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www.boroondara.vic.gov.au

Understanding Planning Terms Information Sheet

The material contained in this brochure has been prepared as a guide.
No reader should rely on it without seeking their own independent
professional advice. October 2011

Planning Permit Basics

This Information Sheet provides useful explanations of the planning terms frequently used by planners and included in the Planning Scheme.

Planning Permit

A planning permit is a legal document that gives permission for a use or development on a particular site. Once granted, a planning permit runs with the land and not the applicant who lodged the application.

Planning permit conditions

A planning permit may contain conditions which set out requirements for the use or development permitted by that permit.

Building Permit

Building permits are required for most construction, alteration or demolition works and are assessed for compliance with the relevant Building Regulations to ensure that health, safety and amenity is maintained for users of the building, and adjoining owners' amenity is protected. As well as ensuring your works comply with regulations, the permit also provides the trigger for essential building inspections. There may be times when you need either or both a planning and building permit.

Applicant

A person or company who has applied for a planning permit is an applicant. They do not need to be the owner of the property; however the owner needs to be advised of the application or have signed the application form.

Objector

Anyone who is of the view that a planning permit application will affect themselves or their property can submit an objection. By so doing, they remain informed about the progress and outcome of the application. By commenting on the application, they also gain the right to appeal any Council decision at The Victorian Civil and Administrative Tribunal (VCAT).

Council is required to promptly decide on an application; however this can be not less than 14 days after the commencement of notification. It is recommended that objections are lodged no later than the date specified in the notice, although all objections received up to the time a decision is made must be taken into account in reaching a decision.

Some planning applications are exempt from notification and objections cannot therefore be formally accepted and appeal rights to VCAT cannot be granted.



A planning permit may be required for minor structures and works such as a satellite dish unless certain requirements are met. Similarly, building a single dwelling on a lot less than 500 sq. m. would trigger a planning permit in Boroondara. To assist in better understanding what buildings and works need planning permits, please contact the Statutory Planning Department on 9278 4888. Further information can be found on Council and the Department of Planning & Community Development websites below.
www.boroondara.vic.gov.au
www.dse.vic.gov.au/PlanningSchemes/boroondara/



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Planning Permit Basics

Notification / advertising period

Council must decide whether an application it receives may have a negative impact on a person. If this is the case, Council will advertise (undertake notification of) the application or direct the applicant to advertise to those people Council considers may be affected. This can be done through advertising in the local newspapers, on Council's website, signage onsite and/or by sending a letter to nearby households. Some applications are exempt from notification by the Boroondara Planning Scheme.

Title

A Certificate of Title is a formal legal record about a particular piece of land. It contains basic information about the land including dimensions, current ownership and whether any restrictions are registered on the land. Copies may be obtained at the Land Titles Office or online at <http://www.land.vic.gov.au>

Covenant

A restrictive covenant is a private agreement between landowners which may restrict the way the land may be used and/or developed. A covenant runs with the land and is registered on the certificate of title. Copies may be obtained at the Land Titles Office.

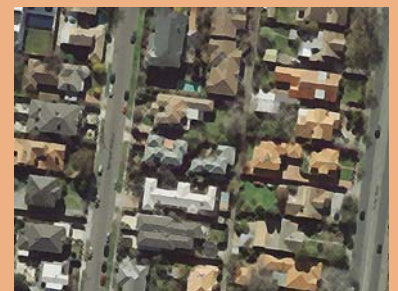
Council is prohibited from granting or amending a permit if anything authorised by the permit or amendment would result in a breach of the restrictive covenant. However, Council is not responsible for enforcing restrictive covenants. This must be done by those owners of land who benefit from the covenant, usually in the Supreme Court.

Consultation meeting

If planning applications attract a number of objections, Council officers may organise a meeting with the applicant, objectors and Ward Councillors to discuss the proposal and any concerns and compromises that can be reached.

Notice of Decision (NOD)

If Council is prepared to approve an application and there are objections, it must issue a Notice of Decision to Grant a Permit. All objectors will be sent this notice and will have 21 days to lodge an appeal at VCAT if they wish to challenge Council's decision. If no objectors lodge a review with VCAT during this time, Council will grant the permit. Equally, if the applicant is unhappy with any of the proposed permit conditions, they can also apply to VCAT, within 60 days, to have the conditions reviewed.



More Information on property, titles and various land information, including aerial photography can be obtained from the Land Office and Department of Sustainability and Environment on the websites below.

<http://www.land.vic.gov.au/land>
www.landata.vic.gov.au
<http://www.dse.vic.gov.au/property-titles-and-maps>



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Planning Permit Basics

Refusal

Council may decide to refuse a permit, even if there were no objections to it. An applicant can appeal to VCAT within 60 days to have a refusal overturned.

Approved Plans

A planning permit may include approved plans (also called endorsed plans). A use or development must be carried out in accordance with these approved plans to comply with the planning permit and the Planning and Environment Act (1987).

Endorsed plans will have a signed stamp with the planning permit number and details, including the date of approval.

Extension of time

A planning permit expires if construction has not started within two years of its issue or if the development is not completed within 4 years. An applicant may apply for an extension of time to their permit up to three months after its expiry. If granted, an extension is usually for 12 months from the original date of expiry.

Amendments

Once issued, a planning permit may be amended via an application. However, the expiry date for the permit remains from the date the original permit was issued unless an extension of time has been granted.

Section 72 Amendment

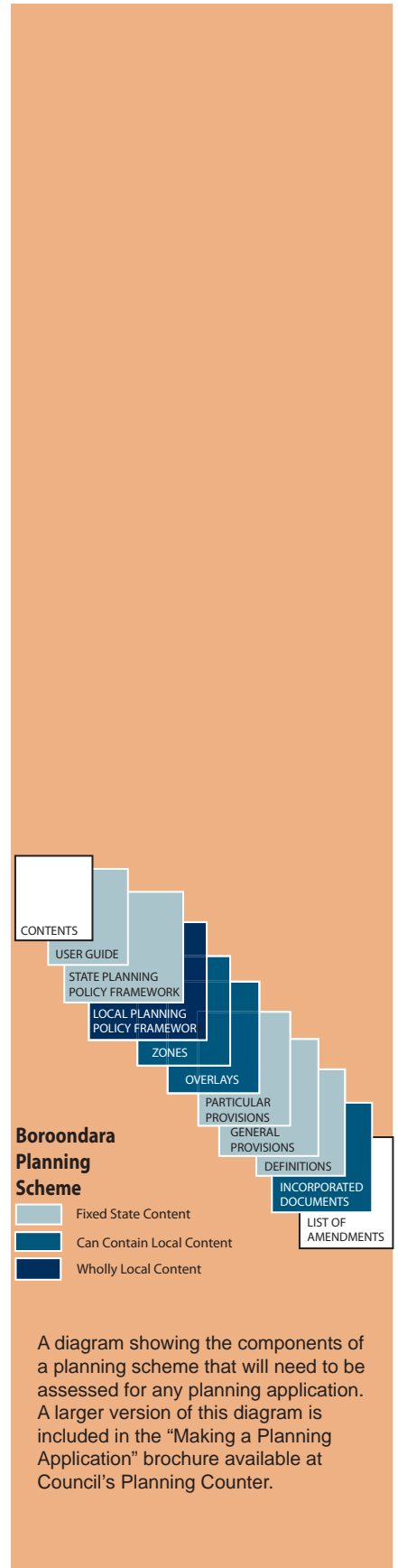
If a planning permit was issued by Council, it may be amended under Section 72 of the Planning and Environment Act (1987). This sets out the process and may include public notification of the changes being given and the ability for parties to appeal the Council decision in regards to those changes to VCAT.

Secondary Consent

If a condition or permit specifies that no changes can be made to an approved plan without the prior approval of the Responsible Authority, a request can be made to Council under such a condition to change the plans. This process is generally limited to minor changes.

Planning Scheme

A planning scheme is a legal document that sets out the framework against which planning permit applications are assessed. It is made up of policies and controls for the way land may be used and what development is appropriate. All municipalities in Victoria have a planning scheme.



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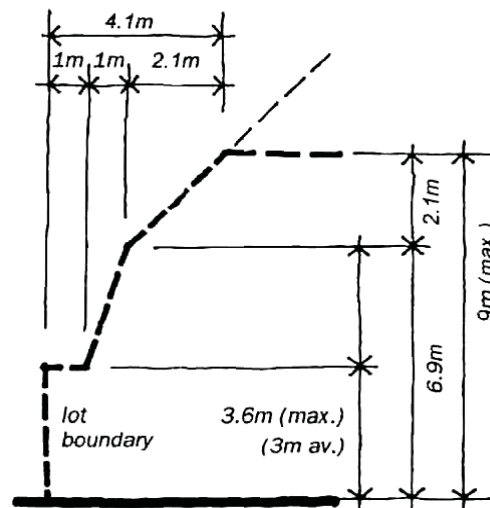
Planning Permit Basics

Planning and Environment Act (1987)

The Planning and Environment Act (1987) establishes the legal framework for the planning system in Victoria. It includes planning objectives and the processes for changing a Planning Scheme and deciding on a planning permit application.

Res Code

ResCode is a set of planning scheme objectives and standards that apply to specific types of residential development across Victoria. It applies to the construction or extension of multi-dwelling proposals up to and including three storeys in height as well as new dwellings or additions to dwellings on lots under 500 square metres in area.



Res Code is a set of design objectives and standards included in the Planning Scheme and guides residential development in Victoria. It includes performance criteria and diagrams that apply to building heights and setbacks. The aim is to ensure that new residential development respects the existing character of the area and will result in minimal off-site amenity impact.

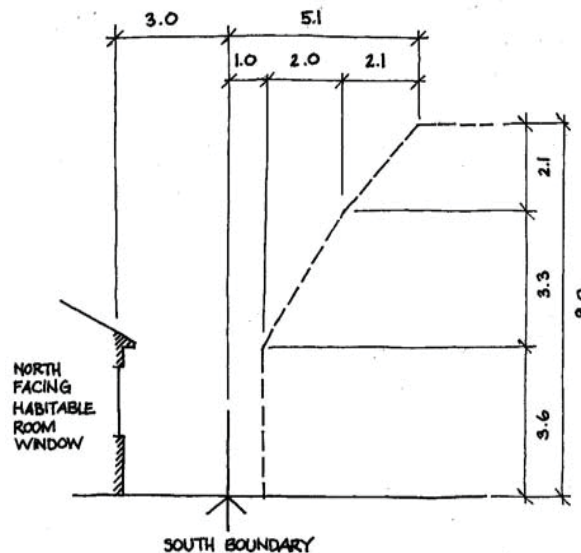
The two diagrams to the left are extracted from Res Code as examples.

Top: Diagram B1 Side and rear setbacks. The diagram is included in Standard B17- Clause 55.04-1 Side and rear setbacks. The objective of the Clause is:

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Bottom: Diagram B3 North-facing windows. The diagram is extracted from Standard B20 - Clause 55.04-4 North-facing windows. The objective of this clause is:

To allow adequate solar access to existing north-facing habitable room windows.



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VCAT and Appeals

VCAT

The Victorian Civil and Administrative Tribunal (VCAT) is a State Government appointed panel of experts that independently reviews planning decisions made by Councils. An applicant or objector may apply to have a Council decision reviewed. VCAT conducts public hearings and considers submissions made by all parties before making a decision.

Appeals

Generally only applicants or objectors to the original application can participate in an appeal. There are a number of different types of appeal at VCAT. These include an applicant appealing a refusal of a permit, objectors appealing Council's decision to approve a permit, an applicant appealing against conditions contained within a permit and amendments to permits previously issued by VCAT. Depending on the type of appeal, participants in the appeal may be limited to only arguing for or against certain parts of a proposal, instead of the whole proposal.

For example, an appeal against conditions will be limited to discussion of the conditions rather than the merits of the proposal as a whole.

Appeal against failure to determine

The State Government requires that Council make a decision on a planning permit application within 60 statutory days of receipt otherwise the applicant can apply to VCAT to have the application determined. Council and objectors who apply to be a party in the hearing will have an opportunity to make submissions and the matter will be considered on its merits.

Short Cases List

The Short Cases List is a sub-list of the Planning and Environment List at VCAT where short and less complex cases are heard within a limited timeframe. Tribunal Members hearing the cases are encouraged to provide oral, on the spot, decisions at the conclusion of the hearing.

More information on appeals and the short cases list can be found on VCAT's website below.

<http://www.vcat.vic.gov.au>



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Plans

Addition/ Extension

Any construction or change to a building that increases its external dimensions and floor area.

Australian Height Datum (AHD)

The Australian Height Datum (AHD) refers to the levels on a property measured above sea level.

Boundary Wall

A wall constructed on or within 150 millimetres of a side or rear boundary of a property or a carport located on or within 1 metre of a side or rear boundary.

Building Height

The vertical distance, measured in a straight line, from natural ground level to the roof or parapet of a building.

Construction Management Plan

A construction management plan is a detailed document that sets out certain processes that are to occur or restrictions during the construction phase of a development. It is endorsed to form part of the Permit and must be implemented. The Plan will include details such as hours for construction activity, measures to control noise, dust, water and sediment laden runoff, the location of parking areas for construction and sub-contractors' vehicles on the site and other details that might be required in relation to a construction site.

Dwelling

A building used as a self-contained residence which must include: a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin. It includes out-buildings and works normal to a dwelling.

Easement

An area of land, or part of a site, reserved by law for a specific purpose, such as access, drainage or municipal services. Easements are registered on title.

Eaves

The part of a roof that overhangs the exterior walls.

Elevations

A view of a building seen from one side. It is the two-dimensional, flat, representation of one façade. Refer to images to the right and illustrations on next page (7).

Façade

The exterior face of a building.

Fenestration

The arrangement of windows across the facade of a building.



Eaves refer to those parts of the roof that overhang the external walls. They vary in depth depending on the design style.



The exterior face of a building is called a facade and a building height is measured in a straight line from the natural ground level to the top of roof or parapet.



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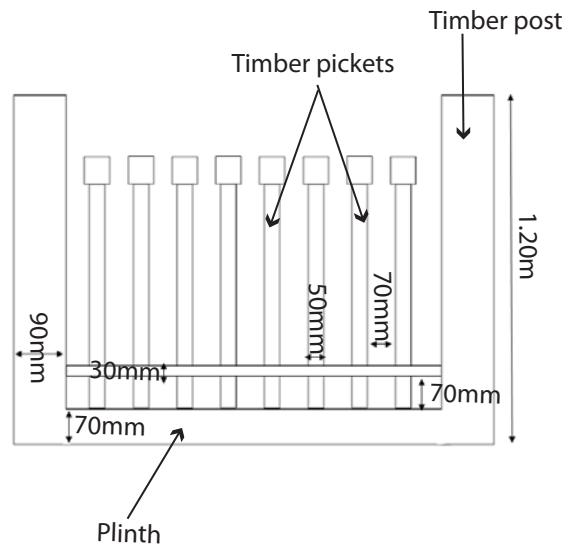
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Reading Plans

FENCE ELEVATION

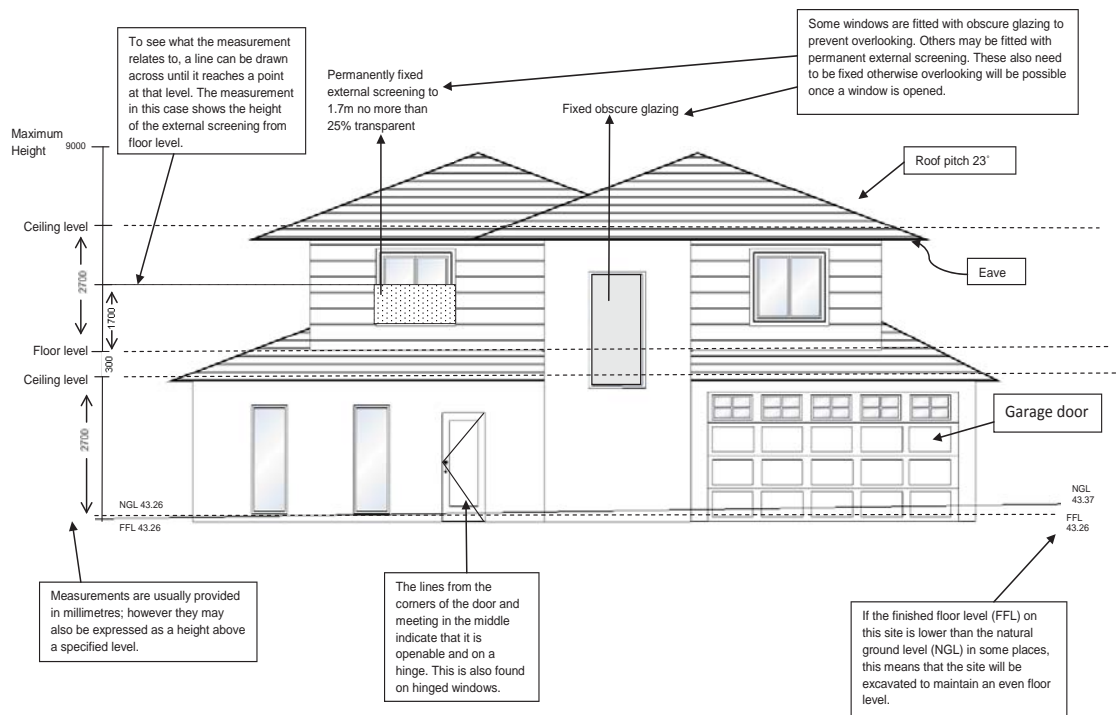
The example below is of a fence elevation. The arrows indicate all the dimensions which are required.



The two diagrams illustrate the level of detail and type of information that should be depicted in an elevation, whether it is a simple fence elevation or a whole building elevation.

ELEVATION

A two-dimensional depiction of one side of a building/ structure



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Plans

Floor plan

A line drawing showing rooms as though seen from above. Walls, doorways, and windows are often included. Plans are two dimensional drawings that depict what is proposed on a horizontal plane. Refer to the diagram below for an example of a floor plan.

Landscape Plan

A landscape plan is a plan detailing the planting to occur with the development of a property. It shows which trees on the site are to be retained and removed and includes a planting schedule which specifies the species of plantings. It also specifies the finishes of the landscaped areas such as paths and decking. An example of a landscape plan is included on the next page - page 9.

Masonry

A type of construction using stone, brick, tile or concrete block joined together with mortar.

Natural Ground Level

The ground level of a site before any site works (such as filling and/or excavating) are undertaken to alter the naturally occurring contours of the land.

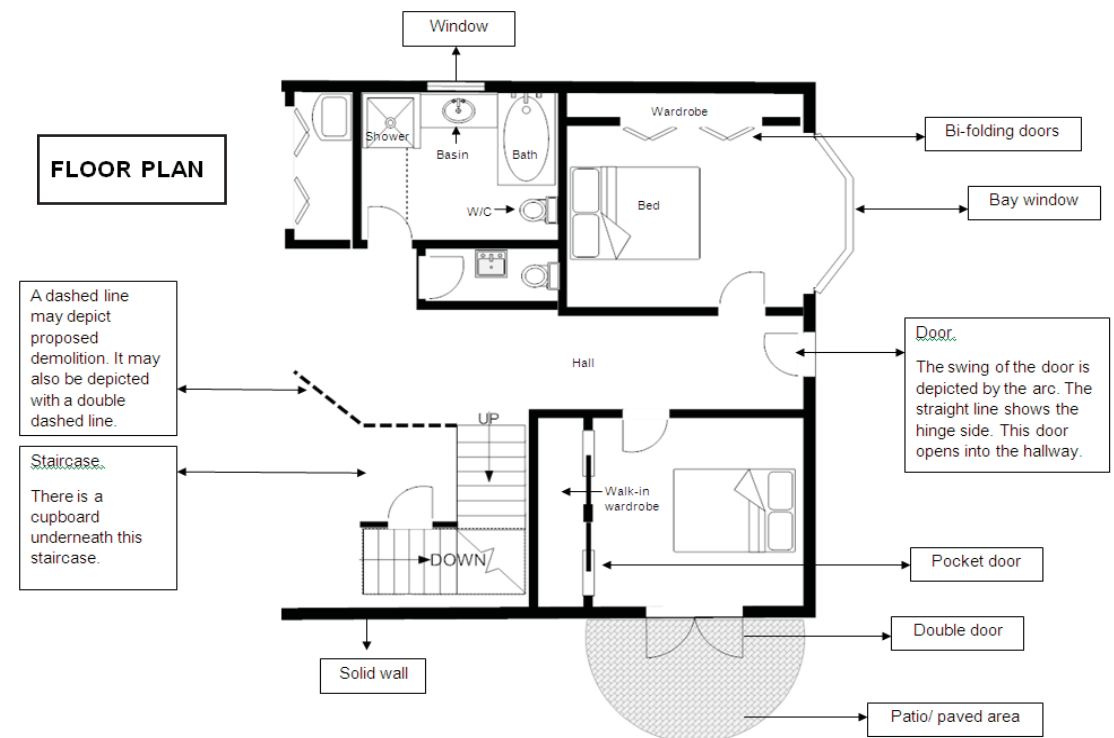
Parapet

A low wall at the top of a building intended to conceal, or partly conceal, the roof.

Plot Ratio

The gross floor area of all buildings on a site, divided by the area of the site.

The diagram below depicts a floor plan with annotations explaining the different symbols found on plans and their meanings.



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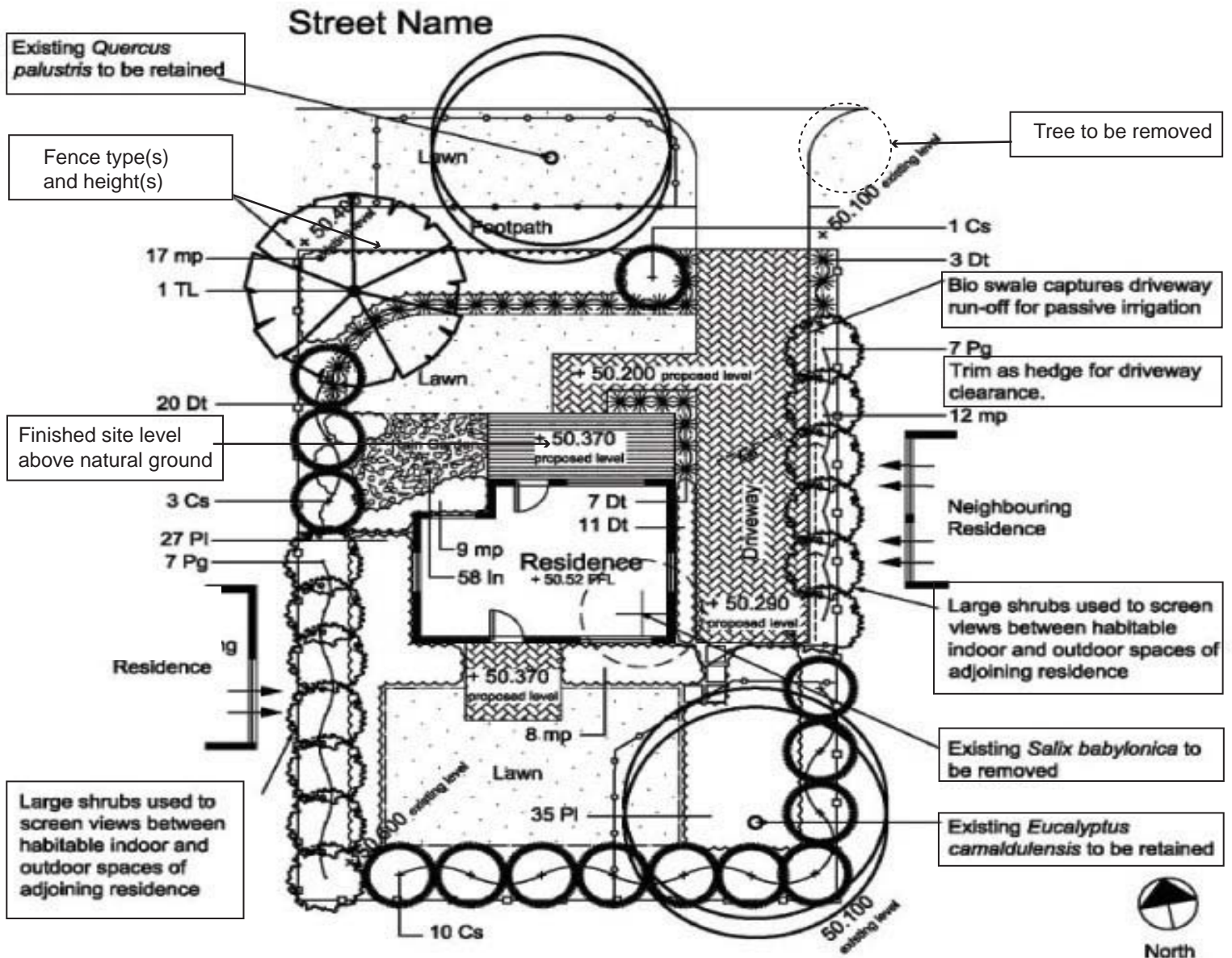
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Landscape Plan



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The above diagram shows an example of a landscape plan and the type of information required for a planning permit application. An information sheet detailing the requirements for any landscape plan that accompanies a planning application can be found on Council's website at this link. http://www.boroondara.vic.gov.au/your_council/building-planning/stat-planning/permit-application/landscape-plan-guidelines

Plans

Private Open Space

An outdoor area of a dwelling, residential building or land that is for the exclusive use of the occupants.

Relative Level (RL)

Refers to levels on a site which are relative to a nominated point. A base point on the site is nominated and assigned a figure. All levels displayed on the plan are then measures above, or below, that point.

Secluded private open space

That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

Setback

A setback describes how far back a building is located on a piece of land in comparison to the property boundary. The setback is generally measured to the wall-face of a building and not features such as eaves and balconies.

Shadow diagrams

Plans which demonstrate the amount of shadow cast from a building at 9am, 12pm and 3pm intervals on the equinox (22 September). The date and times have been determined by the State Government and are specified in the Boroondara Planning Scheme.



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Plans

Site context/ analysis plan

A plan showing the subject site and its structures in relation to surrounding properties in the streetscape. The Boroondara Planning Scheme includes requirements for the level of detail required to be included.

Site coverage

That part of a site which is covered by buildings. This is usually expressed as a percentage of the total area of the site and is measured from external walls.

Site plan

A plan showing the details of a site. Typically it includes the location of all structures, levels, vegetation, private open space, car parking, driveway and crossovers on a site.

Please refer to next page (Page 12) for an illustration of a typical site plan and the information it should contain.

Wall height

The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level directly below.

Waste Management Plan

A Waste Management Plan provides Council with details of private waste collection for a development site to ensure the protection of neighbourhood amenity.



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Planning Scheme Terms

Activity Centre

A cluster of business, employment and social activities in an area. It usually coincides with a shopping centre.

Basement

A storey below ground level or one that projects no more than 1.2 metres above ground level.

Consolidation

The merger of two or more lots on separate titles, into one lot on a single title.

Density of housing

The concentration of housing in a specific area.

Existing use rights

Existing use occurs when land is being used in a legal way but subsequent changes to the planning controls prohibit that use. For example, a factory legally operating in a residential zone because the land was once zoned industrial will have an existing use right. It may also occur when a use has commenced unlawfully, but is able to provide proof that it has been operating in that capacity continuously for at least 15 years.

Frontage

The property boundary which faces the street. On a corner lot, this is the boundary which the building, or main building, will face.

Gross floor area

The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

Habitable room

A room designed and used for normal everyday activities. It includes the bedroom, living room, lounge room, music room, television room, dining room, kitchen, sewing room, study, playroom, family room and sunroom. It does not include the toilet or bathroom or any other space of a specialised nature.

Leasable floor area

That part of the floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.



Shopping strips are usually referred to as Activity Centres with a mix of uses, including retail, office and residential. Boroondara has a number of activity centres of various scales and roles such principal, major and local activity centres. Activity Centres often coincide with Business Zones.



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Planning Scheme Terms

Legal Point of Discharge

A Legal Point of Discharge is the location on a site which is specified by Council as the connection point for draining stormwater into Council assets such as a Council drain, kerb and channel, easement or an open drain.

Net floor area

The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.

Overlooking

Overlooking can occur when a habitable room window, deck, balcony or private open space of a building on a site provides a direct line of sight into another habitable room window or private open space of an existing dwelling on an adjoining site.

In the Planning Scheme, ResCode sets out the standards regarding overlooking of a site on which a multi-dwelling development or development of a dwelling, or addition to a dwelling, on a site under 500 square metres is taking place. Screening is required up to a height of 1.7 metres above floor level for windows, decks and balconies located within 9 metres of a neighbouring window, decking, balcony or secluded private open space area.

Overlays

Overlays are controls in the Boroondara Planning Scheme that identify specific land management issues or protect features of the site, such as heritage. These apply in addition to the zone which affects the land. Not all properties have Overlay controls.

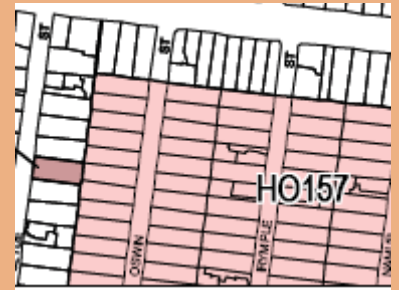
Outbuildings

Buildings associated with the main building on a site, but not intended for self-contained living. These include carports, pool houses etc.

A number of Overlays apply to various properties in Boroondara. These can be accessed on Council's or the Department of Planning & Community Development websites.

www.boroondara.vic.gov.au
www.dse.vic.gov.au/PlanningSchemes/boroondara/home.html

Two examples of overlays in Boroondara:



Heritage Overlay Map (HO)



Significant Landscape Overlay (SLO)

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Planning Scheme Terms

Subdivision

Subdivision refers to dividing a piece of land into separate lots that can be individually sold.

Section 173 Agreement

A Section 173 Agreement is a legal contract made between Council and another party and sets out what can or cannot be done on the land. For example, the Agreement may limit development that is permitted on the land. It refers to the section of the Planning and Environment Act (1987) that sets out provisions for agreements.

Statutory planning

Statutory Planning is the Council department responsible for considering applications for a planning permit.

Strategic planning

Strategic Planning is the Council department responsible for the developing strategies which shape the development of the municipality and the policies and controls that make up the Boroondara Planning Scheme.

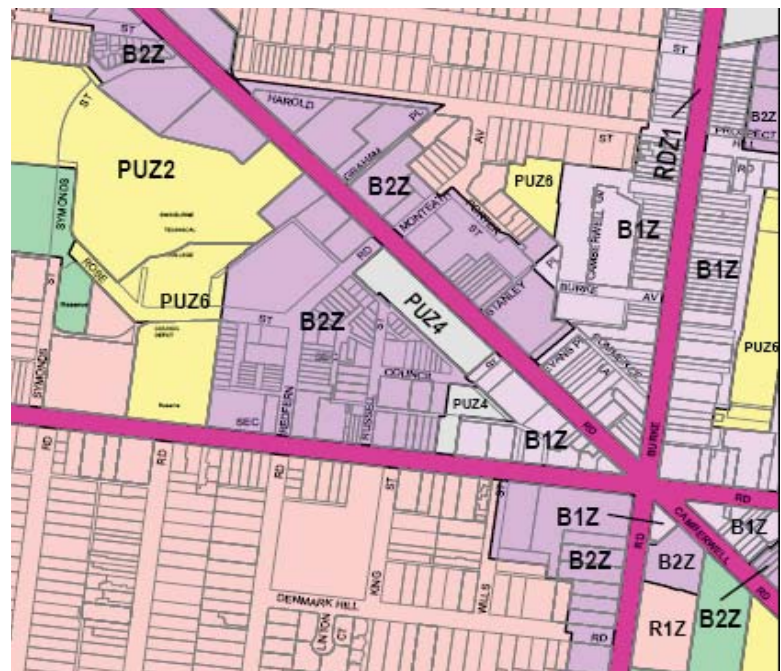
Zones

A zone is a defined area which shows the preferred land uses in that area. It forms part of the Planning Scheme which outlines what land can and cannot be used for and what buildings and/or works may need a planning permit. Every property is zoned. A property generally only has one zone.

The map to the right is extracted from the Zoning Map in the Boroondara Planning Scheme. The legend below clarifies what the abbreviations mean.

Legend

- R1Z Residential 1 Zone
- B1Z Business 1 Zone
- B2Z Business 2 Zone
- ROZ1 Road Zone - Category 1
- PUZ2 Public Use 2 Zone- Education
- PPRZ Public Park And Recreation Zone



Strategic Planning is responsible for developing structure plans and urban design frameworks, which include design guidelines and development controls that guide development in Boroondara. All strategic plans are available on Council's website below.
http://www.boroondara.vic.gov.au/your_council/building-planning/strategic-planning/plans

The Zoning Map can be accessed on Council's website or the Department of Planning and Community Development's website.
<http://planningschemes.dpcd.vic.gov.au/boroondara/home.html>



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Trees

Local Law 1F

A Council Local Law which regulates removal of significant and canopy trees on private land.

Canopy Tree

Any tree with a total trunk circumference of 110cm or more measured at a point 1.5 metres from the ground. If a tree has multiple trunk stems, the total circumference is the sum circumference of all stems measured at 1.5 metres above ground level.

Significant Tree

Any tree listed on our Significant Tree Study (May 2001 & 2003). All significant trees are considered to be of environmental, historic, horticultural, biodiversity or other value. Any subsequent trees added to the Significant Tree Study since 2001 & 2003 are also protected under the Tree protection Local Law 1F. The list of trees can be found on the Boroondara website at:

<http://boroondara.vic.gov.au/our-city/trees/permits>

Arborist

Also arboriculturist. Refers to professionals who specialise in tree management and care.

Arborist Report

A report prepared by a qualified arborist which identifies tree species, their health and which trees are to be retained. It also sets out recommendations and actions to be implemented in order to minimise damage as a result of buildings and works to the health of those trees which are to be retained.

Tree Protection Zone

A Tree Protection Zone (TPZ) is a specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown. It is intended to maintain the viability and stability of the tree. A TPZ is calculated by measuring the diameter of the tree trunk at 1.4 metres above the ground and then multiplying that number by 12. The TPZ is then marked around the edge of the tree trunk at that distance to provide the circular protection area in all directions and fencing installed. Any works are prohibited in the zone.



A Local Law permit is required for the removal of any canopy or significant trees on private land in Boroondara. For more information, please contact the Statutory Planning Department, or visit Council's website. www.boroondara.vic.gov.au/our-city/trees For advice on tree planting and selection, please refer to Council's Tree Selection Fact Sheet available from the Planning Counter or downloadable on: <http://www.boroondara.vic.gov.au/freestyler/files/Tree-selection-brochure-Boroondara-AUGUST-2010.pdf>



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