

City of Whitehorse

NOTICE OF DECISION TO REFUSE TO GRANT A PLANNING PERMIT

Permit Number: WH/2018/1138
Planning Scheme: Whitehorse
Responsible Authority: City of Whitehorse

ADDRESS OF THE LAND

80 SEVERN STREET, BOX HILL NORTH (LOT 17 LP 1879 2)

WHAT HAS BEEN REFUSED?

Proposed nine three-storey dwellings and removal of trees within SLO9

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).
 - 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 built form, bulk and scale of the proposal is excessive with limited landscaping opportunity and is an over-development of the site.
4. The proposal is not in keeping with the existing and preferred neighbourhood character particularly in respect of built attached built form, lack of spacing around development, insufficient upper level recession and separation and landscaping.
5. The development fails to meet the following Standards of Clause 55 (including Standards as varied by the Schedule to the General Residential Zone):
 - B1 (Neighbourhood character)
 - B2 (Residential Policy)
 - B7 (Building height)
 - B8 (Site Coverage)
 - B10 (Energy Efficiency)
 - B13 (Landscaping)
 - B21 (overshadowing)

3 January 2019



Date of Notice
Planning and Environment Act 1987 Form 7

Signature for Responsible Authority

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Condition 5 (Continued)

- B28 (Private Open Space)
 - B29 (Solar access to open space)
 - B31 (Detailed Design)
 - B32 (front fencing)
6. The development fails to meet the policy requirements under Clause 22.10 (Environmental Sustainable Development).
 7. The development fails to demonstrate how waste management and collection will occur.
 8. The development fails to address and meet Design Standards under Clause 52.06-9 (Car Parking).

3 January 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**.