MinterEllison
LAWYERS

18 February 2003

RIALTO TOWERS 525 COLLINS STREET MELBOURNE
GPO BOX 769G MELBOURNE VIC 3001 AUSTRALIA
DX 204 MELBOURNE www.minterellison.com
TELEPHONE +61 3 8608 2000 FACSIMILE +61 3 8608 1000

The Registrar
VCAT - Planning and Environment List
DX 210160
MELBOURNE

Dear Registrar

11 Esplanade, St Kilda
Planning Permit Application 1448/2002 - Port Phillip City Council

We confirm that we act for Becton Corporation Ltd, the permit applicant.

Enclosed is an application for review for filing on behalf of our client against the decision of the Responsible Authority to refuse to grant a permit, together with the applicable filing fee.

Our preliminary estimate is that the hearing will take at least 5 days.

Yours faithfully
MINTER ELLISON

Contact: Scott Stewart Direct phone: +61 3 8608 2989 Direct fax: +61 3 8608 1289
E.mail: scott.stewart@minterellison.com
Partner responsible: Phil Bisset Direct phone: +61 3 8608 2069
Our reference: PAXB SBS 30-3182951

Copy: Jane Birmingham - Port Phillip City Council

Paul Briggs - Becton Corporation
David Parsons - Becton Corporation

Amanda Ring - SJB Planning
Kellie Burns - SJB Planning

MINTER ELLISON GROUP AND ASSOCIATED OFFICES
SYDNEY MELBOURNE BRISBANE CANBERRA ADELAIDE PERTH GOLD COAST
AUCKLAND WELLINGTON CHRISTCHURCH HONG KONG SHANGHAI JAKARTA
BANGKOK NEW YORK LONDON

FORM 1

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.03

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL REGISTRY 2003 No.

Name of applicant	Becton Corporation Ltd
Address	c/- SJB Planning Pty Ltd PO Box 1149 SOUTHBANK VIC 3006
Address for service of documents	**MINTER ELLISON** Lawyers 525 Collins Street MELBOURNE VIC 3000 (SBS PAXB 30-3182951)

APPLICATION FOR REVIEW OF A DECISION

The applicant applies to the Victorian Civil and Administrative Tribunal to have the following decision reviewed:

1. The decision is:

(1) Type of decision:

- [] a decision to grant a permit (ie. an appeal under section 82 of the *Planning and Environment Act* 1987)
- [x] a decision to refuse to grant a permit (ie. an appeal under section 77 of the *Planning and Environment Act* 1987)
- [] conditions in a permit issued or to be issued (ie. an appeal under section 80 of the *Planning and Environment Act* 1987)
- [] a requirement to give notice of an application for a permit (ie. an appeal under section 78(a) of the *Planning and Environment Act* 1987)
- [] a requirement by the responsible authority for more information (ie. an appeal under section 78(b) of the *Planning and Environment Act* 1987)
- [] a decision of the responsible authority to extend time (ie. an appeal under section 81 of the *Planning and Environment Act* 1987)
- [] the failure of the responsible authority refusing to extend time (ie. an appeal under section 81 of the *Planning and Environment Act* 1987)
- [] the failure to grant a permit within the prescribed time (ie. an appeal under section 79 of the *Planning and Environment Act* 1987)
- [] review of a decision of the responsible authority to grant a permit (ie. an appeal under section 82B of the *Planning and Environment Act* 1987)

(2) Address of land: 11 Esplanade, St Kilda

(3) Use or development for which a permit was sought: The demolition of buildings (excluding main Esplanade Hotel building), construction of a building of up to 10-

storeys (50 residential apartments) and associated car parking, the development and use of part of the building for a food and drink premises and a convenience shop, the provision and sale of liquor for consumption on and off the premises in the food and drink premises and convenience shop, the construction of minor buildings and works exceeding the Planning Scheme height requirements, the construction of architectural features within the Planning Scheme setback requirements and the waiver of the Planning Scheme car parking and loading requirements for the food and drink premises and convenience shop

(4) Application number: 1448/2002

2. The decision was made by:

(1) Name of person or body: Port Phillip City Council

(2) Title or office of decision-maker: Responsible Authority

3. Date of decision: 10 February 2003

The applicant's reasons for making the application are:

1. The proposal is consistent with the Port Phillip Planning Scheme (**Scheme**), including the objectives contained in the Municipal Strategic Statement.

2. The demolition of Baymor Court and the motor garage and stables is consistent with the Port Phillip Heritage Policy and the Heritage Overlay in the Scheme.

3. The design of the proposed replacement buildings is an appropriate one.

4. The proposal will not unreasonably impact on the access, operational and service needs of the Esplanade Hotel.

5. The proposed development can be appropriately acoustically treated.

6. The proposed number of car parking spaces will adequately cater for the proposed uses of the development.

7. No unreasonable shadowing will be caused beyond the kerbline on the southern side of Jacka Boulevard road reserve adjoining the Port Phillip Bay foreshore at the relevant times required by the Scheme.

DATED 18.2.03

.....

MINTER ELLISON
Solicitors for the Applicant for Review

TO The Principal Registrar
Victorian Civil and Administrative Tribunal
Planning and Environment List
Level 7, 55 King Street
MELBOURNE VIC 3000
Telephone 9628 9777