

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

**Application No.:** 5/2021/331/1  
**Planning Scheme:** Bayside  
**Responsible Authority:** Bayside City Council



**ADDRESS OF THE  
LAND:**

8 and 10 Linacre Road HAMPTON

**WHAT HAS BEEN  
REFUSED?**

Construction of a three (3) storey building over three (3) levels of basement containing thirty-five (35) apartments and the use of a Medical Centre in a General Residential Zone Schedule 2 (GRZ2) and buildings and works in a Design and Development Overlay Schedule 12 (DDO12)

**GROUNDINGS OF REFUSAL:**

- 1) The development is considered an overdevelopment for Precinct E (Residential Precinct) of the Hampton Activity Centre.
- 2) The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct F1) of Bayside Planning Scheme, on the following grounds:
  - a) The proposal fails to adequately respond to the site context in regard to the lack of appropriate deep soil landscaping and insufficient building setbacks.
  - b) The proposal fails to provide a variety of building materials and finishes or visual interest which creates visual dominance to the streetscape.
  - c) The design response fails to have appropriately considered the residential character of the area and the intended landscaped and vegetated character objectives of the DDO12.
  - d) The proposal does not conserve or enhance the valued urban character of Linacre Road and its heritage places.
  - e) The proposed front setback is inappropriate and the loss of front garden space is excessive.
  - f) The proposal fails to recess second storey elements from the front façade.
  - g) Upper levels are excessive and produce inappropriate bulk when viewed from adjoining properties.
  - h) The proposal fails to site buildings to create the appearance of space between buildings and accommodate substantial vegetation throughout the site.
  - i) The scale of the development fails to respect the identified heritage features of the neighbourhood and the development outcomes on adjoining properties.
  - j) The proposal does not adequately respond to the topography of the site and features of the area.
  - k) Landscaping outcomes within private open space at ground level are insufficient to accommodate appropriate deep soil planting zones and are heavily paved.

Page 1 of 2

Date of notice: **12 April 2022**

*Sarah Collins*

Signature for the Responsible Authority

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- 3) The proposal does not adequately respond to the objectives of the Design and Development Overlay Schedule 12.
- 4) The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B8 (site coverage) – the site coverage variation unreasonably impacts the amenity of adjoining properties by way of visual bulk and is not in keeping with the existing or preferred neighbourhood character.
  - b) Standard B17 (side and rear setbacks) – the proposed side setback variations will unreasonably impact the amenity of adjoining properties by way of visual bulk and are not in keeping with the existing or preferred neighbourhood character.
  - c) Standard B29 (Solar Access to Open Space) – Apartment 2.06 does not provide private open space with sufficient solar access which results in poor amenity for future occupants.
  - d) Standard B46 (Functional Layout) – 22 of the proposed dwellings provide living areas with dimensions less than the minimum required by this standard and will result in poor internal amenity for future occupants.
- 5) The proposal fails to comply with the objectives and decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 12) due to the second-floor front setback variation is significantly less than the required 4 metres.

Date of notice: **12 April 2022**

*Sarah Collins*

Signature for the 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 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.

**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**.