VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P11847/2021 |

|  |  |
| --- | --- |
| **Applicant** | Chadstone Investments Pty Ltd |

|  |  |
| --- | --- |
| **Responsible Authority** | Monash City Council |

|  |  |
| --- | --- |
| SUBJECT LAND | 695 Warrigal Road,CHADSTONE VIC 3148 |
| **HEARING TYPE** | Compulsory conference  |
| **DATE OF HEARING** | 3 March 2022 |
| **DATE OF ORDER** | 3 March 2022 |

# Order

### Amend application

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

|  |  |
| --- | --- |
| * Prepared by:
 | Leffler Simes Architects |
| * Drawing numbers:
 | Revision C |
| * Dated:
 | February 2022 |
|  |  |

1. The decision of the Responsible Authority is varied.

1. In permit application TPA/52794, a permit is granted and is directed to be issued for the land at 695 Warrigal Road, Chadstone for internally illuminated business identification pylon signage subject to the conditions contained in Appendix A.
2. The scheduled hearing listed for 9 May 2022 is vacated.
3. No order as to Costs

|  |
| --- |
| Nicholas Hadjigeorgiou**Member** |

#

# APPEARANCES

|  |  |
| --- | --- |
| For Applicant | Megan Schroor, solicitor, S & K Planning Lawyers |
| For Responsible Authority | Anne Maree Roberts, Town Planner |

# remarks

1. This matter involves and application pursuant to section s80of the *Planning and Environment Act 1987* for a review of the Monash City Council to grant a permit for internally illuminated business identification pylon signage at 695 Warrigal Road Chadstone.
2. At the compulsory conference, the parties reached agreement and request orders by consent. The parties request that a permit is granted, subject to varied conditions.
3. This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
4. The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
* the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (**Act**), including the balanced application of the strategies and policies of the Monash Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
* the proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.
1. Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

|  |
| --- |
| Nicholas Hadjigeorgiou**Member** |



# APPENDIX A

|  |  |
| --- | --- |
| **PERMIT APPLICATION NO:** | TPA/52794 |
| **LAND:** | 695 Warrigal Road,CHADSTONE VIC 3148 |
| **WHAT THE PERMIT ALLOWS:** |
| * internally illuminated business identification pylon signage, in accordance with the endorsed plans.
 |

# conditions

## Details of Signage Graphics

1 Prior to the display of signage proposed, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority which provide details of the proposed signage graphics. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit.

## Signs not altered

1. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.

### No Flashing Light

1. Signs must not contain any flashing light.

### Signs within Land Boundary

1. All signs must be located wholly within the boundary of the land.

## Sign Maintenance

1. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

## Internal Sign Illumination

1. The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.

## Signs not to cause distraction

1. The sign must not distract drivers due to its colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.

## Signs Not to Cause Obstruction

1. The sign must not obstruct the view of motorists, obscure traffic signals or constitute a road safety hazard in any way.

## Time for Commencement

1. Without the written consent of the Responsible Authority, this permit will expire unless the approved signs are displayed within 2 years of the issue date of this permit.
2. The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:
	1. within six (6) months afterwards if the display of the sign(s) has not commenced; or
	2. within twelve (12) months afterwards if the display of the sign(s) has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

## Permit to Expire

1. The approved sign(s) of this Permit will expire 15 years from the date of issue of this permit.

**---** **End of Conditions** ---