



## **REFUSAL TO GRANT A PERMIT**

**Permit No: PA1226036**

---

**Hobsons Bay Planning Scheme**  
**Responsible Authority: Hobsons Bay City Council**

---

**ADDRESS OF THE LAND:** 6 Paine St, Newport VIC 3015

**WHAT HAS BEEN REFUSED:** CONSTRUCTION OF 43 DWELLINGS RANGING IN HEIGHT FROM TWO TO THREE STOREYS AND A REDUCTION IN THE STATUTORY CAR PARKING RATE

### **WHAT ARE THE REASONS FOR THE REFUSAL?**

---

1. The proposal does not meet State Planning Policy, particularly the objectives and guidelines at Clause 15 (Built Environment and Heritage) of the Hobsons Bay Planning Scheme.
2. The proposal does not meet the Municipal Strategic Statement and Local Planning policy, particularly Council's objectives at Clause 21.02 (The Hobsons Bay Strategy), Clauses 21.06 (Built Environment & Heritage) and 21.07 (Housing) and Clause 22.10 (Neighbourhood Character) of the Hobsons Bay Planning Scheme as it negatively impacts on local neighbourhood character and the amenity of the surrounding residential areas.
3. The proposal does not satisfy the requirements of Clause 21.06-2 (Heritage) and Clause 22.01 (Heritage Policy) of the Hobsons Bay Planning Scheme because it is inappropriately designed and unrelated in terms of design, scale, form and materials to the historic context provided by the surrounding heritage places.
4. The bulk, form and appearance of the proposed building is inconsistent with the objectives and guidelines of Clause 43.01 (Heritage Overlay) of the Hobsons Bay Planning Scheme.
5. The proposed development does not meet the purpose of Clause 32.01 (Residential 1 Zone), as it does not provide residential development that respects the neighbourhood character.
6. The bulk, form and appearance of the proposed development will have an adverse impact upon the significance of the prevailing heritage precinct covered by Heritage Overlay – HO27 in the Hobsons Bay Planning Scheme.
7. The proposal fails to comply with the following Standards of Clause 55 (ResCode) of the Hobsons Bay Planning Scheme:
  - Standard B1 – Neighbourhood character
  - Standard B5 – Integration with the street
  - Standard B6 – Street setback

- Standard B7 – Building height
- Standard B8 – Site coverage
- Standard B9 – Permeability
- Standard B13 – Landscaping
- Standard B28 – Private open space
- Standard B31 – Design detail
- Standard B32 – Front fences

8. The proposal is excessive in height and creates unreasonable visual bulk.
9. The proposal is not responsive to the prevailing character of the neighbourhood.

Date Issued: 5/09/2013

Signature for the Responsible Authority:

---

Mark Tenner  
Team Leader Town Planning



## REFUSAL TO GRANT PERMIT

### 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 on the reverse side 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?

- The person who applied for the permit may appeal against the refusal. The appeal must be lodged within 60 days of the giving of this notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the application fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.  
Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
- Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

#### For an Objector:

- If the applicant appeals against this decision, the applicant must give notice in writing to all objectors as soon as practicable after an appeal is lodged. Objectors will be invited to any appeal hearing.