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26 February 2021

Benewer (Aust) Pty Ltd c/o Ratio Consultants  
8 Gwynne Street  
CREMORNE VIC 3121

Dear Sir/Madam

**Permit Application #GE/DP-33820/2020**  
**Property: 99 BREWER ROAD BENTLEIGH VIC 3204**  
**Proposal: DEMOLITION OF THE EXISTING BUILDING,  
CONSTRUCTION OF A FOUR STOREY BUILDING AND ASSOCIATED  
WORKS, USE OF LAND FOR A RESTRICTED RECREATIONAL  
FACILITY, MEDICAL CENTRE, CHILD CARE CENTRE AND A FOOD  
AND DRINKS PREMISES, REDUCTION IN THE CAR PARKING  
REQUIREMENTS AND DISPLAY OF BUSINESS IDENTIFICATION  
SIGNAGE ON LAND AFFECTED BY THE HERITAGE OVERLAY**

I write to confirm on behalf of Council, that your application for a Planning Permit has been refused. To review the grounds on which Council made this decision, see the enclosed Notice of Refusal to Grant a Planning Permit.

You may also choose to appeal this decision through the Victorian Civil and Administrative Tribunal (VCAT). The review process is detailed [on their website](#) and on the last page of the Notice.

We appreciate the time taken to participate in the proposal process thus far.

Kind regards



MICHAEL DOWEL  
SENIOR URBAN PLANNER



# REFUSAL TO GRANT A PLANNING PERMIT

GLEN EIRA PLANNING SCHEME

RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

<b>APPLICATION NUMBER:</b>	GE/DP-33820/2020
<b>ADDRESS OF THE LAND:</b>	99 Brewer Road BENTLEIGH VIC 3204
<b>WHAT HAS BEEN REFUSED?:</b>	Demolition of the existing building, construction of a four storey building and associated works, use of land for a restricted recreational facility, medical centre, child care centre and a food and drinks premises, reduction in the car parking requirements and display of business identification signage on land affected by the Heritage Overlay

## WHAT ARE THE REASONS FOR REFUSAL?:

1. The mass and scale of the proposed building is not appropriate having regard to the existing and preferred character of the area and its location within a heritage precinct and fails to satisfy the provisions of Clauses 15 (Built form and heritage), 22.01 (Heritage Policy), 33.03 (Industrial 3 Zone) 43.01 (Heritage Overlay) of the Glen Eira Planning Scheme.
2. The proposed uses and their intensity are not appropriate and would adversely impact the amenity of the surrounding residential area including parking availability, traffic movement and activity. The proposal fails to satisfy the provisions of Clauses 18 (Transport), 21.06 (Business), 21.12 (Transport), 22.11 (Child Care Centres Policy) and 33.03 (Industrial 3 Zone) of the Glen Eira Planning Scheme.
3. The proposed onsite car parking is insufficient and the proposed car parking demand for the uses will unreasonably impact on the existing parking availability within the surrounding residential streets, failing to satisfy the provisions of Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme.

**DATE ISSUED: 26  
February 2021**

**SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY**

# REFUSAL TO GRANT A PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

- The Responsible Authority has decided to refuse to grant a permit.
- 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 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 appeal is lodged.
- An applicant who applies for a review must give notice to all objectors.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
- Application for review forms and guides are available at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) , Ground Floor 55 King Street Melbourne or by contacting VCAT customer service on (03) 9628-9777.

#### 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. Objectors who lodge a statement of grounds with the Tribunal will be invited to any application for review hearing.

**(LAST PAGE OF NOTICE)**