourne.



Location map of Cabinet 60 [Source: Council GIS]



Site Photographs of Cabinet 60 Location, 28 March 2023 [Source: Council Officers]

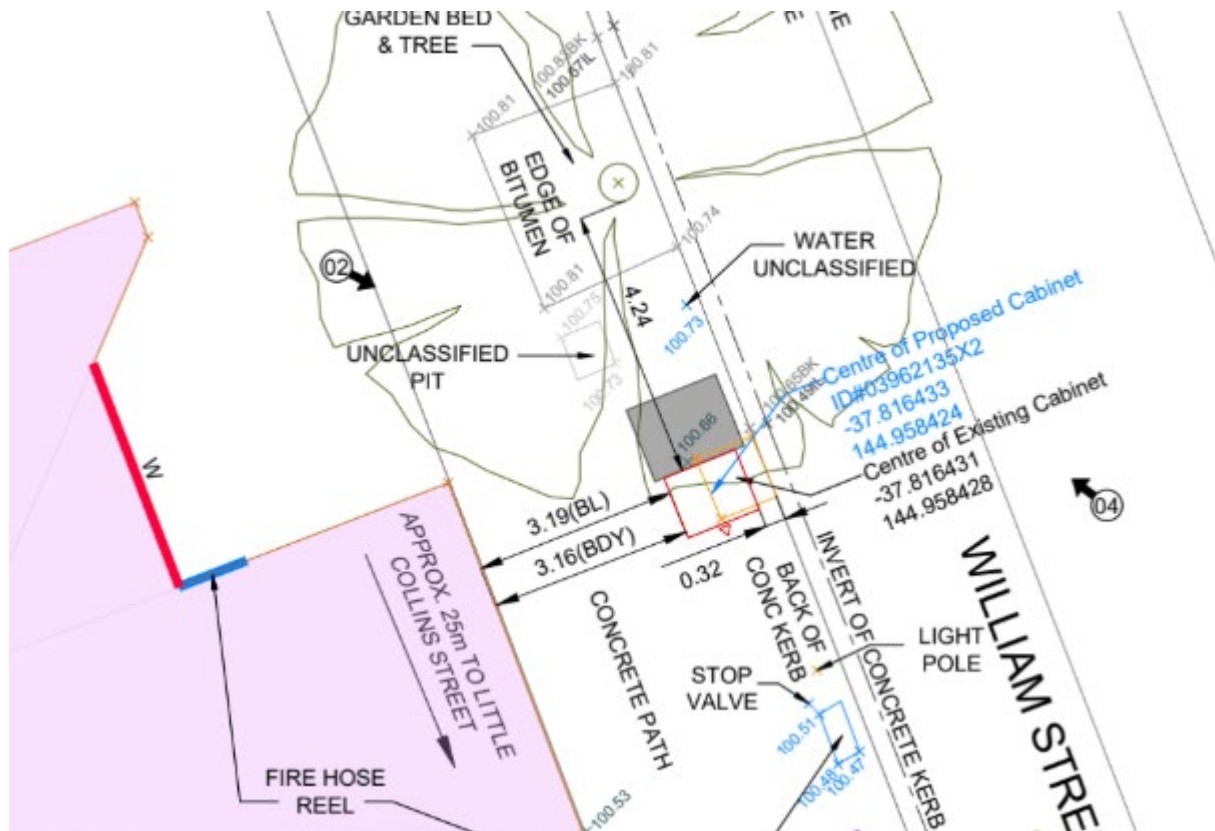
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the northern side and the advertising display facing south.

A 320 mm offset will be provided from the back of kerb, and a 3.16 metre setback from the adjacent title boundary (3.19 metres to the building line).



Proposed Site Plan of Cabinet 60 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO1310

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)

- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO1310 (the AMP Tower and St James Building Complex). The building's significance is attributed to the original external form, materials and detailing of both buildings, the high level of integrity to the original design of both buildings and the form of the public plaza. Later alterations (including those made to the street level facades) do not contribute to the significance.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

Much of the identified significance is located within the overall site planning, relationship between the tower and L-shaped building and the resultant plaza space. The elements within the plaza and ground floor alterations are not identified. On this basis, given likely vantage points in which the building's significance can be appreciated, the location of the cabinet in the relative wide footpath context will not unreasonably obscure or detract from the place.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "*...movement of pedestrians and cyclists, and vehicles*".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal includes the replacement of an existing cabinet in the same location with a slight shift inboard from the kerb. The proposal will result in a footpath width of 3.16 metres from the adjacent property boundary (3.19 metres to the building line), representing a reduction on existing conditions and what is presently imposed by other infrastructure.

Being located adjacent to the solid wall built to the street alignment, the reduction of footpath width is coupled with enclosure by built form on either side. The cabinet can readily be located further north such that the exclusion zone could abut the street tree bed, thus in a location where there is a setback in the private realm and improved separation from the building entry.

The proposed offset from the back of kerb at 320 mm is below the minimum requirements for Council infrastructure; however is an improvement on existing conditions and would replicate the offset of the street trees.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "*...ensure that development integrates with, and makes a positive contribution to, its context...*" through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "*...maintains and contributes to the valued public realm attributes of the Central City*". A critical decision guideline is to consider "*...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*".

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located north of the main building entry and this clearance will be further improved by the relocation noted above. The window in the rebate to the north is a secondary window and well setback within the title boundary. The proposed cabinet will not directly conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign which was approved by the Tribunal in 2006 (Ref.: P3169/2005) and has since expired.
- The location is not one that presents as particularly cluttered where an existing proliferation of signs would be unreasonably exacerbated by the proposal.
- Signage in the vicinity already comprises particularly large signs which are fewer in number identifying businesses or buildings.
- While there are no obvious example of electronic signs, many signs are illuminated.
- Noting heritage matters have been addressed (see above), there are no other obvious constraints on the signage character of this location.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The adjacent heritage place has an extensive frontage and the location (subject to conditions) and generous footpath width will respect the identified significance. Pedestrian mobility is marginally reduced however the relocation will place this at a point where solid street wall has terminated and the public realm presents more openly.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS06V8 (121 WILLIAM ST) and dated 11 December 2022), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Relocation of the cabinet to provide the northern extent of the exclusion zone abutting the southern edge of the street tree bed.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

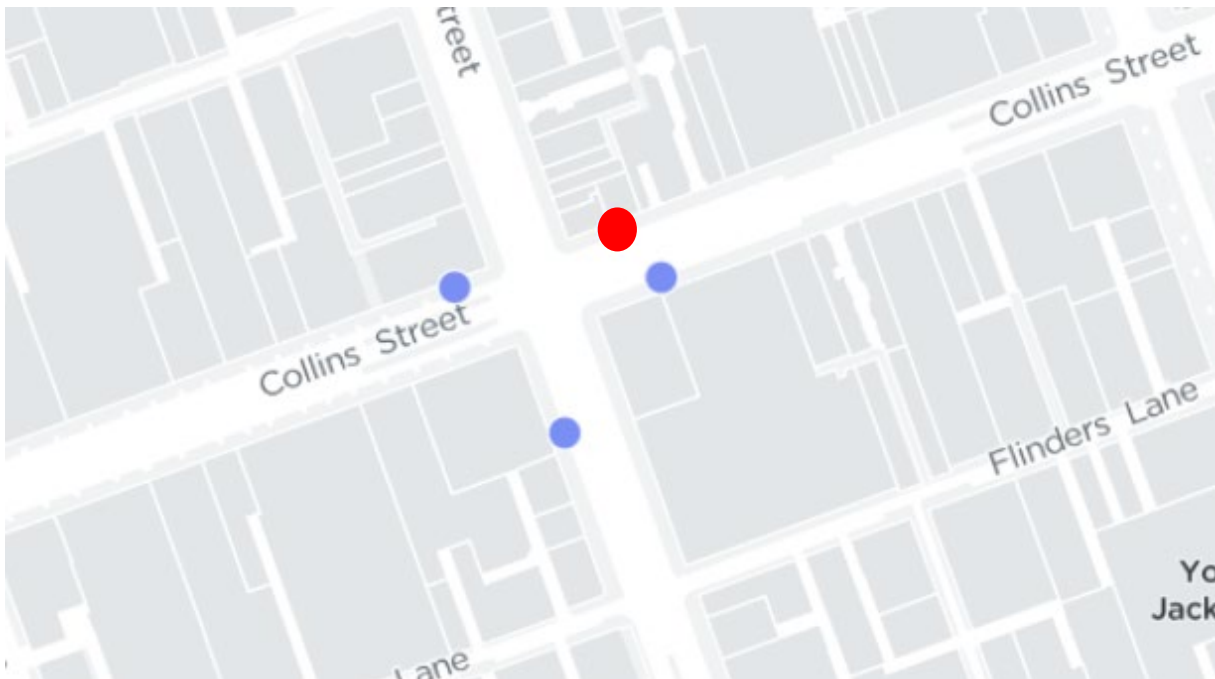
APPENDIX - CABINET NO.: 65

Application No.:	TP-2018-1095
VCAT Ref.:	P1001/2019
Address:	Road reserve adjacent to 296 Collins Street, Melbourne
Cabinet Orientation:	West, towards Elizabeth Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Collins Street between Elizabeth Street and Flinders Street.

The adjacent property is 296 Collins Street, Melbourne.



Location map of Cabinet 65 [Source: Council GIS]



Site Photograph of Cabinet 65 Location, 28 March 2023 [Source: Council Officers]

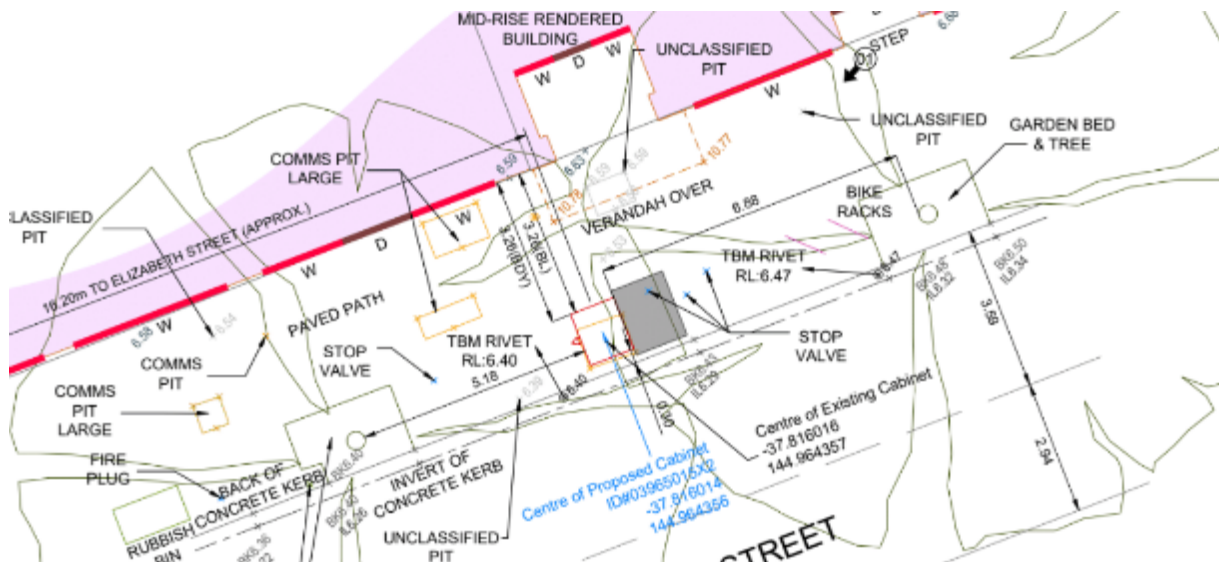
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 300 mm offset will be provided from the back of kerb, and a 3.26 metre setback from the adjacent title boundary / building line.



Proposed Site Plan of Cabinet 65 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Heritage Overlay (HO502)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Special Building Overlay
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO502 which covers the Block Precinct. The Precinct Statement of Significance speaks to the historic character of the retail area which is “...characterised by a large number of buildings from the late Victorian and early 20th century periods and by the network of arcade shopping”. Comfortable pedestrian movement through the precinct is also identified.

The cabinet is also immediately adjacent to Heritage Overlay HO598 which applies discretely to the buildings at 288-304 Collins Street.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

The CCZ2 also contains a decision guideline to consider “[t]he proximity to heritage places...”.

The adjacent buildings, all of which are captured by HO598, are graded as significant in the Inventory. Immediately adjacent is the former Dunkling’s Building which has had its ground floor shopfront significantly modified (albeit with the upper elevation retaining its original presentation). Given the ground floor modifications, the experience of existing signage adorning the various shopfronts and the direct swap of an existing cabinet, the proposal does not result in any unreasonable heritage impacts.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of “...movement of pedestrians and cyclists, and vehicles”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet in the same location, with the additional width being accommodated entirely inboard in the pedestrian corridor. This is a high pedestrian environment within the Retail Core and the proposal will result in a footpath width of 3.26 metres from the adjacent property boundary, and represents a more constrained environment than the southern side of Collins Street (see Cabinet 34).

The reduction of the footpath width relative to the existing cabinet is undesirable in this location; however the presence of bike hoops to the east, and the street tree bed to the west (which has outgrown its permeable paving) means the pedestrian corridor remains consistent along this length of Collins Street.

The proposed offset from the back of kerb at 300 mm is below the minimum requirements for Council infrastructure; however replicates the offset of the street trees.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements. It is noted the cabinet siting is approximately in between the two vehicles that would occupy the loading zone.

4.3 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...ensure that development integrates with, and makes a positive contribution to, its context...” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...protect the unique built form and public realm amenity”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The cabinet has been appropriately sited between the recessed entry door and window of the adjacent properties. The generous footpath width in this location and ability to co-locate the cabinet with existing infrastructure with good separation from the adjacent buildings assist in mitigating clutter in the public realm.

Strategic work has been undertaken for Elizabeth Street under the *Elizabeth Street Strategic Opportunities Plan*. The location of the proposed cabinet is not located within any of the three (3) stages of the identified opportunities.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content. The Tribunal refused a promotion sign on this cabinet in 2006 (Ref.: 1674/2006).
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Within this highly active retail area signs of various types associated with businesses are common place.
- There are no heritage concerns.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and Retail Core setting will allow the structure to comfortably sit in this location subject to a slight relocation. Signage forms an established part of this active spine of the central city.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS10V6 (296 Collins St) and dated 8 January 2023), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

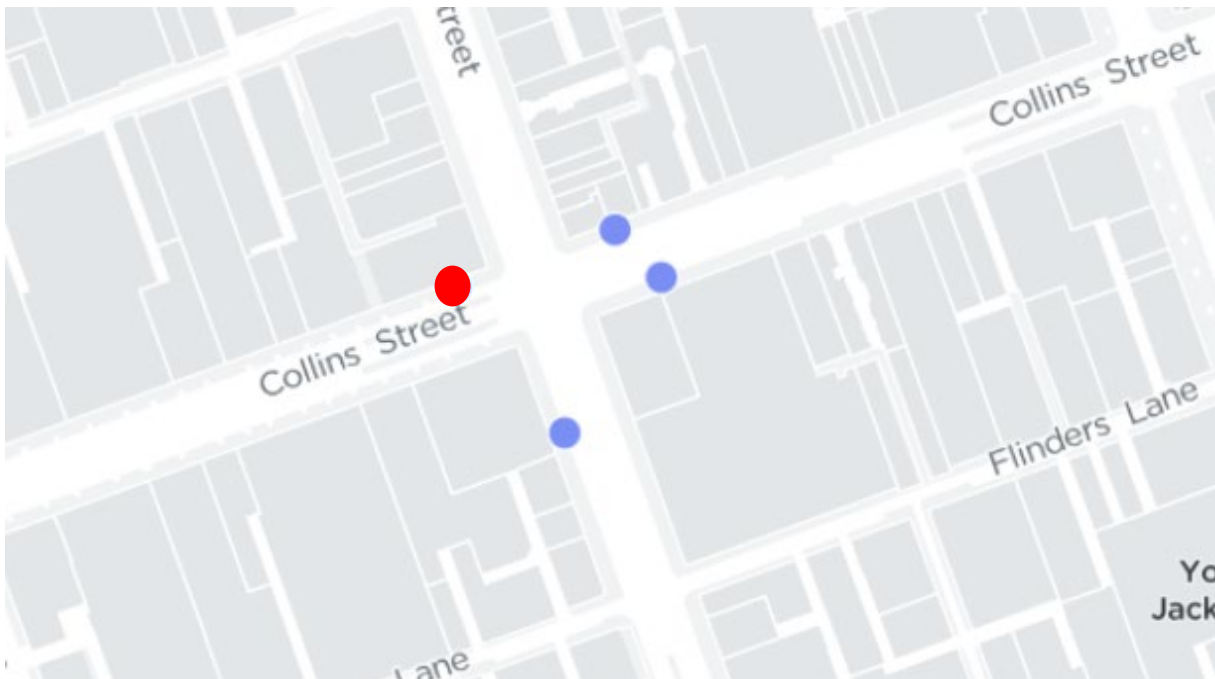
APPENDIX - CABINET NO.: 68

Application No.:	TP-2018-1098
VCAT Ref.:	P1006/2019
Address:	Road reserve adjacent to 330 Collins Street, Melbourne
Cabinet Orientation:	West, towards Queen Street
Installation Type:	Replacement cabinet (existing 51 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Collins Street between Queen Street and Elizabeth Street.

The adjacent property is 330 Collins Street, Melbourne.



Location map of Cabinet 68 [Source: Council GIS]



Site Photographs of Cabinet 68 Location, 28 March 2023 [Source: Council Officer

2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 51 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 510 mm offset will be provided from the back of kerb, and a 3.25 metre setback from the adjacent title boundary (3.29 metres to the building line).



Proposed Site Plan of Cabinet 68 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 2

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 1)
- Special Building Overlay
- Parking Overlay – Schedule 2.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)

- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet located further to the west. This is a high pedestrian environment attributed to the surrounding land uses, adjacent tram stop, and being within the Retail Core. The proposal will result in a footpath width of 3.25 metres from the adjacent property boundary (3.29 metres to the building line).

The pedestrian corridor will reduce with the proposed cabinet intruding beyond the established infrastructure lane dictated by the bike hoops, seat and street trees (which are partially trafficable).

The proposed offset from the back of kerb at 510 mm is marginally above the minimum requirements for Council infrastructure. Being a constrained environment containing the high volume intersection, bike lane, single east-bound lane and tram stop, this is a location where the minimum offset is required irrespective of existing infrastructure.

The proposed location and resultant reduction in footpath width is not supported.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.2 Urban Design

The CCZ2 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 1 coincides with the Retail Core and does not specify any built form outcomes.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located adjacent to a column in the ground floor façade generally between the main entry of the ground floor tenancy (bank) and the neighbouring window. The structure will be sited clear of the awning above and will not directly conflict with any existing infrastructure.

Strategic work has been undertaken for Elizabeth Street under the *Elizabeth Street Strategic Opportunities Plan*. The location of the proposed cabinet is not located within any of the three (3) stages of the identified opportunities.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced (located further to the west) has a sign displaying Telstra content.
- The location is within the Retail Core and the presence of advertising signage is generally a reasonable expectation compared to other parts of the central city.
- Within this highly active retail area signs of various types associated with businesses are common place.
- Electronic signage is displayed on the central tram stop within Collins Street.
- There are no heritage concerns.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location is adjacent to a prominent and busy intersection at the entry to the Retail Core. There are high pedestrian storage requirements at the crossings and the adjacent tram stop contributing to the volume of pedestrians. The presence of the central tram stop also constrains the physical environment down to one vehicle and bicycle lane in each direction. While the siting avoids conflict with the adjacent building entry the reduction to the established pedestrian corridor in this location is not appropriate. A relocation to the existing cabinet location or west of it may address many of these issues.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.

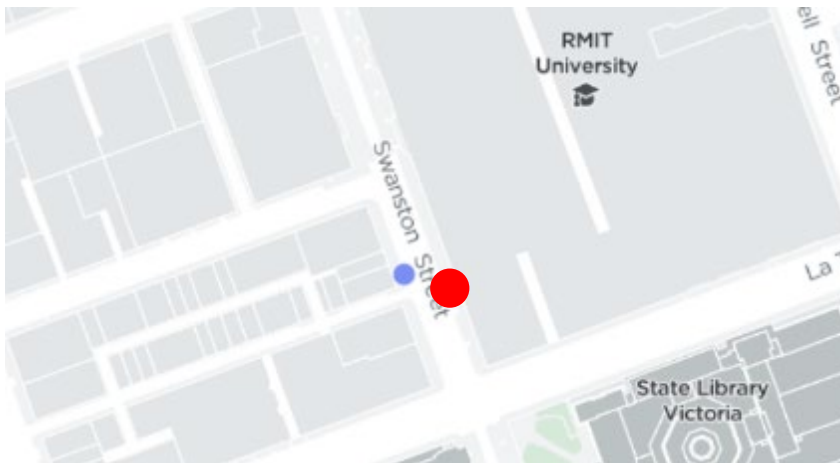
APPENDIX - CABINET NO.: 71

Application No.:	TP-2018-1101
VCAT Ref.:	P1011/2019
Address:	Road reserve adjacent to 344 Swanston Street, Melbourne
Cabinet Orientation:	North, towards Rodda Lane
Installation Type:	Replacement cabinet (existing 1.6 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the eastern side of Swanston Street between La Trobe Street and Franklin Street.

The adjacent property is 344 Swanston Street, Melbourne.



Location map of Cabinet 71 [Source: Council GIS]



Site Photographs of Cabinet 71 Location, 24 April 2023 [Source: Council Officers]

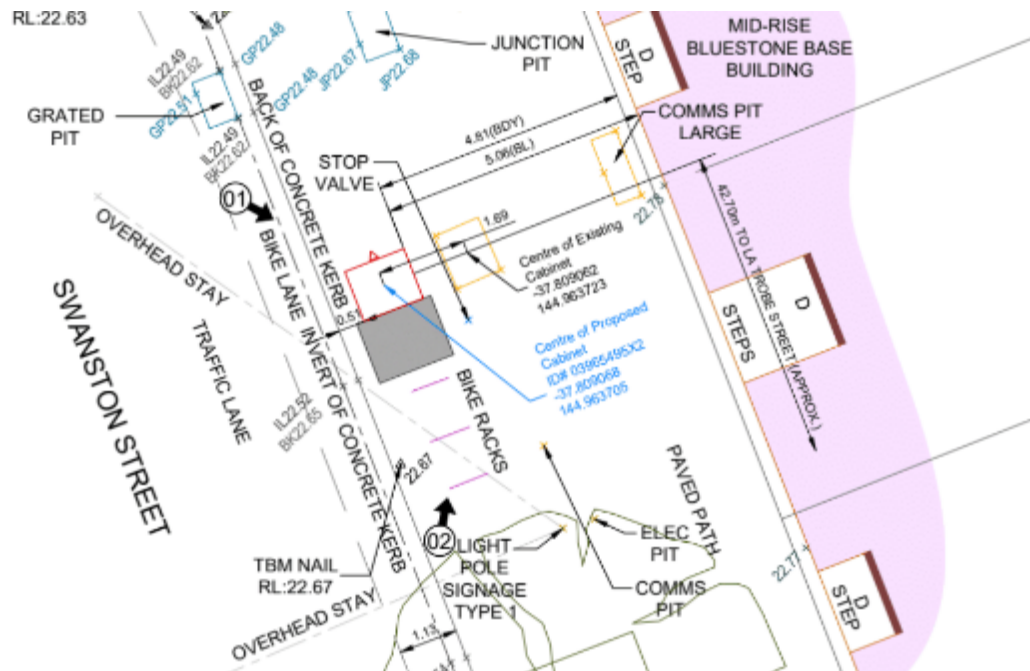
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 1.6 metres.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the southern side and the advertising display facing north.

A 510 mm offset will be provided from the back of kerb, and a 4.81 metre setback from the adjacent title boundary (5.06 metres to the building line).



Proposed Site Plan of Cabinet 71 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Design and Development Overlay – Schedule 70
- Parking Overlay – Schedule 1.

In addition to the above, the land is adjacent to Heritage Overlay HO482 and Victorian Heritage Register listing H01498

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)

- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is not located within Heritage Overlay; however is immediately adjacent to the individually significant building within HO482 (Storey Hall). The building is also listed on the Victorian Heritage Register (Ref.: H1498).

The building's significance is attributed to its grand tripartite composition and grand façade detailing interpretation of the High Renaissance style.

The CCZ1 contains a decision guideline to consider “[t]he proximity to heritage places...”. Although not within a Heritage Overlay itself, in assessing the cabinet it is appropriate to have regard to the heritage policies of the Scheme. Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The proposed cabinet is sited in front of Storey Hall which is a Victorian Heritage Listed building, which features a highly intact ground floor. The proposed cabinet and signage will detract from the heritage place and is not supported.

The RMIT frontage is extensive along this section of Swanston Street and the cabinet can be relocated to the northern side of the entry to Building 8 which presents no heritage issues.

4.2 Mobility and Movement

The CCZ2 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of the existing cabinet with a shift 1.69 metres towards the kerb alignment. This section of footpath is relatively wide and the proposal will result in a footpath width of 4.81 metres from the adjacent property boundary (5.06 metres to the building line).

This cabinet represents a rare example where the new location achieves a wholesale improvement on the existing mobility circumstances without creating new issues – a principle which would ideally be adopted for all applications.

The proposed offset from the back of kerb at 510 mm is marginally in excess of the minimum requirements for Council infrastructure.

Council’s City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to “...*ensure that development integrates with, and makes a positive contribution to, its context...*” through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that “...*maintains and contributes to the valued public realm attributes of the Central City*”. A critical decision guideline is to consider “...*cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale...*”.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located in a strip of buildings associated with RMIT University which provide an institutional function rather than an active frontage like that seen in the Retail Core. The proposed location (noting the need to relocate the cabinet to the north for heritage reasons) will avoid conflict with key university entries. The expansive footpath width in this location mitigates any direct conflict between the proposed cabinet and the adjacent private realm. There are no awnings above in this section of Swanston Street and the structure will not conflict with any existing infrastructure.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

Guidance for the Swanston Street and Shrine of Remembrance environs seeks to protect views to the Shrine and civic buildings.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- This is an active part of the central city with a variety of active land uses and mix of signage in which the electronic promotional sign can appropriately sit.
- The introduction of electronic promotional signage in the location proposed presents a conflict with the immediately adjacent heritage place.
- Being located in the public realm rather than on a building, the sign sits within the view corridor to the Shrine of Remembrance rather than next to it. Its north facing orientation means it will be visible in the view line looking south and should be reorientated 180 degrees.

With these matters considered, this is an area where the proposed electronic promotional sign could be accommodated, subject to the cabinet relocation outlined above.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

This application is a rare example where the new cabinet represents an improvement to the available pedestrian corridor. It is located in front of Storey Hall – one of the only buildings of heritage significance along the Swanston Street frontage of RMIT. Given the width of the footpath and available frontage, the cabinet can be comfortably relocated north in front of Building 8.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS13V6 (344 Swanston St) and dated 8 January 2023), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Reorientation of cabinet and associated electronic promotional signage 180 degrees; and
 - c) The cabinet relocated to the northern side of Rodda Lane.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

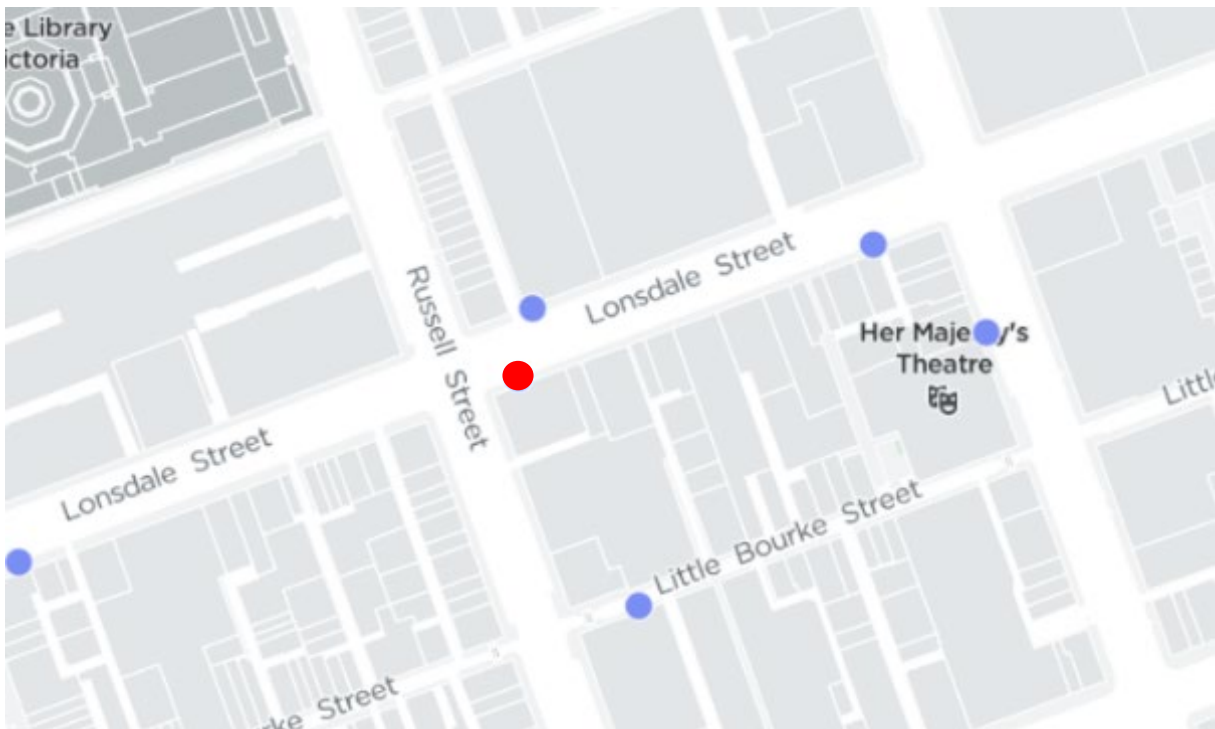
APPENDIX - CABINET NO.: 74

Application No.:	TP-2018-1120
VCAT Ref.:	P1015/2019
Address:	Road reserve adjacent to 165 Lonsdale Street, Melbourne
Cabinet Orientation:	East, towards Corrs Lane
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Lonsdale Street at the south-east intersection with Russell Street.

The adjacent property is 165 Lonsdale Street, Melbourne.



Location map of Cabinet 74 [Source: Council GIS]



Site Photographs of Cabinet 74 Location, 28 March 2023 [Source: Council Officers]

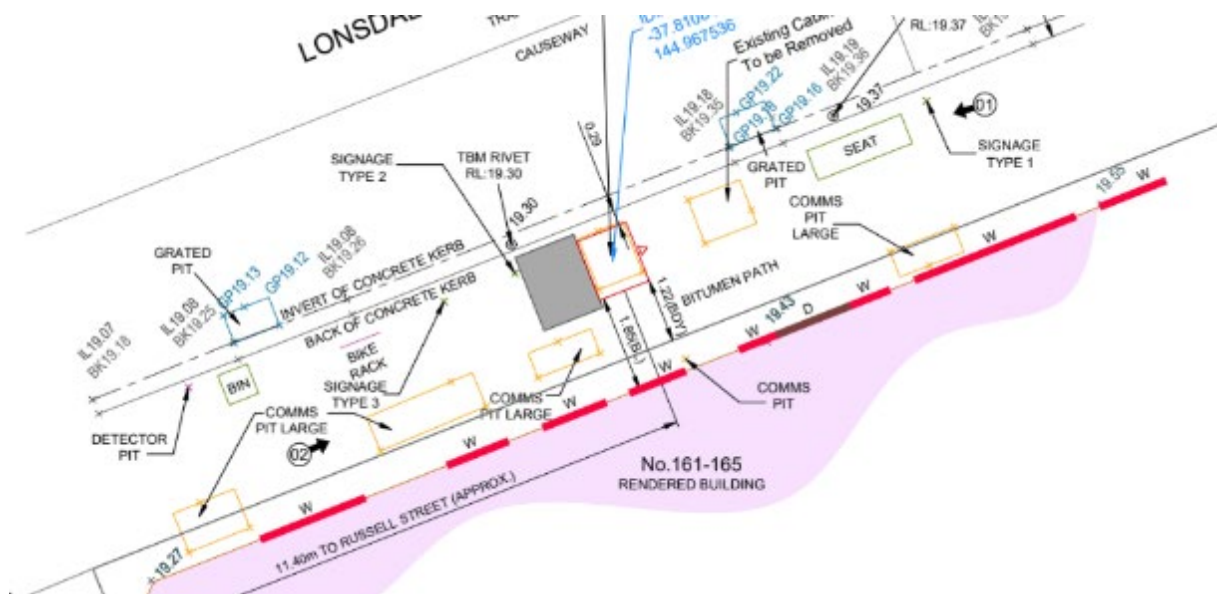
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited parallel to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 290 mm offset will be provided from the back of kerb, and a 1.22 metre setback from the adjacent title boundary (1.85 metres to the building line).



Proposed Site Plan of Cabinet 74 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Design and Development Overlay – Schedule 1

- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Mobility and Movement

The CCZ1 calls up the consideration of “...*movement of pedestrians and cyclists, and vehicles*”.

Council’s City Infrastructure team have provided that the critical minimum footpath width in this location is 2.0 metres.

The proposal is to replace an existing cabinet in the same location with the additional width being accommodated entirely inboard within the pedestrian corridor. The proposed cabinet will result in a footpath width of 1.22 metres from the adjacent property boundary (1.85 metres to the building line). The further reduction of the footpath width in this location will entrench a situation which is already inadequate for current pedestrian volumes.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 290 mm below the minimum requirements for Council infrastructure. This aligns with the offset of the seat to the east and will be adjacent to the bus / left hand turn lane (rather than the bus stop or parking bay).

Council's City Infrastructure team have not expressed any concern that the cabinet position represents a safety hazard for vehicles noting the additional signal lanterns that exist at this intersection.

4.2 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale..."

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is located west of a secondary entry door (the primary being on the corner), and opposite a series of narrow, generally inactive windows. The location proximate to the intersection has a cluster of infrastructure which will not be in conflict with the proposed location being generally a direct swap of the existing cabinet. Given the alternations to the heritage building adjacent, this is a situation where reorientation of the cabinet to match the existing cabinet would assist the legibility of the public realm.

4.3 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is at the periphery of the Chinatown signage precinct where, among other things, bright and animated signs are encouraged.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays a promotional sign which was approved by the Tribunal in 2006 (Ref.: 1699/2006) and extended in 2016.
- In character terms the signage is something that is otherwise compatible with the surrounding precinct, broadly consistent with policy and could be supported.
- There are three cabinets proposed in one city block along Lonsdale Street (cabinets 39, 57 and 74). If these were to be approved they would create a negative clustering of public realm signage clutter in one streetscape.

With these matters considered, this is an area where the number of signs cumulatively would need to be reviewed and rationalised in order to gain support.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location creates conflicts with pedestrian movement in the public realm – worsening an already constrained environment close to an intersection. The electronic signage would result in a cluster of public realm signage in a relatively small area of the central city.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.
2. The proposed electronic promotion sign in combination with other proposed cabinets would create a cumulative cluster of public realm signage.

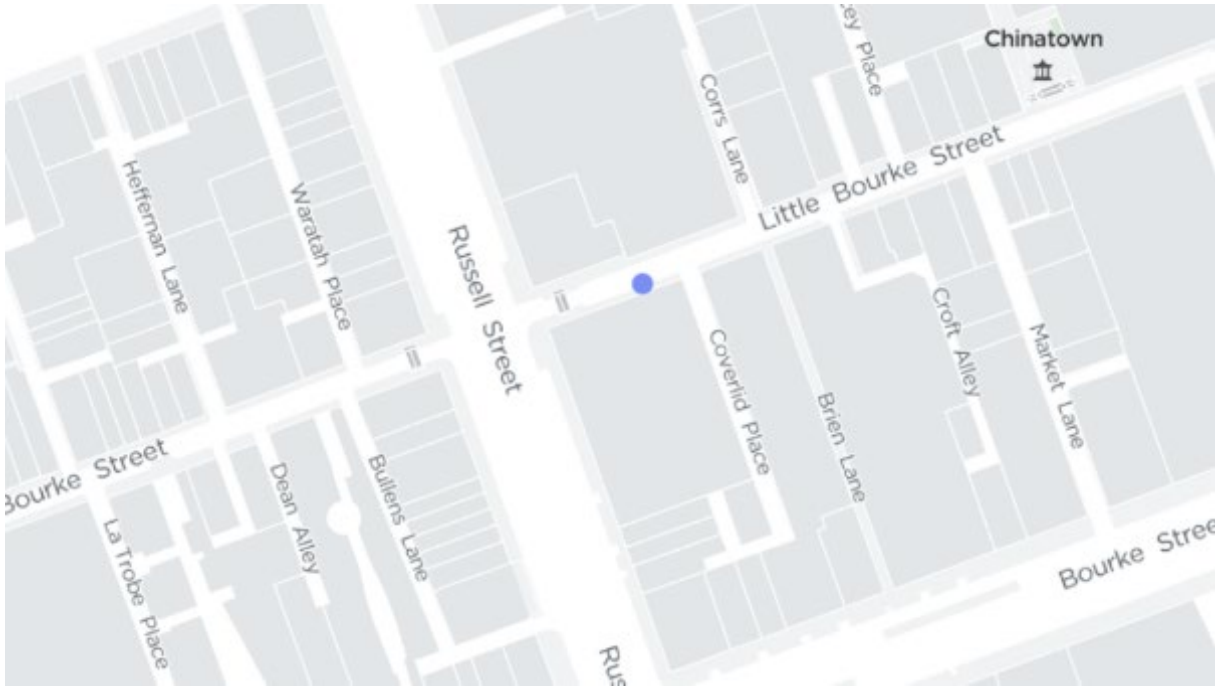
APPENDIX - CABINET NO.: 75

Application No.:	TP-2018-1122
VCAT Ref.:	P1016/2019
Address:	Road reserve adjacent to 161 Little Bourke Street, Melbourne
Cabinet Orientation:	East, towards Coverlid Place
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Little Bourke Street between Russell Street and Exhibition Street.

The adjacent property is 161 Little Bourke Street, Melbourne.



Location map of Cabinet 75 [Source: Council GIS]



Site Photographs of Cabinet 75 Location, 28 March 2023 [Source: Council Officers]

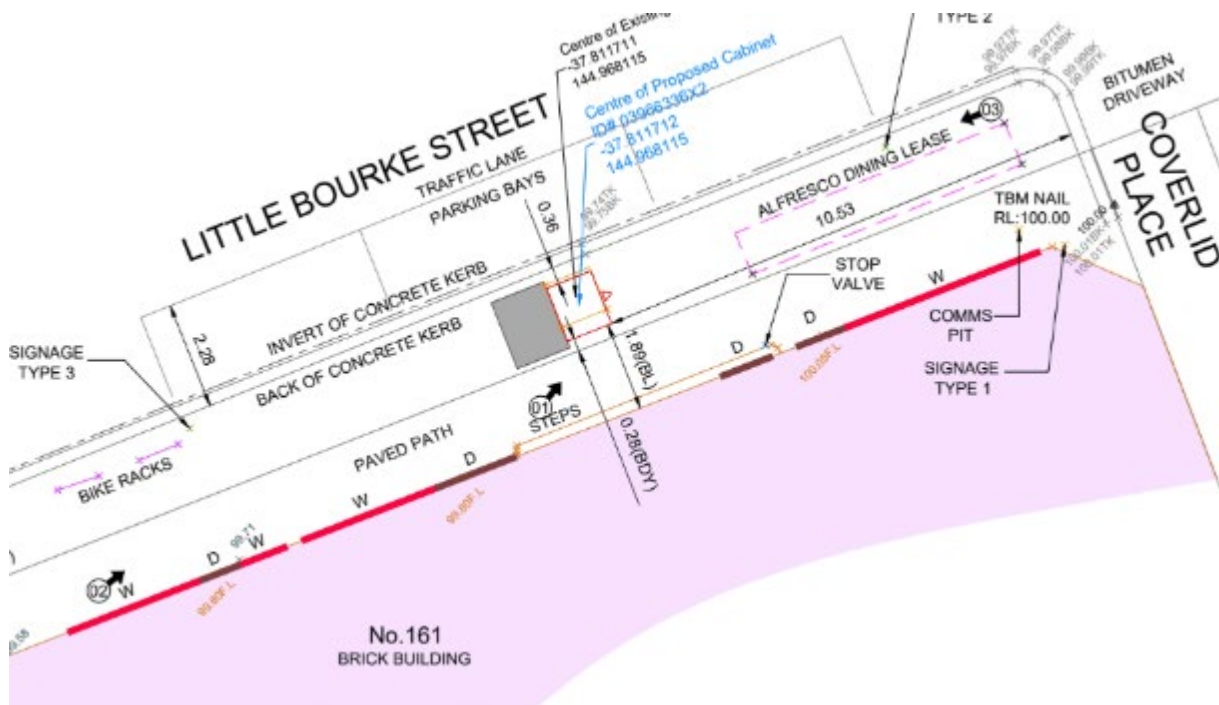
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 360 mm offset will be provided from the back of kerb, and a 1.89 metre setback from the adjacent building line.



Proposed Site Plan of Cabinet 75 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO507)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 2 (Area 2)
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO507 which covers the Little Bourke Street Precinct. The Precinct Statement of Significance speaks to Victorian and Edwardian buildings densely located along Little Bourke Street, and affiliation with the Chinese community.

The CCZ1 also contains a decision guideline to consider “[t]he proximity to heritage places...” and the cabinet is also immediately adjacent to Heritage Overlay HO1095 which applies discretely to the buildings at 170-190 Russell Street and is listed on the Victorian Heritage Register (Ref.: H2329).

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor supports the proposal.

The key attributes of the precinct interestingly highlight both the "...attractiveness of the precinct for tourism and recreation" and "...amenity of Little Bourke Street and the adjoining laneways for pedestrian use". This location is also a key entry point to Chinatown. These aspects are fundamentally addressed under pedestrian movement below, noting these key attributes will be negatively impacted by the proposal. The impact on the adjacent Total House is considered acceptable in isolation being located on the secondary and modified frontage.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 1.8 metres.

The proposal is to replace an existing cabinet in the same location with the additional width being accommodated entirely inboard within the pedestrian corridor. The boundary dimension provided is anomalous due to footpath widening; however a 1.89 metre setback from the building line is provided, reducing to 1.69 metres due to a raised kerb / step.

A footpath dining area is nominally indicated with rivets in the footpath to the east; however has not been used since at least 2017, and no permit is currently in place. The adjacent premises is currently vacant after being a real estate agency for many years. Accordingly, the new cabinet represents the largest constraint on the pedestrian corridor in a high volume environment.

The impacts on the pedestrian network are not acceptable, fail to adequately respond to the key pedestrian and walking policies of the MPS and PPF, and accordingly does not satisfy the requirements of the CCZ1.

The proposed offset from the back of kerb at 360 mm below the minimum requirements for Council infrastructure. No other infrastructure supports this reduced offset, and being located central to the on-street parking bay is likely to impact passengers exiting vehicles.

Council's City Infrastructure team have expressed concern with the cabinet position for the above reasons.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO2 applies to special character areas which seeks to “...*protect the unique built form and public realm amenity*”. Area 2 contains built form outcomes around pedestrian priority and recessive built form.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet will be located opposite a blank wall of the ground floor façade and not directly impact on either of the two adjacent tenancy entries or active frontages. Following the effective removal (for a number of years) of the footpath dining area to the east, the section of footpath at this important entry to Chinatown has noticeably decluttered and improved the amenity of the area. This coincides with Council’s ‘Little Streets Transformations’ initiatives which seek to improve pedestrian prioritisation and public realm amenity in various little streets and laneways. To entrench a new, larger and more obstructive piece of street infrastructure in this location would undermine the improvements made in this location.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

This location is within the Chinatown signage precinct where, among other things, bright and animated signs are encouraged.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced has a sign displaying Telstra content.
- In character terms the signage is something that is compatible with the surrounding precinct, broadly consistent with policy and could be supported.

With these matters considered, this is an area where the electronic promotion sign could be supported.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposed location creates conflicts with pedestrian movement in the public realm of which there has been recent improvements and Council has specific programs in place to improve.

The proposed cabinet is not supported on the following grounds:

1. The proposal will unreasonably impact the use and operation of the pedestrian network.

APPENDIX - CABINET NO.: 78

Application No.:	TP-2018-1141
VCAT Ref.:	P1004/2019
Address:	Road reserve adjacent to 200 Elgin Street, Carlton
Cabinet Orientation:	West, towards Lygon Street
Installation Type:	Replacement cabinet (direct swap)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the northern side of Elgin Street between Lygon Street and Drummond Street.

The adjacent property is 200 Elgin Street, Carlton.



Location map of Cabinet 78 [Source: Council GIS]



Site Photographs of Cabinet 78 Location, 12 April 2023 [Source: Council Officers]

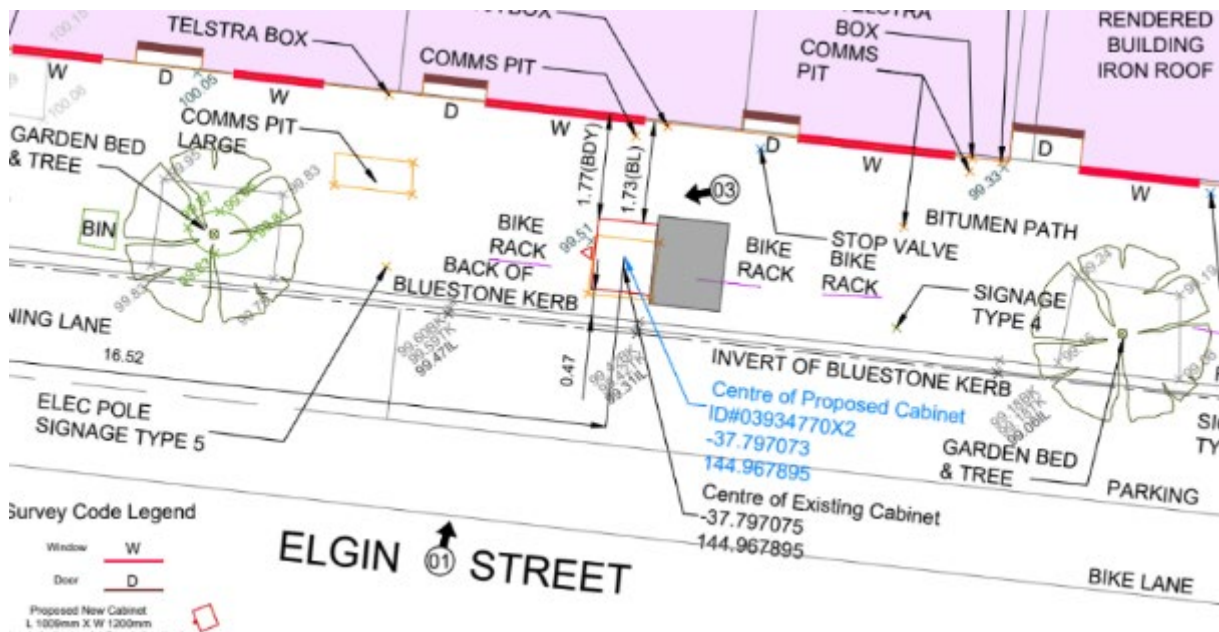
2 PROPOSAL

The proposed cabinet will replace an existing cabinet in the same location.

The existing cabinet is a 'Majestic' style cabinet sited perpendicular to the kerb alignment with no advertising sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the eastern side and the advertising display facing west.

A 470 mm offset will be provided from the back of kerb, and a 1.77 metre setback from the adjacent title boundary (1.73 metres to the building line).



Proposed Site Plan of Cabinet 78 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Commercial 1 Zone

The following overlays apply:

- Heritage Overlay (HO1)
- Parking Overlay – Schedule 12.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-02 (Carlton)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-05 (Urban design outside the Capital City Zone)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)
- Clause 17.02-1L (Lygon and Elgin Street shopping centre)
- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO1 which covers the Carlton Precinct. The Precinct Statement of Significance speaks to lower scale significant and contributory development predominantly from the mid Victorian development era, and principal streets are “...characterised by their width and open character”. Some areas are “...predominantly commercial; with historic shops...”. There is little identification of elements in the public realm (other than materials).

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*

- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

The adjacent building is graded as contributory to the precinct under the Inventory. The neighbouring buildings to the east and west (Green Mans Arms Hotel) are graded contributory and significant respectively.

The existing cabinet has no advertising and is orientated parallel to the kerb. It will be replaced with the larger new cabinet along with the introduction of the two electronic sign displays. The existing and proposed cabinets are directly in front of the building's principal façade to Elgin Street.

The proposed cabinet will be more imposing and will increase the level of concealment of ground floor features of the building. The introduction of electronic signage displays will distract from the appreciation of the heritage place.

It is relevant to note the Tribunal has twice previously refused an electronic promotion sign on the contributory building opposite at 189 Elgin Street for heritage (among other) reasons.

4.2 Pedestrian Mobility

The C1Z requires decision makers to have regard to “[t]he movement of pedestrians and cyclists”.

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 2.5 metres.

The proposal includes the replacement of an existing cabinet in the same location, with the additional width being accommodated entirely inboard in the pedestrian corridor. This will result in a footpath width of 1.77 metres from the adjacent property boundary (1.73 metres to the building line).

The siting will reduce the pedestrian corridor of the footpath beyond the existing conditions and what would otherwise be created by any other structure in the established infrastructure zone. Accepting (like other Carlton locations) this is a lower pedestrian environment than the Central City, the reduction proposed is not an acceptable pedestrian outcome.

The proposed offset from the back of kerb at 470 mm is less than the minimum requirements for Council infrastructure; however would align with the offset of the power pole and tree guard to the east.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements, noting the impact on the loading zones is likely to be no worse than existing conditions.

4.3 Urban Design

The decision guidelines of the C1Z calls up a variety of urban design matters including access from the street, protection of active frontages, illumination and services.

Clause 15.01-1L-05 provides important urban design guidance on a variety of elements including (as relevant) street level frontages, visibility and safety, and pedestrian connection. These considerations are strengthened by Clause 17.02-1L which speaks to street level activation and the discouraging on non-shop uses.

The proposed cabinet will be located opposite a ground floor window of a narrow shop front and in between two narrow entry doors of the adjacent shops. The constrained footpath

width in this location will create a very imposing relationship which will unreasonably degrade the public realm. The proposed location will result in a conflict between the exclusion zone of the cabinet and the bike hoop.

The first floor of the adjacent building contains a residential use; however it is understood to be located on the northern side of the property fronting the laneway.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. This is further strengthened by the zone strategy which states “...*promotion signs are not supported unless part of an established signage pattern*”, and that signs are to be located at ground level.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced does not display a sign.
- The signage pattern within the centre is principally business identification, and any promotional signage that does exist relates to products sold by those businesses rather than third party promotion. The service station opposite adds significantly to the signage clutter at this intersection.
- Electronic signage is not part of any established signage pattern.
- The Tribunal has twice previously refused electronic third party promotion signs at the site opposite (189 Elgin Street).
- The issues highlighted above regarding heritage apply equally to the signage component being an integrated part of the structure.

With these matters considered, this is an area where the proposed electronic promotional sign would be an unacceptable addition.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The proposal will introduce a larger and more prominent cabinet structure into a constrained pedestrian environment. It will be in close proximity to the adjoining fine grain buildings and fails to respect their heritage significance. The addition of electronic promotion signage at this intersection which is already highly cluttered due to other properties is problematic.

The proposal is not supported on the following grounds:

1. The proposal will unreasonably impact on the significance of the heritage place Heritage Overlay HO1 and adjacent significant and contributory buildings.
2. The proposal will unreasonably impact the use and operation of the pedestrian network.
3. The proposal will adversely affect the active frontages and entries to the adjacent fine grain shops.
4. The proposed electronic promotion sign will exacerbate existing visual clutter in and around the intersection.

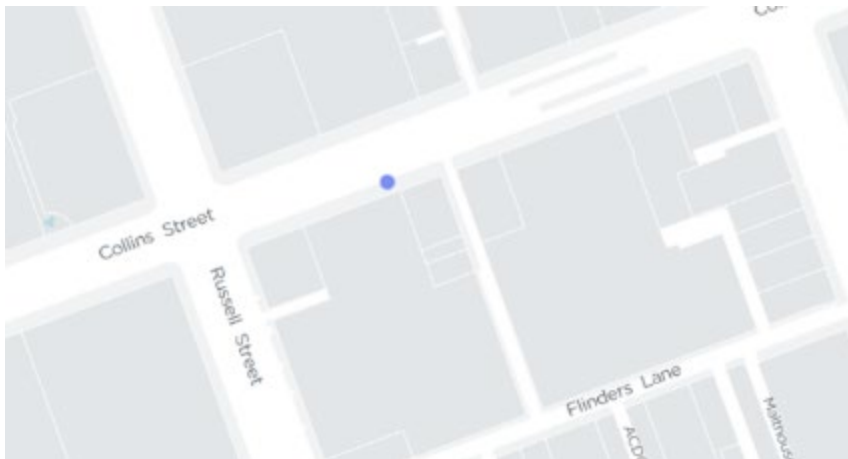
APPENDIX - CABINET NO.: 80

Application No.:	TP-2018-515
VCAT Ref.:	P1010/2019
Address:	Road reserve adjacent to 121 - 131 Collins Street, Melbourne
Cabinet Orientation:	East, towards George Parade
Installation Type:	Replacement cabinet (existing 120 metres away)

1 SUBJECT SITE AND SURROUNDS

The proposed cabinet is to be located on the southern side of Collins Street between Russell Street and Exhibition Street.

The adjacent property is 121 - 131 Collins Street, Melbourne.



Location map of Cabinet 80 [Source: Council GIS]



Site Photographs of Cabinet 80 Location, 28 March 2023 [Source: Council Officers]

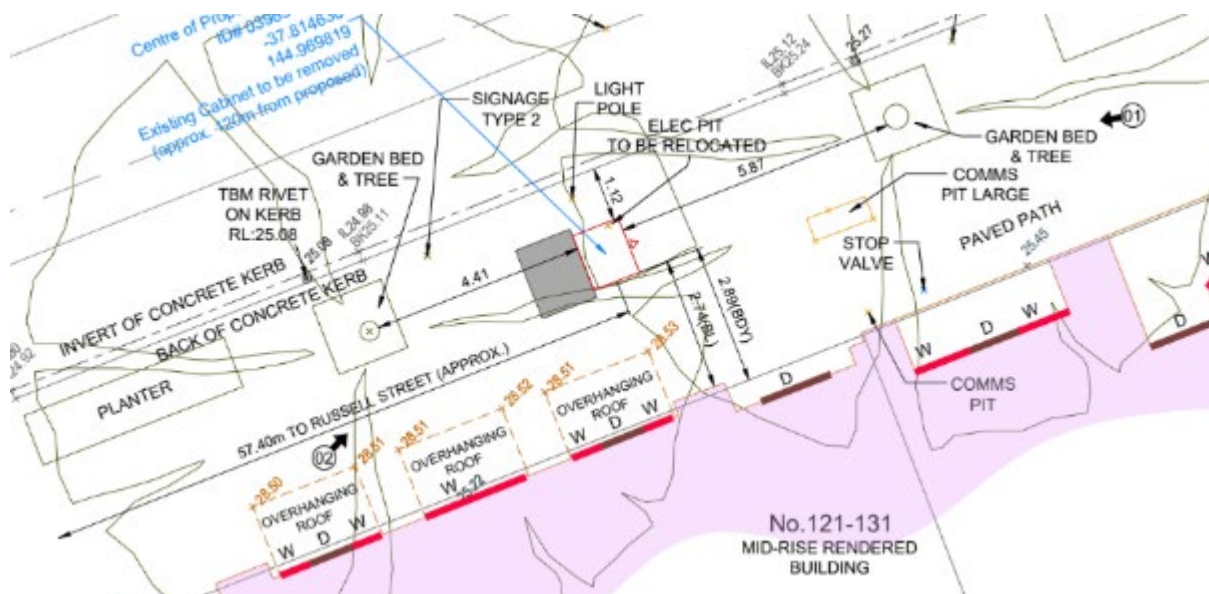
2 PROPOSAL

The proposed cabinet will replace an existing cabinet and be relocated approximately 120 metres.

The existing cabinet is a 'Majestic' style cabinet (on the opposite side of Collins Street) sited perpendicular to the kerb alignment with a static sign on its rear.

The proposed cabinet will be orientated perpendicular to the kerb alignment with the phone on the western side and the advertising display facing east.

A 1.12 metres offset will be provided from the back of kerb, and a 2.89 metre setback from the adjacent title boundary (2.74 metres to the building line).



Proposed Site Plan of Cabinet 80 [Source: Applicant]

3 MELBOURNE PLANNING SCHEME

3.1 Statutory Framework

The land is located within the Capital City Zone – Schedule 1

The following overlays apply:

- Heritage Overlay (HO504)
- Design and Development Overlay – Schedule 1
- Design and Development Overlay – Schedule 10
- Parking Overlay – Schedule 1.

3.2 Strategic Framework

The following provisions of the MPS and PPF are applicable to this location:

- Clause 02.03-1 (Settlement)
- Clause 02.03-4 (Built Environment and Heritage)
- Clause 02.03-6 (Economic Development)
- Clause 02.03-7 (Transport)
- Clause 02.03-8 (Infrastructure)
- Clause 11.01-1R (Settlement - Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne)
- Clause 11.03-6L-09 (Hoddle Grid)
- Clause 15.01-1S (Urban design)
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)
- Clause 15.01-1L-04 (Urban Design)
- Clause 15.01-1L-02 (Signs)
- Clause 15.03-1L-02 (Heritage)

- Clause 17.04-1S (Facilitating tourism)
- Clause 17.04-1R (Tourism in Metropolitan Melbourne)
- Clause 18.01-1S (Land use and transport integration)
- Clause 18.01-1L (Land use and transport planning)
- Clause 18.01-2S (Transport system)
- Clause 18.01-3S (Sustainable and safe transport)
- Clause 18.02-1S (Walking)
- Clause 18.02-2S (Cycling)
- Clause 18.02-2R (Cycling - Metropolitan Melbourne)
- Clause 18.02-3S (Public transport)
- Clause 18.02-3R (Principal Public Transport Network)
- Clause 18.02-4S (Roads)
- Clause 19.03-4S (Telecommunications)
- Clause 19.03-4R (Telecommunications - Metropolitan Melbourne).

4 KEY CONSIDERATIONS

4.1 Heritage

The cabinet is located within Heritage Overlay HO504 which covers the Collins East Precinct. The Precinct Statement of Significance speaks to the consistent 19th and early 20th century buildings, and the boulevard quality of street trees / street furniture.

Clause 15.03-1L-02 provides the following strategies (extracted as relevant to street fabric / infrastructure and signage):

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

[...]

Ensure new signage associated with heritage places...[d]oes not conceal architectural features or details which contribute to the significance of the heritage place.

Council's Heritage Advisor has objected to the proposal.

The location of this cabinet has been clarified in the amended application materials and is to be located outside the non-contributory Grand Hyatt building (rather than the adjacent Austral House). Views to Treasury House are unlikely to be impacted in any meaningful way given the distance. While concerns raised about the precinct's broader, uncluttered streetscape character for other applications equally apply here (see Cabinets 24 and 25), given the location within the precinct the heritage impacts created by this proposal are considered acceptable.

4.2 Mobility and Movement

The CCZ1 calls up the consideration of "...movement of pedestrians and cyclists, and vehicles".

Council's City Infrastructure team have provided that the critical minimum footpath width in this location is 3.0 metres.

The proposal includes the replacement of an existing cabinet from the opposite side of Collins Street. This section of footpath is relatively wide and the proposal will result in a footpath width of 2.89 metres from the adjacent property boundary (2.74 metres to the

building line). The relocation creates an unnecessary and unacceptable reduction of the pedestrian corridor which will project beyond the defined infrastructure that exists. The impacts on the pedestrian network are not acceptable.

The proposed offset from the back of kerb at 1.12 metres (or 1.42 metres from the face of kerb) exceeds the minimum requirements for Council infrastructure.

Given the available space on the kerb side, the cabinet could be modified by shifting it to the north to replicate the offset of the planter boxes to the east and west (approximately 600 mm from the face of kerb). This would achieve a usable pedestrian width of approximately 3.4 metres which better aligns with the defined infrastructure corridor and retains existing pedestrian width.

Council's City Infrastructure team have not expressed any road safety issues that would impact vehicle movements.

4.3 Urban Design

The CCZ1 calls up a variety of urban design matters including relationship to the streetscape, entries and active frontages, and the relationship between the public and private realm.

The DDO1 seeks to "...ensure that development integrates with, and makes a positive contribution to, its context..." through a series of design outcomes and requirements. For current purposes these relate to ground level interfaces, activation, views and building services.

The DDO10 seeks development that "...maintains and contributes to the valued public realm attributes of the Central City". A critical decision guideline is to consider "...cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale..."

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report, with this section dealing with more micro level urban design concerns.

The proposed cabinet is to be located directly opposite the narrow entry door of the adjacent building in a strip of high quality contemporary active frontages. Being a new cabinet it will introduce a much taller, wider and more solid element to the public realm than what is presently seen in this low scale, open streetscape. Given this is a less sensitive heritage setting than Cabinet 43 to the west, and the width of the footpath along this stretch of Collins Street, this is a proposed location which on balance could accommodate the new structure in what is otherwise a high quality and uncluttered environment.

4.4 Advertising Signage

The decision guidelines of Clause 52.05 and general objectives / strategies of Clause 15.01-1L-02 apply to the proposal.

Policy generally discourages promotional signs. Free-standing signs within the Capital City Zone are to be a maximum of 1.2 metres in height and not more than 3 square metres.

There is no location-specific guidance for this site.

Assessment of the proposed cabinet structure which relates globally to all applications is provided in the main body of this report.

With respect to this application, it is noted:

- The existing cabinet to be replaced already displays Telstra content but is located some distance from the new location therefore it bears little relationship.

- The signage character of this broader area is subdued – limited in number, small in scale, principally for business identification purposes and comprising discrete internal illumination.
- Electronic promotion signs are not seen in this setting; however the ground floor tenancies of the Grand Hyatt adjacent present larger double height glazing with greater levels of illumination and signage than what is seen on adjoining buildings.

While this location sits in a highly sensitive heritage context (as outlined for Cabinets 24, 25 and 43), on the sole basis the adjoining site contains a non-contributory building, on balance this is a unique instance where the new electronic promotion sign can be acceptably absorbed in this precinct.

Matters relating to illumination and dwell time could be addressed with standard conditions.

5 CONCLUSION AND RECOMMENDATION

The generous footpath width in this location, limited physical conflict and adjacency to a contemporary, ungraded building provide opportunity for the proposed structure to be introduced to the otherwise low scale and uncluttered Collins Street East precinct. Pedestrian clearance issues can be addressed through the shifting of the cabinet closer to the kerb to align with existing infrastructure.

The proposed cabinet is supported subject to the following condition 1 and the Standard Conditions contained in this report:

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Swanson Surveying Pty Ltd (File Ref.: 11957 FS08V5 (121-131 Collins St) and dated 11 December 2023), and JCDecaux Australia Pty Ltd (Standard Cabinet Plan, Drawing No. TEL-003 dated June 2021) but amended to show:
 - a) Offset dimension provided to the face of kerb in lieu of the back of kerb;
 - b) Relocation of the cabinet to provide an offset from the face of kerb no less than the adjacent planter beds.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

DELEGATE REPORT PLANNING PERMIT APPLICATION

Application number:	TP-2018-1005 and 46 others (see attached schedule)
Applicant:	JCDecaux Australia Pty Ltd
Owner:	N/A – road reserves under Council management
Surveyor:	Swanson Surveying Pty Ltd
Address:	Various road reserves within Melbourne, 3000 and Carlton, 3053 (see attached schedule)
Proposal:	Construction of buildings and works for 47 telecommunications facilities
Cost of works:	\$60,000 per cabinet
Responsible officer:	Craig Murphy, Manager Planning Appeals

1 INSTALLATION SITES AND SURROUNDING ENVIRONS

The proposed installation sites for the telecommunications facilities (cabinets) comprise locations within the road reserve across the Hoddle Grid area (43 cabinets) and Carlton (four cabinets).

The spatial distribution of the proposed cabinets is illustrated in the figure below:



Cabinet Location Distribution and Groupings [Source: Council]

The colour coding in the above map identifies the spatial distribution of the various cabinets and groupings which have been identified by the Tribunal and parties for the purposes of staging the forthcoming hearing. These are:

- Capital City Zone within the retail core (yellow) – 10 cabinets
- Capital City Zone north-east of the retail core (purple) – eight cabinets
- Capital City Zone south-east of the retail core (light blue) – eight cabinets
- Capital City Zone west of the retail core (red) – 12 cabinets
- Capital City Zone north of the retail core (green) – five cabinets
- Carlton area (blue) – four cabinets.

The characteristics of the road reserves across both the Hoddle Grid and Carlton are unique to their specific locations – including by reason of footpath width, kerb offset and existing infrastructure.

In general terms the road reserves comprise a central carriageway (accommodating vehicles, trams, bike lanes etc) with “pedestrian zones” flanking either side.

The proposed cabinets will be located in the pedestrian zones which are comprised of various elements and adopt different configurations. Principally there is a footpath area of varying widths allowing for the movement of pedestrians. Adjacent to the central carriageway and kerb alignment is often a “corridor” of infrastructure adjacent including street trees, bins, bike hoops, seating and other infrastructure, which are all Council assets, and the assets of other authorities.

The specific location and individual characteristics of each proposed installation site are set out in the individual Assessment Sheets appended to this report.

2 BACKGROUND AND HISTORY

2.1 2016 Applications

In 2016 Council considered and approved a series of applications (comprising a mix of new applications and amendments to existing permits) which sought approval for the construction and display of electronic promotion signs, that were to form part of a phone cabinet structure of a similar (but not identical) size and design to the current applications (‘Version 1 Cabinets’).

Those applications proceeded on an interpretation of the *Telecommunications (Low-impact Facilities) Determination 1997 (Cth)*¹ that the new phone cabinet structures were “low impact facilities” not requiring planning permission in their own right, and accordingly that Council’s discretion was confined to assessing permit applications for the display of advertising on the electronic promotional signs. The applications were supported by a legal memorandum prepared by Stuart Morris QC (as he was then) setting out legal basis for that characterisation.

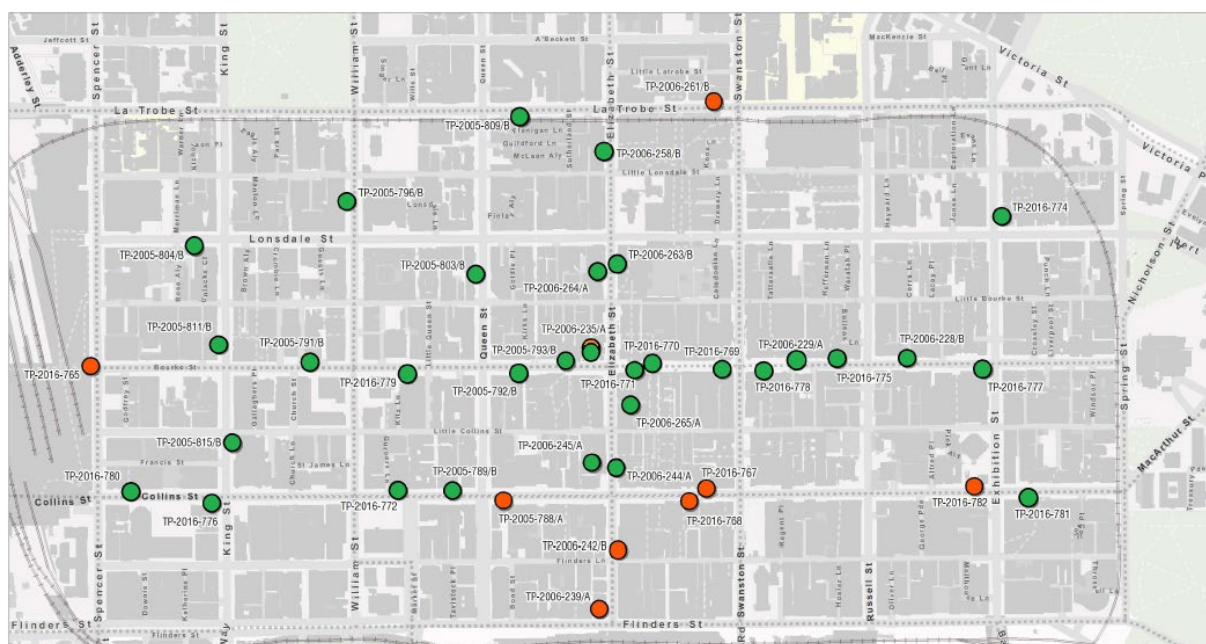
While that characterisation has now been found to be incorrect by the Full Federal Court (addressed further below), at the time it was accepted by Council, with the consequence that Council did not consider the siting and location of the phone cabinet structures themselves.

In all, 40 Version 1 Cabinets were approved on this basis. Officers understand that 31 of these have been installed within the Hoddle Grid area. Of those, one (1) cabinet at the corner of Bourke and Elizabeth streets has subsequently been removed, in or around early 2023².

The figure below indicates the spatial distribution of the Version 1 Cabinets (with green indicating those that have been installed, and red indicating those that were approved, but have not been installed).

¹ Since repealed and replaced by the *Telecommunications (Low impact facilities) Determination 2018 (Cth)*.

² It is unclear if this removal is temporary or permanent.



Cabinet Location Distribution and Groupings [Source: Council]

The Version 1 Cabinets are not before the Future Melbourne Committee (or the Tribunal) and as a consequence of the Full Federal Court decision will be dealt with via a separate and subsequent process.

Nonetheless, the Version 1 Cabinets are relevant to the consideration of the current applications in that they form part of the existing physical context, and are consequently referred to in the assessment of particular applications, as appropriate.

2.2 2018 Applications, VCAT Lodgement and Federal Court Proceedings

These applications have a unique and complex procedural history spanning approximately five years. The following table provides a summary of key events from the initial lodgement with Council through to the conclusion of the Federal Court proceedings:

Date	Summary of Event
June & November 2018	Urbis on behalf of JCDecaux Australia Pty Ltd ('JCD') lodged 81 planning permit applications with Council.
25 March 2019	Council refused all 81 planning permit applications.
25 March 2019	Council lodged proceedings with the Tribunal pursuant to s149A of the <i>Planning and Environment Act 1987</i> (Vic) ('Act') seeking a declaration that the proposed cabinets were not "low impact facilities" and thus required planning permission under the Scheme.
9 May 2019	Telstra commenced proceedings in the Federal Court seeking a declaration that the proposed cabinets were "low impact facilities" and thus exempt from requiring planning permission under the Scheme.
23 May 2019	JCD lodged 76 applications for review pursuant to s77 of the Act against Council's various refusals of the planning permit applications.
26 July 2019	Following a practice day hearing the Tribunal proceedings were adjourned awaiting the outcome of the Federal Court proceedings. There were a variety of administrative mentions held while the Federal Court proceedings unfolded which for brevity are not set out in this chronology.
10 March 2020	The Federal Court declared:

	<i>The installation of New Payphone Cabinets is an activity authorised by Schedule 3 to the Telecommunications Act 1997 (Cth) because it involves the installation of “low-impact facilities” within the meaning of Schedule 3 to the Telecommunications Act 1997 (Cth) and the Telecommunications (Low-impact Facilities) Determination 2018 (Cth).</i>
3 August 2020	Following an appeal of the first instance decision by Council and the Brisbane City Council, the matter was heard by the Full Court of the Federal Court.
20 November 2020	The Full Court of the Federal Court set aside the primary judge’s declaration allowing the appeals of Melbourne and Brisbane City Councils. At [74] O’Brien J (who gave the leading judgment) concluded: <i>Respectfully, I do not agree with the primary judge’s conclusion on that issue. In my view, the facts demonstrate that one of the functions that Telstra’s New Payphone Cabinets are designed to serve is the display of commercial advertising (not limited to advertising related to the supply of standard telephone services). In those circumstances, the New Payphone Cabinets are not a low-impact facility as described in Item 6-1 by reason of condition (d).</i>
18 December 2020	Telstra filed an application for special leave to the High Court of Australia.
15 April 2021	The High Court refused special leave on the grounds that the appeal foreshadowed lacked sufficient prospects of success.

2.3 Resumed VCAT Proceedings

Since resumption of the applications in the Tribunal, the applications have been case managed as a collective group of proceedings.

In late 2021 a series of procedural orders were made requiring updates and amendments to the applications to reflect the findings from the Federal Court proceedings.

A Practice Day Hearing on 18 January 2022 considered a request from Telstra Corporation Limited to be joined as a party to the proceeding. By order dated 21 January 2022, Member Cook refused the request on the basis there was insufficient justification for leave to be granted, the applicant was conceivably already acting as its agent, and the Tribunal would not be assisted by it being joined.

A preliminary hearing was subsequently held on 3 February 2022 to consider the characterisation of the cabinets, associated permit triggers and the extent of any notice required.

On 28 March 2022 (“March 2022 Decision”) Senior Member Rickards decided in summary:

- The proposed structures (payphone cabinets) were characterised under the VPPs as a Telecommunications facility.
- A permit was required for the development of the Telecommunications facilities pursuant to clause 52.19 of the Scheme.
- No permit for use was required if a permit was granted under clause 52.19 of the Scheme.
- No permit was required for the development of the Telecommunications facilities under the zones and overlays in the Scheme that apply to the subject land.
- The electronic promotional signage at the rear of the payphone cabinet was ancillary to the payphone cabinet and thus it is not necessary to include reference to electronic promotional signage in the description of the permit application.

By order dated 27 April 2022, the Tribunal allowed the withdrawal of two (2) applications by JCD.

A first compulsory conference was held on 31 May 2022. While discussions at a compulsory conference remain confidential, what came from it were orders referring the matter to a practice day hearing to consider whether the matters ought to be remitted back to Council for reconsideration.

A practice day hearing was held on 20 June 2022 that considered, among other things, whether the applications should be remitted to Council. Orders were made allowing for further written submissions to be filed in respect of that question.

By order dated 27 September 2022, the Tribunal allowed the withdrawal of a further 25 applications by JCD.

By order dated 30 September 2022, the Tribunal determined that the applications would not be remitted to Council, and would remain with the Tribunal. A new timetable was set out including three (3) compulsory conference dates.

Shortly prior to the resumed compulsory conferences, Amendment VC226 to the Scheme was gazetted. Details of the amendment are set out in section 4.1 of this report.

Due to the substantive changes to the statutory framework as a result of the amendment, the compulsory conferences were adjourned and the matter referred to a practice day hearing to deal with revised permit triggers and third party involvement in the proceedings.

This led to the Tribunal's orders dated 12 January 2023 ("January 2023 Decision") where it was determined that the existing third parties would remain. In addition to the making of a series of procedural orders, the matter was listed for hearing from 7 August 2023 on various dates up until 2 November 2023.

3 PROPOSAL

3.1 Description of Proposed Use and Development

The applications assessed in this report are the amended applications that were filed and served by the Applicant on 14 February 2023 (and subsequently corrected on 2 March 2023).

The amended applications were made pursuant to orders of the Tribunal dated 12 January 2023.

Each application comprises the following documentation:

Document Name / Type	Author	Date
Plan of Survey	Swanson Surveying Pty Ltd	Various in December 2022 and January 2023
Planning Report	Urbis Pty Ltd	September 2022
Standard Cabinet Plan (Drawing No. TEL-003)	JCDecaux Australia Pty Ltd	June 2021

The applications propose the construction of a Telecommunication facility (payphone cabinet) within the road reserve.

The cabinets are referred to in the application material as "Smart City Payphone" cabinets that are a part of Telstra's upgrading of its existing national network. The cabinets have been designed and are to be delivered in partnership with JCD.

The cabinets include a variety of additional features such as mobile phone charging, Wi-Fi access and two (2) digital displays for communicating messages to the public (ranging from emergency alerts to commercial advertising).

The cabinets present the following characteristics:

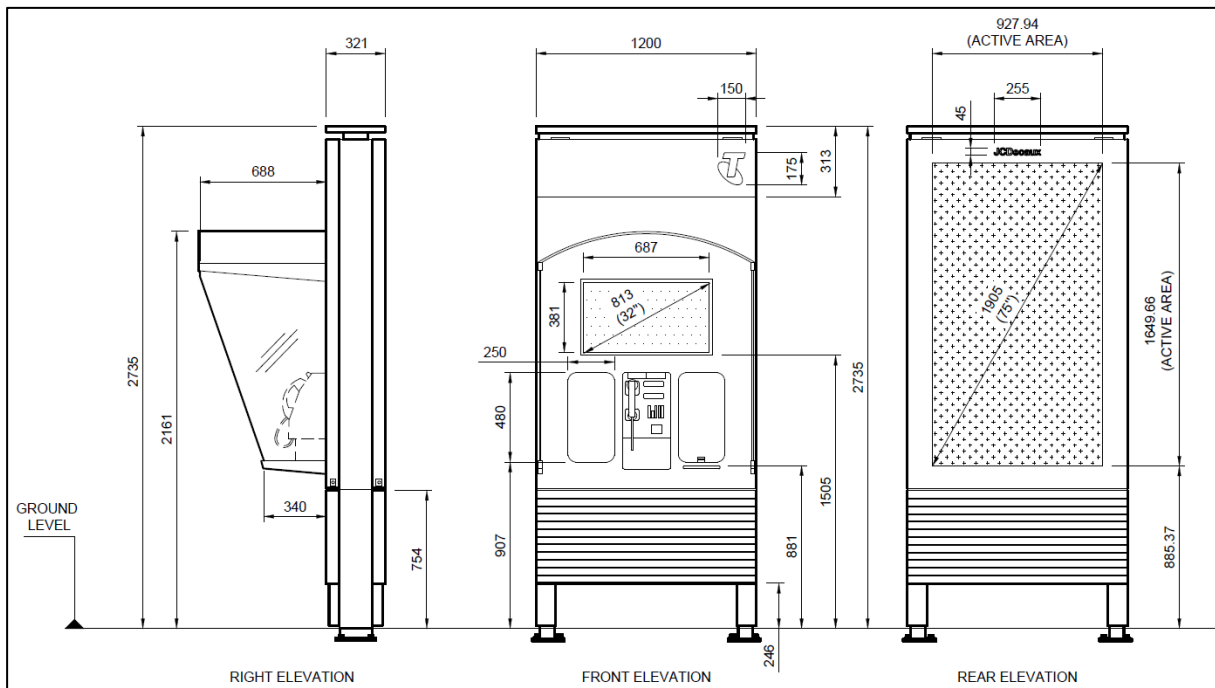
- an overall height of 2.735 metres above natural ground level

- a width of 1.2 metres
- provision of a 688 millimetre projecting canopy (to a height of 2.161 metres) on the front of cabinet over the telecommunications infrastructure
- two (2) digital displays – a 32 inch landscape display on the front of the cabinet and a 75 inch portrait display on the rear of the cabinet
- the cabinet is generally of stainless steel construction and glass, with a static Telstra logo displayed in the top corner
- the installation will be via two fixed legs which will be cast into the existing footpath.

In a majority of instances the proposed cabinets are replacing an older style Majestic of Streetcab style phone cabinet (either directly in the same location, or with a relocation). A number of these existing cabinets being replaced display static internally illuminated signs on their back. Of these signs, a select number have approval to display third party promotional content, while many display Telstra content. These are identified in the individual Assessment Sheets.

It is relevant to note that the *use* of the land for a Telecommunications Facility does not form part of the applications, being exempt from requiring a permit under the general exemptions of the Scheme. The advertising signage component of the proposal was determined in the March 2022 Decision to be an ancillary *use* to that of a Telecommunications Facility.

The figures below illustrate the key dimensions of the proposed cabinets, their key technological features and photographic examples in the public realm.



Standard Cabinet Elevations [Source: Applicant]



Smart City Payphone




- 1 Embedded shelter - clear toughened wing glass and aluminium canopy
- 2 Electronic screen on front of structure will only display Telstra content
- 3 Integrated USB port for charging device

- 4 Discover community information and event via mobile phone tap on NFC
- 5 Electronic screen on rear of structure will display third party content
- 6 Frame

- 7 Laminated glass screen, extruded aluminium frames and stainless panels. Powdercoat with JCD7002 Chain Metal Gris
- 8 Double legs, footing post-installed and cast-in fastenings in concrete

Standard Cabinet Features [Source: Applicant]



Example Cabinet Installation (Front and Back) [Source: Telstra]

3.2 Documentation Issues and Limitations

The assessment contained in this report has certain caveats attached which are tied to the documentation that forms part of the various applications. There have been numerous procedural orders from the Tribunal which have led to JCD providing a more detailed suite of plans for the proposed cabinets prepared by a licenced land surveyor.

This being the case, the placement of these structures within the public realm raises the difficulty of accurately reflecting the physical environment which is not within the applicant's control (compared to a privately owned site). The public realm is a dynamic environment – particularly in the Central City – and it changes both temporarily and permanently over time. The plans understandably capture the environment at a particular point in time which in some instances has changed by the time officers have undertaken site visits, and may change again by the time the matters are heard by the Tribunal. These changes are captured to the extent they can be in the various Assessment Sheets appended to this report, based on site inspections conducted in March and April 2023.

Another important note is that the survey plans collectively provide a dimension for the cabinet offset from the *back of kerb*. No dimension is provided on any of the drawings for the *face of kerb* which is the basis of Council's requirements under the *Design and Construction Standards for Public Infrastructure Works*. In many cases, bluestone kerbs provide a 300 mm width between the face and the back. This has been accounted for in the limited instances where it becomes relevant; however in a majority of applications the proposed offset is less than Council's requirement in any event.

In more clear examples of documentation errors, the assessment has noted the following:

- Three (3) instances where a cabinet appears to be relied on as a direct swap replacement and then relied on again as a relocation under a different application. These are Cabinets 39 and 74, Cabinets 41 and 42, and Cabinets 5 and 14.
- Two (2) instances where the extent of the survey area has not been updated to reflect an amendment to the application, and accordingly the cabinets are now shown at the extremity of the surveyed area (rather than centrally). These are Cabinets 18 and 57.
- One (1) instance, Cabinet 57, where the adjoining built form is not correctly depicted.
- One (1) instance, Cabinet 68, where the orientation of the cabinet shown on the plans does not match the orientation listed in the Table of Information filed with the Tribunal.

In addition to the above plan discrepancies, the Planning Report prepared by Urbis for each application remains dated September 2022. Failing to update supporting documentation with the amended plans does not accord with the requirements and expectations of Practice Note PNPE9. The reports also do not reflect the revised statutory regime following Amendment VC226, and continue to refer to the old Local Planning Policy Framework³.

Finally, in order to assist Council's assessment of the current applications, details and mapping of the various types of existing phone cabinets throughout the Central City was requested from JCD. Two (2) requests have been sent (February and March 2023) to the applicant, and at the time of writing the information has not been provided.

3.3 Use of Conditions

In determining an application for a planning permit Council (and the Tribunal) has the opportunity to apply conditions – a broad but not unlimited power conferred by s62 of the Act. A common, if not routine, condition is to require changes to the plans forming part of an application, before the development commences.

There are instances where the individual assessment for particular sites identifies adjustments to siting or changes to orientation in order to make a particular site appropriate for the grant of a permit. Where relevant, these changes have been required by a proposed permit condition in the relevant recommendations.

However, officers consider there to be important limitations to the use of conditions to achieve an acceptable outcome for these applications. Two key limitations applied to assessment of these applications are to not require:

- Locational changes that would relocate a cabinet from its location in front of one property to another property, on the basis that the address descriptor of the application would change, and may result in further notice being required⁴.
- Modifications to the design and size of the cabinet design itself. This is on the basis of officers' understanding that the cabinets are a standardised pre-fabricated design.

4 PLANNING SCHEME AMENDMENTS

Given the lengthy history of these applications the Melbourne Planning Scheme has been amended numerous times since their original lodgement in 2018. It is not practical or

³ The former Local Planning Policy Framework was translated into an integrated Planning Policy Framework structure under Amendment C409 on 21 September 2022.

⁴ Such an example would be if a cabinet were to be relocated into, or within a Heritage Overlay.

necessary to catalogue every amendment; however the following identifies a number of key relevant amendments:

- Amendment VC148 (gazetted 31 July 2018): Introduced a variety of Smart Planning reforms to all planning schemes including the introduction of the Municipal Planning Strategy / Planning Policy Framework and various structural changes to the Victorian Planning Provisions.
- Amendment C258 (gazetted 10 July 2020): Contemporised the grading of a majority of heritage properties across the municipality and introduced new heritage policies as they now appear in the Scheme.
- Amendment C308 (gazetted 30 September 2021): Introducing new urban design built form controls through Design and Development Overlay Schedule 1 which now applies across the entirety of the Central City areas.
- Amendment C409 (gazetted 21 September 2022): Finalised the translation of the former Municipal Strategic Statement and Local Planning Policy Framework into the new format Municipal Planning Strategy and integrated Planning Policy Framework in accordance with the new format planning scheme structure.

4.1 Amendment VC226

In addition to the above amendments, the more recent Amendment VC226 (gazetted 4 November 2022) warrants detailed consideration and explanation.

Among other things, the amendment introduced wholesale changes to the particular provision relating to Telecommunication Facilities (at clause 52.19) and the associated exemptions at clauses 62.01 and 62.02.

The amendment also had direct implications for the Tribunal's assessment of permit triggers and notice / review rights as set out in the March 2022 Decision.

Deputy President Bisucci summarised the changes of Amendment VC226 in relation to the current applications in the January 2023 Decision as follows:

[2] *VC226 made changes to the Victoria Planning Provisions (VPPs) and all planning schemes. With respect to telecommunication, clauses 19.03-4S (Telecommunications) 52.19 (Telecommunications facility), 62.01 (Uses not requiring a permit), 62.02 (Buildings and works not requiring a permit), 72.04 (Incorporated documents) and 73.01 (General terms) of the Melbourne Planning Scheme (scheme) were amended.*

- [3] *It is common ground that the effect of VC226 with respect to these applications are that:*
- a a permit is not required to use land for a Telecommunications facility under any provision of the scheme (pursuant to clause 62.01);*
 - b a permit is required to construct a building or construct or carry out works for a Telecommunications facility under clause 52.19-1 and all of the relevant zones and overlays that apply to the land upon which the applications are proposed;*
 - c many applications are exempt under all relevant provisions of the scheme 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 (PE Act); and*
 - d the exception to c above, is those applications that are proposed on land affected by a Heritage Overlay (HO), where third party rights remain in relation to heritage matters.*

In addition to that summary, officers have formed the view that, by reason of the changes introduced by Amendment VC226, a permit is also required for the development of the signs

that are part of the proposed cabinet structures, specifically by reason of changes made to Clause 62.02-1 in relation to the development of telecommunications facilities.

This report adopts the statutory framework as it currently applies in the Scheme (i.e. as introduced by Amendment VC226).

5 MELBOURNE PLANNING SCHEME

5.1 Municipal Planning Strategy

The Municipal Planning Strategy ('MPS') provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

The following table provides a summary of the key provisions from the MPS (as relevant):

Municipal Planning Strategy	
Clause 2.01 – Context	This clause provides important contextual information regarding the municipality in terms of its location, key land use and development features, history and population demography.
Clause 2.02 – Vision	The City of Melbourne is to be a bold, inspirational and sustainable city through the achievement of its six (6) identified high level goals.
Clause 2.03 – Strategic Directions and Clause 2.04 – Strategic Framework Plans	<p>Clause 2.03 sets out strategic directions by which the City's vision will be achieved.</p> <p>Sub-clause 1 sets out settlement areas across the municipality (which are mapped in Clause 2.04). As relevant to the current applications, the following descriptions are set out:</p> <p><i>The original city centre</i></p> <p><i>The Hoddle Grid is known for its orderly grid and hierarchy of streets, lanes and arcades and is the main retail and office area in the state. Key functions are located in the Hoddle Grid, including government and public buildings, offices, cafes, education, retail and residential. A strong emphasis is placed on a quality public realm and good pedestrian amenity and connectivity.</i></p> <p>[...]</p> <p><i>Stable residential areas</i></p> <p>[...]</p> <p><i>Carlton, a dynamic and diverse local area, accommodates housing, retailing, entertainment, educational, institutional, leisure and cultural activities. Lygon/Elgin Street is an important local shopping centre that also has a regional tourist role based on its restaurants. The tourism, residential and retailing functions of Lygon and Elgin Streets and their surrounds need to be balanced.</i></p> <p>[...]</p> <p>Sub-clause 4 sets out a series of directions relating to the built environment, heritage and sustainable development.</p> <p>Sub-clause 6 outlines the municipality's role in terms of economic development and in particular identifies the Hoddle Grid to "...remain the State's pre-eminent retail centre".</p>

	<p>Sub-clause 7 outlines the City's strategic direction with respect of integrated and sustainable transport network.</p> <p>Sub-clause 8 deals with infrastructure and with respect to telecommunications specifically:</p> <p><i>Supporting telecommunications facilities, whilst managing their visual impact, is an important issue for the City.</i></p> <p><i>In managing telecommunications facilities, the Council will:</i></p> <ul style="list-style-type: none"> • <i>Ensure infrastructure to meet anticipated information, communication and technology needs.</i> • <i>Minimise the visual impact of telecommunications and utilities infrastructure.</i>
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5.2 Planning Policy Framework

The Planning Policy Framework ('PPF') provides a context for decision making by responsible authorities. The PPF is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The following table provides a summary of the key provisions from the PPF (as relevant):

Planning Policy Framework	
<p>Clause 11 – Settlement</p>	<p>Clause 11.01-1R identifies Metropolitan Melbourne Central City as a place for focussed investment and growth.</p> <p>Clause 11.03-1S and 1R deal with the role of activity centres including a strategy that is (among other things), supported by appropriate infrastructure and provides high levels of amenity.</p> <p>Clause 11.03-6L-02 speaks to the Carlton Area and relevantly outlines strategies with respect to the built environment and heritage. The proposed cabinets are located across the Rathdowne Street Housing Estate (Precinct 4), Lygon Street Local Centre (Precinct 6) and Elgin Street Shopping Strip (Precinct 7).</p> <p>Clause 11.03-6L-09 speaks to the Hoddle Grid and relevantly outlines strategies with respect to the built environment and heritage. The remaining 43 cabinets are located across a variety of the identified precincts including within the Retail Core, Collins Street and Bourke Hill.</p>
<p>Clause 15 – Built Environment and Heritage</p>	<p>Clause 15.01 deals with the built environment and specifically the achievement of high quality urban design outcomes, creation of a sense of place and the interaction between public / private realms (sub-clause 1S and 1R).</p> <p>Clause 15.01-1L-02 deals specifically with signs and sets out the following general objectives:</p> <p><i>To allow for the reasonable identification and marketing of institutions, businesses and buildings and communication of messages.</i></p> <p><i>To protect the characteristics of significant buildings, streetscapes, residential areas.</i></p> <p><i>To protect the appearance and character of residential areas and other high amenity areas.</i></p> <p><i>To protect important vistas from obtrusive and insensitive signs.</i></p> <p><i>To encourage where appropriate, signs that make a positive contribution to the character of an area.</i></p> <p>The policy goes on to outline general strategies and further targeted objectives / strategies for particular zones and precincts.</p>

	<p>Clause 15.01-1L-04 deals with urban design with a focus on public realm vistas. Clause 15.01-1L-05 then sets out an urban design framework for areas outside of the Capital City Zone (thus relevant to the Carlton cabinets).</p> <p>Clause 15.03 sets out heritage policies with the objective to “...ensure the conservation of places of heritage significance”.</p> <p>Local policy guidance is contained at Clause 15.03-1L-02 which sets out the following objectives to be achieved:</p> <p style="padding-left: 40px;"><i>To encourage high quality contextual design for new development that avoids replication of historic forms and details.</i></p> <p style="padding-left: 40px;"><i>To encourage retention of the three dimensional fabric and form of a building and discourage facadism.</i></p> <p style="padding-left: 40px;"><i>To enhance the presentation and appearance of heritage places through restoration and reconstruction of original or contributory fabric.</i></p> <p style="padding-left: 40px;"><i>To protect significant views and vistas to heritage places.</i></p> <p>The policy goes on to outline strategies on particular built form themes including “street fabric and infrastructure”.</p> <p>It is noted that some of the proposed cabinets are located in heritage precincts adjacent to identified heritage assets. Some other cabinets are not located within a Heritage Overlay but are immediately adjacent to individual heritage assets where the mapped area terminates at the property boundary.</p>
Clause 17 – Economic Development	<p>Clause 17.02-1L provides policy in relation to the Lygon and Elgin Street shopping centre which covers two (2) cabinets. It seeks the following objectives:</p> <p style="padding-left: 40px;"><i>To facilitate the dual local shopping centre and regional restaurant / entertainment role of the Lygon and Elgin Street Shopping Centre.</i></p> <p style="padding-left: 40px;"><i>To encourage new eating and entertainment facilities in areas where they will cause the least detriment on the shopping centre and residential areas.</i></p> <p style="padding-left: 40px;"><i>To discourage the extension of retail, entertainment and restaurant uses from Lygon Street into surrounding streets.</i></p> <p>Clause 17.04-1S and 1R both relate to the facilitation and promotion of tourism with the conveying of information being one of the strategies outlined.</p>
Clause 18 - Transport	<p>Clause 18.01-1S seeks to “...facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport”.</p> <p>The associated strategies speak to the integration of land use and development in order to maintain, capitalise and improve on the transport network.</p> <p>This is supported by clause 18.01-1L which (among other things) highlights Council’s modal shift away from private motor vehicles to other transport modes.</p> <p>Clauses 18.01-2S and 18.01-3S provide objectives and strategies that aim to achieve efficient, sustainable and safe movement of people and goods, in a variety of ways, through the urban environment.</p> <p>Clause 18.02 deals with movement networks across themes of (as relevant) walking, cycling, public transport and roads.</p> <p>For walking, clause 18.02-1S seeks to “...facilitate an efficient and safe walking network and increase the proportion of trips made by walking” via the following strategies:</p>

	<p><i>Plan and develop walking networks to:</i></p> <ul style="list-style-type: none"> • <i>Provide pedestrian routes that are safe, direct and comfortable to use.</i> • <i>Enable walking as a part of everyday life.</i> • <i>Enable people to meet more of their needs locally and rely less on their cars.</i> • <i>Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.</i> • <i>Accommodate emerging forms of low-emission, low-speed personal transport.</i> <p><i>Develop principal pedestrian networks for local areas that link with the transport system.</i></p> <p><i>Provide walking infrastructure in all major transport projects.</i></p> <p><i>Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.</i></p> <p><i>Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.</i></p> <p>For cycling, clause 18.02-2S seeks to “<i>facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling</i>”. The strategies set out the provision of an integrated cycling network and the development of Strategic Cycling Corridors. This is supported by the strategy at sub-clause 2R which seeks:</p> <p style="padding-left: 40px;"><i>Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network</i></p> <p>For public transport, clause 18.02-3S seeks to “<i>...facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport</i>”. Adjunct to the development of the network itself, a strategy is to “<i>[s]upport development that facilitates the delivery and operation of public transport services</i>”.</p> <p>Sub-clause 3R relates to the identification of the Principal Public Transport Network for which all proposed cabinets are located within the catchment.</p> <p>For roads, clause 18.02-4S seeks to “<i>...facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure</i>”. A raft of strategies are set out including the safety of road users, and designing road space to accommodate things such as wider footpaths, bicycle lanes and transit lanes.</p>
Clause 19 - Infrastructure	<p>Clause 19.03-4S (Telecommunications) seeks the following objective:</p> <p style="padding-left: 40px;"><i>To facilitate the orderly development, extension and maintenance of telecommunications infrastructure.</i></p> <p>The policy then goes on to provide a series of facilitative strategies to deploy telecommunications infrastructure while balancing adverse environmental impacts.</p> <p>Clause 19.03-4R (Telecommunications - Metropolitan Melbourne) does not specify any objectives but advances a further strategy regarding fibre-ready and wireless infrastructure in selected areas.</p>

5.3 Zones

The proposed cabinets are located within a combination of four (4) different zones under the Scheme. The following table identifies the zones called up by the various applications:

Residential Zones	
<p>Clause 32.08 – General Residential Zone</p>	<p>The General Residential Zone ('GRZ') applies to one (1) cabinet⁵ which is located in Carlton, 3035.</p> <p>The GRZ has the following purposes:</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To encourage development that respects the neighbourhood character of the area.</i></p> <p><i>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</i></p> <p><i>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</i></p> <p>The proposal does not require a permit under the GRZ as it is not for dwellings, a residential building, residential aged care facility or associated with a Section 2 use.</p> <p>Sub-clause 14 identifies this zone as Category 3 for the purposes of signs.</p>
Commercial Zones	
<p>Clause 34.01 – Commercial 1 Zone</p>	<p>The Commercial 1 Zone ('C1Z') applies to three (3) cabinets⁶, all of which are located in Carlton, 3053.</p> <p>The C1Z has the following purposes:</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</i></p> <p><i>To provide for residential uses at densities complementary to the role and scale of the commercial centre.</i></p> <p>Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.</p> <p>Clause 34.01-8 sets out the following decision guidelines to be considered (extracted as relevant):</p> <p><i>General</i></p> <p><i>The Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>The interface with adjoining zones, especially the relationship with residential areas.</i></p> <p>[...]</p> <p><i>Building and works</i></p> <p><i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i></p> <p>[...]</p> <p><i>The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i></p>

⁵ Cabinet 26

⁶ Cabinets 38, 58 and 78

	<p>[...]</p> <p><i>Defining the responsibility for the maintenance of buildings, landscaping and paved areas.</i></p> <p>[...]</p> <p><i>The availability of and connection to services.</i></p> <p>[...]</p> <p>Sub-clause 9 identifies this zone as Category 1 for the purposes of signs.</p>
<p>Special Purpose Zones</p>	
<p>Clause 37.04 – Capital City Zone, Schedule 1 (Outside the Retail Core)</p>	<p>The Capital City Zone – Schedule 1 ('CCZ1') relates to areas of the Hoddle Grid outside of the retail core and applies to 33 cabinets.</p> <p>The CCZ1 has the following purpose:</p> <p><i>To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.</i></p> <p>Pursuant to Clause 37.04-4 and Clause 3.0 of Schedule 1 to Clause 37.04, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 37.04-5 a permit is required to construct or put up for display a sign unless the schedule to this zone specifies otherwise. Clause 5.0 of Schedule 1 to Clause 37.04, does not exempt the proposed sign.</p> <p>Clause 3.0 sets out the following decision guidelines to be considered (extracted as relevant):</p> <p><i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i></p> <p><i>The comments and requirements of relevant authorities.</i></p> <p><i>The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.</i></p> <p><i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i></p> <p>[...]</p> <p><i>The adequacy of entrance to and egress from the site.</i></p> <p><i>The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i></p> <p><i>The existing and future use and amenity of the land and the locality.</i></p> <p><i>The location, area, dimensions and suitability of use of land proposed for public use.</i></p> <p><i>The provision of landscaping.</i></p> <p><i>The responsibility for the maintenance of buildings, landscaping and paved areas.</i></p> <p><i>The impact on the amenity of any existing dwellings on adjacent sites.</i></p> <p>[...]</p>

	<p><i>Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.</i></p> <p>[...]</p>
<p>Clause 37.04 – Capital City Zone, Schedule 2 (Retail Core)</p>	<p>The Capital City Zone – Schedule 2 ('CCZ2') relates to retail core areas of the Hoddle Grid and applies to 10 cabinets.</p> <p>The CCZ2 seeks the following purpose:</p> <p><i>To provide for the intensification of retail and other complementary commercial, community and entertainment uses within the established retail core.</i></p> <p>Pursuant to Clause 37.04-4 and Clause 3.0 of Schedule 2 to Clause 37.04, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 37.04-5 a permit is required to construct or put up for display a sign unless the schedule to this zone specifies otherwise. Clause 5.0 of Schedule 2 to Clause 37.04, does not exempt the proposed sign.</p> <p>Clause 3.0 sets out the following decision guidelines to be considered (extracted as relevant):</p> <p><i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i></p> <p><i>The comments and requirements of relevant authorities.</i></p> <p><i>The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.</i></p> <p><i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i></p> <p>[...]</p> <p><i>The adequacy of entrance to and egress from the site.</i></p> <p><i>The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i></p> <p><i>The existing and future use and amenity of the land and the locality.</i></p> <p><i>The location, area, dimensions and suitability of use of land proposed for public use.</i></p> <p><i>The provision of landscaping.</i></p> <p><i>The responsibility for the maintenance of buildings, landscaping and paved areas.</i></p> <p><i>The impact on the amenity of any existing dwellings on adjacent sites.</i></p> <p>[...]</p> <p><i>Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.</i></p> <p>[...]</p>

The zone applicable to a particular cabinet is identified in the individual assessment sheets appended to this report.

5.4 Overlays

The number of different overlay controls apply to the various sites.

The following table identifies the overlays called up by the various applications:

Heritage and Built Form Overlays	
Clause 43.01 – Heritage Overlay	<p>A total of 15 cabinets are located within the Heritage Overlay ('HO') which seeks the following purposes:</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To conserve and enhance heritage places of natural or cultural significance.</i></p> <p><i>To conserve and enhance those elements which contribute to the significance of heritage places.</i></p> <p><i>To ensure that development does not adversely affect the significance of heritage places.</i></p> <p><i>To conserve specified 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.</i></p> <p>Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works, and to construct or display a sign.</p> <p>The relevant heritage places are:</p> <ul style="list-style-type: none"> • HO1 Carlton Precinct – Four (4) cabinets • HO500 Bourke Hill Precinct – Two (2) cabinets • HO502 The Block Precinct - Two (2) cabinets • HO504 Collins East Precinct – Four (4) cabinets • HO507 Little Bourke Street Precinct – One (1) cabinet • HO1289 Swanston Street South Precinct - Two (2) cabinets. <p>The HO sets out the following decision guidelines (extracted as relevant):</p> <p><i>The Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.</i></p> <p><i>Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.</i></p> <p>[...]</p> <p><i>Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.</i></p> <p><i>Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.</i></p> <p>[...]</p> <p><i>Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.</i></p> <p>[...]</p> <p><i>Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.</i></p> <p>[...]</p>

Clause 43.02 – Design and Development Overlay	<p>43 cabinets (being all of those within Melbourne, 3000) are located within a Design and Development Overlay which via various schedules set out specific requirements relating to the design and built form of new development.</p> <p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>The decision guidelines of the parent provision principally defer to the PPF and any relevant schedule, but also direct the decision maker to consider (extracted as relevant):</p> <p>[...]</p> <p><i>Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</i></p> <p><i>Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.</i></p> <p>[...]</p>
	<p>Schedule 1 ('DDO1') relates to urban design in the Central City and applies to 42 cabinets within Melbourne, 3000.</p> <p>The following design objectives are to be achieved:</p> <p><i>To ensure that all development achieves high quality urban design, architecture and landscape architecture.</i></p> <p><i>To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways.</i></p> <p><i>To ensure that development promotes a legible, walkable and attractive pedestrian environment.</i></p> <p><i>To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.</i></p> <p><i>To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.</i></p> <p>The requirements for buildings and works are set out within clause 2.0 of the DDO1.</p> <p>No specific decision guidelines are specified.</p>
	<p>Schedule 2 ('DDO2') relates to identified areas of special character within the Hoddle Grid and applies to 11 cabinets.</p> <p>The following design objectives are to be achieved:</p> <p><i>To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.</i></p> <p><i>To ensure that the height of new buildings reinforces the built form character of unique areas.</i></p> <p><i>To maintain the visual dominance of prominent landmarks.</i></p> <p><i>To protect the unique built form and public realm amenity.</i></p> <p>The requirements for buildings and works are set out within clause 2.3 of the DDO2 but are generally irrelevant to the current proposals.</p> <p>The relevant decision guidelines are set out within clause 5.0 of the DDO2.</p>

	<p>Clause 5.0 sets out the following decision guidelines to be considered (extracted as relevant):</p> <p><i>The Design Objectives.</i></p> <p>[...]</p> <p><i>Whether the development respects the built form scale and urban structure of the precinct where it is located.</i></p> <p><i>Whether the development provides a high quality architectural response.</i></p> <p><i>Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts. The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places.</i></p> <p>[...]</p>
	<p>Schedule 10 ('DDO10') relates to the general development area of the Central City and applies to 31 cabinets.</p> <p>The following design objectives are to be achieved:</p> <p><i>To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.</i></p> <p><i>To ensure that development respects and responds to the built form outcomes sought for the Central City.</i></p> <p><i>To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.</i></p> <p><i>To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.</i></p> <p><i>To provide a high level of internal amenity for building occupants.</i></p> <p><i>To ensure the design of public spaces and buildings is of a high quality.</i></p> <p><i>To encourage intensive developments in the Central City to adopt a podium and tower format.</i></p> <p>The requirements for buildings and works are set out within clause 2.3 of the DDO10 but are generally irrelevant to the current proposals.</p> <p>Clause 5.0 sets out the following decision guidelines (extracted as relevant):</p> <p><i>The Design Objectives.</i></p> <p>[...]</p> <p><i>Whether the development respects the built form scale and urban structure of the precinct where it is located.</i></p> <p><i>Whether the development provides a high quality architectural response.</i></p> <p><i>Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.</i></p> <p>[...]</p>

	<p>Schedule 47 ('DDO47') relates to the Central Carlton South area and applies to one (1) cabinet.</p> <p>The following design objectives are to be achieved:</p> <p><i>To maintain the predominant low scale nature of the area.</i></p> <p><i>To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.</i></p> <p>The buildings and works requirements only go to building height, and no decision guidelines are specified.</p>
	<p>Schedule 62 ('DDO62') relates to the special character area of Bourke Hill and applied to one (1) cabinet.</p> <p>The following design objectives are to be achieved:</p> <p><i>To protect the unique character of Bourke Hill.</i></p> <p><i>To protect the built form context of view lines to and from Parliament House to maintain its visual prominence.</i></p> <p><i>To ensure the scale and prominence of the landmark heritage buildings, the Princess Theatre and the Hotel Windsor, is maintained.</i></p> <p><i>To ensure development respects and maintains the heritage significance, low scale built form and valued public realm attributes of Bourke Hill.</i></p> <p><i>To protect sunlight access to streets and key laneways, the steps and 'forecourt' area of Parliament House including adjacent public spaces and public spaces.</i></p> <p><i>To maintain a high level of pedestrian amenity within Bourke Hill.</i></p> <p><i>To retain expansive open air sky views for pedestrians along streets and key laneways.</i></p> <p>The requirements for buildings and works are set out within clause 2.3 of the DDO62 but are generally irrelevant to the current proposals.</p> <p>Clause 5.0 sets out the following decision guidelines (extracted as relevant):</p> <p><i>The Design Objectives.</i></p> <p>[...]</p> <p><i>Whether the development adversely impacts on the unique character of the Bourke Hill precinct.</i></p> <p><i>Whether the development respects the built form scale and urban structure of the precinct where it is located.</i></p> <p><i>Whether the development provides a high quality architectural response.</i></p> <p><i>The impact of development on the consistency of scale (low scale) and heritage significance of the Bourke Hill heritage precinct.</i></p> <p><i>Whether development detracts from the visual prominence of Parliament House both in terms of scale and architectural expression.</i></p> <p><i>Whether development adversely impacts on the built form context of view lines to and from Parliament House.</i></p> <p><i>Whether the scale and prominence of the landmark heritage buildings, the Princess Theatre and the Hotel Windsor, is maintained.</i></p> <p>[...]</p>

	<p><i>Whether the distinctive and highly valued public realm attributes of Bourke Hill are maintained and enhanced.</i></p> <p><i>Whether development adversely impacts on the expansive open air sky views (from pedestrian eye level) along streets and laneways.</i></p> <p><i>Whether development improves pedestrian connectivity and permeability.</i></p> <p><i>Whether development provides a comfortable and attractive pedestrian environment at ground level, including frontage activation and protection from adverse wind impacts.</i></p> <p>[...]</p> <p><i>Whether the cumulative effect of the proposed development in associated with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.</i></p> <p>[...]</p>
	<p>Schedule 70 ('DDO70') protects the Melbourne Metro rail project infrastructure and applies to seven (7) cabinets.</p> <p>As the proposed cabinets are less than two (2) storeys in height, they benefit from the listed exemption and do not require a permit.</p>
<p>Land Management Overlays</p>	
<p>Clause 44.05 - Special Building Overlay</p>	<p>Two (2) cabinets are located on land subject to the Special Building Overlay ('SBO').</p> <p>The SBO seeks the following purposes:</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.</i></p> <p><i>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</i></p> <p><i>To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.</i></p> <p>Pursuant to Clause 44.05-2, a permit is required to construct a building or construct or carry out works.</p> <p>The SBO sets out the following decision guidelines:</p> <p><i>The Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>Any local floodplain development plan.</i></p> <p><i>Any comments from the relevant floodplain management authority.</i></p> <p><i>The existing use and development of the land.</i></p> <p><i>Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.</i></p> <p><i>The susceptibility of the development to flooding and flood damage.</i></p> <p><i>Flood risk factors to consider include...[t]he frequency, duration, extent, depth and velocity of flooding of the site and accessway...[t]he flood</i></p>

	<p><i>warning time available...[and t]he danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.</i></p> <p><i>The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.</i></p> <p><i>Any other matters specified in a schedule to this overlay.</i></p>
Other Overlays	
Clause 45.07 – City Link Project Overlay	<p>The Citylink Project Overlay ('CLPO') relates to (among others) the Exhibition Street Extension Project and applies to one (1) cabinet.</p> <p>The CLPO seeks the following purposes:</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To ensure the efficient construction, operation and maintenance of the Melbourne City Link Project, the Exhibition Street Extension Project and CityLink Tulla Widening Project.</i></p> <p><i>To ensure that the display of a Business identification sign on land no longer required for the Melbourne City Link Project or the Exhibition Street Extension Project is limited to a level that does not compete with the display of signs shown on the plan titled "Melbourne City Link Project - Advertising Sign Locations November 2003".</i></p> <p>Clause 45.07-1 states that a permit is not required to use or develop land in the City Link Project area if the use or development is part of the Melbourne City Link Project or the Exhibition Street Extension Project. The proposed cabinets are not part of the project.</p> <p>Pursuant to Clause 45.07-1, a permit is required to use and develop the land for a purpose other than the designated projects.</p> <p>No decision guidelines are specified.</p>
Clause 45.08 - Parking Overlay	<p>A majority of installation sites are covered by the Parking Overlay ('PO') which sets out specific parking rates for new development across the municipality.</p> <p>The PO is irrelevant for the purposes of the applications.</p>

The overlays applicable to a particular cabinet are identified in the individual Assessment Sheets appended to this report.

With respect to the Heritage Overlay, it is also relevant to note that there are a number of installation sites which are not mapped within the overlay itself but are immediately adjacent to an individually significant heritage building (i.e. the mapped heritage area terminates at the title boundary). A number of these buildings are also identified on the Victorian Heritage Register. In these circumstances heritage considerations are called up by other provisions of the Scheme and have been considered in the assessment below and the individual Assessment Sheets appended to this report.

5.5 Particular, General and Operational Provisions

The following particular, general and operational provisions are relevant to the applications:

Particular Provisions	
Clause 51.01 – Specific Sites and Exclusions	<p>Clause 51.01 applies to specified areas as detailed in the accompanying schedule. It is a legacy instrument now replaced by the Specific Control Overlay and has the following purposes:</p> <p><i>To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.</i></p>

	<p><i>To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.</i></p> <p>A document incorporated into the schedule may allow otherwise prohibited use / development, prohibit or restrict use and development, or exclude other controls of the Scheme.</p> <p>One (1) cabinet is located within the development plan area (State Library Station) that has been approved under the <i>Melbourne Metro Rail Project Incorporated Document, May 2018.</i></p>
Clause 52.05 - Signs	<p>Clause 52.05 applies to the <i>development</i> of land for signs and has the following purposes:</p> <p><i>To regulate the development of land for signs and associated structures.</i></p> <p><i>To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.</i></p> <p><i>To ensure signs do not contribute to excessive visual clutter or visual disorder.</i></p> <p><i>To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.</i></p> <p>Three (3) cabinets within Carlton, 3058 are located within Category 1 – Commercial areas.</p> <p>One (1) cabinet within Carlton, 3058 is within Category 3 - High amenity area.</p> <p>All remaining cabinets within the Capital City Zone are not within a defined category and are dealt with by the relevant zone schedules.</p> <p>Decision guidelines are set out at sub-clause 8.</p>
Clause 52.19 - Telecommunications Facility	<p>Clause 52.19 applies specifically to the development of telecommunications facilities and seeks the following purposes:</p> <p><i>To ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs.</i></p> <p><i>To facilitate an effective state-wide telecommunications network consistent with proper and orderly planning.</i></p> <p><i>To support the provision of telecommunications facilities with minimal impact on the amenity of the area.</i></p> <p>Pursuant to Clause 52.19-1, a permit is required to construct a building or construct or carry out works for a telecommunications facility.</p> <p>Clause 52.19-5 sets out the following decision guidelines:</p> <p><i>The design, siting, construction and operation of the telecommunications facility.</i></p> <p><i>The effect of the telecommunications facility on adjacent land.</i></p>
General Provisions	
Clause 62 - General Exemptions	<p>Clause 62 provides a series of exemptions for (among other things) uses and buildings and works.</p> <p>Clause 62.01 provides that “[a]ny requirement in this scheme relating to the use of land...does not apply to...[t]he use of land for a telecommunications facility”.</p> <p>Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works.</p>

	<p>Clause 62.01-1 provides that “[a]ny requirement in this scheme relating to the construction of a building or the construction or carrying out of works... does not apply to...[b]uildings and works for a telecommunications facility exempt from a permit under clause 52.19-1”.</p> <p>The proposed telecommunications facilities are not exempted under Clause 52.19-1.</p>
Clause 65 - Decision Guidelines	Clause 65.01 provides general decision guidelines to be considered (as appropriate) before deciding on an application.
Clause 66 - Referral and notice provisions	<p>Clause 66 outlines requirements relating to mandatory notice (under section 52(1)(c) of the Act) and/or referral (under section 55 of the Act) of an application.</p> <p>Clause 66.03 requires referral of an application:</p> <ul style="list-style-type: none"> • In the SBO, to Melbourne Water • In the CLPO, to the Head, Transport for Victoria • Under Clause 52.05-3, to the Head, Transport for Victoria. <p>As the applications are exempt from a permit under the DDO70, referral to the Secretary of the Department of Economic Development, Jobs, Transport and Resources pursuant to Clause 66.04 is not required.</p>
Operational Provisions	
Clause 71 - Operation of this Planning Scheme	<p>Clauses 71.01 and 71.02 detail the operation of the MPS and PPF in the decision making process.</p> <p>Clause 71.02-3 in particular deals with integrated decision making stating the following:</p> <p style="padding-left: 40px;"><i>The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.</i></p> <p>Clause 71.04 confirms that where an overlay applies to a site that the provisions of the overlay apply in addition to the provisions of the zone and any other provision of the Scheme. Further, simply because a permit can be granted does not imply that a permit should or will be granted.</p> <p>Clause 71.05 confirms that particular provisions (such as Clauses 52.05 and 52.19) apply to specified categories of use / development in addition to any provisions which apply.</p>
Clause 72 – Administration and Enforcement of this Planning Scheme	<p>Clause 72.01 and its accompanying schedule details the responsible authority for applications under Part 4 of the Act.</p> <p>Council is the responsible authority for all applications.</p>
Clause 73 - Meaning of Terms	<p>Clause 73.02 sets out terms in relation to signs, of which the following are relevant to the current applications:</p> <p style="padding-left: 40px;"><i>Display area: The area of that part of a sign used to display its content, including borders, surrounds and logo boxes. It does not include safety devices, platforms and lighting structures. If the sign does not move or rotate, the area is one side only.</i></p> <p style="padding-left: 40px;"><i>Electronic sign: A sign that can be updated electronically. It includes screens broadcasting still or moving images.</i></p>

	<p><i>Promotion sign: A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</i></p> <p><i>Sign: Includes a structure specifically built to support or illuminate a sign.</i></p>
	<p>A “Telecommunications facility” is a land use term defined in Clause 73.03 as follows:</p> <p><i>Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.</i></p> <p>It is nested under the primary term of “Utility Installation”.</p> <p>For the purposes of the above definition, Clause 73.01 defines a “Telecommunications network” as:</p> <p><i>A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.</i></p>

6 NOTICE

Council refused all 81 applications that were originally before it prior to directing notice, exercising its discretion under s52(1A) of the Act.

Notice has subsequently been directed by the Tribunal pursuant to s83B of the Act. This occurred twice during 2022.

Firstly, in May 2022 with respect to the 75 applications that were before the Tribunal at the time. This comprised both signs on existing cabinets (in the case of direct swaps or relocations), and letters to adjoining ground floor tenancies (in the case of new cabinets or relocations great than 10 metres).

Secondly, in October 2022 with respect to 15 cabinets which had been subject to amendments of substance such that re-notification was required.

It is relevant to note that Amendment VC226 (detailed in 4.2.2 of this report) has resulted in changes to third party rights whereby cabinets other than those within the Heritage Overlay are now exempt from notice and review.

7 OBJECTORS / PARTIES & REFERRAL AUTHORITIES

7.1 Transport for Victoria

The Head, Transport for Victoria (“TfV”) remains a party to these proceedings following the Tribunal’s January 2023 Decision.

Statements of grounds have been filed with respect of all remaining 47 applications objecting to the grant of a permit. The grounds vary between applications, but generally go to matters of impact on the operation of the road network, impact on pedestrian accessibility and movement, and impacts on public transport infrastructure.

Individual statements of grounds have been lodged with respect to all 47 applications by TfV. Each of the statements of grounds include one or more of the following:

- The proposal will detrimentally impact upon pedestrian accessibility and amenity.

- The proposal is contrary to Clause 18.02-1S of the Melbourne Planning Scheme which seeks to ‘facilitate an efficient and safe walking network and increase the proportion of trips made by walking’.
- The proposed dwell time of 10 seconds will create a road safety hazard by distracting road users.

7.2 Melbourne Water

Melbourne Water is (or was) a referral authority for a number of applications subject to the SBO. A number of these applications have since been withdrawn or amended (relocated) such that only two (2) applications are affected by the SBO.

Melbourne Water have not filed any statements of grounds with respect of these application, but ultimately remain a party by virtue of their determining referral authority status.

7.3 Other Third Parties

Remaining parties include Owners Corporation PS 714706C and Paul Helling, both in relation to the property at 35 Spring Street, Melbourne (Cabinet 3).

Statements of grounds have been received from a number of persons who do not intend to appear at the hearing. These relate specifically to Cabinet 1 (two neighbouring businesses) and Cabinet 80 (neighbouring residential hotel).

8 INTERNAL REFERRALS

Comments received from internal departments are extracted below verbatim.

It should be noted that in most instances a series of general comments were provided along with individual site specific comments. The following sections contain the former, while the latter are noted in the respective Assessment Sheets appended to this report.

References in the verbatim comments to other documentation being attached or the like are either captured in the respective Assessment Sheets appended to this report or retained on the original referral comments within Council’s digital file.

8.1 Heritage

8.1.1 Referral Comments

Road reservations provide the physical context for the public face of buildings. Footpaths are the open interface between pedestrians and built form, and are a key urban space for the appreciation of heritage places.

The configuration of the footpath, its width, physical objects located within the footpath, the size of those objects and the form of those objects, will affect the extent to which pedestrians are able to perceive the heritage elements.

More numerous, considerably larger in size, in some cases located closer to heritage assets, and formed with eye-catching promotional LCD panels, the Telstra / JCDecaux cabinets proposed to be inserted into the urban form of the CCZ and Carlton will have an impact on urban form and the appreciation of heritage places within the City of Melbourne.

Similar heritage related issues affect many of the applications. For almost all the 33 locations, the proposal would visually dominate or disrupt appreciation of the heritage place through size, location or visual display; obscure views to heritage places; constrain the footpath; and / or increase clutter.

Obstruction to views within the heritage place or to adjacent heritage places will conceal elements which contribute to the heritage place.

Introduction of an obstruction to views would not enhance the heritage place and is inconsistent with the local heritage policy Signage Strategy - *Does not conceal architectural features or details which contribute to the significance of the heritage place.*

Physical size, orientation and location contribute to obstruction of views:

- Orientation. Cabinets are proposed to be oriented at 90 degrees to the property boundary, with either a promotional sign or the obverse Telstra phone / LCD facing pedestrians as they proceed in each direction along the footpath. Orientation at 90 degrees creates a higher level of visibility than orientation in alignment with the property boundary, and greater potential to obstruct views to the heritage asset.
- Both the length and height of proposed cabinets is substantially larger than existing Majestic cabinets. At 31% wider and 19% taller, the area of pedestrian facing form would increase 56% from 2.1 m² to 3.28 m². Greater area increases obstruction to oblique pedestrian views and views in general alignment with footpath direction.
- Width of proposed cabinets is increased 31% from 0.914 m to 1.2 m, contributing further to an increase in bulk which will increase view obstruction within or adjacent heritage places.

Through obstruction to views, the large proposed cabinets are not consistent with the Clause 43.01 decision guideline: *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.* At the majority of device locations, the proposed cabinets would obscure views to heritage places. The cabinets are not consistent with Clause 15.03-1L-02 Objective 4:

To protect significant views and vistas to heritage places.

Table A sets out the Device locations where views to heritage places would be disrupted.

Close proximity adversely affects the urban context from which the heritage place is viewed

Close proximity of the proposed cabinets to a heritage place is not consistent with the Clause 43.01 decision guideline: *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.* Proximity to the building boundary and the footpath awning are a concern in some locations.

- Close proximity – distance from the building boundary. An increase to cabinet length places the cabinet closer to the adjacent heritage place. This is particularly marked where existing footpath width is narrow, e.g. cabinet no. 12 at 68 La Trobe Street and cabinet No. 1. at 145-149 Flinders Lane (Russell Street cabinet location). For cabinet No.1, the existing cabinet located parallel with the road would be reoriented to be at 90 degrees to the road, and be located 1.48 m from the boundary and 1.81 m from the building line. Footpath obstruction would be increased, constraining footpath width and obscuring views to the building. The close proximity would have an adverse effect on the character of the context from which the appearance of the heritage place can be appreciated.
- Close proximity – distance to the awning covering the footpath: Where awnings cover the footpath, taller proposed cabinets would reduce the space between the footpath and the awning. It is assumed that the canopy level noted on Device survey drawings indicates the top of the awning. At some locations, the awning is part of heritage fabric to the contributory / significant building. A tall, long, structure close to the underside of existing awnings would adversely affect the character and appearance of the heritage place.

A location that is not in keeping with historic form within a heritage precinct or an adjacent heritage place

- The footpath as a promenade space: Several cabinets are proposed to be located where the wide footpath contributes to the character of the heritage precinct. The Collins East Precinct has long been a premier location within the CCZ. Many high quality heritage buildings provide a street wall for a pedestrian-focused promenade space at the footpath. Street trees contribute to the elegant late nineteenth / pre-WW2 streetscape character. Similarly, in Collins Street between Swanston and Elizabeth Streets – The Block Precinct – the wide promenade space is a component of precinct character and significance. Introduction of large objects across the footpath would reduce the promenade space, and would not be *in keeping with 'key attributes' of the heritage precinct as identified in the precinct Statement of Significance*.
- Historic footpath width in low scale heritage precincts: Footpath width and street wall height create an urban form relationship that contributes to significance within the heritage place. Where the street wall height is relatively low, introduction of a large object on the footpath disrupts the urban form, reducing the prominence of the elements which contribute to the heritage place. All cabinets proposed in low scale HO1 Carlton and cabinet 7 at the low scale Bourke Hill precinct, would be prominent in the low scale setting, and are not *in keeping with 'key attributes' of the heritage precinct as identified in the precinct Statement of Significance*.
- The footpath as part of the functional operation for the adjacent heritage place: At Her Majesty's Theatre, the footpath operates as an interval, pre and post-performance foyer and is an essential component of function for the historic theatre. The proposed cabinet No.18 would occupy a larger portion of the footpath, constraining the historic use associated with the theatre.

Location in conflict with the design of the adjacent heritage place

- Forecourt: Where landscape is part of the building design, the footpath provides an open context to the building forecourt. For example, cabinet No. 22 at 1 Spring Street. Here, the landscape is an integral part of Harry Seidler's design for Shell House. There is no existing cabinet. The proposed cabinet location is not consistent with local heritage signage strategy. It would impose a structure where an open form contributes to the significance of the heritage place.
- Main entry to the heritage place: In some locations, the footpath provides an open context for a heritage place focal point such as the primary building entry. Some cabinets are proposed to be located close to the primary entry for the heritage building. For example, Cabinet 5 at 39 Queen Street and Cabinet 60 at 121 William Street (527-555 Bourke St) AMP building, St James Centre. The proposed cabinet would impose a structure which distracts from the character and form of the heritage place. An open footpath form contributes to the context for the heritage place design.

Clutter

Introduction of additional or larger footpath structures will contribute to clutter in some locations. Local heritage policy Signage Strategy includes a provision to ensure new signage associated with heritage places *Minimises visual clutter*. At 159 Swanston Street, the larger structure comprising Cabinet 41 further constrains an already cluttered footpath. Ironically, this footpath was extended beyond the historical width to provide additional pedestrian space, but is now compromised by a proliferation of structures. A cluttered footpath diminishes the open context for the heritage place.

Installations where there is no existing cabinet.

The Purpose of the Heritage Overlay includes:

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

The proposed cabinets draw attention away from adjacent heritage places, they do not enhance the heritage place. Where there is no existing cabinet, the open footpath context provides a more appropriate heritage context, for example cabinet 14 at 69 Queen Street.

LCD illuminated promotional signage is inconsistent with the character of the heritage place.

LCD promotional signage brings with it a high level of illumination and potential for frequent change to advertising images; in this case a 10 second dwell time is proposed. The intensity of the light level, changes to signage (activity), sign location and sign size all contribute to focusing attention on the signage at the expense of the heritage place.

Illuminated poster signage on existing cabinets is considerably smaller in area, is static, and is located at a lower height. Several existing cabinets have no poster signage and there are no existing cabinets at some proposed locations and no associated advertising. Roughly half the LCD signage would be placed above pedestrian eye level, it would be visible from a longer distance than existing poster signage and would be visible above pedestrians whether the footpath is crowded or sparsely populated. The LCD promotional sign would be prominent in most cabinet locations.

Intended to catch the pedestrian's eye, the proposed LCD signage would draw attention away from the heritage place and adjacent heritage places. It would disrupt appreciation of the heritage place and in some locations would be visually dominant. For most cabinet locations, an adverse outcome follows from application of the Heritage Overlay Decision Guideline:

Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

Visual domination or visual disruption of the heritage place.

The proposed LCD promotional signage would have an adverse effect on the character and appearance of the heritage place. Considered against decision guidelines to the heritage overlay, the proposed larger structure, its orientation and the incorporation of LCD promotional signage, an adverse outcome follows from application of the Design and Development Overlay Decision Guidelines applying in all DDOs:

Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.

A Design and Development Overlay applies in the central city zone. The proposed cabinets would be intrusive, visually disruptive in most locations and visually dominant in some locations.

8.1.2 Officer Comments

The comments by Council's Heritage Advisor are noted and considered in the assessment of the applications both collectively and on a site-by-site basis. A full copy of the comments are retained on Council's digital file.

The summary of heritage assessment for each application on a site-by-site basis which are contained in Table A (as referred to above) have been applied to the individual assessment sheets appended to this report.

8.2 City Design

8.2.1 Referral Comments

The new structures (2.7 m high and 1.2 m wide) result in a 175 per cent size increase from existing telecommunication booths, and a 150 per cent increase in area of advertising signage, per unit. The new structures also incorporate dynamic rather than the previously static paper signage, through the use of illuminated digital screens.

City Design does not support the installation of the structures where they are inconsistent with the strategic design and policy direction for Melbourne's streetscapes and public realm spaces. Any cabinet which would represent an overcommercialisation of the public realm; impact walkability, pedestrian comfort (human scale) and those with neurodiversity, and; compromise the function and experience of Melbourne's existing valued streetscapes for all users cannot be supported.

The individual planning applications do not demonstrate a nuanced approach which addresses site specific conditions, including protection of views to heritage buildings, shop front activation, clearance zones for pedestrian movement, minimising visual and physical clutter in the public realm, and other considerations.

It is anticipated that the following design parameters will be considered alongside advice provided by all relevant branches within Council to allow Council's Statutory Planners to undertake a detailed assessment of each individual application, as well as the cumulative impacts. We recommend that the applicant uses the provided material to derive a more contextual, sympathetic and unobtrusive approach that benefits all users of the public realm.

The points below provide a summary of key policies, strategies and guidelines which support City Design's position, with further detail provided in the appendices of this report.

1. Cumulative impacts

1.1 Advertising Signage Policy, Lighting Strategy

- Free standing private advertising is not supported to footpaths or public realm spaces within the City of Melbourne if it results in visual clutter, excessive illuminance, and the overcommercialisation of the public realm.

1.2 Inclusive Melbourne Strategy

- In City of Melbourne's Inclusive Melbourne Strategy, Council has made a commitment to delivering an inclusive city, which includes creating a safe and comfortable environment for all people.
- Excessive illuminance and digital signage in the public realm does not take into account the impacts on those with neurodiversity.

1.3 Transport Strategy 2030

- Melbourne's public spaces have not been designed to accommodate the proposed structures, and they are not anticipated in strategic documents, to improve pedestrian networks and conditions.
- The structures will be in competition with rising pedestrian flows and with essential streetscape elements that have been carefully designed and sited to enhance public amenity.
- The size and number of proposed structures should be consolidated, with consideration for reducing the extent of physical obstructions to footpaths.
- Existing street infrastructure that is of benefit and supportive of public life on footpaths (bins, street furniture, tree pits, kiosks) should be prioritised when seeking to maintain a minimum 2 m zone for pedestrian movement on footpaths.

1.4 Outdoor Café Guidelines

- The placement of structures should provide for an acceptable clearance for pedestrian movement as required between shop frontages and outdoor dining furniture (2 – 4.5 m dependent on location).

1.5 *Design and Construction Guidelines*

- The structures are not consistent with the design palette of Melbourne’s valued existing street infrastructure, as outlined within the Design and Construction Guidelines.
- Detailed consultation with City Design industrial designers is recommended to assist resolution of a more appropriate and contextual design outcome to ensure cumulative impacts to Melbourne’s valued public realm character are minimised.

1.6 *Setting a precedent*

- Providing support for 47 individual obstructing structures incorporating large scale advertising signage will set a negative precedent, and reduce the strength of guiding policies and strategies established to protect public realm character.

2. **Site based impacts**

2.1 *The Planning Scheme – Capital City Zone (CCZ)*

- The decision guidelines of the CCZ require consideration of a number of site specific impacts of a proposed development.
- Each individual planning application should address how all decision guidelines are considered including human-scale, protection of active frontages, and other considerations.

2.2 *The Planning Scheme – Special Character Area Overlays*

- The decision guidelines for special character areas within the CBD including the Bourke Hill Precinct, Greek Precinct, Yarra River Environs, Swanston Street and Shrine of Remembrance Environs should be considered for each individual planning application, including impact to pedestrian amenity and human scale of the precinct.

2.3 *Heritage Policy*

- The placement of each individual structure should not impact the prominence of visual contribution of all locally and state significant heritage buildings.

2.4 *Prospective streetscape works*

- It is crucial that each application is considered alongside future strategic streetscape visions for the CBD, as well as current and prospective capital works programs / streetscape improvements.

8.2.2 **Officer Comment**

The comments by Council’s City Design branch are noted and considered in the assessment of the applications both collectively and on a site-by-site basis. A full copy of the comments are retained on Council’s digital file.

8.3 **City Infrastructure**

8.3.1 **Referral Comments**

Planning Context

From a traffic engineering perspective, there are two principal Planning Scheme clauses that are relevant for the purposes of assessing the appropriateness of the payphone applications. These are clause 18.02 “Movement Networks” and clause 52.05 “Signs”.

Clause 18.02-1S “Walking” has the following objective: “To facilitate an efficient and safe walking network and increase the proportion of trips made by walking”.

The purpose of clause 52.05 “Signs” is, among other things: “To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road” (footpaths are part of the road reserve).

The efficiency, safety and amenity aspects of a footpath (which are a focus of clauses 18.02-1S and 52.05) are intrinsically related to geometric and operational characteristics – namely how wide the footpaths are, what fixtures and obstructions exist and what the desired pedestrian-carrying capacity is. To this end, the evaluation of footpath widths for the proposed payphone applications has been undertaken through consideration of the preferred footpath widths outlined in the “Code of Practice for Building, Construction and Works” – City of Melbourne March 2022 (hereinafter referred to as the “Code of Practice”) which identifies widths to accommodate pedestrian carrying capacities for different streets across central Melbourne (reflective of their roles in the pedestrian network). The Code of Practice was developed to principally address temporary works affecting footpaths in the municipality. The guidance provided in the Code of Practice is summarised in Table 1. For the purposes of this assessment, the minimum footpath width criterion has been adopted to evaluate the adequacy of the proposed payphone installations. The minimum footpath widths listed in Table 1 are considered appropriate both for temporary works and for permanent situations. However, the 80% test has not been used, as it is more closely associated with temporary footpath disruptions.

Table 1: Minimum clear path width (reproduction of Table 15.6 of City of Melbourne’s “Code of Practice for Building, Construction and Works”)

LOCATION	WIDTH REQUIRED	APPLIES TO
Within the central city*	80% of existing width or 3000 mm (whichever is greater)	Spencer, Flinders, Swanston, Elizabeth, Collins and Bourke streets
	80% of existing width or 2000 mm (whichever is greater)	Spring, Exhibition, Russell, Queen, William, King, Lonsdale and La Trobe streets
	80% of existing width or 1800 mm (whichever is greater)	central city locations not specified above
Activity centres	80% of existing width or 2500 mm (whichever is greater)	areas such as commercial precincts (Lygon and Errol Streets) and hospital precincts (Parkville and East Melbourne)
All other areas	80% of existing width or 1500 mm (whichever is greater)	all other areas

* the area of intense employment, retail, residential, entertainment and other activity in central Melbourne. It includes but is not limited to the areas bounded by the Hoddle Grid extending to Peel and Victoria Streets to the north, plus Southbank, South Wharf and Docklands

Clause 52.05-6 also sets out application requirements which include the provision of both a ‘site context report’ and ‘sign details’. Furthermore, for animated or electronic signs (such as the 47 that are the subject of this application), the applicant needs to provide a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.

More particularly, Clause 52.05-8 contains the ‘Decision Guidelines’ that the responsible authority must consider, as appropriate, for an application to install a sign. From a traffic engineering perspective these ‘Decision Guidelines’ include the impact of any glare and illumination on the safety of pedestrians and vehicles, as well as a list of items that may impact road safety. Specifically, Clause 52.05-8 states that a sign is a safety hazard if the sign:

- a) Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
- b) Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- c) Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.

- d) Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- e) Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- f) Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- g) Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- h) Is within 100 metres of a rural railway crossing.
- i) Has insufficient clearance from vehicles on the carriageway.
- j) Could mislead drivers or be mistaken as an instruction to drivers.

Overview of Applications

It is understood that each of the applications involves either the replacement of existing payphones or the installation of new payphones – all of which incorporate an electronic screen on the rear of the structure that will display commercial third party content. The specification for these payphones stipulates that the transition between displays will be “10 Seconds Dwell Time”.

General Conditions to All Sites

There are considerations that are common to all applications, irrespective of specific locations, including:

- The necessity for signage to not be of colour, design and dimensions that could be mistaken or distract from traffic control items.
- Dwell time – namely selecting an appropriate interval between changing images on the electronic sign so as not to distract / confuse road users

These can be covered by permit conditions. To this end, Transport and Parking Team have previously developed the following general traffic requirements in relation to applications for LED displays. These requirements are listed below and should be incorporated as conditions in any permit issued.

Detail Comments for Each Site

Each site has been examined via a two-step process that takes into consideration ‘footpath capacity’ and ‘road safety’. Table 2 reveals that 18 of the applications cannot be supported on footpath capacity grounds (3 of those 18 also fail on road safety grounds). An additional 4 applications fail on road safety grounds alone. Thus, in total, 22 of the 47 applications are not supported.

Table 2: Summary assessment for each Payphone application

Site	Location	Footpath Test	Road Safety Test	Recommendation
1	Road reserve adjacent to 145-149 Flinders Lane	Fail	Pass	Not Supported
3	Road reserve adjacent to 49-51 Spring Street	Pass	Pass	No Objection Offered
4	Road reserve adjacent to 37 Exhibition Street	Pass	Pass	No Objection Offered
5	Road reserve adjacent to 39 Queen Street	Fail	Pass	Not Supported
6	Road reserve adjacent to 45 William Street	Pass	Pass	No Objection Offered
7	Road reserve adjacent to 58 Bourke Street	Pass	Fail	Not Supported
9	Road reserve adjacent to 303 Collins Street	Pass	Pass	No Objection Offered

12	Road reserve adjacent to 68 La Trobe Street	Fail	Pass	Not Supported
14	Road reserve adjacent to 69 Queen Street	Fail	Pass	Not Supported
18	Road reserve adjacent to 221 Exhibition Street	Fail	Pass	Not Supported
22	Road reserve adjacent to 1 Spring Street	Fail	Pass	Not Supported
24	Road reserve adjacent to 9 Collins Street	Pass	Pass	No Objection Offered
25	Road reserve adjacent to 12 Collins Street	Pass	Pass	No Objection Offered
26	Road reserve adjacent to 1-15 Elgin Street	Pass	Fail	Not Supported
27	Road reserve adjacent to 253 Lonsdale Street	Pass	Pass	No Objection Offered *Refer to DT&P comment
29	Road reserve adjacent to 262 Queen St	Fail	Pass	Not Supported
31	Road reserve adjacent to 257-259 Swanston Street	Pass	Pass	No Objection Offered
32	Road reserve adjacent to 260 La Trobe Street	Fail	Fail	Not Supported
33	Road reserve adjacent to 131 Queen Street	Fail	Pass	Not Supported
34	Road reserve adjacent to 271-285 Collins Street	Pass	Pass	No Objection Offered
36	Road reserve adjacent to 278-300 Swanston Street	Pass	Pass	No Objection Offered
37	Road reserve adjacent to 136-144 Exhibition Street	Fail	Pass	Not Supported
38	Road reserve adjacent to 146-154 Elgin Street	Pass	Pass	No Objection Offered
39	Road reserve adjacent to 150-162 Lonsdale Street	Fail	Fail	Not Supported
41	Road reserve adjacent to 159 Swanston Street	Pass	Pass	No Objection Offered
42	Road reserve adjacent to 160 Swanston Street	Pass	Pass	No Objection Offered
43	Road reserve adjacent to 175-177 Collins Street	Pass	Pass	No Objection Offered
44	Road reserve adjacent to 181 William Street	Fail	Pass	Not Supported
45	Road reserve adjacent to 185 Spring Street	Fail	Pass	Not Supported
46	Road reserve adjacent to 359-385 Bourke Street	Pass	Fail	Not Supported
47	Road reserve adjacent to 401-405 Swanston Street	Pass	Pass	Redesign required to incorporate footpath modifications associated with Metro works (Recommend Installation Delayed)
49	Road reserve adjacent to 419-429 Collins Street	Pass	Pass	No Objection Offered
50	Road reserve adjacent to 160 Queen Street	Pass	Pass	No Objection Offered
51	Road reserve adjacent to 457-471 Bourke Street	Pass	Pass	No Objection Offered
52	Road reserve adjacent to 503 Elizabeth Street	Pass	Fail	Not Supported
53	Road reserve adjacent to 505-535 Collins Street	Pass	Pass	No Objection Offered

55	Road reserve adjacent to 589-603 Bourke Street	Pass	Pass	No Objection Offered
57	Road reserve adjacent to 103 Lonsdale Street	Fail	Pass	Not Supported
58	Road reserve adjacent to 113 Lygon Street	Pass	Pass	No Objection Offered
60	Road reserve adjacent to 121 William Street	Pass	Pass	No Objection Offered
65	Road reserve adjacent to 296 Collins Street	Pass	Pass	No Objection Offered
68	Road reserve adjacent to 330 Collins Street	Pass	Pass	No Objection Offered
71	Road reserve adjacent to 344 Swanston Street	Pass	Pass	No Objection Offered
74	Road reserve adjacent to 165 Lonsdale Street	Fail	Pass	Not Supported
75	Road reserve adjacent to 161 Little Bourke Street	Fail	Fail	Not Supported
78	Road reserve adjacent to 200 Elgin Street	Fail	Pass	Not Supported
80	Road reserve adjacent to 121-131 Collins Street	Fail	Pass	Not Supported

8.3.2 Officer Comment

The comments by Council's City Infrastructure Branch are noted and considered in the assessment of the applications both collectively and on a site-by-site basis. It is noted that the above is a pass or fail assessment of the absolute minimum, and does not take into account pedestrian user counts or issues identified in the Transport Strategy 2030. This next level of assessment is contained within the individual assessment reports at Attachment 3.

The standard conditions referred to in the referral comments above have been removed from the extract for clarity and included verbatim in the Schedule of Standard Conditions appended to this report.

Table 2 of the referral comments provides a summary of the detailed site specific findings of the individual cabinets. These specific findings are referred to in the individual Assessment Sheets appended to this report.

9 ASSESSMENT

A range of zone and overlay combinations apply to each of the 47 applications to be considered by Council. While these each raise their own discrete matters, consistently the relevant considerations can be categorised into four (4) key themes which have been adopted for the assessment. These are:

- **Heritage** (as applicable), which considers the impact of the proposed structure and electronic promotion sign on the heritage place in which it is located, and/or is immediately adjacent to.
- **Movement and mobility**, which considers the impact of the structure on the established pedestrian network of Melbourne and Carlton depending on the location, and any impacts the cabinet may have on public transport or operation of the road network.
- **Urban design**, which considers any impact that the cabinets may have on the urban environment, quality of the public realm and relationship between the cabinet and private realm interface.
- **Advertising signage**, which addresses signage specific matters not otherwise captured (e.g. heritage) such as compliance with signage policy, signage character and visual clutter.

Appended to this report are individual assessments for each of the 47 applications based on the specific physical and planning context that applies to the installation site, consideration of the relevant matters and a recommendation for each.

The sections below provide the assessment of the applications in a collective and holistic sense. This covers matters which apply to all applications (regardless of location), the relevant provisions of the Scheme for the respective themes, assessment approach and general principles for the cabinets, and a summary of the findings flowing from the Assessment Sheets.

9.1 Benefits

The assessment of these applications necessarily involves a consideration and understanding of the various benefits that are brought by the proposed cabinets. Such benefits are relevant in order for Council to determine whether the proposals achieve a net community benefit under the integrated decision making framework of the Scheme.

Telecommunications facilities

Telecommunications facilities are recognised in the PPF at both a State and regional level under Clause 19 as an important form of development infrastructure. These facilities come in a variety of forms and these form an integrated network.

The objective of clause 19.03-4S is to facilitate the development, extension and maintenance in an orderly way. This is achieved through a variety of strategies as follows (as relevant):

Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible and that the telecommunications needs of business, domestic, entertainment and community services are met.

Encourage the continued deployment of telecommunications facilities that are easily accessible by:

- *Increasing and improving access for all sectors of the community to the telecommunications network.*
- *Supporting access to transport and other public corridors for the deployment of telecommunications networks in order to encourage infrastructure investment and reduce investor risk.*

Ensure a balance between the provision of telecommunications facilities and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Co-locate telecommunications facilities wherever practical.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

At a regional level there is support for “...the provision of high-quality telecommunications infrastructure...[including] wireless infrastructure”.

Public phones remain an essential part of the broader telecommunications network and while its role has undoubtedly changed (if not diminished) with the prevalence of mobile phone ownership, it continues to play a vital role for parts of the community. Public phone cabinets continue to be used in more discrete but important situations such as emergency and lifeline services.

The question of orderly deployment as called for by the objective is captured by the subsequent parts of this assessment. Nonetheless the proposed cabinet installations forming these 47 applications otherwise utilises, at least to some extent, many of the strategies outlined in the PPF. This includes:

- Upgrading of an essential piece of infrastructure which last received a major update in 1983 to modernise and better reflect the needs and expectations of the current era.
- Contributing to a broader, integrated Smart Media Network which modernises Telstra's public communications products to better benefit the community.
- Further delivery of 5G and Wi-Fi services.
- Ability for charging of personal devices.

In a design sense (explained in more detail below), the proposed cabinets present a modern and more cohesive aesthetic. The current network of phone cabinets within the public realm are somewhat dated and comprise a range of styles (both Majestic and Streetcab styles). It is anticipated that this will begin to be rationalised as the cabinets are replaced.

It is unclear, and no information has been provided to explain the relationship between the various benefits listed above and size of the proposed cabinets (relative to their predecessor). In other words, whether it is possible for the same policy benefits of the telecommunications upgrades could be realised in a more modest structure which could ameliorate many of the issues discussed in the subsequent sections of this assessment.

Furthermore, there has not been any justification put to Council that the proposed intensity of cabinets is commensurate with the benefit. For example, would one cabinet in a block provide the same benefits as two cabinets?

Signage

Advertising signage is a more finely balanced consideration in terms of its potential benefits. When appropriately managed well considered signage can improve the overall experience of an area. The Tribunal provided the following commentary in *Melbourne Central Custodian Pty Ltd v Melbourne CC* [2006] VCAT 276:

[29] There is no question in our view that promotional signage is an accepted and valid part and parcel of the experience one has in any modern international capital city such as Melbourne. The zone itself and the provisions of Clause 52.05 recognise the role that business identification and promotional signage plays in adding vitality and colour to business areas, and it comes as no surprise therefore that promotional signage is not uncommon throughout the CBD.

[30] What is important in our view is the need to consider and balance the appropriateness of the location, the size of the sign, the size of the host building, the number of signs and the need to avoid visual clutter.

[31] We are also of the view that promotional signage can be a valid means of communicating messages to people as well as being part of an attractor to a retail centre.

The proposed signage is atypical to the extent that it is located within the public realm in lieu of being attached to or associated with an existing building within the private realm.

The applicant has advanced the following benefits associated with the proposed signage elements:

- Potential use of the front screen for community advertising and local events.
- Light sensors ensuring the electronic screens brightness is automatically adjusted between day and night.
- Emergency messaging system.
- Change of paper advertising to electronic results in a reduction of paper usage.
- The electronic screens are controlled remotely resulting in reduced visits to the payphone [thus] reduced fuel usage and carbon footprint.

Beyond the primary purpose of the signs displaying commercial promotional content, the additional benefits of signs should also be acknowledged and weight afforded accordingly.

In considering such benefits it is relevant to note the Tribunal considered a similar proposition in *JCDecaux Australia Pty Ltd v Melbourne CC* [2019] VCAT 347 ('Tram Stops Decision'). This decision considered multiple proceedings to install a number of electronic promotional signs on existing tram stops at various locations around the Central City. Incidentally a number of these signs are now located in close proximity to proposed cabinets under the current applications. With respect to the "secondary benefits", the Tribunal noted:

- [49] *We accept that the system has secondary benefits that we should take into account, and we consider the capabilities of an electronic screen will allow future innovation in how messages and information can be delivered.*
- [50] *However, we agree with Council that the large number of signs already distributed across the Melbourne CBD suggests that any additional benefit achieved by the signs in these specific locations would be relatively minor. Therefore, we give this opportunity weight but moderated somewhat by the relatively small number of signs under consideration here.*
- [51] *In addition, we note that there is no proposal before us to localise the content of the signs in any way. We understand from the discussion of safety notices that this is a possibility, however it was apparent from our site visits that generally all the signs in the city appear to show the same generic content.*
- [52] *One of the ways in which the proposed signs fall short against planning policy is the standard physical design that is ubiquitous across the city; we consider this does not contribute towards developing a sense of place or local character for the different precincts of the city. This might have been overcome if a percentage of the content could be devoted to promoting the particular attractions of a precinct, such as retail or historic features nearby.*

Similar circumstances and considerations apply to the current applications. The application material has put forward a number of secondary benefits associated with the two (2) signage panels as was advanced in the Tram Stops Decision. No specifics are provided nor how such benefits might be secured in the event a permit is issued – rather they are set out on a general basis or as potential options.

9.2 Heritage

The proposed cabinets, both as a building and an electronic promotion sign have the potential to impact upon identified heritage places across the Central City and Carlton. The protection and conservation of the significance of heritage places is a planning issue that permeates the State, regional and local levels of the PPF. Clause 2.03-4 provides:

One of the great Victorian-era cities in the world, the City contains many precincts, intact streetscapes, Aboriginal archaeological sites and buildings recognised for their cultural heritage significance. They contribute to the significance of Melbourne as the cultural, administrative, educational and economic centre of the State and a significant part of Melbourne's attraction as a place in which to live, visit, do business and invest. It is also important for cultural and sociological reasons, providing a distinctive historical character and a sense of continuity.

For the current applications, there are fundamentally two (2) heritage situations that arise⁷:

- Cabinets that are located within a Heritage Overlay themselves being a precinct which extends into and across a road reserve area.
- Cabinets that are not located within a Heritage Overlay but are immediately adjacent to an individually identified heritage place.

With respect to cabinets within a Heritage Overlay, these are:

⁷ Noting some cabinets are both within a precinct Heritage Overlay and immediately adjacent to an individually significant heritage place.

- Heritage Overlay HO1 (Carlton Precinct) - Cabinets 26, 38, 58 and 78.
- Heritage Overlay HO500 (Bourke Hill Precinct) - Cabinets 7 and 45.
- Heritage Overlay HO502 (The Block Precinct) - 34 and 65.
- Heritage Overlay HO504 (Collins East Precinct) – Cabinets 24, 25, 43 and 80.
- Heritage Overlay HO507 (Little Bourke Street Precinct) – Cabinet 75.
- Heritage Overlay HO1289 (Swanston Street South Precinct) – Cabinets 41 and 42.

With respect to cabinets not within a Heritage Overlay but immediately adjacent to an individually significant heritage place, these are:

- Adjacent to HO847 – Cabinet 1
- Adjacent to HO1067 and HO1365 – Cabinet 5
- Adjacent to HO615 – Cabinet 9
- Adjacent to HO488 and VHR/H0913 – Cabinet 12
- Adjacent to HO605 and VHR/H0036 – Cabinet 14
- Adjacent to HO631 and VHR/H0641 – Cabinet 18
- Adjacent to HO1235 and VHR/H2365 – Cabinet 22
- Adjacent to HO1258 – Cabinet 33
- Adjacent to HO713 – Cabinet 36
- Adjacent to HO1331 – Cabinet 37
- Adjacent to HO1082 – Cabinet 47
- Adjacent to HO610 and VHR/H0421 – Cabinet 49
- Adjacent to HO1369 – Cabinet 50
- Adjacent to HO1309 – Cabinet 51
- Adjacent to HO1311 – Cabinet 55
- Adjacent to HO1310 – Cabinet 60
- Adjacent to HO482 and VHR/H1498 – Cabinet 71.

The HO sets out the following decision guidelines (extracted as relevant):

The Municipal Planning Strategy and the Planning Policy Framework.

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 (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.

Any applicable heritage design guideline specified in the schedule to this overlay.

Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.

Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

[...]

Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

[...]

The CCZ1 and CCZ2 both have decision guidelines to consider (emphasis added):

The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

In exercising discretion under the relevant controls it is appropriate to have regard to the heritage policy provisions contained in Clause 15.03-1L-02. The policy sets out clear objectives for development in and around heritage places which are achieved via a series of strategies and guidelines.

For street fabric and infrastructure these are:

Encourage street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, where it avoids:

- *Impacts on views to significant or contributory places and contributory elements.*
- *Physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*

Ensure works to existing historic street / lane fabric and infrastructure is carried out in a way that retains the original fabric, form and appearance.

For signage these are:

Retain existing signage with heritage value and do not alter or obscure historic painted signage.

Ensure new signage associated with heritage places:

- *Minimises visual clutter.*
- *Does not conceal architectural features or details which contribute to the significance of the heritage place.*
- *Does not damage the fabric of the heritage place.*
- *Is in keeping with historical signage in terms of size and proportion in relation to the heritage place.*
- *Is placed in locations where they were traditionally placed.*
- *Is readily removable.*

Plainly the proposed signs are not in keeping with historical signage or being placed in locations where they were traditionally placed.

The introduction of electronic promotional signage can be problematic in and close to heritage places. The commercial nature of the advertising is by its nature intended to attract the attention of passers-by and consequently distract from the prominence and appreciation of heritage assets. In the JCD Tram Stops decision Council took a conceptual opposition to similar public realm signage in heritage contexts (which was not accepted) with the Tribunal noting:

[39] *Mr Briggs considered that the nature of electronic signs in themselves would be inappropriate within a Heritage context. He considered that the fact that the content changes regularly, and is thus obviously a live screen, would add to the level of distraction such signs would cause to the heritage context.*

[40] *The Applicant disputed this, pointing to the fact that there is no animation within the images, and the transition between them is instant. Further, it is said that the very high fidelity of the signs means that the image is virtually indistinguishable from a fixed illuminated panel. Mr Raworth was not concerned that modern technology such as electronic signs would be incompatible with a heritage streetscape, partly because the street already contains a lot of modern technology including trams, vehicles, etc.*

[41] *We carefully observed existing examples of signs in similar locations to those proposed and found that the impression of the signs being electronic was quite subtle. We found that the minimum change time of ten seconds was sufficient to be unaware of any sense of animation, and we agree that the quality of the images themselves is less distracting than earlier versions that often appeared to*

be pixelated. As a result, we do not find that electronic signs are in themselves incompatible with a heritage context.

Accepting the Tribunal's findings what has been adopted in the current applications is a nuanced assessment approach. This includes an understanding of the significance of the particular heritage place in each application, the relationship of the proposed cabinet with this assessed significance, and potential impacts that come.

The assessment has been thoroughly informed by the internal advice of Council's Heritage Advisor both collectively and individually (as set out in Section 8.1 of this report and the Assessment Sheets appended).

The potential heritage impacts considered include:

- The obstruction of views within the heritage place or to adjacent heritage places.
- The proximity of cabinets and its effect on the urban context from which the heritage place is appreciated.
- Proximity of cabinets to the physical built form of a heritage place (e.g. awnings).
- Whether a location is in keeping with historic form within a heritage precinct or an adjacent heritage place.
- Historic footpath widths in low scale heritage precincts.
- In discrete cases, whether the footpath as part of the functional operation for the adjacent heritage place.
- Whether the location is in direct conflict with the design of the adjacent heritage place.
- Any potential conflicts with the main / primary entry of a heritage place.

In certain instances the orientation of the cabinet (perpendicular versus parallel to the kerb) has been relevant. As is discussed in Section 9.3 below, a parallel alignment achieves a marginally improved footpath clearance; however depending on the heritage context can create an even greater obstruction and distraction to the place when viewed from the opposite side of the street.

9.2.1 Summary of Assessment

Of the 15 cabinets that are located within the HO, eight (8) were assessed to result in an acceptable heritage outcome⁸ with seven (7) resulting in an unacceptable heritage outcome.

The eight (8) applications assessed as acceptable on heritage grounds were consistently on the basis that they were sensibly located adjacent to non-contributory buildings within the broader heritage precinct (Cabinets 26, 42, 45, 58 and 80) or located adjacent to modified or later-era building fabric (Cabinets 41 and 65). In the case of Cabinets 34 and 65, the busyness and activity of the retail core shaped the heritage context and were seen capable of accommodating the proposed cabinets.

The seven (7) cabinets not supported had been illogically and inappropriately located within the precinct adjacent to significant or contributory buildings (some of which are listed on the Victorian Heritage Register). They will detract from the precinct and present an unacceptable obstruction to identified fabric. In the case of Cabinet 75 (located within Chinatown), the significance of the precinct also spoke specifically to pedestrian movement / amenity in which the cabinet was directly at odds with.

Of the 17 cabinets that were not located within the HO but immediately adjacent to an individually significant heritage place, 10 are supported (with one (1) being on a conditional basis)⁹, and seven (7) recommended for refusal on heritage grounds.

⁸ Three (3) of these cabinets were ultimately found to be unacceptable and recommended for refusal for other reasons.

⁹ Five (5) of these cabinets were ultimately found to be unacceptable and recommended for refusal for other reasons.

On those being supported on heritage grounds, the cabinet has generally been sited adjacent to non-original building fabric, along a secondary elevation of the building (where a corner site), or the significance of the building was located at the upper levels. In one (1) instance (Cabinet 36), the identified significant element no longer exists on the land. The application that has been supported conditionally (Cabinet 71) is on the basis of being relocated from in front of Storey Hall to a non-contributory building of the RMIT campus.

The seven (7) cabinets being recommended for refusal on heritage grounds are routinely located in unsympathetic locations which would unreasonably detract from the adjacent heritage place. These adjacent buildings are exemplary heritage assets (with many also being on the Victorian Heritage Register), exhibit high quality and intricate detailing on multiple elevations appreciated from the ground level plane.

In some instances the cabinets not supported on heritage grounds may have the opportunity (via a new application) to be relocated to a more appropriate location in order to achieve an acceptable heritage outcome. This will be a forensic decision for JCD to make and would need to be assessed afresh. It would be both inappropriate and beyond the scope of this report to provide de facto support for a new location which is not before Council or the Tribunal.

9.3 Mobility and Movement

The mobility and movement of people, cyclists and vehicles (both public transport and private) are relevant matters to be considered for the introduction of the proposed cabinets within the public realm.

The consideration arises across the zones and many overlays that apply to the relevant land. The CCZ1, CCZ2 and C1Z each have a decision guidelines to consider *“[t]he movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport”*. This permeates into the broader decision guidelines of clause 65.01 to consider impacts on the *“...current and future development and operation of the transport system”*.

Many of the overlay schedules, particularly those under the Design and Development Overlay, place an emphasis on pedestrian amenity and movement.

The theme of movement and mobility, across all modes, is strongly supported by a range of policies within the MPS and PPF. These are outlined earlier in this report and confirm Council’s approach to an integrated network with a shift towards more sustainable modes.

Clause 2.03-7 provides that *“[e]ffective and efficient mobility is essential for the liveability, creativity, prosperity, innovation and environmental sustainability of the City”*. It continues that in encouraging sustainable transport Council will *“...[d]evelop and maintain a comprehensive, safe, comfortable and convenient pedestrian and cycling network”* and *“[m]aximise the use of public transport through an efficient urban structure”*.

Clause 11.03-1S calls to *“[i]mprove access by walking, cycling and public transport to services and facilities”*. This integrated network is echoed by many of the strategies at clause 18.01-1S, and clause 18.01-2S seeks to enable legible and easy access between modes.

In relation to pedestrian movement and walking specifically:

- Clause 2.03-1 when referencing the Hoddle Grid highlights *“...[a] strong emphasis is placed on a quality public realm and good pedestrian amenity and connectivity”*.
- Building on State level strategies, Clause 11.03-6L-09 for the Hoddle Grid aims to *“[s]upport development of the Retail Core...that provides easy pedestrian access”* and *“[e]nsure that pedestrian use is given priority...”*.
- Clause 18.02-1S deals with walking specifically with strategies to *“[p]rovide pedestrian routes that are safe, direct and comfortable to use”, “[e]nable walking as a part of everyday life”, “[b]e accessible to vehicles that use footpaths, including*

wheelchairs, prams and scooters” and “[d]evelop principal pedestrian networks for local areas that link with the transport system”.

In relation to cycling, Clause 18.01-2S introduces the Principal Bicycle Network which applies to a number of road reserves within the Central City and Carlton and is relevant in relation to existing cycling infrastructure such as bike hoops.

In relation to the public transport system, Clause 18.01-1S makes reference to “...*the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system*”. Much of Clause 18.02-3S deals with the operation of the public transport system itself; however also makes reference to the allocation of “...*adequate land and infrastructure to support public transport provision*”.

Council’s planning and actions in relation to movement and mobility are encapsulated in the Transport Strategy 2030 (‘Transport Strategy’). The Transport Strategy is a holistic document detailing outcomes, actions and policies in order for Council to achieve a coordinated and integrated transport system.

Outcome 1 deals with Safe Streets for People and sets out a clear prioritisation for pedestrians within the public realm. There are commitments to footpath widening, greater storage capacity at intersections and increased capacity with reduced overcrowding.

Outcome 1.4 in particular goes to management of footpath obstructions with intentions for decluttering and an observation that “*[a]udio–visual advertising in the public realm creates physical and visual clutter. In general, this is not supported*”¹⁰.

Outcome 3 deals with public transport, noting capacity issues and increased patronage near interchange precincts, worsening crowding at tram stops and greater use / priority to buses (particularly along Lonsdale, Queen, Russell and Lygon streets).

Outcome 10 contemplates new technologies to facilitate integration and while on-demand mobility services are mentioned this is via mobile devices (rather than phone cabinets).

In assessing pedestrian movement officers have had regard to a range of metrics and principles which are details on a site specific basis on the relevant Assessment Sheets. This includes:

- Council’s City Infrastructure branch have provided critical minimum widths for the usable pedestrian corridor. These minimums are derived from the Code of Practice for Building and Construction Works and relate to situations where the footpath may be reduced (due to hoardings and gantries) during construction. While relevant, the weight to be given to these guidelines needs to be balanced against what is proposed as a permanent structure.
- The Austroad Guide to Road Design (Part 6A) (‘Austroad Guidelines’) which outlines industry accepted guidelines for walking and cycling paths. This is a comprehensive document detailing all aspects of footpath design. While some selected situations exist within the set of applications, generally the Austroad Guidelines outline a 2.4 metre (or higher based on volume) minimum footpath width in high pedestrian environments. Across the Central City there are some instances where the existing footpath width does not meet the requirements, and likewise some where pedestrian volume demands more than the minimum. 1.8 metres is the minimum requirement to allow two wheelchairs to pass.
- In assessing the usable pedestrian width officers have had regard to both the title boundary and building line dimension provided by JCD. In many applications the building line is greater than or less than the title boundary. Officers have adopted an approach by which where private land is available adjacent to a cabinet, a distinction can be made between the public realm (where the private land is fundamentally used as footpath) and private realm (where it might be a recessed building entry or plaza).

¹⁰ The management of footpath obstructions are supported by Outcome 7 dealing with kerb space.

- In terms of offset from the kerb, Council's requirement for new infrastructure is an 800 mm clearance from the face of kerb; however this is assessed on a case by case basis. In many instances there is existing permanent infrastructure adjacent to a proposed cabinet location which supports a lesser kerb offset.

Direct conflicts between the cabinets and public transport principally arose with kerb side bus stops which are assessed having regard to the nature of the stop, location of the cabinet, and extent of the conflict.

Traffic related impacts such as conflict between the cabinets and signalised intersections and road signs are informed by the assessment of Council's City Infrastructure branch.

9.3.1 Summary of Assessment

Of the 47 cabinets under consideration, 13 were found to achieve an acceptable mobility and movement outcome and could be supported¹¹. A further 10 cabinets were found to be acceptable subject to a condition requiring some form of relocation or adjustment¹².

Cabinets that can be supported are consistently located on Council's wider footpaths along primary streets such as Collins, Bourke, Swanston and Elizabeth streets. In these instances the footpath has a sufficient overall width and defined infrastructure lane kerb side in order for the proposed cabinet structure to be accommodated without unreasonably impacting pedestrian movement.

Where conditions are being applied in order to achieve an acceptable outcome, the changes to be reflected in amended plans are relatively subtle, contained within the same frontage of the adjacent property, and will better align the proposed cabinets with the existing infrastructure that exists.

Twenty-four (24) cabinets were found to achieve an unacceptable movement and mobility outcome and would unreasonably impact the integrated transport network of the Central City and Carlton. Of these cabinets it is relevant to note:

- A majority that exhibited mobility and movement issues also demonstrated issues in other areas of assessment.
- The Central City cabinet locations are high pedestrian environments and require a baseline minimum 2.4 metres footpath width under the Austroad Guidelines, with many locations requiring more due to their particular volumes. Where existing conditions are below the suggestions of the Austroad Guidelines, the assessment has generally proceeded on the cabinet not resulting in any further loss of pedestrian space beyond what is created by the existing footpath infrastructure.
- Five (5) cabinets are being refused solely for movement and mobility reasons. In most of these the principal issue was the cabinet being proposed in a stretch of footpath where the width is incapable of accommodating a structure the size as proposed.
- 16 cabinets resulted in a pedestrian corridor width of less than 2 metres. Three (3) of these cabinets resulted in a pedestrian corridor of less than 1.8 metres and are insufficient for two (2) wheelchairs to pass.
- Four (4) cabinets created conflicts with the operation of the road network in terms of proximity to intersections, traffic signals or signage.

9.4 Urban Design

Urban design considerations encompass how the proposed cabinets will integrate into the public realm, their cohesiveness within the streetscape and relationship to the private realm. The assessment of these factors traverses the macro and micro scales of the urban

¹¹ Seven (7) of these cabinets were ultimately found to be unacceptable and recommended for refusal for other reasons.

¹² Four (4) of these cabinets were ultimately found to be unacceptable and recommended for refusal for other reasons.

environment, and often overlaps with other considerations within this report such as heritage and pedestrian amenity.

The CCZ1, CCZ2 and C1Z each have the following decision guidelines:

The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

The DDO1 covers urban design matters within the Central City and addresses matters including ground level interfaces, activation, views and building services. The DDO2 and DDO10 which variously apply across the Central City also call up consideration of public realm amenity, built form scale, cumulative impact of development and the like.

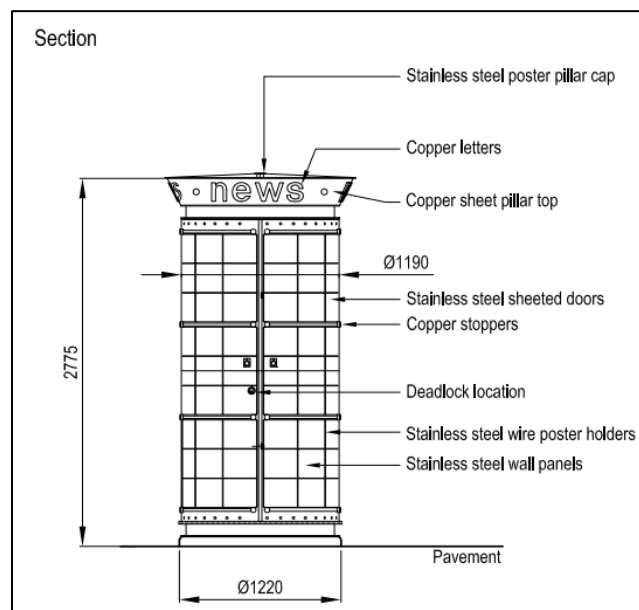
Outside of the Central City, the policy provisions of clause 15.01-1L-05 apply to the Carlton sites and direct decision makers to similar considerations.

In assessing the urban design impacts of the proposed cabinets the advice from Council's City Design branch (as outlined earlier in this report) has been sought.

Dealing with the applications collectively in the first instance, as outlined earlier in this report the proposal in each is for a standardised cabinet design. It adopts a contemporary aesthetic with the use of stainless steel and glass, and in many respects is consistent with the materials palette of street infrastructure that Council utilises across its standard designs. Where the proposed cabinets depart from typical street infrastructure is two-fold:

- The size of the structure, at more than 2.7 metres in height and 1.2 metres in width, there are few elements within the public realm which are of this scale.
- It incorporates two (2) electronic displays.

In terms of the size and scale of the proposed structure, it is akin to Council's news pillars which are installed in considered and specific locations, and spatially distributed to avoid clustering and clutter within the public realm.



News Pillar – City of Melbourne Design Standards 710.11 [Source: Council]

The scale of the proposed cabinets poses challenges for integrating into the public realm. While it is clearly not impossible (as is the case with Council's news pillars), nuanced and

considered locations and siting are required to achieve a suitable and acceptable urban design outcome.

In a number of instances the proposed locations create a clustering of cabinets (either other proposed cabinets or existing Version 1 Cabinets) within close proximity of each other. This clustering or cumulative impact of large street infrastructure is also tied to visual clutter in respect of the signage; however having a congregation of the proposed cabinets in a relatively confined area creates a disruptive and overwhelming public realm environment. Consistent with the advice of Council's City Design branch, a maximum of one (1) cabinet per city block would represent an appropriate spatial distribution.

Areas where this cumulative impact occurs are:

- Bourke Street between William Street and Queen Street
- Bourke Street between Queen Street and Elizabeth Street
- Queen Street between Flinders Street and Flinders Lane
- The block generally bounded by Exhibition Street, Lonsdale Street and Russell Street.

It should also be recognised that while a congregation of cabinets (existing and proposed) exist at the intersection of Elizabeth Street and Collins Street, on the ground these have been located on different street frontages.

A further matter coming out of the City Design branch referral advice is potential conflicts with other streetscape improvement works being undertaken by Council or other authorities. These include Melbourne Metro Tunnel Station Precincts, stages of the Elizabeth Street Strategic Opportunity Plan, and Future Streets. Where applicable, the relationship between these works and the proposed cabinets are set out in the Assessment Sheets for the relevant cabinet.

9.4.1 Summary of Assessment

Twenty-eight (28) of the proposed cabinets have been assessed as achieving an acceptable urban design outcome for their particular setting (either as proposed or via conditions). This was fundamentally on the basis that they were appropriately located having regard to the adjacent private realm, did not conflict with existing infrastructure, and were in a streetscape where the scale of the cabinet could be absorbed. Notwithstanding, many of these cabinets exhibit unacceptable outcomes in other assessment areas, and only 12 have ultimately been recommended for conditional support.

The remaining 19 cabinets exhibited a variety of urban design issues unable to be resolved by reasonable conditions. Often this was a direct conflict with an adjacent building – that is its entry or essential services (such as fire boosters). This problem was amplified in situations where the footpath was particularly constrained, or the frontage / entry of the adjacent property was particularly narrow. In the case of Cabinet 39 the conflict was with a café servery window within a recently completed development.

Other urban design issues that present include incompatibility with the low scale streetscape (Cabinets 25 and 43), abuttal to a footpath dining area (Cabinet 41) and conflict with other streetscape work programs (Cabinets 46, 47 and 75).

9.5 Advertising Signage

Advertising signs are a matter which require careful management and consideration. In certain settings they are able to contribute to the vibrancy of an area; however when executed poorly can cause visual clutter and distract from the character and amenity of the area. The delicate balance with respect to the benefits and potential issues of advertising signage is already touched on in Section 9.1 of this report.

The assessment here and in the respective Assessment Sheets is confined to the larger 75" electronic display on the back of the cabinet rather than the smaller display on the front. The latter is nominated to only display Telstra content and would, in isolation, constitute a "low impact" advertising display. Furthermore, given its smaller size and location under the

cabinet hood it is naturally less likely to result in adverse impacts than its larger counterpart on the back of the cabinet.

Pursuant to Clause 73.02, the advertising sign is properly characterised as an Electronic Promotion sign. It is relevant to note that there is no animated content to be displayed, but rather static images with a 10 second instantaneous dwell time.

The issues to be assessed for the signage component have already been touched on in earlier sections of this report. In particular, heritage matters are addressed under Section 9.2, and traffic related conflicts in Section 9.3¹³.

The signage requires a permit under the CCZ1 and CCZ2 for those within the Central City, clause 52.05-11 for Cabinets 38, 58 and 78, and clause 52.05-13 for Cabinet 26.

The relevant decision guidelines sit at clause 52.05-8 and direct decision makers to consider the character of the area, impacts on views / vistas, relationship to the streetscape and the site, impact of structures associated with the sign, illumination and road safety.

Clause 02.03-4 provides that “[i]n the built environment, inappropriate signs or a proliferation of signs may detract from the character and amenity of the place and create visual clutter”.

This is supported by Council’s signage policy at clause 15.01-1L-02 which provides the following general strategies (extracted as relevant):

Discourage signs that obscure architectural features of buildings, including windows.

Design signs to integrate with the:

- *Surrounds, including responding to views of the sign from all angles.*
- *Architectural form and design of the subject building.*
- *Supporting structure, including hiding cabling.*

Encourage wall or fascia signs that are applied directly to the building or on a flush mounted panel with minimum projection.

Encourage signs that adopt an integrated approach to the provision of signage on buildings with more than one occupancy.

Ensure signs do not interrupt important views and vistas along roads leading to and out of the Central City.

Discourage promotion, panel and sky signs.

Encourage signs where illumination is concealed within, or integral to the sign through use of neon or an internally lit box or by sensitively designed external spot-lighting.

Encourage signs (including their support structure) to allow adequate clearance for the servicing requirements of streets and lanes.

Encourage the retention of signs that are attached to or form part of a building (including painted signs) and that contribute to the cultural heritage significance of a place.

For Cabinet 26 in the GRZ there are zone strategies to encourage sensitive and small scale signs.

For Cabinets 38, 58 and 78 in the C1Z, signs are encouraged at ground level, and “...promotion signs are not supported unless part of an established signage pattern”.

Remaining cabinets in the CCZ1 and CCZ2 are most appropriate assessed as a free-standing sign on an open site. Policy calls for these to be:

- A maximum height of 1.2 metres
- A maximum area of 3 square metres

¹³ This is also the case in each of the respective Assessment Sheets.

- A minimum of 3 metres from any wall.

And furthermore:

Signs should maintain a low profile and be incorporated in landscape design.

Where possible, these signs should be avoided by having signs fixed to buildings rather than freestanding.

Information should relate to the use of buildings on the subject land - (directory).

Promotional advertising is discouraged.

The following cabinets are also located in specified signage precincts:

- Bourke Hill Precinct – Cabinets 7 and 37
- Chinatown Precinct – Cabinets 18, 39, 57, 74 and 75
- Greek Precinct – Cabinet 27
- Swanston Street and Shrine of Remembrance – Cabinets 31, 36, 41, 42, 47 and 71.

The proposed signage offends a number of these policy provisions by way of their height, in many cases their proximity to walls, the information does not relate to the use of buildings and it displays promotional advertising.

The Assessment Sheets provide the site specific considerations for each cabinet in terms of how the sign responds to the character of the area, visual clutter and the like. Broadly, it can be said that the proposed sign is integrated into the overall cabinet structure having been designed as a consolidated device, and matters of illumination can be addressed via standard permit conditions in instances where an application is being supported.

Existing Cabinet Signage

A relevant part of the assessment of the current applications is an understanding of the current signage displayed on existing cabinets. As noted earlier in this report, in a majority of cases the proposed cabinets are replacing an existing Majestic or Streetcab cabinet, of which many have signage attached to them. Such existing signage obviously forms part of the existing signage character of the area.

The existing signs were proposed in two tranches of applications by Telstra firstly in 2002 and then 2005/06. A variety of outcomes followed with some approved and some refused (either by Council or the Tribunal). Signs approved attracted a 10 year timeframe, and some were recently extended by Council in 2016 for a further 10 years.

As a result of these applications, while many existing cabinets display signs on their back, not all have approval to display third party advertising. Some previous approvals have expired (having not been extended in 2016), and a large number of signs display Telstra-only content which falls under the category of a “low impact” facility not requiring approval under the Scheme. Accordingly, the individual Assessment Sheets when describing existing cabinets adopt specific language around any sign displayed and its content. Likewise the assessments make reference to any previous applications or approvals if they apply.

Cabinets now proposed under the current applications have previously had promotional signs refused in the same or similar location. This includes (but not limited to) Cabinets 6, 18, 29, 53, 55 and 65.

9.5.1 Summary of Assessment

A total of 21 of the proposed cabinets have been assessed as achieving an acceptable signage outcome that was compatible with the signage character of the area, did not result in unreasonable visual clutter and respected any adjacent heritage place¹⁴. Of these cabinets three (3) were subject to a condition requiring a 180 degree reorientation to be south-facing

¹⁴ 9 of these cabinets were ultimately found to be unacceptable and recommended for refusal for other reasons.

and therefore avoid any conflict with view lines along Swanston Street to the Shrine of Remembrance.

The remaining 26 cabinets have not been supported having regard to the promotional advertising display. A vast majority of these were often tied to other issues identified in other areas of assessment such as heritage concerns or the clustering / cumulative impact in conjunction with other cabinets.

In selected instances the signage character of the area was not amenable to the introduction of a new electronic promotion sign in the form proposed. This was typically in more discrete areas of the Central City outside of the retail core where little to no signage is seen within the streetscape and the proposed cabinet would be a jarring addition. As noted earlier in this report, where signage was a sole issue the application is recommended for refusal (rather than conditional support), as the cabinet without a sign would be a “low impact facility” and no longer require approval under the Scheme.

10 CONCLUSION

The proposed cabinets have been assessed against the relevant provisions of the Scheme and revealed a series of key themes and considerations. While the new cabinets will bring particular benefits, the applications required careful assessment both collectively and individually with many raising unacceptable issues, even on balance and could not be remedied with conditions.

As a result 12 applications have been assessed as capable of being supported (subject to conditions).

The remaining 35 applications have been found to be unacceptable, often for variety of reasons, and were not able to be remedied by conditions within the scope of these applications.

11 RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the Planning and Environment Act 1987, it is recommended that the Future Melbourne Committee resolves that management advise the Tribunal that:

- 1.1. Council has considered the 47 amended applications filed and served by JCDecaux Australia Pty Ltd on 14 February 2023 (and subsequently corrected on 2 March 2023).
- 1.2. Council does not object to the amended applications being formally substituted in the various proceedings pursuant to s127 and clause 64 of schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998.
- 1.3. On the basis of the amended applications and subject to:
 - any specific modification to the applications detailed in the applicable Assessment Sheet in Attachment 3 of the report from management; and
 - the standard conditions contained in the Schedule of Standard Conditions in Attachment 3 of the report from management

Council supports the grant of a permit for 12 of the applications as recommended in Attachment 3 of the report from management.

- 1.4. On the basis of the amended applications Council continues to oppose the grant of a permit of 35 of the applications on the grounds set out in Attachment 3 of the report from management.