

City of Whitehorse

NOTICE OF DECISION TO REFUSE TO GRANT A PLANNING PERMIT

Permit Number: WH/2018/1027
Planning Scheme: Whitehorse
Responsible Authority: City of Whitehorse

ADDRESS OF THE LAND

18 TYRRELL AVENUE, BLACKBURN (LOT 9 LP 9287 73)

WHAT HAS BEEN REFUSED?

Construction of four dwellings comprising three double storey dwellings and one single storey dwelling and associated tree removal

GROUNDS FOR REFUSAL:

1. The proposal is contrary to the Local Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly in relation to the following Clauses:
 - a) Clause 21.05 (Environment);
 - b) Clause 21.06 (Housing);
 - c) Clause 22.03 (Residential Development); and
 - d) Clause 22.04 (Tree Conservation)
2. The proposal fails to meet the landscape character objective and the decision guidelines of the Significant Landscape Overlay Schedule 9. Specifically, the development fails to adequately provide an appropriate landscape response.
3. The proposal is not in keeping with the neighbourhood character particularly in respect of the upper level building bulk, attached built form, and lack of spacing around development.
4. The development fails to meet all of the Objectives of Clause 55 (including Standards as varied by the Schedule 1 of the General Residential Zone, in particular: neighbourhood character, residential Policy, streetscape, landscaping, parking location, overlooking, and design detail.
5. The development fails to address and meet Design Standards under Clause 52.06-9 (Car Parking).
6. The submitted Waste Management Plan does not take into account that there is insufficient available street frontage to allow for the compliant placement of bins for public collection.

6 May 2019

Date of Notice

Planning and Environment Act 1987 Form 7



Signature for Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to grant a permit.
(Note: This is not a refusal under Division 5 of Part 4 of the **Planning and Environment Act 1987**.)
- This notice sets out the grounds on which the application has been refused.
- The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the Applicant—

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal. The address of the Victorian Civil & Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.

For a recommending referral authority—

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

For an objector—

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998**.