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20 October 2017

Beaumaris Conservation Society
info@bcs.asn.au

Dear Sir or Madam,

APPLICATION NUMBER: 5/2016/762/1
ADDRESS: 70 Oak Street BEAUMARIS
PROPOSAL: Construction of two double-storey dwellings, removal of native vegetation in the Vegetation Protection Overlay (Schedule 3) and construction a front fence with a height exceeding 1.2m

Council considered the above application and determined to refuse the application on the grounds set out in the attached Refusal to Grant a Planning Permit.

Should you have any further queries, please contact Council's Planning Officer:

Greg Sawyer
Email: enquiries@bayside.vic.gov.au
Telephone: 9599 4604

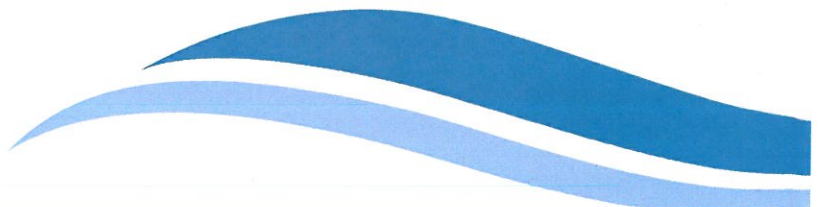
Please quote planning application 2016/762 – 70 Oak Street BEAUMARIS in all correspondence / emails.

Yours faithfully

Greg Sawyer

STATUTORY PLANNING DEPARTMENT

Enc.



**Refusal to
Grant a
Planning
Permit
2016/762/1**

Responsible Authority: Bayside City Council

Planning Scheme: Bayside



Address Of The Land: No. 70 Oak Street BEAUMARIS

**What has been
Refused?**

Construction of two double-storey dwellings, removal of native vegetation in the Vegetation Protection Overlay (Schedule 3) and construction a front fence with a height exceeding 1.2m

What are the reasons for Refusal?

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct D4) of the Bayside Planning Scheme, on the following grounds:
 - a) Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to achieve a level of vegetation across the site consistent with the established garden setting sought by the preferred neighbourhood character statement.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B17 – Side and Rear Setbacks – the proposal does not meet the standard and fails to limit the impact on the amenity of existing dwellings.
 - c) Standard B32 – Front Fences - the proposal does not meet the standard and will result in a detrimental visual impact within the streetscape.
3. The proposal will result in unacceptable effects on adjacent Council-owned street tree assets.
4. The proposed tree removal fails to meet the objectives of the Vegetation Protection Overlay of Clause 42.02 of the Bayside Planning Scheme, which seek to retain the aesthetic character of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area.

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Date issued: 17 October 2017

Michael Henderson

Signature for the Responsible Authority

REFUSAL TO GRANT A PERMIT
IMPORTANT INFORMATION ABOUT THIS PERMIT

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 reasons for the refusal.
- * The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT APPEALS?**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 Application for Review 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.
- * An application for review must also be served on the Responsible Authority.
- * Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged.
- * An applicant who applies for a review must give notice of the application to—
 - (a) All objectors; and
 - (b) Any recommending referral authority that objected to the amendment of the permit.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector:

- * If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an application for review is lodged.