

**NOTICE OF DECISION
TO REFUSE TO GRANT
A PERMIT**

Application No.: **TPA/53095**
Planning Scheme: **Monash Planning Scheme**
Responsible authority: **Monash City Council**

ADDRESS OF THE LAND

1041 Centre Road OAKLEIGH SOUTH VIC 3167

WHAT HAS BEEN REFUSED?

Buildings and works to construct a nine storey building with two levels of basement, to be used for accommodation and retail premises, display of signage, alteration of access to a Road in a Transport Zone 2 and reduction of the car parking requirement

GROUNDINGS OF REFUSAL:

1. The height and massing of the proposed development is excessive and will result in a poor urban design outcome.
2. The proposed scale and form of the development is excessive, unjustified and fails to achieve high quality design and architectural excellence.
3. The proposal would have a poor level of internal amenity for future residents.
4. The proposal is considered an overdevelopment of the land.
5. The development does not provide for adequate or appropriate pedestrian links and landscaping outcomes.
6. The proposal is inconsistent with built form objectives, policy and decision guidelines of Clause 22.03.
7. The proposal is inconsistent with the decision guidelines of Clause 34.01-8.
8. The proposal is inconsistent with design objectives and decision guidelines of Design and Development Overlay Schedule 1.
9. The proposal does not meet the following objectives of Clause 58 of the Monash Planning Scheme:
 - 58.02-1 - Urban Context
 - 58.02-2 - Residential policy.
 - 58.02-3 - Dwelling diversity.
 - 58.02-5 - Integration with the street.
 - 58.03-4 - Safety.
 - 58.07-1 Functional layout.

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 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.

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 1995**

The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne 3000. The telephone number of 1300 01 8228. The web site is www.vcat.vic.gov.au