

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P585/2023
PERMIT APPLICATION NO.TPA/52794

APPLICANT	Chadstone Investments Pty Ltd
RELEVANT AUTHORITY	Monash City Council
SUBJECT LAND	695 Warrigal Road CHADSTONE VIC 3148
HEARING TYPE	Hearing
DATE OF HEARING	10 August 2023
DATE OF ORDER	10 August 2023
CITATION	Chadstone Investments Pty Ltd v Monash CC [2023] VCAT 932

ORDER

- 1 In application P585/2023 the decision of the responsible authority is set aside.
- 2 The responsible authority is directed to endorse under condition 2 of planning permit TPA/52794 the amended plans SA011, SA012, SA013 and SA014 Revision D prepared by Leffler Simes Architects.

Megan Carew
Member

APPEARANCES

For applicant

M Townsend, barrister instructed by M Schroor, S & K Planning Lawyers.
He called the following persons to give evidence:

- A Campbell, urban design, Hansen Partnership Pty Ltd.
- J Rosenfeld, affidavit dated 3 August 2023.

For responsible authority

P English, town planning consultant.



INFORMATION

Description of proposal	Amend Permit TPA/52794 to provide additional signage on three approved pylon signs.
Nature of proceeding	Application under section 149(1)(a) of the <i>Planning and Environment Act 1987</i> (Vic).
Planning scheme	Monash Planning Scheme
Zone and overlays	Commercial 1 Zone (C1Z) Design and Development Overlay - Schedule 9 Environmental Audit Overlay
Permit requirements	Clause 52.05 Advertising Signs

REASONS¹

- 1 Reasons were provided orally at the conclusion of the hearing and are provided below.
- 2 This is an application for secondary consent under condition 2 of the permit to alter approved signage on three pylons on the retail centre at 695 Warrigal Road, Chadstone.
- 3 Each pylon provides for 10 relatively evenly arranged signs on each face. It is proposed to add an ‘Aldi’ sign within one of the slots currently approved and to divide the remaining three “slots” at the bottom of the sign to provide for a total of six signs per face, rather than three. Figure 1 provides a comparison between the current endorsed plans and the proposed plans for Pylon A.
- 4 At the outset the parties agree that the proposal can be considered under secondary consent applying the ‘Westpoint’ criteria². The key question before me is then whether on the merits the proposed changes to the signs are acceptable.
- 5 Council says that the number of new signs will cause unacceptable visual clutter and will be disorderly given their smaller scale relative to the other signs on each pylon face. Council says that the signs are not consistent with

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

² *Westpoint Corporation v Moreland City Council* [2005] VCAT 1049.



the provisions of Clause 52.05 in the context of policy at Clause 22.03 and 22.08 to minimise signage and visual clutter.

- 6 The applicant submits that the signs are an acceptable response to the provisions of Clause 52.05 and policy and will not create visual clutter. The applicant relied on the evidence of Mr Campbell that the signs are appropriate to the use, responsive to the constraints of the review site and will sit comfortably on the site. The applicant also provided an affidavit from Mr Rosenfeld as to the continuing development of the retail centre.

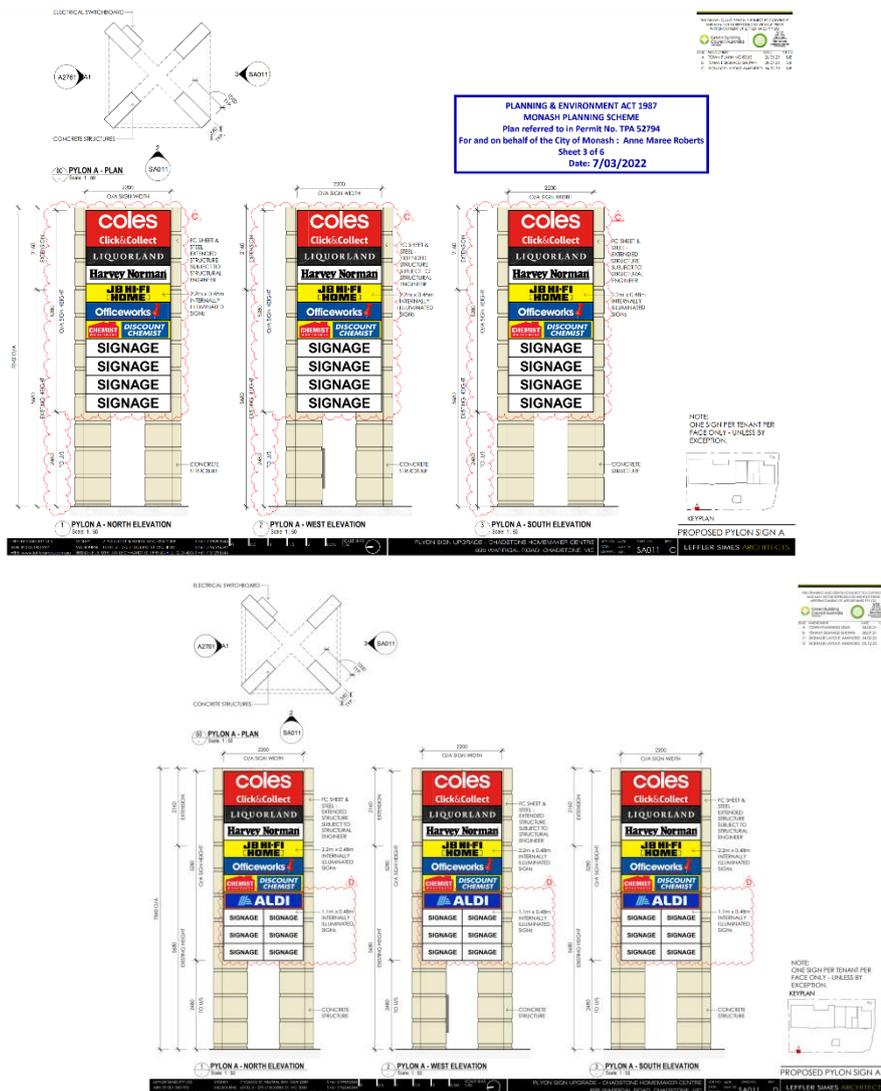


Figure 1 Existing endorsed plans and proposed amendments to Pylon A

- 7 Having considered the provisions of the Monash Planning Scheme, the evidence and submissions and material before me I find that the additional signage, while adding to the number of signs on each pylon, is acceptable for the following reasons:

- I agree with the evidence of Mr Campbell that this is an area with a lot of ‘signage collateral’. This is a retail centre that sits in a robust and busy context. On this side of Warrigal Road, the large box retailers,



car parking, transport infrastructure and associated signage are dominant.

- The existing buildings on the site are well set back from the main road and are not clearly visible when travelling south due to the impact of topography and the adjoining Bunnings Development (which is well forward of the buildings on the review site). The buildings are more visible travelling north, but to the southern end of the site, I find that topography limits views.
- The approved signs act as the key signage for this site and the main wayfinding device for drivers.
- The approved pylon signs are well separated from one another, are spaced in an orderly manner, and sit within landscaped areas that contribute to the overall ‘garden city’ character of Monash.
- Importantly the overall display area is not proposed to change, and this is key to my decision.
- The additional signs are internally illuminated business identification signs. I find they will serve this centre.
- The signs are located at the bottom of the pylon signage and are as such less visible than those at the top.

8 Policy does seek to minimise the number of signs to avoid visual clutter. While there is a larger number of signs, I agree with the evidence of Mr Campbell that this does not necessarily equate to clutter as the signs are contained in the pylon signs and are regularly spaced, although that spacing is different to those at the top of the pylon.

9 I note that there are other signs located towards the frontage of this site that add to the clutter, but that the applicant would consider rationalising these. This is not before me but would further assist the prominence of the main pylon sign and the rationale of locating business signage on the same to provide clear wayfinding for this centre.

10 For these reasons the decision of the responsible authority is set aside.

Megan Carew
Member