

URBAN PLANNING DELEGATED COMMITTEE REVISED AGENDA



(Open to the public)

6.30pm, Monday 6 May 2024

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 2 May 2024

Please note: No audio, video, photographic or any other recording of proceedings at Council or Delegated Committee meetings is permitted without written authority from Council.

Order of Business

- 1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 15 April 2024**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Presentation of officer reports**
 - 3.1 1 Creswick Street, Hawthorn (Construction of an additional dwelling on a lot) - PP21/0139
 - 3.2 24 Lyndhurst Crescent, Hawthorn - alterations and additions to a heritage dwelling - amended proposal at VCAT (P22/0415)
- 4 General business**
- 5 Urgent business**
- 6 Confidential business**
- 7 Close of meeting**

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3 Presentation of officer reports

3.1 1 Creswick Street, Hawthorn (Construction of an additional dwelling on a lot) - PP21/0139

Executive Summary

Purpose

The proposal seeks to construct an additional dwelling at the rear of 1 Creswick Street, Hawthorn. Vehicle access is proposed via the rear laneway. The site is located within the General Residential Zone (Schedule 3) and is not affected by any planning overlays.

Twenty-five (25) objections have been received to the application.

Key Issues

The following are key issues in respect to this application:

- Neighbourhood Character.
- Landscaping/vegetation impacts.
- Amenity impacts.
- Rear laneway access.

Officer's response

Following initial public notification, a formal amendment to the plans was submitted to Council which included:

- Deletion of the swimming pool.
- Improved landscaping outcomes for both the existing and new dwelling.
- Reduction in the size of the top level (from 79 square metres to 42 square metres).
- Partial removal of the driveway located in the front setback of the existing dwelling.

The revised plans were advertised to neighbours and objectors. Seven objections were received to the revised plans.

Overall, the amended proposal achieves a high level of compliance with the requirements of the General Residential Zone, Clause 55 (ResCode), and the Neighbourhood Character Precinct Statement of the Boroondara Planning Scheme, including:

- The dwelling has a maximum height of 8.03 metres and is two storeys high at any point which is well below the mandatory height controls of 12 metres and three storeys within the zone.
- The dwelling provides an appropriate transition from the three-storey apartment building located directly to the north.
- The new dwelling is fully compliant with amenity standards relating to daylight to existing windows, overshadowing, north-facing windows, and walls on boundaries which ensures off-site amenity impacts are minimised.
- The dwelling is fully compliant with Standard B17 (Side and Rear Setbacks) and the southern setbacks far exceed the requirements. This limits visual bulk amenity impacts to neighbouring properties to the south.

- Whilst it is architecturally contemporary in style, the design and materials are respectful of the neighbourhood character and the position behind an existing dwelling will limit the visibility of the new dwelling in the streetscape.
- A canopy tree is being retained in the south-east corner and two new small trees will be required to be planted.
- The use of the laneway for access for the additional dwelling is appropriate and supported by Council's Traffic Engineer. The likelihood of other dwellings which use the laneway for vehicles access being inconvenienced by additional vehicle movements is low.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attachment to this report.

Officers' recommendation

That the Urban Planning Special Committee resolve that Notice of Decision to Grant Planning Permit No. PP21/0139 for construction of an additional dwelling on a lot generally in accordance with the Section 57A plans (dated 7 February 2024; prepared by Design Edge Associates) at 1 Creswick Street, Hawthorn be issued under the Boroondara Planning Scheme subject to the following conditions:

Stormwater Drainage Plan Prerequisite Requirements

1. Prior to the submission of Amended Plans pursuant to Condition 2, Development Stormwater Drainage Plans must be submitted to and approved by Council's Asset and Capital Planning team (Drainage) the Responsible Authority. The plans must be prepared by a suitably qualified and registered Civil Engineer and must include:
 - a. The use of an On-site Stormwater Detention (OSD) system;
 - b. The connection to the Council nominated Legal Point of Discharge;
 - c. The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - d. The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the Environmentally Sustainable Design (ESD) and STORM report and include drainage details as a result of landscaping;
 - e. A suitably prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
 - f. All drainage plans must show the Trees to be retained (Tree 10, 12, 13, 14, 15, 17 and 18) and include the Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, as detailed in accordance with the arborist report submitted with the application.
 - g. All drainage plans must show proposed trees to be planted in accordance with the landscape plan submitted with the application.

Amended plans required

2. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the Section 57A plans (dated 7 February 2024; prepared by Design Edge Associates) but modified to show:
 - a. Title boundaries to be clearly shown on all site and floor plans.

- b. Demonstration the western kitchen window complies with Standard B23 (Internal views).
- c. Demonstration the highest part of the northern garage wall is fully compliant with Standard B18 (wall on boundaries) in terms of average and maximum height.
- d. Provision of screening in accordance with Standard B22 (overlooking) to the Master Bedroom's north-facing window to limit overlooking into 24 Muir Street's SPOS.
- e. Clarification that the fin screens used throughout the development is in accordance with Standard B22 including the following information:
 - i. Dimensions showing their size on floor plans and elevations.
 - ii. Annotations stating the screens will be permanent, fixed, and durable.
 - iii. Annotations stating their transparency.
- f. Location of all services including air-conditioning units to be shown on the plans and in accordance with Standard B24 (Noise Impacts).
- g. The front dwelling's storage area to be shown on the floor plans in accordance with Standard B30 (Storage).
- h. Proposed clothesline and associated pavement to be located outside of Tree 10's Tree Protection Zone.
- i. The Tree Protection Zone and Structural Root Zone of Tree Nos. 10, 12, 13, 14, 15, 17 and 18 (as identified in the Arborist Report submitted with the application prepared by Joe Kellett Arboriculture (dated 28/04/2021) drawn on all site and floor plans;
- j. Notation on all site and floor plans that Tree Nos. 10, 12, 13, 14, 15, 17 and 18 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- k. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
- l. The siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected;
- m. Permanent fencing within the Tree Protection Zone of Trees 10, 12, 13, 14, 15, 17 and 18 constructed on pier foundations with any required plinths constructed above existing grade;
- n. A notation on all plans that indicates no soil level changes within the calculated TPZ of any retained tree (excluding built form only);
- o. Initiatives contained within the Environmentally Sustainable Design (ESD) report;
- p. Development Stormwater Drainage Plans in accordance with Condition 1 of this permit;
- q. A Landscape Plan in accordance with condition 4 of this permit;
- r. A Tree Management Plan in accordance with condition 7 of this permit;
- s. A Water Sensitive Urban Design in accordance with condition 16 of this permit; and
- t. An Environmentally Sustainable Design Report in accordance with condition 17 of this permit.

Layout not to be altered

3. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Landscape plan

4. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When endorsed, the plan will form part of the permit. The landscape plan must show:
 - a. A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - b. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the rear secluded private open space of the front dwelling;
 - c. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the secluded private open space of the new rear dwelling;
 - d. Each small tree must be provided a minimum of 12 sqm of deep soil, with the available soil area clearly shown on the landscape plan;
 - e. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
 - f. All small trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
 - g. All small trees must be planted more than 1 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs.
 - h. Proposed clothesline and associated pavement to be located outside of Tree 10's Tree Protection Zone.

Completion of landscaping works

5. Landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

Landscaping maintenance

6. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Tree Management Plan

7. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 10, 12, 13, 14, 15, 17 and 18 (as identified in the Arborist Report submitted with the application prepared by Joe Kellett Arboriculture (dated 28/04/2021). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970:

2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:

- a. A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
- b. Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
- c. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
- d. All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007 Pruning of Amenity Trees and provide a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Street Trees. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.
- e. The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

8. If a Construction Management Plan is required as a condition of this permit it must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained and protected

9. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

10. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

11.

- a. Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
- b. Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Drainage

12. The site must be drained to the satisfaction of the relevant building surveyor.
13. The owner must make an arrangement with Council for the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into Council's drainage system and a final inspection shall be carried out to determine the completion of drainage in accordance with the approved plans, to the satisfaction of the Responsible Authority.
14. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
15. The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

Water Sensitive Urban Design

16. Prior to the endorsement of plans, a stormwater management plan that addresses planning policy 53.18 must be submitted and approved to the satisfaction of the responsible authority. The plan must demonstrate compliance with current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). This should be demonstrated through:
 - a. A catchment plan showing the location of proposed stormwater treatment measures and the location and area (square metres) of impermeable surfaces that drain to each treatment measure.

- b. A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (1999). Please note that for the modelling requirement you can use the following free program to demonstrate best practice, which is equivalent to a score of 100% or more: <<http://storm.melbournewater.com.au>>. Alternatively, a MUSIC modelling achieving best practice performance objectives and completed in accordance with Melbourne Water Guidelines 2018.
- c. If any water tank is proposed, the plans must indicate the tank's capacity in litres and what the tank is connected to (e.g., toilets, laundry).
- d. Stormwater treatment measures such as permeable paving or raingardens must be shown on plans including a cross-sectional diagram.

Environmentally Sustainable Development

17. Prior to the endorsement of plans, An Environmentally Sustainable Design (ESD) report must be submitted to and approved to the satisfaction of the Responsible Authority. The report must demonstrate a best practice standard of environmentally sustainable design. The ESD report must be in a final form and include information such as:

- a. A Built Environment Sustainability Scorecard (BESS) tool 'published' report achieving a minimum 50% overall score and a passing status for the Water, Energy, IEQ and Stormwater categories.
- b. National House Energy Rating (NatHERS) preliminary modelling (e.g., 7 Star)
- c. Specification for on-site renewable energy generation (e.g., solar PV)
- d. Specification for the reduction or elimination of fossil fuel use on-site.
- e. Roof material selection to mitigate the urban heat island effect.

Compliance condition

18. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Design report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Number of car parking spaces

19. A minimum of four car parking spaces must be provided on the land, to the satisfaction of the Responsible Authority.

Use of car parking spaces and driveways

20. Car spaces and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Boundary walls

21. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.

Permit to expire:

22. This permit will expire if:

- a. The development does not start within two (2) years of the issue date of this permit; or
- b. The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the development has not commenced;
or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.



PLANNING ASSESSMENT Urban Planning Delegated Committee

Application Number	PP21/0139
Date Application Received	23/02/2021
60 Day Statutory Time Frame	12 April 2024
Planning Officer	Timothy Luckin

Applicant	Virginia Faith Ronai
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Property Address	1 Creswick Street, Hawthorn
Proposal	Construction of an additional dwelling on a lot
Ward	Glenferrie

Zoning	General Residential Zone - Schedule 3
Overlays	None
Potential Overland Flow?	No

Advertised?	Yes
Number of Objections Received	25
Recommendation	Notice of Decision to issue a Planning Permit

TRANSITIONAL PROVISIONS

Are VC110 transitional provisions applicable to this application? (the application must have been lodged prior to 27 March 2017)	No
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PLANS ASSESSED IN THIS REPORT

Plans advertised on 12 March 2024

PROPOSAL

Appendix A - Plans

An application has been made to Council for the construction of an additional dwelling on a lot.

Details of the proposal are summarised as follows:-

- The proposed dwelling will be located to the rear of the existing dwelling.
- The style of the dwelling will be contemporary in design.
- The proposed dwelling will be constructed of brick veneer and scyon axon cladding with a skillion roof form consisting of colorbond sheeting.
- Tree 10 will be retained in the south-east corner of the new dwelling.

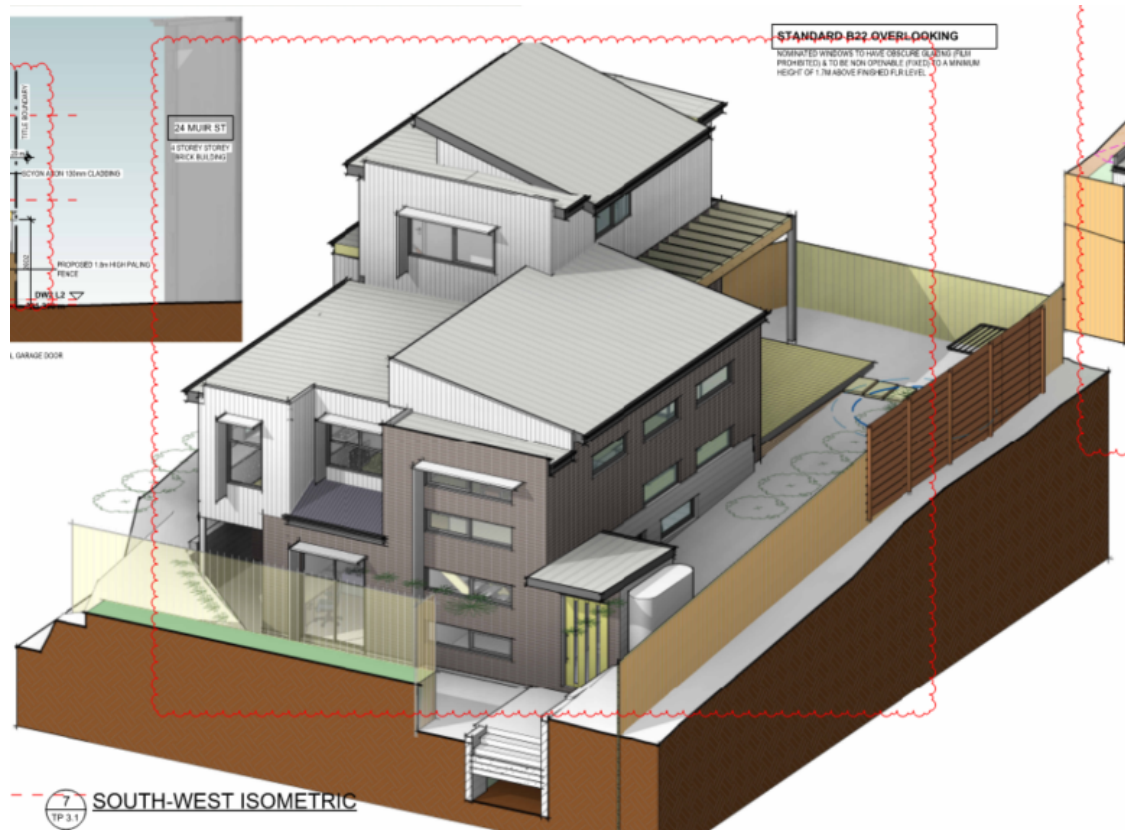


Figure 1 - 3D isometric view of the dwelling from a south-west direction

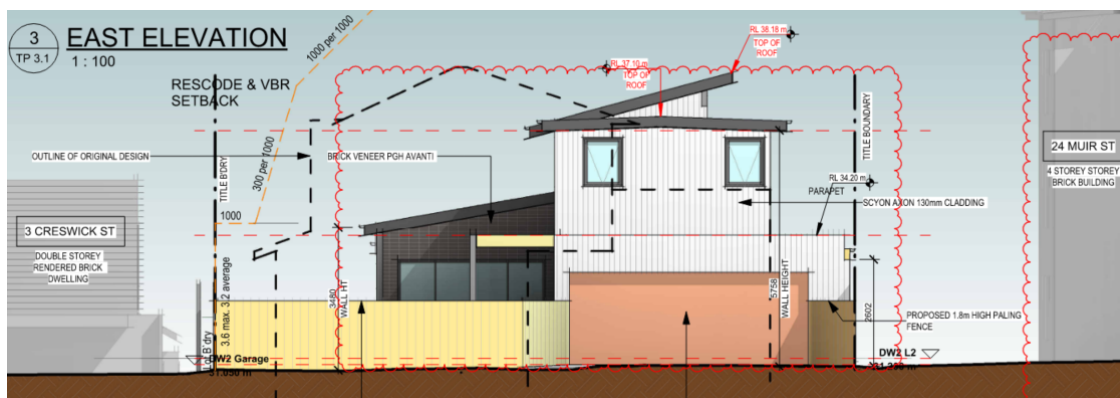


Figure 2 - East elevation of the dwelling facing the rear laneway

Proposal statistics

	New Dwelling
Number of Storeys	3
Maximum Total Height of Dwelling	8.03m
Lower Ground Area	101 m ²
Ground Floor Area	169m ²
First Floor Area (master bedroom)	42m ²
No of Bedrooms	3
Garage/Carport Type	Double garage
Total No. of Car Spaces Provided	2
Total Area of Secluded Private Open Space	95m ²

Other Details	
Site Coverage	46.42%
Permeability	34.3%
Front Fence Details	No change to existing front fence.
Crossover	No new crossover is required. A short driveway will be constructed to connect the new dwelling's garage to the rear laneway.

THE SITE

Appendix B - Locality Plan

Site Location	The subject site is located on the east side of Creswick Street.
Width of Frontage	15.37m
Maximum Depth of Site	58.71m
Total Site Area	903m ²
Easements	The subject site is not encumbered by any easements.
Fall of the Land	The site has a moderate fall from the east to the west of approximately 5 metres.
Existing Front Fence Details	The site does not have front fencing.

- The subject site is currently developed with a two storey dwelling with a flat roof.
- The existing dwelling is setback a minimum of 9 metres from Creswick Street.
- The subject site is devoid of significant vegetation.



Figure 3 - Subject Site taken from Creswick Street



Figure 4 - Subject site taken from rear laneway

THE SURROUNDING AREA



Figure 5 - Aerial view of Subject Site



Figure 6 - View of rear laneway from Muir Street

RESTRICTIVE COVENANT/AGREEMENTS

No covenant or restriction has been registered on Title for this property.

ABORIGINAL CULTURAL HERITAGE

Is the site within an area of Aboriginal cultural heritage sensitivity?	No
Is a Cultural Heritage Management Plan required?	No

PERMIT/SITE HISTORY

A review of Council records indicates that there have been no previous planning applications at the subject site.

NOTICE OF APPLICATION

Pursuant to Section 52 of the *Planning & Environment Act 1987*, the application was advertised by:-

- Sending notices to the owners and occupiers of adjoining land; and
- Placing signs on the land for a period of 14 days.

OBJECTIONS RECEIVED?

Appendix C - Map of Objectors

25 objections have been received to the proposal. The grounds of objection are summarised as follows:-

- Battle-axe style.
- Dwelling and access proposed to the laneway.
- Neighbourhood Character.
- Amenity impacts.
- Removal of vegetation and lack of landscaping.
- Overdevelopment.
- Poor quality design.
- Lack of identity and sense of address for the new dwelling.

AMENDMENTS TO THE PROPOSAL

An amendment to a planning application was lodged with Council after notification. The proposed changes are as follows:-

- Reduction in floor area to “entry level” (bottom floor).
- Reduced decking and deletion of pool at ground level.
- Reduction in floor area to “master bedroom level” (top floor).
- Additional landscaping areas including to the rear of existing dwelling.
- Revised external materiality and roof forms.
- Reduction of driveway associated with front dwelling (existing).

The revised plans were advertised to owners and occupiers of adjoining land as well as objectors to the previous plans.

INTERNAL REFERRALS

Internal Referrals

Arborist	Supported subject to conditions
Drainage	Supported subject to conditions
Traffic	Supported. Laneway is capable of supporting a new garage with limited conflict. Car parking and garage design complies with Clause 52.06 (Car Parking).

EXTERNAL REFERRALS

The application was not referred externally.

GOVERNANCE ISSUES

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

The officers responsible for this report have no general or material conflicts of interest requiring disclosure.

The report to Council and any decision arising of Council will be made available on Council's website and by inspection at the Council Offices in accordance with the requirements in the Local Government Act 2020, Council's Governance Rules and Public Transparency Policy.

CONSIDERATIONS

In assessing this application, consideration has been given to the following:-

- The objectives of planning in Victoria as detailed in Section 4 of the *Planning & Environment Act 1987*;
- Section 60 of the *Planning & Environment Act 1987*;
- The relevant provisions and decision guidelines of the Boroondara Planning Scheme including the decision guidelines of Clause 65;
- Any objections received.

This proposal does not raise any significant adverse social or economic impacts. General social and economic impacts are addressed by the planning policy assessment below.

PLANNER's ASSESSMENT

The following planning policies are relevant to the assessment of the current application:

- Clause 11 - Settlement
- Clause 12.01-1L - Protection of Biodiversity - Boroondara
- Clause 15 - Built Environment
 - Clause 15.01-1S - Urban Design
 - Clause 15.01-1L-01 Urban Design and Built Form Outcomes
 - Clause 15.01-2S - Building Design
 - Clause 15.01-5S - Neighbourhood Character
 - Clause 15.01-5L - Neighbourhood Character
- Clause 15.02 - Sustainable Development
 - Clause 15.02S - Energy and resources Efficiency
 - Clause 15.02L - Energy and resources Efficiency - Boroondara
- Clause 16 - Housing
 - Clause 16.01-1S - Housing Supply
 - Clause 16.01-1R - Housing Supply - Metropolitan Melbourne
 - Clause 16.01-1L - Housing Supply - Boroondara
 - Clause 16.01-2S - Housing Affordability
- Clause 18 - Transport
 - Clause 18.01-3S - Sustainable and Safe Transport
 - Clause 18.01-3L - Sustainable Personal Transport - Boroondara
 - Clause 18.02-4L-02 Car parking - Boroondara
- Clause 19.03-3S - Integrated Water Management
- Clause 19.03-3L - Integrated Water Management

Policy Context (Housing Framework):

The subject site is located within an established residential area and is well located in relation to jobs, services and public transport. Its location is appropriate for residential growth pursuant to Clause 16.01-1S and Clause 16.01-1L (Housing Supply), which seeks to ensure new housing is provided within established urban areas.

Clause 16.01-1L (Housing - Boroondara) seeks to facilitate development that is consistent with the level of change anticipated by the Housing Framework Plan at

Clause 02.04. The Housing Framework Plan identifies the subject site as being within the contemporary townhouse/general inner urban precinct. This precinct is described as being able to support moderate change reflecting a mixture of detached dwellings, villas and townhouses as well as apartment buildings.

The subject site is zoned within the General Residential zone. The objectives of the General Residential Zone at Clause 32.08 with regard to housing is:

- *To encourage development that respects the neighbourhood character of the area; and*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The proposal is consistent with anticipated scale of change within the area. Further, as discussed in the subsequent section of this report, the proposal has responded positively to the existing and preferred character of the area.

The subject site has convenient access to community facilities:

- 150m to the west of the subject site is public open space (Pridmore Park);
- 270m to the east is the Church Street Neighbourhood Centre which has access to a tram line.



Figure 7 - subject site and location to nearby services

Mandatory Zoning Requirements

The proposal complies with the following mandatory requirements within the General Residential Zone (Schedule 3).

Minimum Garden Area Requirement			
Lot size	Requirement	Proposed	Assessment
Above 650m ²	35% (316sqm)	37.93% (342.55sqm)	✓ Complies

Mandatory Maximum Building Height			
	Requirement	Proposed	Assessment
Building height requirement	12m	8.03m	✓ Complies
Maximum number of storeys	3	2	✓ Complies

Neighbourhood Character

Clause 15.01-5S and Clause 15.01-5L (Neighbourhood Character) seeks to ensure development respects the existing neighbourhood character and contributes positively to a preferred neighbourhood character of an area. Within the General Residential Zone - Schedule 3, it seeks to facilitate development that integrates with and complements the varied scale and type of development in the precinct. Clause 15.01-5L (Neighbourhood Character) includes the following neighbourhood character strategies for the zone (as relevant):

- *Design building facades to be consistent with those that are characteristic of the streetscape.*
- *Set development back from the front, side and rear boundaries, consistent with the preferred character of the precinct.*
- *Provide a transition in building scale and setbacks to residential properties located within the Neighbourhood Residential Zone 3 and public open space areas.*
- *Design and site development adjacent to a property in an individual Heritage Overlay fronting onto the same street so that it provides for a transition in scale and does not detrimentally impact the heritage significance of the place.*

Council's Neighbourhood Character Precinct Statements (City of Boroondara, 2013) are included as a reference document in the policy. It is located within Neighbourhood

Character Precinct 24, which is described as an area characterised by a large variety of building styles including historic and contemporary dwellings. Dwellings are typically 1 and 2 storeys and apartment buildings are 2 and 3 storeys.

The Neighbourhood Character Precinct Statement seeks to encourage development that integrates with the scale and form of buildings in the precinct and enhances the landscape setting of dwellings.

The proposed dwelling is located to the rear of the subject site and will be located behind the existing dwelling on the site. Due to the retention of the existing dwelling, views of the new dwelling from Creswick Street will be minimised. It is considered the proposed development is consistent with the character of the area in that it does not alter the existing streetscape and respects the scale and form of buildings in the surrounding area.

The below discussions are in relation to Clause 15.01-5L and the Neighbourhood Character Precinct Statement (NCPS). Tables assessing the development against each design response listed in the NCPS can be found in the appendix of this report.

Building Height

Neighbourhood Character Precinct Statement seeks to maintain the appearance of the existing one and two storey scale and pitched roof character of the precinct.

Standard B7 and GRZ3 specifies a maximum of three storeys and height of 12m due to the slope of the land. Although the application proposes a new dwelling with three levels, it is only two storeys at any given point. The new dwelling will have a maximum height of 8.03m.

The proposed building is well below the maximum allowable heights for the subject site.

Front Setback:

Council's Neighbourhood Character Precinct Statement seeks to maintain and enhance the existing streetscape rhythm. The proposed dwelling will not disrupt the existing streetscape rhythm of Creswick Street due to it being sited behind the existing dwelling on the site.

Roof form:

Neighbourhood Character Precinct Statement seeks to maintain the pitched roof character of the precinct. There are a variety of roof forms in the area with the predominant roof form consisting of pitched tiled roofs. Furthermore, visibility of the dwelling from the street is minimised as it is located behind the existing dwelling.

Materials:

Council's Neighbourhood Character Policy seeks to ensure building materials complement the character of the streetscape.

Dwellings in the streetscape generally comprise of brick, timber and render. There are numerous examples of pitched tiled roofs in the area as well as the use of corrugated iron in a variety of roof forms being both flat and pitched.

The new dwelling is proposed to be constructed with brick veneer and scyon axon cladding for the outer walls. The skillion roof will be constructed with colorbond sheeting.

These materials are considered to be consistent with the existing houses in the area. Furthermore, it is noted the dwelling will be minimally visible from the street due to its siting behind the existing dwelling.

Dwelling Entry and Sense of Address

The development is designed with a "battle axe" style format where one dwelling is located behind the other and the driveway is shared for access. It is considered to be standard practice for a rear dwelling to have pedestrian access via a shared driveway.

It is considered the rear dwelling has an appropriate sense of address. The front entry is accessed via the shared driveway from Creswick Street. It is noted street numbering of the existing dwelling and new dwelling will be altered at subdivision stage. Further, letterboxes and services will be installed along the frontage which will indicate the second dwelling behind.

In addition, the new dwelling will not be completely invisible to the street. It will be observable from Creswick Street when looking down the existing driveway.

Off-Site Amenity

The proposed development complies with the Objective and the numerical requirements of the Standards at Clause 55.04-1 (B17) Side and Rear Setbacks, Clause 55.04-3

(B19) Daylight to Existing Windows, Clause 55.04-4 (B20) North Facing Windows, and Clause 55.04-5 (B21) Overshadowing Open Space.

In terms of walls on boundary (Standard B18), only one wall along the northern boundary is proposed which is associated with a garage. The measurements for this wall comply with the Standard and therefore the Objective, however, conditions are recommended to clarify and ensure the wall on boundary is fully compliant with the Standard.

In terms of Overlooking (Standard B22), the vast majority of habitable room windows comply with the Standard. Some conditions are recommended to clarify and ensure screening measures provided are in accordance with the Standard. It is noted the north-facing window associated with the master bedroom (top floor) overlooks a secluded area associated with the apartments at 24 Muir Street. A condition is recommended to ensure this window meets the Standard.

Tree Removal and Landscaping

Tree removal:

Clause 12.01-1L (Protection of biodiversity - Boroondara), seeks to retain significant trees and canopy trees.

The subject site does not remove any vegetation worthy of retention. Tree 10 will be retained in the south-east corner of the new dwelling's SPOS. The development appropriately protects neighbouring Trees 12, 13, 14, 15, 17 and 18 which is supported by Council's Arborist. The Arborist has recommended conditions to ensure the trees are protected during construction.

This is consistent with Neighbourhood Character Precinct Statement, which seeks to ensure the retention of large trees.

Landscaping

Council's Neighbourhood Character Policy seeks to provide for areas of secluded private open space area with a minimum dimension of 4m to enable the planting and retention of large trees. The planting of trees in backyards is further supported from a biodiversity perspective at Clause 12.01-1L (Protection of biodiversity - Boroondara).

Both the new and existing dwelling have SPOS areas which have a minimum dimension exceeding 3m. A screenshot of the landscape plan is shown in Figure 8 below and

demonstrates there will be large areas provided for new planting including trees. Conditions will require a new small tree to be planted in each secluded private open space.

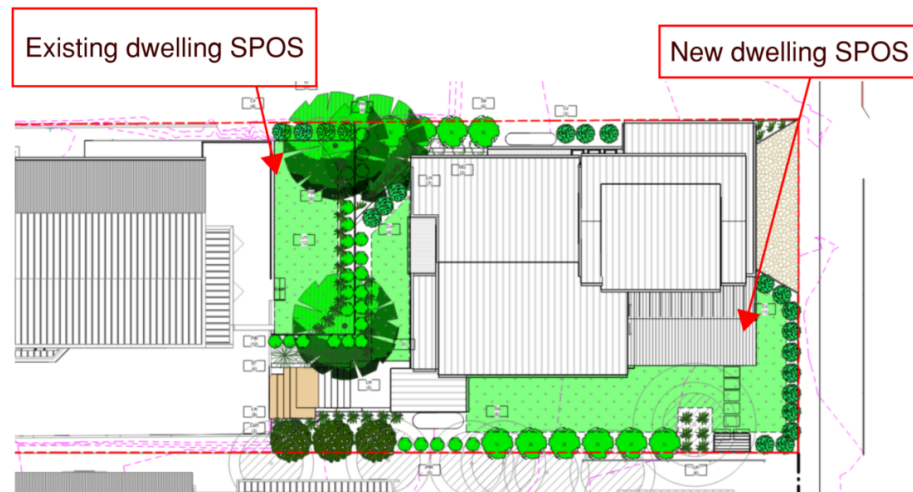


Figure 8 - Proposed landscaping

On-site Amenity

The proposal complies with Clauses 55.05-3 (Daylight to New Windows), Clause 55.04-4 (Private Open Space), and Clause 55.05-5 (Solar Access to Open Space) with regard to on site amenity.

Car Parking and Traffic

The proposed development provides four car parking spaces (two for each dwelling). This complies with Clause 52.06 (Car Parking) and no reduction in car parking is sought.

The existing site conditions include two garages which face the rear laneway at different angles (refer to Figure 4 above). The proposal simplifies the existing conditions by proposing one garage. Therefore, it is considered the development will improve on the existing conditions.

The proposed garage is provided with internal dimensions which comply with Clause 52.06. Council's Traffic Officer has performed a swept path assessment and has concluded there is sufficient room for cars to enter/exit the garage via the laneway.

In addition, the Traffic Officer assessed the impacts of a new garage accessing the laneway. Their advice noted the new garage would likely result in an additional six vehicle movements per day, including one movement in the morning and afternoon peak periods. They further noted there are only 8 properties that access the laneway and only four properties are south of the subject site. Their assessment concluded the probability of conflict along the laneway as a result of an additional garage is extremely limited.

OBJECTION RESPONSE

Those matters not already addressed in the foregoing report are discussed below:-

Total Number of Objections Received:	25
Summary of Objection	Officer Comment
Loss of views	Whilst it is recognised that views may form part of residential amenity, there are no specific controls within the Boroondara Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.
Battle axe style development in inappropriate.	<p>The battle axe style development is common practice in planning and is not considered to be inappropriate.</p> <p>The new dwelling's pedestrian access will be via the existing driveway to Creswick Street.</p> <p>The new dwelling's car access will be via the laneway which does not change existing conditions (the existing house has two garages to the laneway).</p>
Access via the laneway is inappropriate.	<p>The new dwelling's garage is proposed to access the laneway.</p> <p>The existing conditions of the laneway have been observed to already contain two garages. The proposed development</p>

	<p>is not considered to worsen the existing conditions and will simplify the current arrangement by converting two garages at different angles into one garage facing one direction.</p> <p>Council's Traffic Officer has assessed the laneway and concluded the laneway can accommodate additional car movements. They have further noted the probability of conflict along the laneway as a result of an additional garage is extremely limited.</p>
Neighbourhood Character concerns including size, materiality, design, and landscaping.	A detailed assessment regarding neighbourhood character has been undertaken in the Neighbourhood Character Policy section of this report (see pages 11-14) and Appendix B of the report.
Garden area	The plans have been assessed against the mandatory garden area requirement and found to be compliant.
Allowing this development sets a precedent for other sites connecting to the laneway.	<p>The current planning controls allow any site connecting to the laneway to be developed with an additional dwelling.</p> <p>Each site is assessed on its own planning merits.</p>
Overdevelopment	<p>The proposal satisfies the requirements of ResCode in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an over development of the site.</p> <p>Dwelling density in and of itself is not a relevant consideration in the assessment of this proposal, as it is not an adequate measure of the external impacts that may be caused by the built form or of the internal amenity within the development. The high level of internal amenity of the</p>

	proposed dwellings and the limited off-site amenity impacts suggests that the application has not attempted to squeeze too many dwellings onto the land.
The dwelling is of poor quality.	The development has been found to meet all internal amenity ResCode standards including daylight to existing windows and private open space.
Overlooking	<p>A detailed assessment regarding overlooking impacts has been undertaken in the Planning Assessment under the heading 'Offsite Amenity Impacts' and in Appendix B.</p> <p>Some conditions are proposed to ensure compliance with Standard B22 (Overlooking).</p>
Pressure on infrastructure.	The capacity of services in the area is a matter for the relevant servicing authorities. The applicant will be required to ensure appropriate connections at the subdivision stage of the project.
Inappropriate setbacks	The development meets Standards B6 (front setback), B17 (side and rear setbacks) and B18 (walls on boundaries). These standards are "deemed to comply" with the Objective.
Private open space is inappropriate	The Secluded Private Open Space area is conveniently accessible from the living room. The area provided exceeds the open space requirements of ResCode and has sufficient solar access.
Loss of trees	<p>Council's Arborist has assessed the trees to be removed and has no objection given their size being below the Tree Protection Local Law threshold.</p> <p>The balance of vegetation on the site contributes little to the overall neighbourhood character of the area.</p>

	A condition on the planning permit will require a landscape plan to be submitted and endorsed as part of the planning permit to provide appropriate planting. These conditions will require a new tree to be planted in the secluded private open space of each dwelling.
Amenity impacts	A detailed assessment regarding external amenity impacts has been undertaken in the Planning Assessment under the heading 'Offsite Amenity Impacts' and in Appendix B.
Mechanical plant equipment has not been shown.	This information will be conditioned and required to comply with Standard B24 (noise impacts).
Lack of identity and sense of address for the new residents and emergency services.	<p>The proposal is no different from a standard "battle axe" style development. It is standard practice for the rear dwelling to have pedestrian access via a shared driveway.</p> <p>Street numbering of the existing dwelling and new dwelling will be altered at subdivision stage. Further, letterboxes and services will be installed along the frontage which will indicate the second dwelling behind.</p> <p>In addition, the new dwelling will not be completely invisible to the street. It will be observable from Creswick Street when looking down the existing driveway.</p>
Calculations and claims in the applicant's submissions are incorrect.	Council's officers have conducted their own assessment of the plans and found the proposal to be strongly compliant with ResCode Objectives. Their assessment can be found in Appendix C.
Impacts during construction.	Potential damage to adjoining properties from construction is not a matter that can be considered through the planning process. It is a matter that would be need

	<p>to be addressed by the relevant Building Surveyor through the issue of building notices and the taking out of insurance prior to the commencement of construction.</p> <p>Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated.</p>
Noise generated by additional dwellings.	<p>The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter.</p>

APPENDIX A - REFERRAL COMMENTS

The application was referred to the following:

Traffic**Swept path analysis:**

Swept path assessments have been performed for the proposed rear garage at 1 Creswick Street, Hawthorn.

The swept path assessments indicate satisfactory access to/from the garage via the 3m wide rear laneway. It is noted that a corrective manoeuvre is required while accessing both car parking spaces and while exiting one of the car parking spaces.

Advice regarding laneway access:

With regard to your further enquiry relating to the probability of conflict within the rear laneway adjacent to 1 Creswick Street, Hawthorn, and the proposed additional dwelling and rear access the following additional advice is provided:

It is noted that the rear laneway only provides rear access to a maximum of eight properties and does not permit through movement between Muir Street and Mason Street. On this basis, there is currently limited vehicular access in the laneway and this is only associated with resident-generated traffic.

The existing dwelling includes two separate single garages at the rear property boundary which have been in place for a number of years, and whilst may not be regularly utilised, are present in the context of the laneway. The addition of a second dwelling at the rear of 1 Creswick Street will likely result in an additional daily traffic generation for the dwelling of up to six vehicle movements per day, including only one movement in the morning and afternoon peak periods.

Given the presence of rear garages as part of the existing dwelling, it is reasonable that there is already a level of traffic in the laneway associated with the development site. The proposed double garage at the rear of 1 Creswick Street as a part of the current development proposal will result in a minor/marginal increase in traffic within the laneway. These type of laneways are designed to accommodate up to 300 vehicles per day, including up to 30 movements in a peak hour.

Considering that the laneway only services a total of eight properties and that only four of these properties are located south of the subject site, it is considered that the probability of conflict along the laneway a result of additional site generated traffic from the new dwelling is extremely

limited. In the extremely unlikely event that a conflict does occur, it is also considered reasonable that motorists would exercise a level of courtesy to allow access to be achieved.

Accordingly, it is considered that the additional site-generated traffic in the laneway will not result in significant impact to abutting stakeholders and may be accommodated in the surrounding road network.

Arborist

ARBORIST REFERRAL RECOMMENDATION SUMMARY:

- The proposal is supported subject to minor changes (to be achieved through conditions)

SUMMARY COMMENTS:

The following issues are identified:

1. Deletion of part of the deck to allow for replacement planting as outlined in landscape conditions.

Note: following submission of the S57A plans, this requirement has been satisfied. The only change needed is to move the clothesline out of the TPZ of Tree 10.

DETAILED COMMENTS:

Detailed Internal Arborist Comments:

Trees 1-7, 9 and 19 - Subject site trees

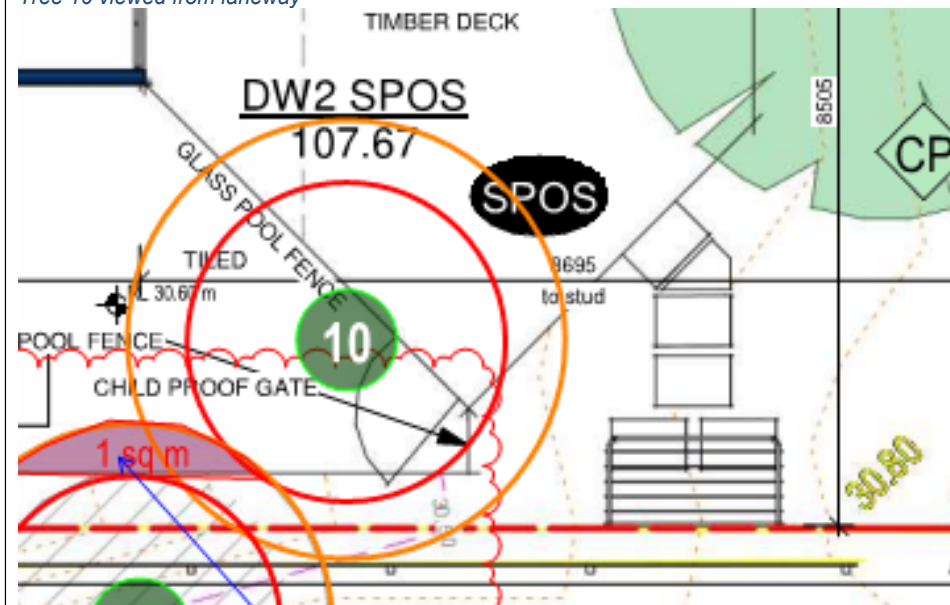
This group of trees were assessed to have low amenity value due to their species, structure, health, size, and location. Their removal would be supported and would not require a local law permit.

Tree 8 - Subject site tree

Self-seeded weed species tree with low amenity value. This tree is supported for removal and does not require a local law permit.

Tree 10 - Subject site tree

This tree has been identified in the arborist report as being of low retention value due to its health, structure and issues with wood borers. The tree is of relatively low amenity and retention value with borer damage observed within the main trunk and branch attachment. The removal of this tree does not require a local law permit. The tree could be retained with the deletion of parts of the deck and reconfiguration of the pool fence, but given its condition, size and potential impacts to property in the future, its removal with more suitably located replacement planting is considered a good outcome.



Tree 10 - approx location and TPZ/SRZ

Tree 11 - Subject site tree

This tree was assessed to have low amenity value due to species, structure, health, size, and location. Its removal would be supported with replacement planting. Given the multi stemmed structure of this tree it appears that a local law permit is required.

Trees 12 - 15 - Neighbouring trees

The proposed development represents a minor TPZ encroachment of all of these trees which is unlikely to have significant impacts. The existing grade must be maintained within the remainder of the TPZ outside the proposed built form.

Trees 17 and 18 - Neighbouring trees

The proposed rain garden and steps represent minor encroachments for these trees. They are unlikely to be impacted, however the existing grade must be maintained within the remainder of the TPZ outside the proposed built form.

TREE PROTECTION LOCAL LAW PERMITS REQUIRED?	Yes
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Tree Protection Local Law Permits Will Be Approved For (Tree Numbers): 11

Tree Protection Local Law Permits Will NOT Be Approved For (Tree Numbers):

Please include the following conditions:

Amended plans required

1. Plans modified to show:

- a) Proposed clothesline and associated pavement to be located outside of Tree 10's Tree Protection Zone.
- b) The Tree Protection Zone and Structural Root Zone of Tree Nos. 10, 12, 13, 14, 15, 17 and 18 (as identified in the Arborist Report submitted with the application prepared by Joe Kellett Arboriculture (dated 28/04/2021) drawn on all site and floor plans;
- c) Notation on all site and floor plans that Tree Nos. 10, 12, 13, 14, 15, 17 and 18 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- d) Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;

- e) The siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.
- f) Permanent fencing within the Tree Protection Zone of Trees 10, 12, 13, 14, 15, 17 and 18 constructed on pier foundations with any required plinths constructed above existing grade.
- g) A notation on all plans that indicates no soil level changes within the calculated TPZ of any retained tree (excluding built form only)
- h) Deletion of decking to facilitate replacement canopy tree planting as required in the Landscape Plan conditions of this permit.

Landscape plan

- a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
- b) One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the rear secluded private open space of the existing dwelling;
- c) Each small tree must be provided a minimum of 12 sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- d) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- e) All small trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- f) All small trees must be planted more than 1 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- g) Proposed clothesline and associated pavement to be located outside of Tree 10's Tree Protection Zone.

Tree Management Plan

2. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 10, 12, 13, 14, 15, 17 and 18 (as identified in the Arborist Report submitted with the application prepared by Joe Kellett Arboriculture (dated 28/04/2021). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
- d) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007 Pruning of Amenity Trees and provide a detailed photographic diagram specifying what pruning will occur. *Note: Only Council or Authorised Council Contractors can prune Trees Nos. XX. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
- e) The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

- 3. If a Construction Management Plan is required as a condition of this permit it must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained and protected

- 4. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to

the protection of those trees.

Regulation of activities in Tree Protection Area

5. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

6. a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
- b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Drainage

FLOODING		
	YES	NO
Is the property designated as subject to flooding by an SBO, LSIO or Urban Floodway zone?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property considered as subject to flooding according to the City of Boroondara's overland flow layer in WEAVE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are modifications to the proposed development/sub-division required to mitigate flooding or overland flow risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:		

DRAINAGE		
	YES	NO
Legal Point of Discharge:		
Description: middle of the front of the property		
Approved Connection Point:		
Description: direct connection to the Council pit in the road reserve		
Is the FFL of habitable areas 300 mm above the overflow level of the point of discharge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the FFL of non-habitable areas 150 mm above the overflow level of the point of discharge	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is onsite detention required? (provide details below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are outfall drainage works required? (provide details below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:		

BASEMENT OF SUB-SURFACE DRAINAGE		
	YES	NO
Do the proposed works include a basement or any other structure that will result in the collection and discharge of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES , Is (or will) the property connects to a sealed drainage system (ie: discharge from the site will not exit to kerb and channel.)	<input type="checkbox"/>	<input type="checkbox"/>
Are outfall drainage works required to address sub-surface drainage issues	<input type="checkbox"/>	<input type="checkbox"/>
Comments:		

EASEMENTS		
	YES	NO
Are any drainage easements on the property title?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any implied easements associated with Council Assets on	<input type="checkbox"/>	<input checked="" type="checkbox"/>

the site?		
Description of easements (designated, shared, private or implied):		

BUILD OVER EASEMENTS		
	YES	NO
Are any works proposed on any easement on the site (designated and implied)	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed works impact on any Council Assets	<input type="checkbox"/>	<input type="checkbox"/>
Do the proposed works provide at least 1 m clearance from existing or proposed Council Assets?	<input type="checkbox"/>	<input type="checkbox"/>
Description of works proposed over easement(s):		
Are the proposed works over the easement likely to be approved by Council:	<input type="checkbox"/>	<input type="checkbox"/>
If NO, describe possible modifications to the proposed works in order to obtain approval:		

COMMENTS
<input checked="" type="checkbox"/> The application is supported. <input type="checkbox"/> The application is not supported.
OVERALL COMMENTS:

STANDARD CONDITIONS REQUIRED FOR PLANNING PERMIT

- The site must be drained to the satisfaction of the relevant building surveyor.
- The owner must make an arrangement with Council for the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into Council's drainage system and a final inspection shall be carried out to determine the completion of drainage in accordance with the approved plans, to the satisfaction of the Responsible Authority.

- No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

STANDARD NOTES REQUIRED FOR PLANNING PERMIT

- *Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Asset Management).*
- *Stormwater drainage plans must include the location of any existing or proposed trees within the vicinity of drainage works and document how any potential conflicts between trees and drains will be addressed during and after construction.*
- *Stormwater drainage runoff shall be collected in a complete and effective system of drains and connected to the Approved Point of Stormwater Discharge.*
- *Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.*
- *A Control pit is to be located in an appropriate location and a suitable path is to be designed for stormwater which surcharges from the pit once the design storm has been exceeded.*
- *The proposed development is to provide adequate clearance for overland flow through the property.*
- *Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards.*
- *Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved*

stormwater detention system designed to Council specifications.

SUMMARY

- ☒ The application is supported.
☐ The application is not supported.

APPENDIX B - PLANNING POLICIES

Clause 15.01-5L - Neighbourhood character - Boroondara

The following table contains an assessment against the design objectives and responses contained within the relevant Neighbourhood Character Precinct:

Vegetation Objective	
<ul style="list-style-type: none"> <i>To enhance the landscaped setting of dwellings.</i> 	
Design Response	Assessment
Ensure front gardens incorporate soft landscaping that complements the streetscape.	✓ Complies
Ensure the retention of large trees.	✓ Complies

Siting Objective	
<ul style="list-style-type: none"> <i>To maintain and enhance the existing streetscape rhythm.</i> <i>To enhance the landscape character of the streetscape by providing sufficient space for vegetation.</i> 	
Design Response	Assessment
Ensure buildings are setback no less than the average distance of the front setback of the adjoining properties on either side or 9m, whichever is less.	✓ Complies
Provide a secluded private open space area with a minimum dimension of 4m to enable the planting and retention of large trees.	✓ Complies
Ensure new development on a corner site is adequately set back to provide a transition between the adjoining buildings.	N/A

Building Height & Form Objective

- To ensure building adjoining the Yarra River Parklands integrate with the river's treed environment and maintain the natural setting of the corridor.*

<ul style="list-style-type: none"> <i>To ensure buildings integrate with the scale of buildings in the street.</i> <i>To protect views of the city from public spaces.</i> 	
Design Response	Assessment
Ensure buildings are no higher than 3 storeys to the street.	✓ Complies
Ensure buildings on lots adjoining the Yarra River parklands are designed to sit comfortably within the surrounding tree canopy.	N/A
Ensure new development respects the scale of the streetscape and creates a transition between the different scales within the immediate area.	✓ Complies
Ensure new development does not obscure views of the city skyline.	✓ Complies

Building Materials & Design Details Objective	
<ul style="list-style-type: none"> <i>To ensure building materials and façade articulation integrates within the streetscape and natural setting of the Yarra River parklands.</i> <i>To minimise the period reproduction design.</i> 	
Design Response	Assessment
Break buildings into separate elements and use different colours and materials that integrate with surrounding buildings and enhance the streetscape character.	✓ Complies
Ensure new dwellings and visible additions complement the historic buildings in the precinct.	✓ Complies
Ensure rooflines of new buildings, extensions and additions incorporate sloping roofs with greater than 10 degrees roof slope and reflect the existing character of surrounding dwellings.	✓ Complies
Use muted colours and building materials for building elements visible from the Yarra River parklands.	✓ Complies

Front Boundary Treatment Objective	
<ul style="list-style-type: none"> <i>To maintain the predominant low to medium front fence heights.</i> <i>To maintain views of front gardens.</i> 	
Design Response	Assessment
Ensure front fences are no more than 1.5m or the average fence height in the street (whichever is less).	N/A
Ensure the retention of original front fences where heritage overlays apply.	N/A
Front fences along declared main roads (RD1Z) may be up to 2m in height where this is consistent with the prevailing fence	N/A

height on the neighbouring properties.	
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Car Parking Structures Objective	
<ul style="list-style-type: none"> <i>To minimise the loss of front gardens and the dominance of car parking structures.</i> <i>To ensure basement or under-croft parking areas do not increase the visual bulk of buildings.</i> 	
Design Response	Assessment
Ensure car parking structures, including entrances to basements, are setback at least 1m behind the dwelling façade and are designed to minimise their prominence.	✓ Complies
Ensure basements project no more than 0.5m above natural ground level, unless the finished floor level of abutting properties is greater than 0.5m.	N/A
Where possible, locate the entry to basement garages to the side or rear of dwellings so they are not visible from the street.	N/A
Ensure basement entrances are setback at least 5m from the primary street frontage and 1m behind the front wall of the building.	N/A

Particular Provisions

Clause 52.06-2 (Provision of Car Parking Spaces)

Table 1: Car Parking Requirement				
Use	Rate (Column B)	Car Parking Measure	Proposed Car Spaces	Assessment
Dwelling	1	1 or 2 bedroom dwellings	N/A	N/A
	2	3 or more bedroom dwellings	4	✓
	0	Visitors to every 5 dwellings for developments of 5 or more dwellings	N/A	N/A

Clause 52.06-9 (Design Standards)

Design Standard 1 - Accessways	
Standard	Assessment
<i>Accessways must:</i>	
• <i>Be at least 3 metres wide</i>	✓
• <i>Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.</i>	N/A
• <i>Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</i>	N/A
• <i>Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.</i>	✓
• <i>If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.</i>	N/A
• <i>Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.</i>	N/A
• <i>Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.</i>	✓
• <i>If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.</i>	N/A
• <i>If entry to the car space is from a road, the width of the accessway may include the road.</i>	N/A

Design Standard 2 - Car Parking Spaces	
Standard	Assessment
<i>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</i>	N/A
<i>A wall, fence, column, tree, tree guard or any other structure that</i>	N/A

<p><i>abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1 of Design Standard 2 of Clause 52.06-9, other than:</i></p> <ul style="list-style-type: none"> <i>• A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.</i> <i>• A structure, which may project into the space if it is at least 2.1 metres above the space.</i> 	
<i>Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.</i>	✓
<i>Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space</i>	N/A
<i>Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover</i>	✓
<i>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</i>	N/A

Design Standard 3 - Gradients	
Standard	Assessment
<p><i>Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage.</i></p> <p><i>This does not apply to accessways serving three dwellings or less.</i></p>	N/A
<i>Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.</i>	Refer to table below
<i>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</i>	N/A
<i>Plans must include an assessment of grade changes of greater than</i>	N/A

<i>1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.</i>	
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Table 3: Ramp Gradients				
Type of car park	Ramp length	Maximum grade	Proposed grade	Assessment
Private or Residential Car Park	20.0m or less	1:4 (25%)	14.11%	✓

Design Standard 4 - Mechanical Parking - N/A

Design Standard 5 - Urban Design	
Standard	Assessment
<i>Ground level car parking, garage doors and accessways must not visually dominate public space.</i>	✓
<i>Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</i>	N/A
<i>Design of car parks must take into account their use as entry points to the site.</i>	✓
<i>Design of new internal streets in developments must maximise on street parking opportunities.</i>	N/A

Design Standard 6 - Safety	
Standard	Assessment
<i>Car parking must be well lit and clearly signed.</i>	✓
<i>The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.</i>	N/A
<i>Pedestrian access to car parking areas from the street must be convenient.</i>	N/A
<i>Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.</i>	N/A

Design Standard 7 - Landscaping	
Standard	Assessment
<i>The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.</i>	N/A

<i>Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.</i>	N/A
<i>Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.</i>	N/A

Clause 53.18 - Stormwater Management in Urban Development

The purpose of the particular provision is *'to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

The application provided a Water Sensitive Urban Design response which included:

- A site plan showing the location of proposed stormwater treatment measures and the location and area of impermeable surfaces that drain to each treatment measure.
- Provision of a water tank 4000 capacity in litres and the tank is connected to toilets.

However, the assessment did not take into account the existing front dwelling, nor did it include a written statement outlining how the application achieves current best practice performance objectives for stormwater quality.

Further detail is required by condition to ensure compliance with the relevant objectives and standards.

APPENDIX C - RESCODE ASSESSMENT

Planning Scheme Amendments VC242 (approved 20 September 2023), VC243 (approved 22 September 2023) and part of VC 246 (approved 25 September 2023) relates to the Planning Reforms and more particularly removes the permit trigger in the Neighbourhood Residential Zone and General Residential Zone for lots between 300sqm and 500sqm. The planning reform also changes the criteria for VicSmart applications on lots less than 300sqm and changes the operation of ResCode. ResCode now requires a development:

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.

If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.

Where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

Clause 55.02 - Neighbourhood Character & Infrastructure

Clause 55.02-1 (B1) Neighbourhood Character

Objective	Assessment
<i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i>	✓
<i>To ensure that development responds to the features of the site and the surrounding area.</i>	✓

Clause 55.02-2 (B2) Residential Policy

Objective	Assessment
<i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	✓
<i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i>	✓

Clause 55.02-3 (B3) Dwelling Diversity

Objective	Assessment
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	N/A

Clause 55.02-4 (B4) Infrastructure

Objective	Assessment
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	✓
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	✓

Clause 55.02-5 (B5) Integration With The Street

Objective	Assessment
<i>To integrate the layout of development with the street.</i>	✓

Clause 55.03 - Site Layout and Building Massing

Clause 55.03-1 (B6) Street Setback - Deemed to Comply Standard

Objective	Assessment
<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i>	✓

Table B1 Street Setback

Development context	Minimum setback from front street	Minimum setback from a side street
<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i>	<i>Not applicable</i>

New Dwelling

	Proposed	Required	Assessment
Front	40m	9m	✓

Clause 55.03-2 (B7) Building Height - Deemed to Comply Standard

Objective	Assessment
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	✓

General Residential Zone - Schedule 3

Proposed Max. Height	Proposed Max. Storeys	Max. Height Allowed	Max. Storeys Allowed	Assessment
8.03m	2	12m	3	✓

Clause 55.03-3 (B8) Site Coverage - Deemed to Comply Standard

Objective	Assessment
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	✓

Proposed	Required	Assessment
46.42%	60%	✓

Clause 55.03-4 (B9) Permeability	
Objective	Assessment
<i>To reduce the impact of increased stormwater run-off on the drainage system.</i>	✓
<i>To facilitate on-site stormwater infiltration.</i>	✓
<i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i>	✓

Proposed	Required	Assessment
34.3%	20%	✓

Clause 55.03-5 (B10) Energy Efficiency	
Objective	Assessment
<i>To achieve and protect energy efficient dwellings and residential buildings.</i>	✓
<i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	✓

Clause 55.03-6 (B11) Open Space	
Objective	Assessment
<i>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</i>	N/A

Clause 55.03-7 (B12) Safety	
Objective	Assessment
<i>To ensure the layout of development provides for the safety and security of residents and property.</i>	✓

Clause 55.03-8 (B13) Landscaping	
Objective	Assessment
<i>To encourage development that respects the landscape character of the neighbourhood.</i>	✓
<i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i>	✓
<i>To provide appropriate landscaping.</i>	✓
<i>To encourage the retention of mature vegetation on the site.</i>	✓

Clause 55.03-9 (B14) Access	
Objective	Assessment
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i>	N/A
Standard	Assessment
<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> <i>• 33 per cent of the street frontage, or</i> <i>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</i> <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i></p> <p><i>The location of crossovers should maximise the retention of on-street car parking spaces.</i></p> <p><i>The number of access points to a road in a Road Zone should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	N/A

Clause 55.03-10 (B15) Parking Location	
Objective	Assessment
<i>To provide convenient parking for resident and visitor vehicles.</i>	✓
<i>To protect residents from vehicular noise within developments.</i>	✓
Standard	Assessment
<p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> <i>• Be reasonably close and convenient to dwellings and residential buildings.</i> <i>• Be secure.</i> <i>• Be well ventilated if enclosed.</i> <p><i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</i></p>	✓

Clause 55.04 - Amenity Impacts

Clause 55.04-1 (B17) Side and Rear Setbacks - Deemed to Comply Standard	
Objective	Assessment
<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and</i>	✓

<i>limits the impact on the amenity of existing dwellings.</i>	
Standard	
<p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</i></p> <ul style="list-style-type: none"> <i>At least the distance specified in a schedule to the zone, or</i> <i>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> <p><i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i></p> <p><i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i></p>	<p>Refer to tables below</p>

New Dwelling - “Entry Level” (Lower Ground Floor)				
	Wall Height	Setback	Setback Required	Assessment
North	1.9m	1.27m	1m	✓
East	<0m	8.14m	0m	✓
South	1.979m	1.915m	1m	✓
West	N/A - front setback			
New Dwelling - Ground Level (Middle Floor)				
	Wall Height	Setback	Setback Required	Assessment
North	4.7m	2.1m	1.33m	✓
East	3.3m	2m	1m	✓
South	5m	3.9m	1.42m	✓
West	N/A - front setback			
New Dwelling - “Master Bedroom” Level (Top Floor)				
	Wall Height	Setback	Setback Required	Assessment
North	6.906m	2.06m	1.996m	✓
	8.03m	3.6m	3.12m	✓
East	6.05m	2.54m	1.735m	✓
	7.26m	3.69m	2.35m	✓
South	7.12m	8.32m	2.21m	✓
West	N/A - front setback			

Clause 55.04-2 (B18) Walls On Boundaries - Deemed to Comply Standard	
Objective	Assessment
<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	✓
Standard	
<p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</i></p> <ul style="list-style-type: none"> <i>For a length of more than the distance specified in a schedule to the zone; or</i> <i>If no distance is specified in a schedule to the zone, for a length of more than:</i> 	Refer to table below

<ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>whichever is the greater.</p>	
<p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p>	N/A
<p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	Refer to table below

Standard B18 Requirements						
Boundary	Max. Height	Ave. Height	Assessment	Wall Length	Required	Assessment
North	3.53m	3.11m	✓	6.19m	18.9m	✓

Clause 55.04-3 (B19) Daylight to Existing Windows - Deemed to Comply Standard	
Objective	Assessment
To allow adequate daylight into existing habitable room windows.	✓
Standard	
Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.	Refer to table below
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	Refer to table below

<i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>	
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Adjoining Window	3m ² Light Court	Wall Height	Setback from Window	Required	Assessment
24 Muir Street	✓	1.9m (Entry) 4.7m (Ground) 6.906m (master)	8.011m 8.818m 9.153m	N/A 2.35m 3.453m	✓ ✓ ✓
3 Creswick Street	✓	1.98m (Entry) 5m (Ground)	3.2m 5.193m	N/A 2.5m	✓ ✓
4 Calvin Street	✓	3.3m (Ground) 6.05m (master)	No windows within 5m	1.515m 3.025m	✓ ✓
6 Calvin Street	✓	3.3m (Ground) 6.05m (master)	No windows within 5m	1.515m 3.025m	✓

Clause 55.04-4 (B20) North Facing Windows - Deemed to Comply Standard	
Objective	Assessment
<i>To allow adequate solar access to existing north-facing habitable room windows.</i>	✓
Standard	
<i>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i>	Refer to table below

Standard B20 - North Facing Windows				
Adjoining Window	Wall Height	Setback from Boundary	Required	Assessment
3 Creswick Street	1.98m (Entry)	1.915m	1m	✓
	5m (Ground)	3.905m	1.84m	✓

Clause 55.04-5 (B21) Overshadowing Open Space - Deemed to Comply Standard	
Objective	Assessment
<i>To ensure buildings do not significantly overshadow existing secluded private open space.</i>	✓
Standard	
<p><i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i></p> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>	✓

Standard B21				
Address of adjoining property	Size of SPOS	Shadow test	Amount of additional shadow	Assessment
3 Creswick Street	Approx. 200sqm	40sqm	None	✓
4 Calvin Street	Approx. 130sqm	40sqm	None	✓
6 Calvin Street	Approx. 112sqm	40sqm	None	✓
8 Calvin Street	Approx. 165sqm	40sqm	None	✓
20 Muir Street	Approx. 100sqm	40sqm	None	✓
24 Muir Street	Approx. 145sqm	40sqm	None	✓

Clause 55.04-6 (B22) Overlooking - Deemed to Comply Standard

Objective		Assessment
<i>To limit views into existing secluded private open space and habitable room windows.</i>		✓ (Subject to conditions)
Standard		
<p><i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space or habitable room window of an existing dwelling (horizontal 9m rule and from a height of 1.7m above floor level).</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view should be either:</i></p> <ul style="list-style-type: none"> <i>Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</i> <i>Have sill heights of at least 1.7 metres above floor level.</i> <i>Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</i> <i>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</i> 		x
<i>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</i>		N/A
<p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <i>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i> <i>Permanent, fixed and durable.</i> <i>Designed and coloured to blend in with the development.</i> 		✓
<i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i>		✓

New Dwelling - Habitable Rooms Only				
Room	Floor Level	Orientation	Screening Type	Assessment
Master Bedroom	First floor	North-facing	No screening provided.	Conditions required

		South-facing	Clarification required.	
		West-facing	Not required, does not overlook neighbouring SPOS within 9m	
Bedroom 2	"Entry" level	West-facing	Not required, does not overlook neighbouring SPOS within 9m	✓
Bedroom 3	"Entry" level	West-facing	Not required, does not overlook neighbouring SPOS within 9m	✓
Kitchen	Ground floor	West-facing	Not required, does not overlook neighbouring SPOS within 9m	✓
Living Room	Ground floor	South-facing	Sill height is 1.7m above FFL.	✓
Dining	Ground floor	South-facing	Sill height is 1.7m above FFL.	✓
		West-facing	Not required, does not overlook neighbouring SPOS within 9m	✓
2 nd Living	"Entry" level	South-facing	Existing 2m	✓

Room		West-facing	high boundary fence. Not required, does not overlook neighbouring SPOS within 9m	✓
Deck	Ground floor	South-facing	Existing 2m high boundary fence	✓
SPOS	Ground floor	South-facing	Existing 2m high boundary fence	✓

Clause 55.04-7 (B23) Internal Views

Objective	Assessment
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i>	✓

Clause 55.04-8 (B24) Noise Impacts

Objective	Assessment
<i>To contain noise sources in developments that may affect existing dwellings.</i>	✓
<i>To protect residents from external noise.</i>	✓

Clause 55.05 - On-Site Amenity and Facilities**Clause 55.05-1 (B25) Accessibility**

Objective	Assessment
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i>	✓

Clause 55.05-2 (B26) Dwelling Entry

Objective	Assessment
<i>To provide each dwelling or residential building with its own sense of identity.</i>	✓

Clause 55.05-3 (B27) Daylight to New Windows - Deemed to Comply Standard	
Objective	Assessment
<i>To allow adequate daylight into new habitable room windows.</i>	✓

Clause 55.05-4 (B28) Private Open Space - Deemed to Comply Standard	
Objective	Assessment
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	✓
Standard	Refer to table below
<p><i>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</i></p> <ul style="list-style-type: none"> <i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</i> <i>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</i> <i>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</i> <p><i>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</i></p>	

Dwelling	Proposed SPOS	Proposed POS	Min. dimension	Required SPOS/POS		Assessment
New Dwelling	95m ²	150m ²	8m	25m ²	40m ²	✓
Existing Dwelling	55m ²	196m ²	3.75m	25m ²	40m ²	✓

Clause 55.05-5 (B29) Solar Access to Open Space	
Objective	Assessment
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i>	✓
Standard	
<i>The private open space should be located on the north side of the</i>	

<i>dwelling or residential building, if appropriate.</i>	
<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</i>	Refer to table below

	Wall Height	Setback	Required	Assessment
New Dwelling	6.6m	8.3m	7.94m	✓
Existing Dwelling	10.81m	15m	11.73m	✓

Clause 55.05-6 (B30) Storage - Deemed to Comply Standard	
Objective	Assessment
<i>To provide adequate storage facilities for each dwelling.</i>	✓ (subject to condition)

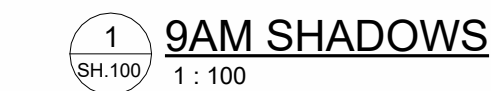
Clause 55.06 - Detailed Design

Clause 55.06-1 (B31) Design Detail	
Objective	Assessment
<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	✓

Clause 55.06-2 (B32) Front Fences - Deemed to Comply Standard	
Objective	Assessment
<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	N/A

Clause 55.06-3 (B33) Common Property	
Objective	Assessment
<i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i>	✓
<i>To avoid future management difficulties in areas of common ownership.</i>	✓

Clause 55.06-4 (B34) Site Services	
Objective	Assessment
<i>To ensure that site services can be installed and easily maintained.</i>	✓
<i>To ensure that site facilities are accessible, adequate and attractive.</i>	✓

[illegible]

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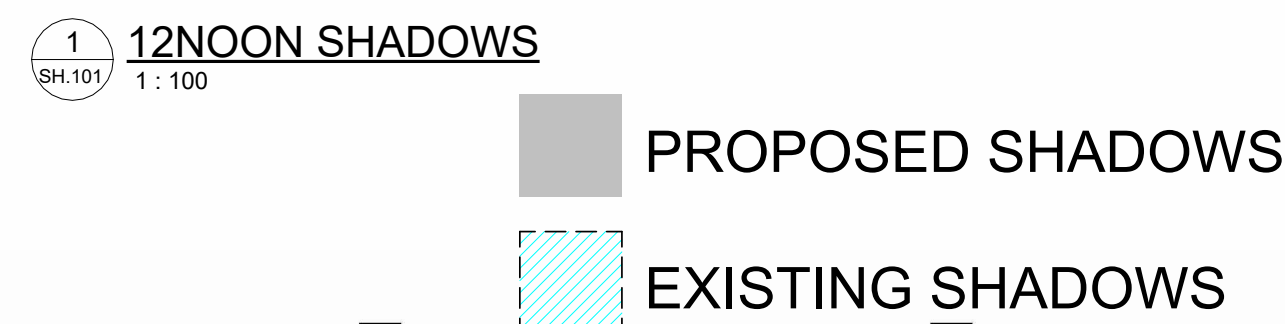
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General



Contractor to verify all dimensions on site prior to commencing any works. All work to comply with latest relevant Australian Standards & Regulations.

IF EVER IN DOUBT, PLEASE ASK

DWG NAME	9AM SHADOWS
Project:	PROPOSED DUAL OCCUPANCY
At:	1 CRESWICK ST. HAWTHORN
For:	
SCALE @ A1	1 : 100
DRAWN BY	BP / RM
CHECKED BY	BP / MM
STAGE	TP
PROJ No.	20008
DWG No.	SH.100B
PLOT DATE	7/02/2024 4:42:24 PM





 PROPOSED SHADOWS
 EXISTING SHADOWS

[illegible]

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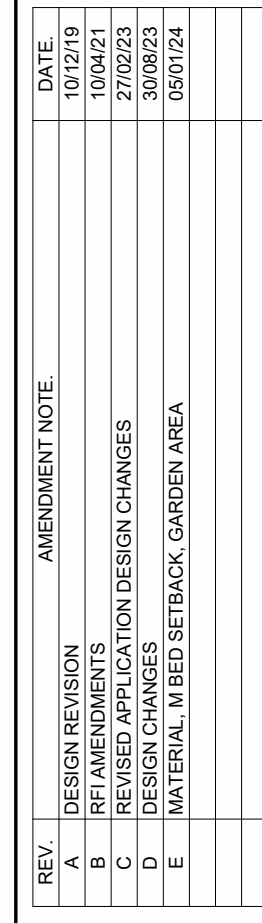
GENERAL

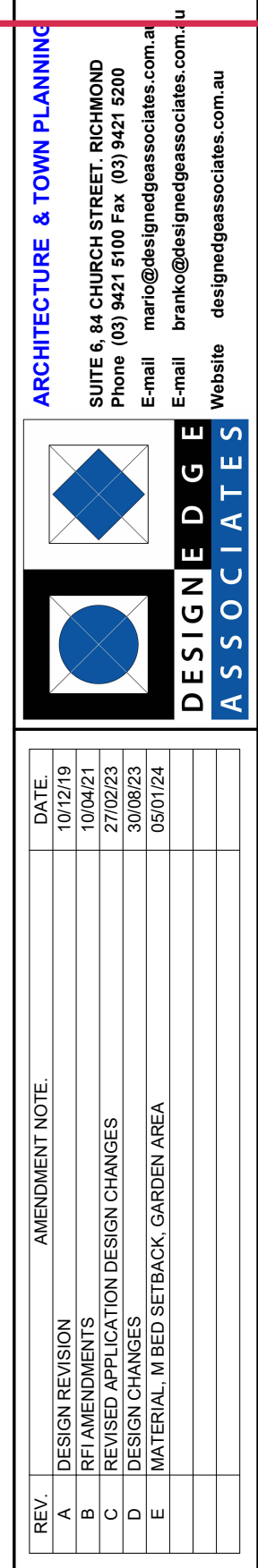
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All works to comply with latest relevant Australian Standards & Regulations.

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DWG NAME 3PM SHADOWS
 Project: PROPOSED DUAL OCCUPANCY
 At: 1 CRESWICK ST. HAWTHORN
 For: [REDACTED]

SCALE @ A1	1 : 100
DATE	27/02/23
DRAWN BY	BP / RM
CHKD BY	BP / MM
STAGE	TP
PROJ No.	20008
DWG No.	SH.102B
PLOT DATE	7/02/2024 4:42:39 PM









DWG No.	SCALE	DATE	REV	DESCRIPTION	DATE
EXISTING & DEMOLITION PLAN	A1 : 1 = 100	27/02/23	1	ISSUED FOR PERMIT	15/02/23
Name:	Drawn by:	Checked by:	Stage:	Project:	Date:
PROPOSED DUAL OCCUPANCY	BP / RM	BP / RM	TP	1 CREWSWICK ST. HAWTHORN	2008
For:					
DWG No. TP. 24B					
PLOT DATE					
15/02/2023 14:54:04 PM					

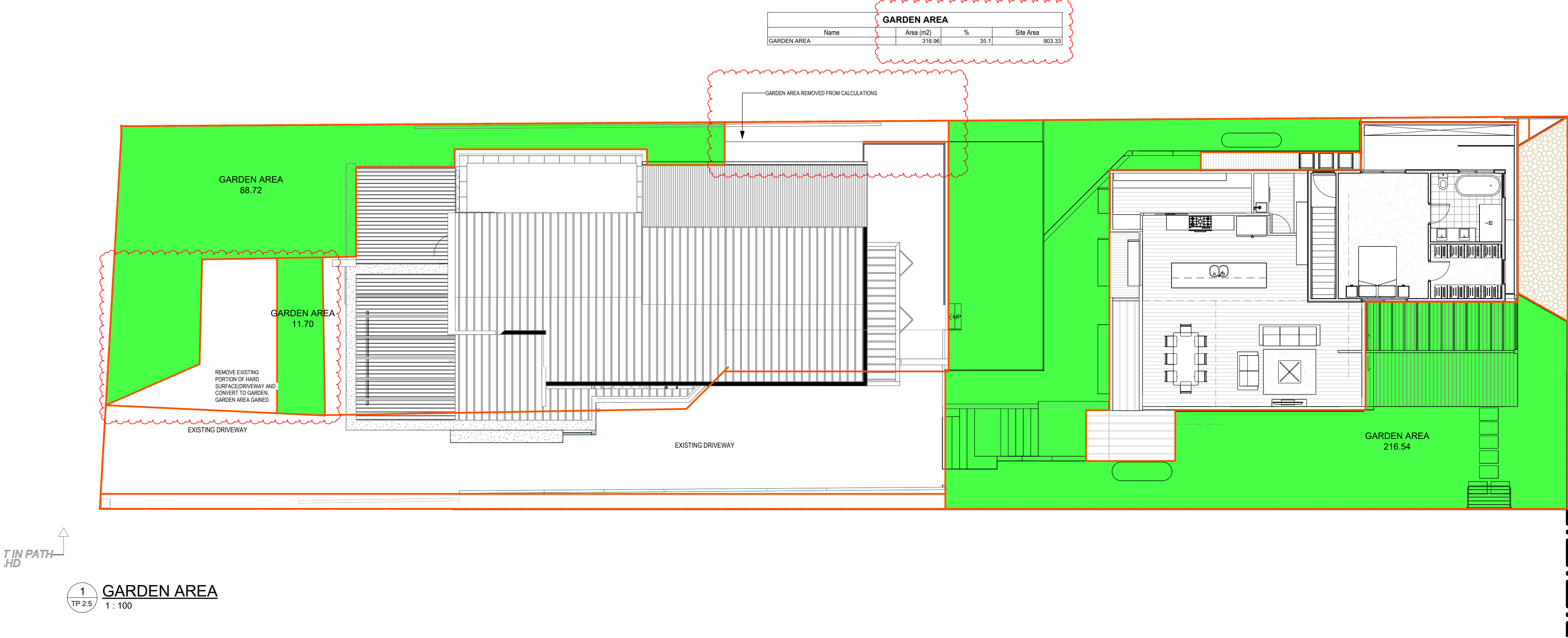
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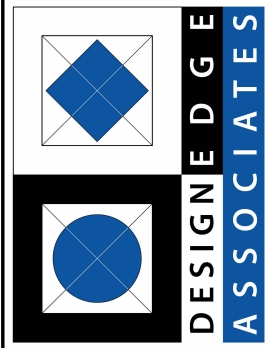
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ARCHITECTURE & TOWN PLANNING
SUITE 6, 84 CHURCH STREET, RICHMOND
Phone (03) 8421 5100 Fax (03) 8421 5200
Email mark@designdgassociates.com.au
Website designdgassociates.com.au



REV	AMENDMENTS	AMENDMENT NOTE	DATE
A	REVISED APPLICATION DESIGN CHANGES		10/04/21
B	DESIGN CHANGES		27/02/23
C	DESIGN CHANGES		30/08/23
D	WATERWAY, IN BED SETBACK, GARDEN AREA		03/01/24

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DWG NAME GARDEN AREA PLAN
Project: PROPOSED DUAL OCCUPANCY
At: 1 CRESWICK ST. HAWTHORN
For: [REDACTED]

SCALE @ A1 1 : 100
DATE 05/01/23
DRAWN BY BP / RM
CHKED BY BP / MM
STAGE TP
PROJ No. 20008
DWG No. TP 2.5D
PLOT DATE 7/02/2024 4:43:05 PM



ARCHITECTURE & TOWN PLANNING

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Phone (03) 9421 5100 Fax (03) 9421 5200
E-mail mario@designedgeassociates.com.au
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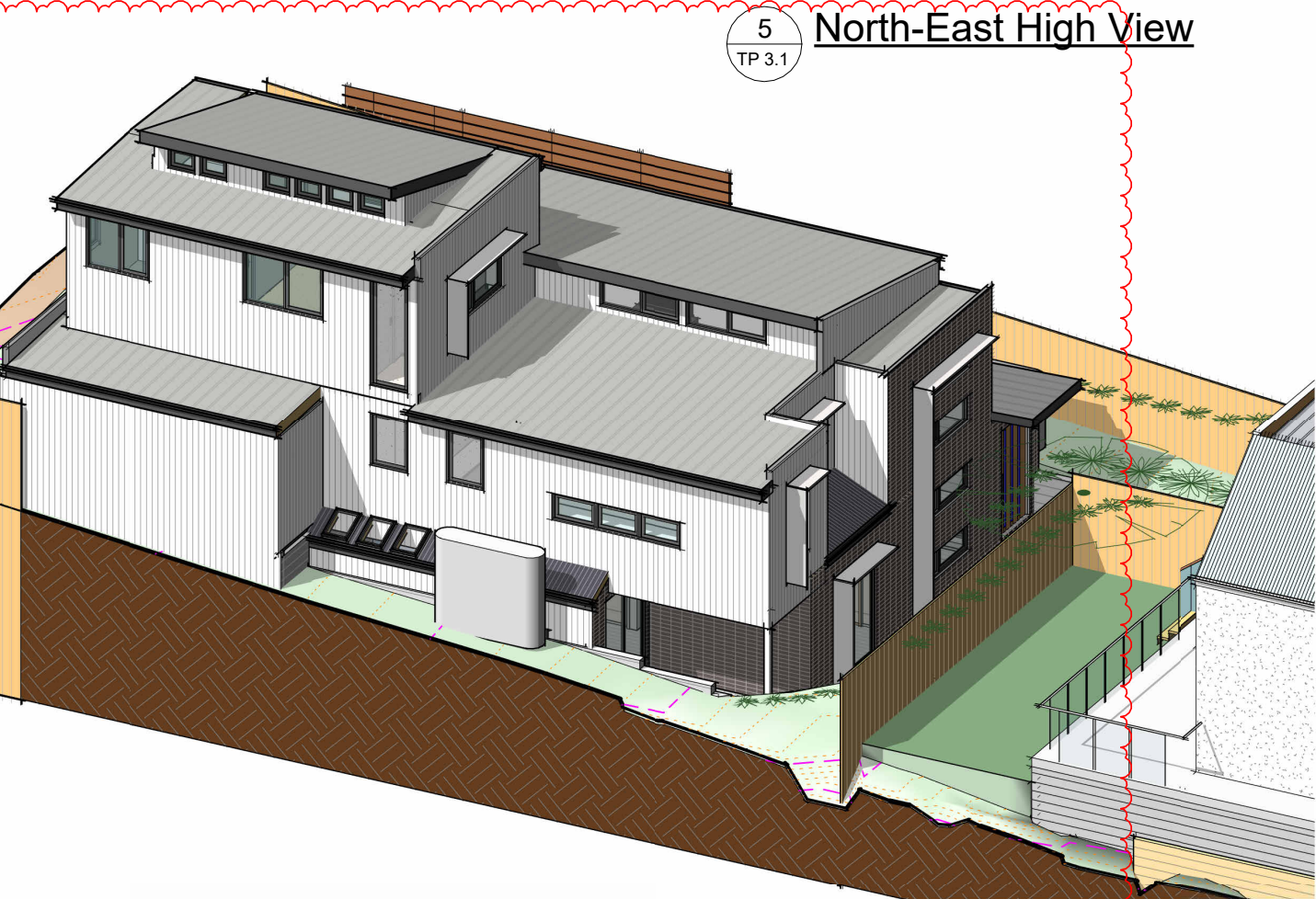
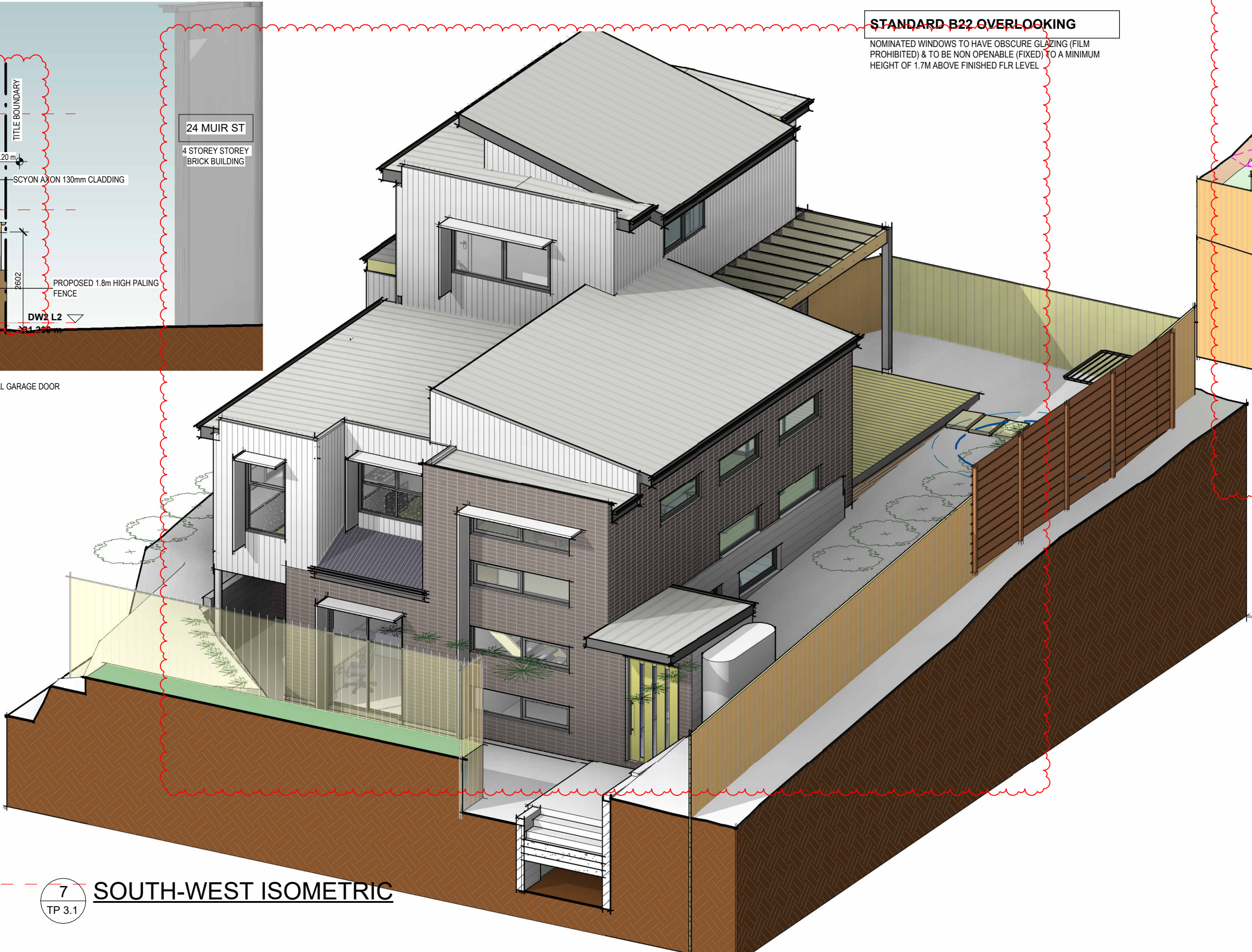
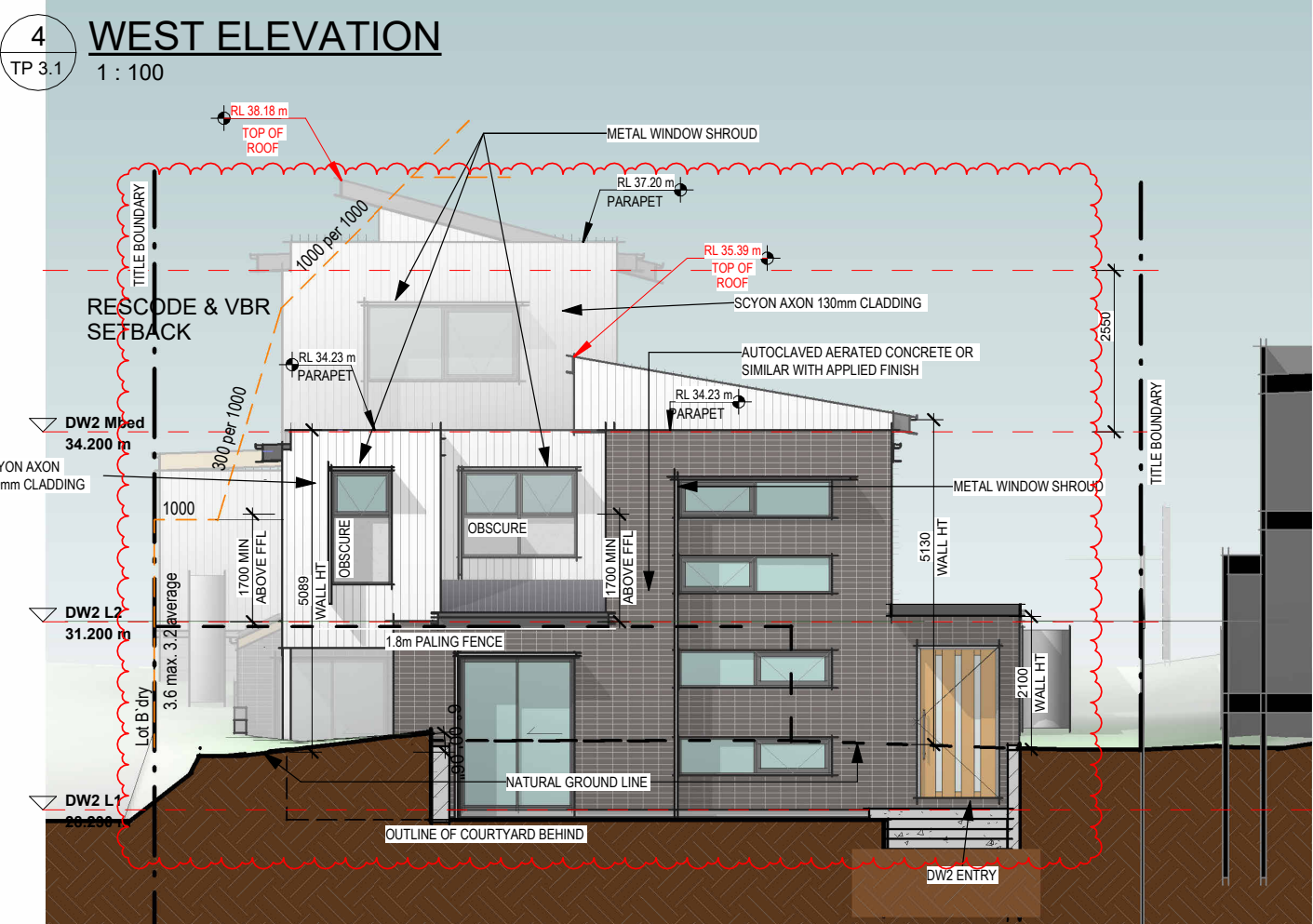
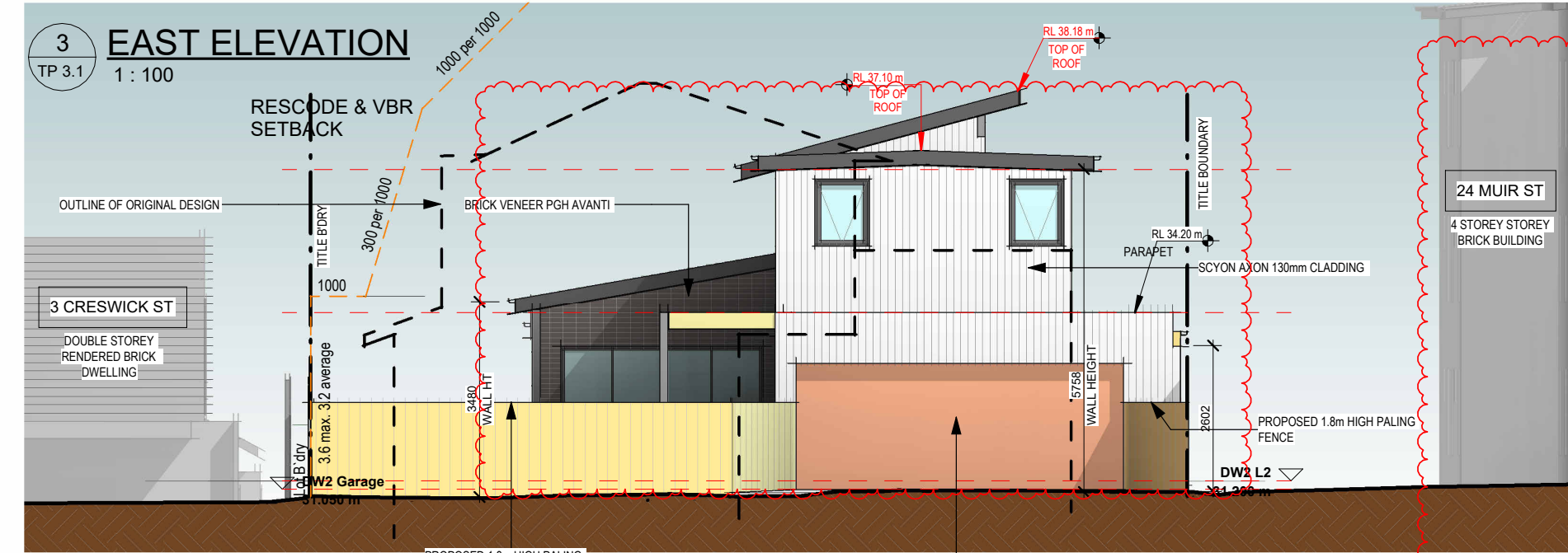
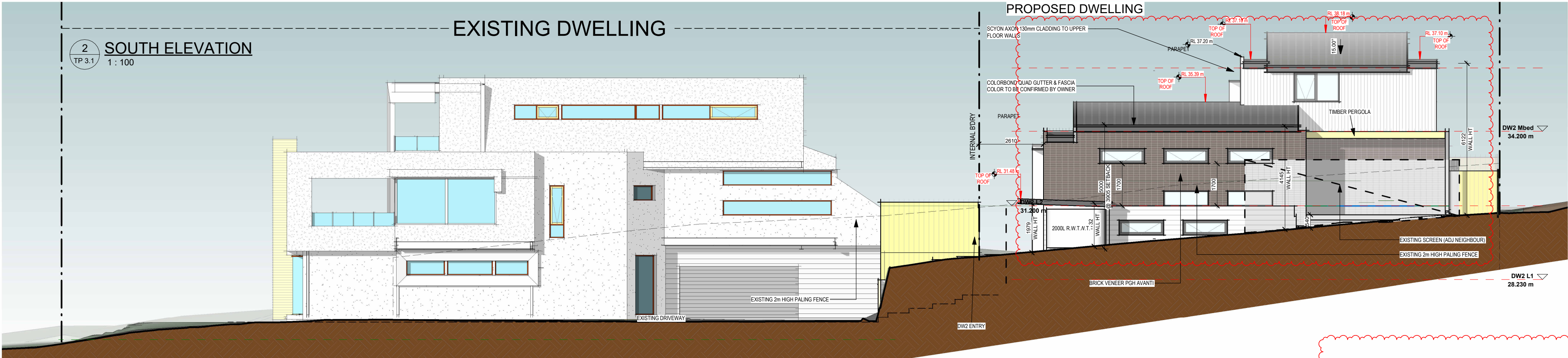
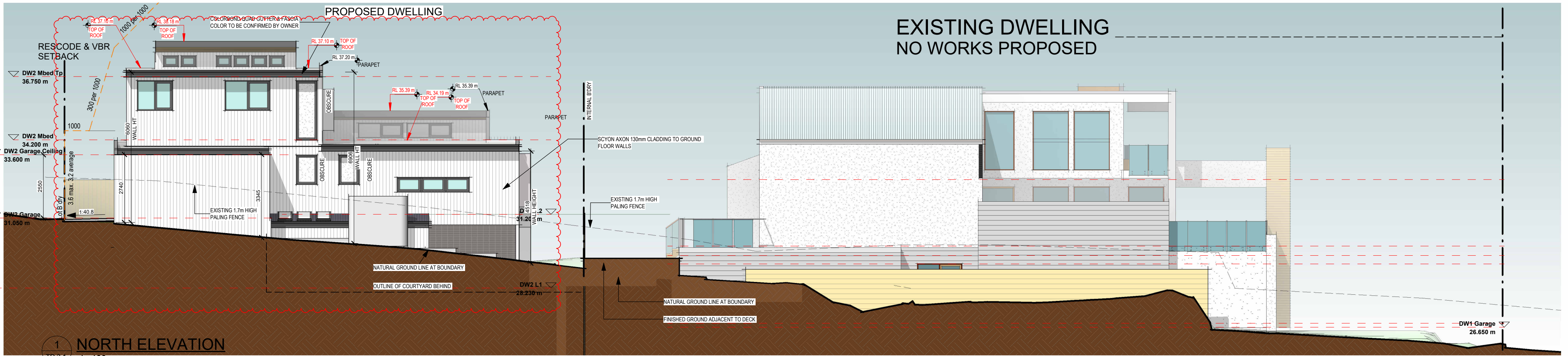
Contractor to verify all dimensions on site prior to commencing any works.
All drawings to be read in conjunction with project specifications.
All works to comply with latest relevant Australian Standards & Regulations.

IF EVER IN DOUBT, PLEASE ASK



DWG NAME	ROOF PLAN & STORMWATER TREATMENT PLAN
Project:	PROPOSED DUAL OCCUPANCY
At:	1 CRESWICK ST. HAWTHORN
For:	

SCALE	@ A1	1 : 100
DATE	27/02/23	
DRAWN BY	Author	
CHKD BY	Checker	
STAGE	TP	
PROJ No.	20008	
DWG No.	TP 2.6A	
PLOT DATE	7/02/2024 4:43:10 PM	



EXTERNAL MATERIALS & FINISHES SPECIFICATION		
ITEM	MATERIAL	COLOUR
WALLS	CONCRETE BLOCKWORK WITH RENDERED FINISH	WHITE
	SCYON AXON 130mm CLADDING OR SIMILAR	LIGHT GREY
	BRICK VENEER PGM AVANTI, STACK BOND	DOMINO
ROOF	SELECTED COLORBOND ROOF SHEETING	LIGHT GREY TRAY DECK
	SELECTED COLORBOND ROOF SHEETING	LIGHT GREY TRAY DECK
	TIMBER TRUSSES TO MANUPURS DETAILS	LIGHT GREY TRAY DECK
	FLAT CEILING UNLESS OTHERWISE NOTED	BLACK ALUMINIUM OR SIMILAR
WINDOWS	ALUMINIUM IMPROVED AWNING POWDERCOATE FINISH	BLACK ALUMINIUM OR SIMILAR
	GLAZING TO ENERGY REPORT SPECIFICATION	TO BE SELECTED
DOORS	SOLID CORE ENTRY DOOR	TO BE SELECTED
	ALUMINIUM IMPROVED SLIDING DOORS	BLACK ALUMINIUM OR SIMILAR
PAVING	SELECTED EXPOSED AGGREGATE CONC	TO BE SELECTED
	SELECTED PAVING FLAGSTONES ON SAND & CRUSHED ROCK TO ALLOW PERMEABILITY	TO BE SELECTED

REV	DATE	AMENDMENT NOTE
A	10/12/19	DESIGN REVISION
B	10/04/21	REVISED APPLICATION DESIGN CHANGES
C	27/02/23	REVISED APPLICATION DESIGN CHANGES
D	05/01/24	MATERIAL, N BED SETBACK, GARDEN AREA
E	05/01/24	MATERIAL, N BED SETBACK, GARDEN AREA

DATE	10/12/19
REVISED APPLICATION DESIGN CHANGES	10/04/21
REVISED APPLICATION DESIGN CHANGES	27/02/23
MATERIAL, N BED SETBACK, GARDEN AREA	05/01/24
MATERIAL, N BED SETBACK, GARDEN AREA	05/01/24

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GENERAL

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DWG NAME ELEVATIONS

Project PROPOSED DUAL OCCUPANCY

At 1 CRESWICK ST. HAWTHORN

For

SCALE @ A1 As indicated

DATE 05/01/23

DRAWN BY BP / RM

CHKD BY BP / MM

STAGE TP

PROJ No. 20008

DWG No.

TP 3.1E

PLOT DATE 7/02/2024 4:43:30 PM



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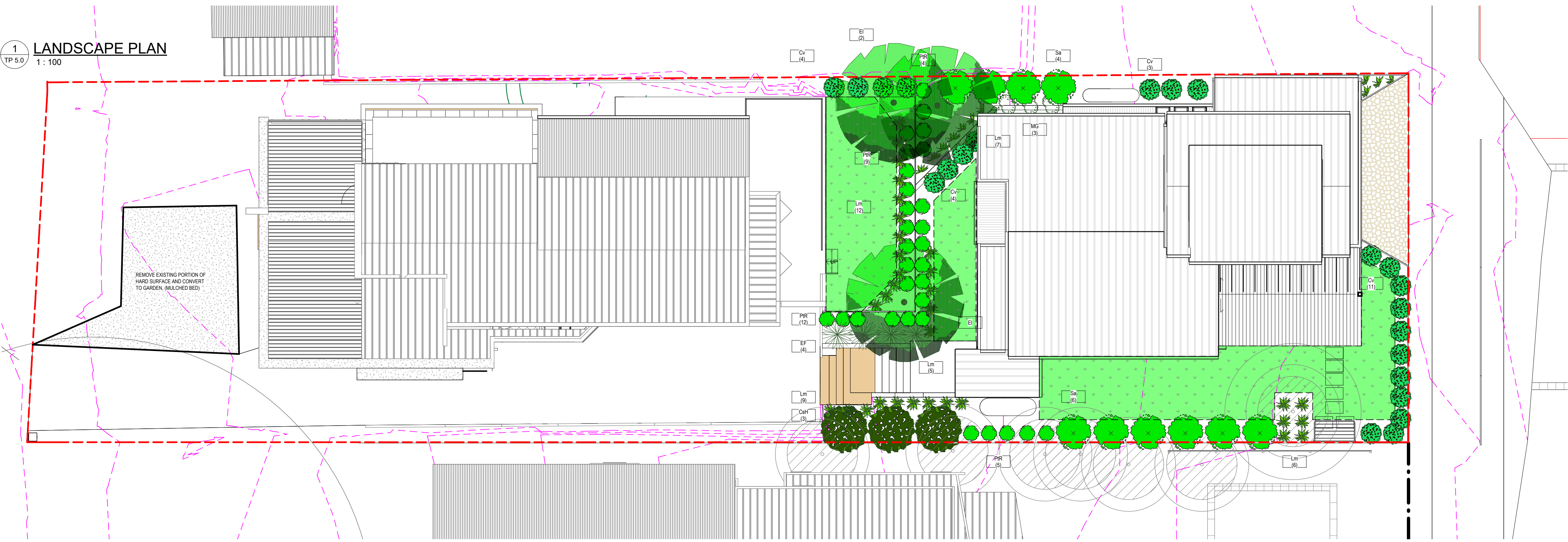
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All work to comply with relevant Australian Standards & Regulations.

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WG AME	SECTION
Project:	PROPOSED DUAL OCCUPANCY
Site:	1 CRESWICK ST. HAWTHORN
Drawn by:	[REDACTED]

SCALE @ A1	1 : 100
DATE	23/10/23
DRAWN BY	BP / RM
CHKD BY	BP / MM
STAGE	TP
PROJ No.	20008
DWG No.	
TP 4.0	
PLOT DATE	
7/02/2024, 4:42:25 PM	

1 LANDSCAPE PLAN
TP 5.0 1 : 100



TREE SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	
TREE	Ei	EUCALYPTUS LEUCOCYCLON	EUKY GUM DWARF	6.0 x 5.0	3	300	
Grand total					3		

LARGE SHRUB SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	
LARGE SHRUB	CA	CAMELIA SASANGUA - HIRU	EARLY CERRISE CAMELLIA	2 x 4	3	250	
LARGE SHRUB	PR	PHOTINIA X FRASERI - THIN RED	PHOTINIA X FRASERI - THIN RED	0.6 x 3.5	30	250	
LARGE SHRUB	Sa	SYZYGIUM AUSTRALE	LILLY PILLY PINNACLE	1.5 x 4	10	250	
Grand total					43		

MEDIUM SHRUB SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	
MEDIUM SHRUB	EF	ERIOSTEMON "FLOWER GIRL"	WAX FLOWER	1 x 1	4	150	
MEDIUM SHRUB	Cv	CALLISTEMON VIMINALIS	LITTLE JOHN	1.0 x 1.0	22	100	
Grand total					26		

SMALL SHRUB SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	
SMALL SHRUB	MG	CONVOLVULUS MORROCCAN BEAUTY	CONVOLVULUS MORROCCAN BEAUTY	0.6 x 0.6	3	100	
Grand total					3		

TUFTING & GRASSES SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	
TUFTING & GRASSES	Lm	LIRIOPE MUSCARI	LILY TURF	0.45 x 0.45	43	100	
Grand total					43		

GROUND COVER SCHEDULE							
Habit	Plant Key	Botanical Name	Common Name	Spread • Height	No.	Pot Size	

Surface Finishes Detail

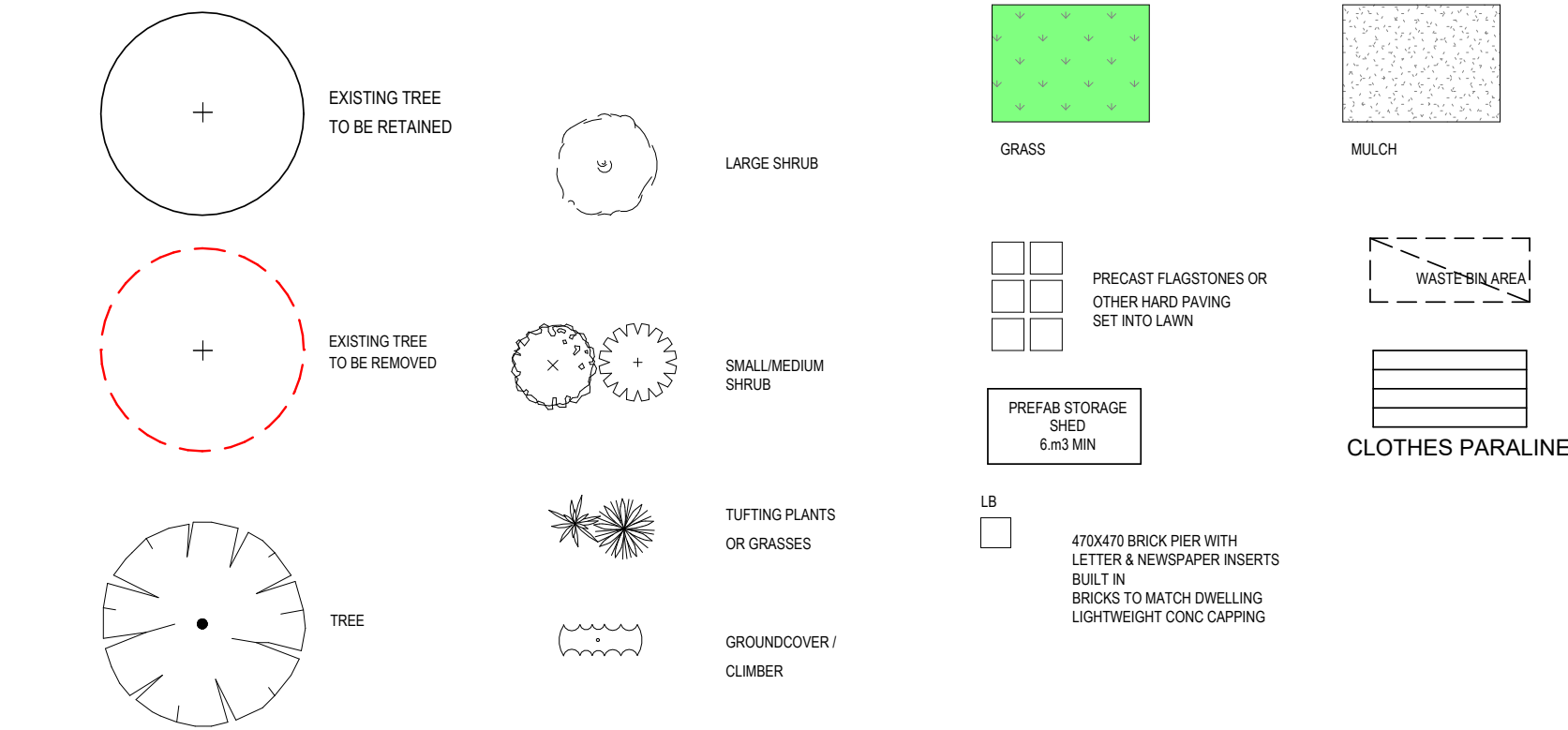
Garden Beds



Topping / Pebble Areas



Lawn areas



LANDSCAPE LEGEND
1 : 100

LANDSCAPE SPECIFICATION

SOIL CULTIVATION

PRIOR TO SPREADING IMPORTED SOIL CULTIVATE EXISTING SOIL TO A DEPTH OF 150mm BY MECHANICAL MEANS. REMOVE ALL BUILDER'S DEBRIS. REMOVE ALL WEEDS & GRASSES BY HERBICIDE SPRAYING AT LEAST 3-6 WEEKS PRIOR TO EXCAVATION & CULTIVATION.

ALL GARDEN BEDS TO BE CULTIVATED TO A MINIMUM OF 200mm DEEP.

TOP SOIL

TO LAWN AREAS SPREAD 100 MM OF LIGHTLY COMPACTED IMPORTED TOP SOIL, TO BEDS SPREAD 150 MM LIGHTLY COMPACTED LAYER OF IMPORTED TOP SOIL.

TOP SOIL SHALL BE 3 PARTS SANDY LOAM AND 2 PARTS MOUNTAIN LOAM SOIL. SOIL SHALL BE CLEAN AND FREE OF ORGANIC MATTER.

PLANTS & PLANTING

ALL PLANTS SHALL BE HEALTHY, WELL GROWN & NOT ROOT BOUND.

PLANTS TO BE SUPPLIED IN POT SIZES SPECIFIED IN PLANTING SCHEDULE. ALL SHRUBS & TREES ARE TO BE STAKED AS PER DETAIL. STAKES & FASTENED WITH FLEXIBLE TIES.

MULCH MATERIAL

MULCH SHALL BE SHREDDED PINE SPREAD TO A DEPTH OF 100 MM.

FERTILIZING

ADDITION OF SUITABLE FERTILIZER (EG: 'BLOOD & BONE' OR 'OSMOCOTE') WILL BE REQUIRED DURING PLANTING.

LAWNS

LAWNS: INSTANT TURF AS PER DETAIL. OR

LAWNS: A SUITABLE MIX ALL PURPOSE LAWN SEED IS TO BE SOWN AS PER SUPPLIER'S INSTRUCTIONS. BOTH SLOW AND QUICK RELEASE FERTILIZERS ARE TO BE RAKED INTO SOIL AT THE TIME OF SOWING AND WELL WATERED IN.

MAINTENANCE

MAINTENANCE: REGULAR MAINTENANCE TO REPLACE DAMAGED OR DEAD PLANTS UNTIL SETTLEMENT OF PROPERTY WITH NEW OWNER.

WATERING

HAND WATERING WEEKLY DURING SPRING SUMMER AND AUTUMN AT A MIN. RATE OF 10 L PER PLANT.

GENERAL NOTES

1. SLOPE ALL GARDEN BEDS & LAWNS AWAY FROM BUILDINGS.
2. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, CONTRACTOR TO CHECK THE LOCATION OF ALL UNDERGROUND AND OVERHEAD SERVICES, LOCATION OF PLANT MATERIAL, TO BE ADJUSTED ACCORDINGLY AS REQUIRED.
3. PLANTS TO BE LOCATED ACCORDING TO THE LANDSCAPE PLAN.
4. FINISHED SURFACE LEVEL TO ALL GARDEN BEDS IS TO BE BELOW THE BOTTOM OF ALL WEEDHOLES ON THE BUILDING.
5. VERIFY ALL DIMENSIONS & LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS.

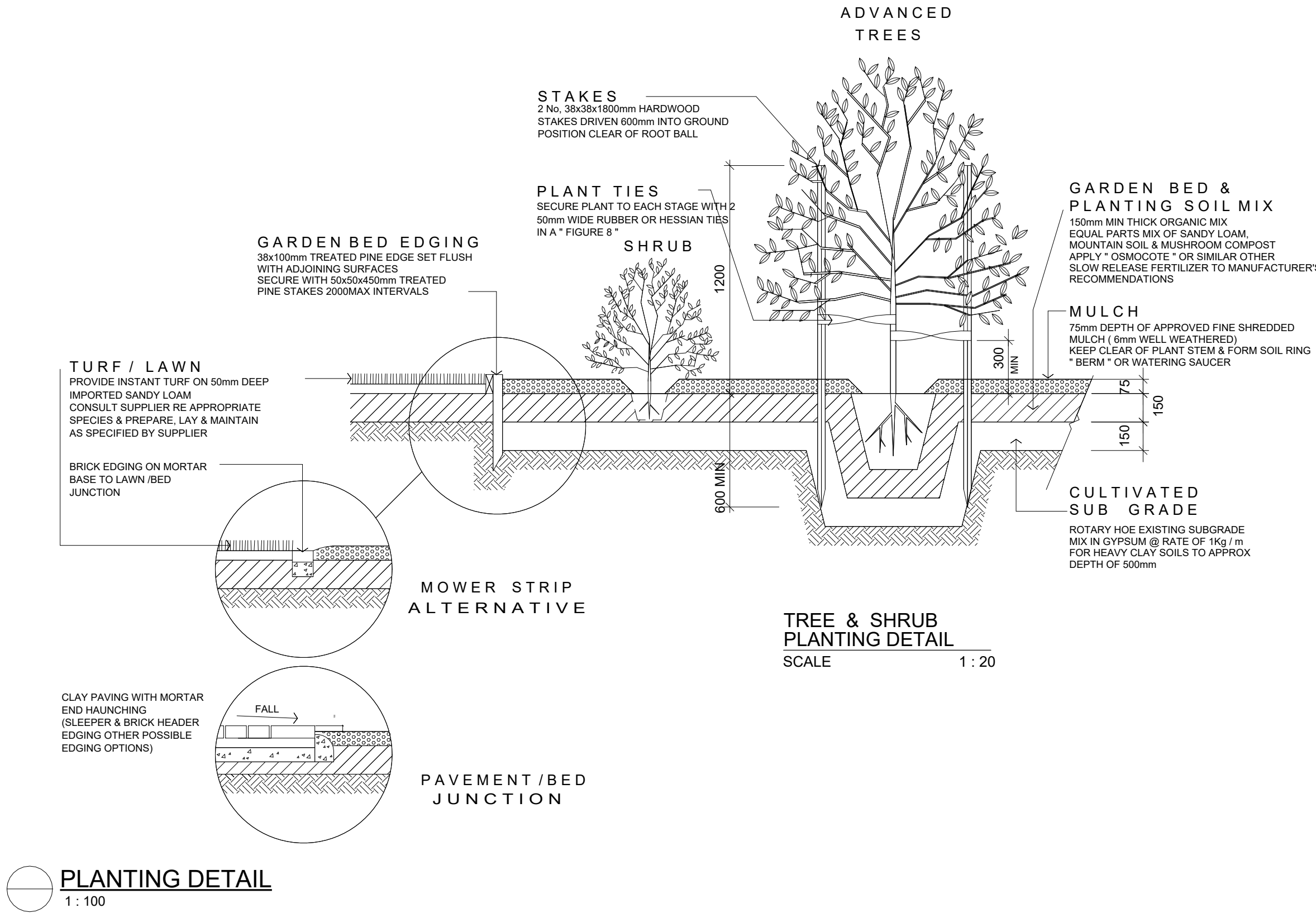
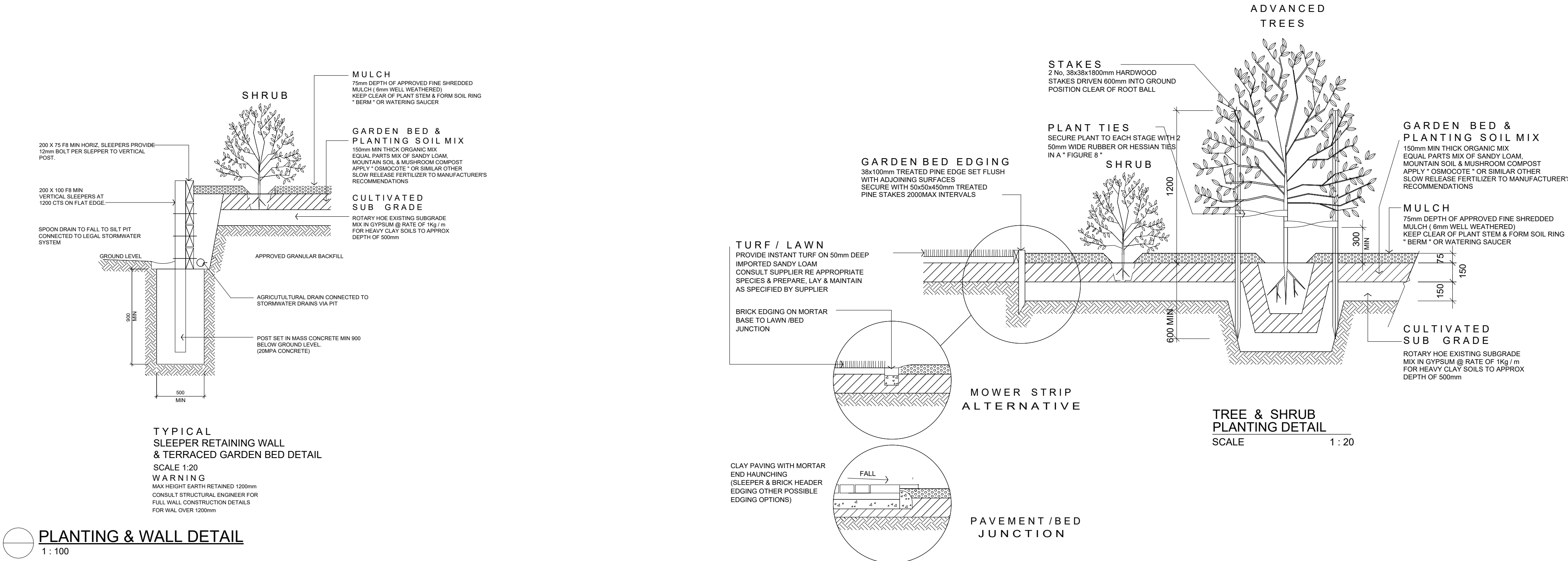
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GENERAL

IE EVER IN DOUBT, PLEASE ASK

DWG NAME LANDSCAPE PLAN & DETAILS
Project PROPOSED DUAL OCCUPANCY
At: 1 CRESWICK ST. HAWTHORN
For:

SCALE @ A1 1 : 100
DATE JAN 2017
DRAWN BY Author
CHKD BY Checker
STAGE TP
PROJ No. 20008
DWG No. TP 5.0
PLOT DATE 7/02/2024 4:43:39 PM

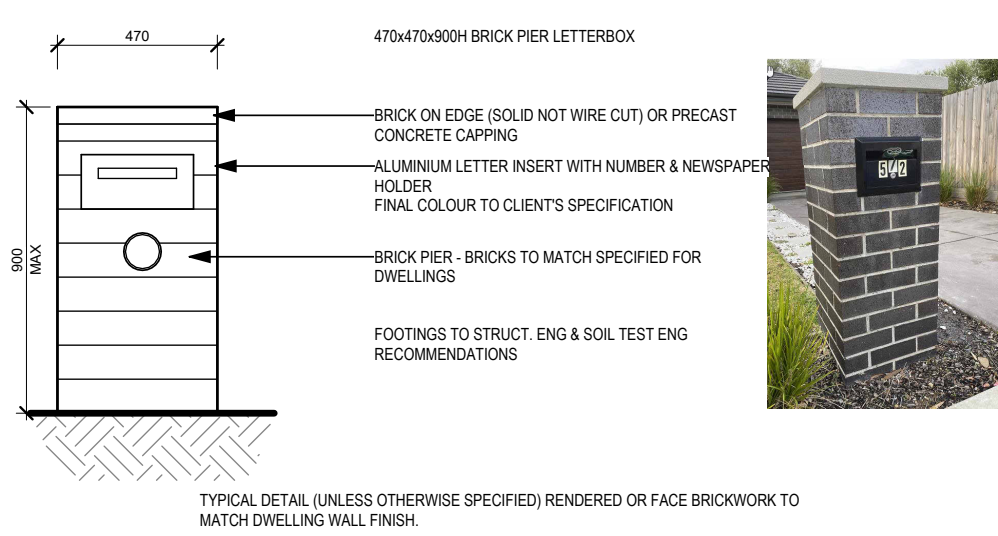


TRELLIS CLIMBING PLANTS DETAIL
1 : 20

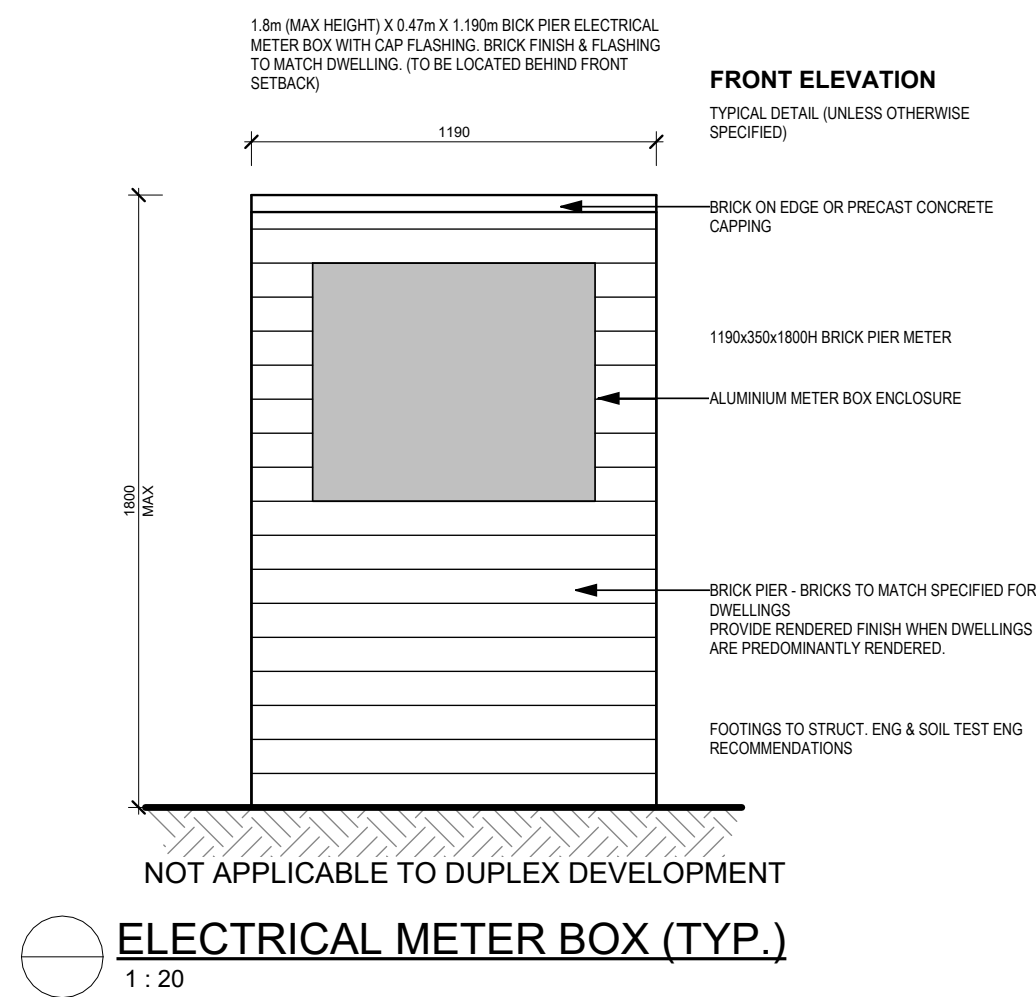
Surface Finishes Detail



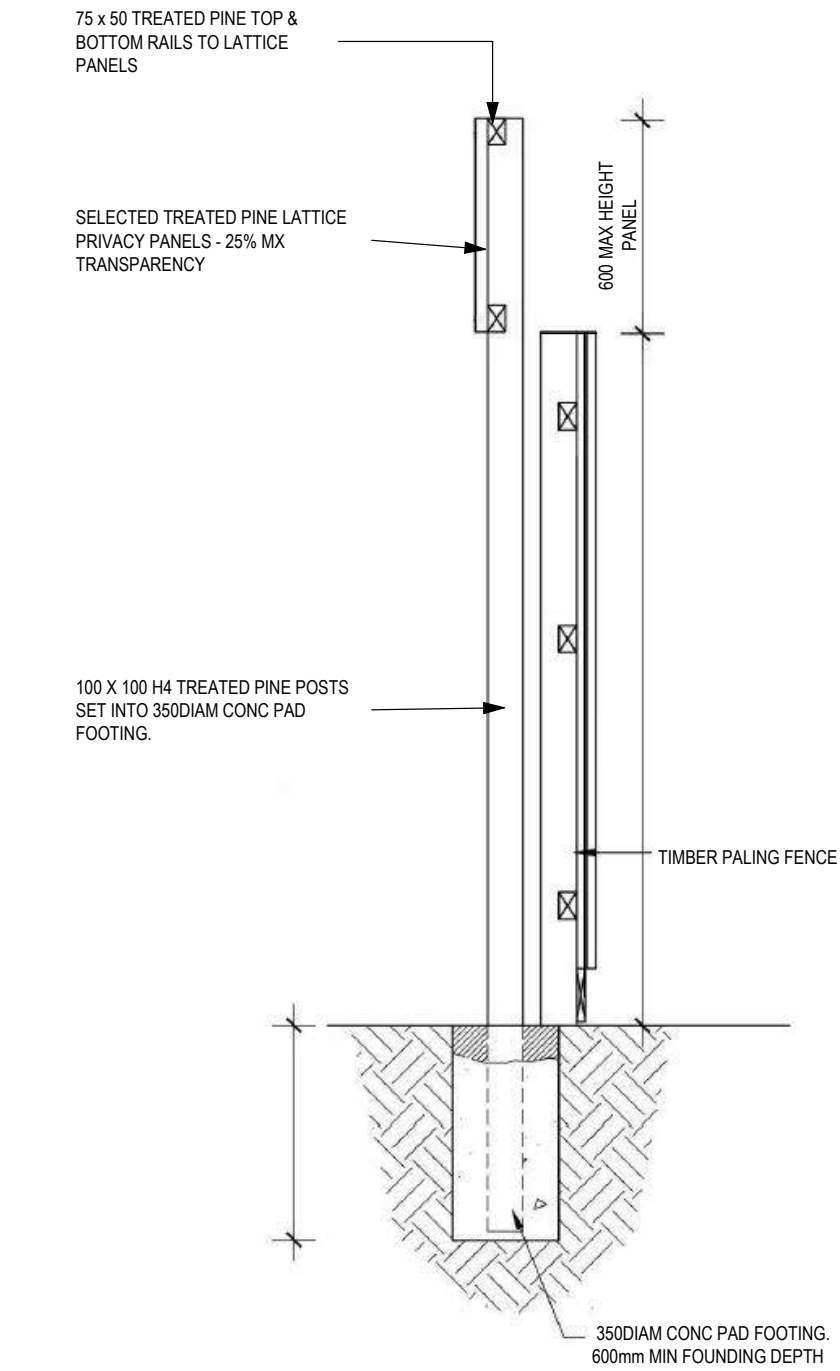
SURFACE FINISHES DETAILS
1 : 100



LETTERBOX LEGEND (TYP.)
1 : 20



ELECTRICAL METER BOX (TYP.)
1 : 20

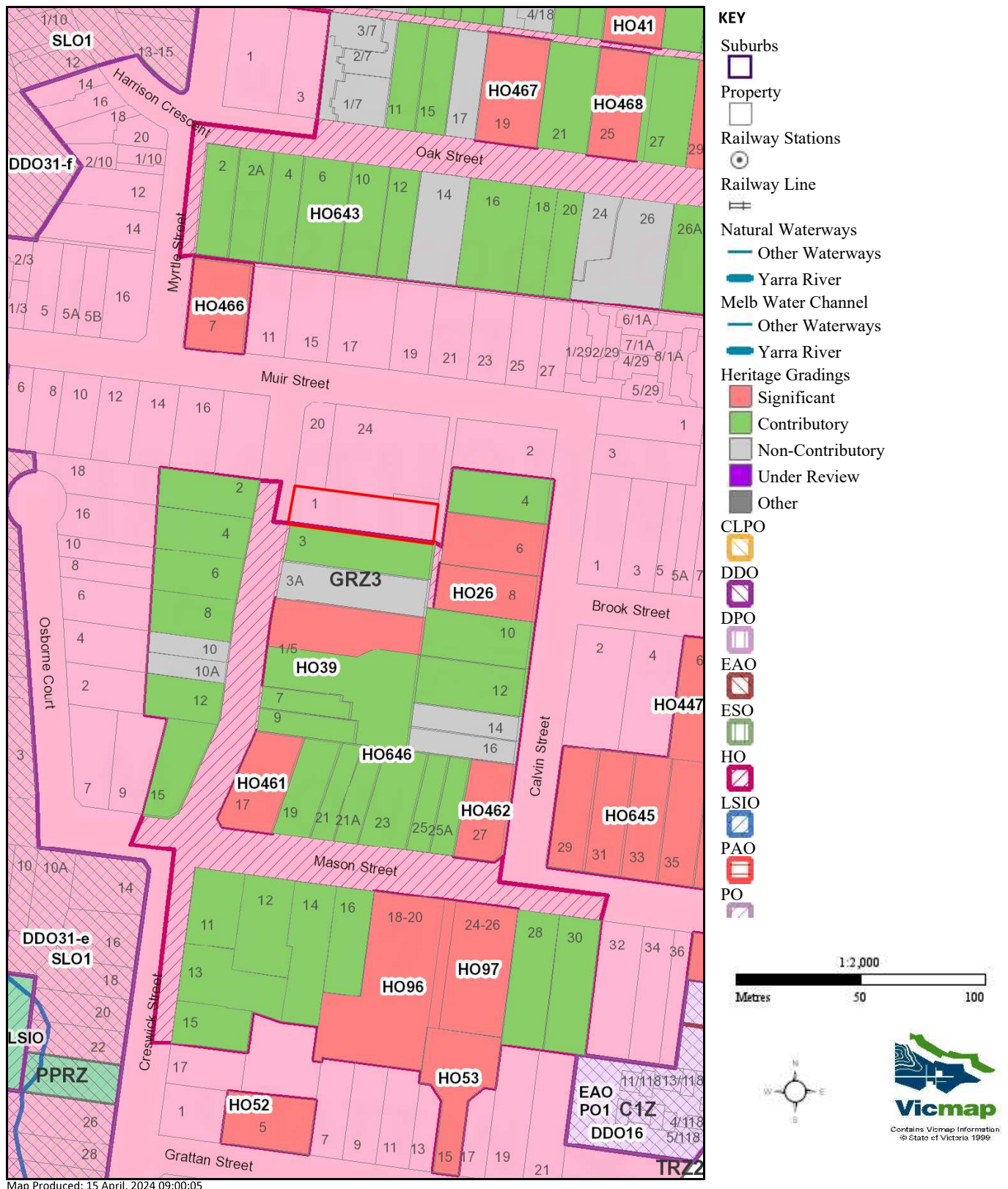


SELF SUPPORTING PRIVACY SCREEN
1 : 20

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DWG NAME LANDSCAPE DETAILS
Project PROPOSED DUAL OCCUPANCY
At 1 CRESWICK ST. HAWTHORN
For [REDACTED]
SCALE @ A1 As indicated
DATE JAN 2017
DRAWN BY Author
CHKD BY Checker
STAGE TP
PROJ No. 20008
DWG No. TP 5.1
PLOT DATE 7/02/2024 4:43:40 PM

Locality Map



Location of Objectors



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BOROONDARA
City of Harmony

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3.2 24 Lyndhurst Crescent, Hawthorn - alterations and additions to a heritage dwelling - amended proposal at VCAT (P22/0415)

Executive Summary

Purpose

The purpose of this report is to consider the amended plans circulated on 2 April 2024 in Victorian Civil and Administrative Tribunal (**VCAT**) in regard to alterations and additions to a heritage dwelling.

Background

Planning Permit Application No. PP22/0415 seeks permission for partial demolition and construction of alterations and additions to an existing dwelling in a Heritage Overlay. The heritage place is graded 'contributory'.

On 23 November 2024, the Permit Applicant initiated proceedings in VCAT against Council's failure to issue a Permit within the prescribed time.

On 21 December 2024, following an assessment and decision by Council Officers, the Tribunal and Parties were advised that had Council been able to determine the application, it would have issued a Notice of Refusal on the following grounds:

- 1. The proposed extent of demolition to the contributory graded dwelling does not comply with Council's Heritage Policy and the relevant standard pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable loss of original heritage fabric which will impact the cultural heritage significance of the place.*
- 2. The siting, bulk, form, design and massing of the proposed addition does not comply with Council's Heritage Policy and the relevant objectives pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable impact on the cultural heritage significance of the place and precinct.*

Following discussions through the VCAT process, the Permit Applicant circulated amended plans on 2 April 2024 seeking to address the previous shortcomings raised by Council. These plans are referred to as Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture. These amended plans are the plans which will be considered by VCAT at the upcoming hearing commencing on 8 May 2024.

The Tribunal provides that a Permit Applicant may seek to amend plans during a proceeding that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having previously opposed the application on the grounds set out above, Council must now consider the amended plans and form a position to take at the upcoming hearing.

Statement of Changes

The following list highlights the key changes to the application from that originally considered:

- Retention of a greater proportion of the 'contributory graded' heritage fabric, including the return end hipped roof forms and original walls extending further into the site.
- Increase of ground floor setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.4m - 3m.
- Increased upper setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.7m - 2.4m.
- Incorporation of a pitched roof interpretive element that is visible and appreciable from Lyndhurst Crescent.

The full suite of changes has been reviewed by Council's Heritage Advisor who supports the amended proposal, subject to a condition relating to materiality.

Implications for VCAT process

Having originally taken a position to oppose this Application at the VCAT hearing scheduled for 8 May 2024, Council Officers now recommend that Council changes its position and supports the amended proposal. The broad acceptability of the amended plans is outlined in the Planning Officer's report attached to this Executive Summary.

The recommendation to change position is referred to UPDC based on 22 original objections being received. Three (3) objector parties have elected to actively participate in the VCAT proceeding and remain opposed to the application. A further one (1) objector party has indicated they will no longer oppose the application at the VCAT hearing.

Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Advise the Victorian Civil and Administrative Tribunal (VCAT) and Parties that Council has considered the amended plans circulated on 2 April 2024 in regard to Planning Permit Application No. PP22/0415 which seeks permission for partial demolition and construction of alterations and additions to an existing dwelling in a Heritage Overlay.
2. Support the amended proposal at the VCAT hearing scheduled to commence on 8 May 2024 and relies upon the conditions set out below.

Amended plans required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the Plans prepared by Neil Architecture, sheets TP01-TP13, dated 2 April 2024 but modified to show:
 - a) The first-floor elevations incorporate a light materiality, to the satisfaction of the Responsible Authority.

Layout not to be altered

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Drainage

3. The site must be drained to the satisfaction of the relevant building surveyor.
4. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Permit to expire:

5. This permit will expire if:
 - a) The development does not start within two (2) years of the issue date of this permit; or
 - b) The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

3. Notify all original objectors of the Urban Planning Delegated Committee resolution.



URBAN PLANNING

REPORT TO CONSIDER REVISED POSITION ON PLANNING PERMIT OUTCOME

Part demolition and construction of alterations and additions to existing dwelling in a Heritage Overlay

Application Number	PP22/0415 (VCAT Reference: P1466/2023)
Planning Officer	Daniel Murphy
Property Address	24 Lyndhurst Crescent, Hawthorn
Zoning	Clause 32.09 - Neighbourhood Residential Zone Schedule 3
Overlays	Clause 43.01 - Heritage Overlay Schedule 155
Particular Provisions	None
Permit Triggers	Clause 43.01-1 (HO) of the Boroondara Planning Scheme, a permit is required to: <ul style="list-style-type: none"> • Demolish or remove a building. • Construct a building or construct or carry out works.
Aboriginal Cultural Heritage	No
Covenant	No
Potential Overland Flow?	No
Ward	Glenferrie
Number of Objections Received	22 objectors were received following public notification. Four (4) statements of grounds have been received by Council, including a joint statement of grounds. All four (4) objectors have elected to participate as parties to the VCAT proceedings.
Plans Assessed in this Report	The plans before Council are the VCAT amended plans circulated on 2 April 2024 identified as: Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture.
Recommendation	Advise the Tribunal and Parties that Council has considered the amended plans and that Council supports the proposal at the VCAT hearing scheduled to commence on 8 May 2024.

PROPOSAL

Background

On 23 November 2024, the Permit Applicant lodged an Application for Review against Council's failure to issue a Permit within the prescribed time.

On 21 December 2024, Council advised the Tribunal and Parties that had it have been able to determine the Application, it would have issued a Notice of Refusal on the following grounds:

- 1. The proposed extent of demolition to the contributory graded dwelling does not comply with Council's Heritage Policy and the relevant standard pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable loss of original heritage fabric which will impact the cultural heritage significance of the place.*
- 2. The siting, bulk, form, design and massing of the proposed addition does not comply with Council's Heritage Policy and the relevant objectives pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable impact on the cultural heritage significance of the place and precinct.*

On 2 April 2024 amended plans were circulated in accordance with the requirements of VCAT Practice Note - PNPE9. These plans are referred to as Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture.

These amended plans are the plans which will be considered by VCAT at the hearing commencing on 8 May 2024.

The Tribunal Practice Note - PNPE9 provides that permit applicants may seek to amend plans during a proceeding that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having previously opposed the application on the ground set out above, Council must now consider the amended plans and, in turn, its position at the upcoming hearing.

Statement of Changes

The following list highlights the key changes to the application from that originally considered by Council:

- Retention of a greater proportion of the 'contributory graded' heritage fabric, including the return end hipped roof forms and original walls extending further into the site.
- Increase of ground floor setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.4m - 3m.
- Increased upper setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.7m - 2.4m.
- Incorporation of a pitched roof interpretive element that is visible and appreciable from Lyndhurst Crescent.

The full suite of changes have been reviewed by Council's Heritage Advisor who supports the amended application, subject to minor conditions relating to materiality.

The updated referral comments are within Appendix A of this updated report.

Implications for VCAT process

Having originally taken a position to oppose this Application at the VCAT hearing scheduled for 8 May 2024, Council Officers now recommend that Council changes its position and supports the application.

The recommendation to change position is referred to UPDC based on 22 original objections received. Three (3) objector parties have elected to actively participate in the VCAT proceeding and remain opposed to the application. A further one (1) objector party has indicated they will no longer oppose the application at the VCAT hearing.

REFERRALS

Please see full referrals in Appendix A to this report. A summary of each is provided below.

Internal Referrals

Heritage Advisor	Supported, subject to minor changes to be achieved via conditions.
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GOVERNANCE ISSUES

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

CONSIDERATIONS

In assessing this application, consideration has been given to the following:

- The objectives of planning in Victoria as detailed in Section 4 of the *Planning & Environment Act 1987*;
- Section 60 of the *Planning & Environment Act 1987*;
- The relevant provisions and decision guidelines of the Boroondara Planning Scheme including the decision guidelines of Clause 65; and
- Any objections received.

This proposal does not raise any significant adverse social or economic impacts. General social and economic impacts are addressed by the planning policy assessment below.

PLANNER'S ASSESSMENT

The following planning policies are relevant to the assessment of the current application:

- Clause 15 - Built Environment & Heritage
- Clause 15.03-1L - Heritage
 - Clause 15.03-1S - Heritage Conservation
 - Clause 15.03-1L - Heritage in Boroondara

Heritage

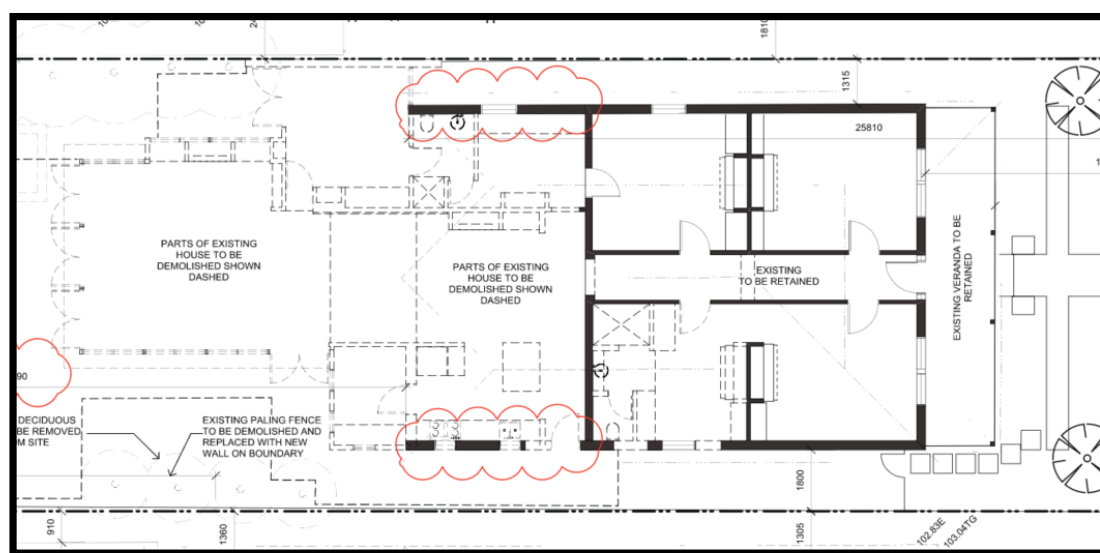
Demolition:

The extent of demolition in the amended plans has been significantly reduced in scope and is limited to the following elements:

- Southern portion of wall.
- Return end hipped roof forms.
- Portion of internal roof valley.
- Non-original extension.
- Openings filled in (East Elevation)

These elements are not generally visible from the street and the appreciable form of the return ends are retained, where visible from Lyndhurst Crescent. This appreciable and contributory roof form being retained is a positive heritage outcome. The presentation and consistency of the roof forms along Lyndhurst is important in understanding the heritage dwelling and precinct.

The extent of demolition complies with Council's Heritage Policy at Clause 15.03-1L and is supported by Council's Heritage Advisor.



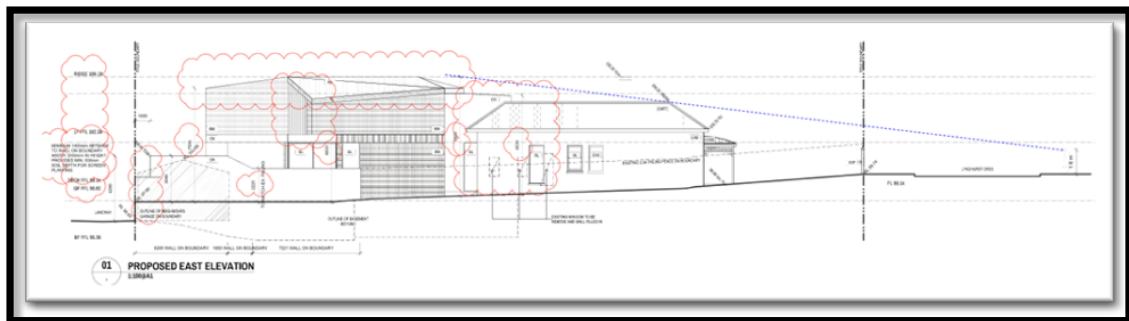
Above - Demolition Plan (TP02, 2 April 2024)

Alterations and Additions:

The proposed alterations and additions provide for a contemporary addition, which is clearly and readily distinguishable from the existing host building.

The design response provides for a basement, ground and first-floor. The basement is accessed via the rear laneway, which provides for 2 car parking spaces, vehicle turning circle and additional rooms.

The ground floor siting extends beyond the existing setbacks of the host building. The western siting is built to match existing wall on boundary with the adjoining property. Given the slope of the site, the ground floor addition will have limited visibility and sits below the eaves of the existing building, which ensures it reads as a subservient, secondary element.



Above – Proposed East Elevation (2 April 2024)

As can be seen from the proposed eastern elevation above, the proposal meets Council's 'sight line' test for contributory graded dwellings under Clause 15.03-1L.



Above - Oblique View (TP11, 2 April 2024)

In the oblique, the first-floor addition will be set back approximately 27 metres from the front boundary (excluding the centrally located stairwell element which is setback approximately 23 metres). Given that some limited oblique views may be visible from the street, Council's Heritage advisor has recommended a lighter colour palette be provided as a condition to ensure that the 'reading' of the contributory heritage fabric is not compromised.

The architecture of the proposal is a successful response to the existing host building with respect to materiality, form and subject to minor modifications to the materiality (refer to attached permit conditions). The centrally located stairwell which connects all floors is sited within the roof valley of the host-building. This linking element provides a clear separation between heritage fabric and the contemporary insertion and allows for an appreciation between the Victorian era dwelling and contemporary design.

The significant setback from Lyndhurst Crescent, which has further increased in the amended plans, and sympathetic design response ensures that the first-floor addition is appropriate in its location. This is achieved by the sloping site, contemporary asymmetrical pitched roof element and significant setback from Lyndhurst Crescent. The revised design results in a siting outcome that is acceptable against the relevant decision guidelines of the Heritage Overlay.

Where street facing, the extension provides for a contemporary pitched element. The cropped, asymmetrical pitch is located above the linking element and is a successful contemporary interpretation of historic forms, whilst remaining clearly contemporary.



Above - Subject site

Although Council's Heritage Advisor supports subject to a condition requiring a lighter colour palette included in the officer recommendation. The current proposed materials are considered too dark to be sympathetic to the host building and a lighter colour should be incorporated into the design, which is sympathetic to the heritage place.

Clause 15.03-1L - All places - roads and laneways strategy

In its original Officer Report, it was noted that the proposed structure on the laneway was out of character with the area, albeit, not visible from the primary frontage.



The amended application shows the wall on the rear boundary has been significantly broken up to step away from the rear laneway. This results in the wall on boundary form being more typical of that found in the laneway. The response is supported by Council's Heritage Advisor and is considered appropriate.


While it is noted the wording of Council's heritage policy at Clause 15.03-1L requires *works* within and adjacent to roads and laneways to be considered as part of an application. The wording and use of the word *works* implies the policy is inherently limited to the consideration of surface treatments, rather than structures-built abutting to laneways.

APPENDIX A - REFERRAL COMMENTS

Heritage Advisor

Heritage Referral

Application Address:	24 Lyndhurst Crescent, Hawthorn
Application Number:	PP22/0415
HO precinct:	HO155 - Lyndhurst Crescent Precinct, Hawthorn
Grading:	Contributory
Description of Proposal:	Part demolition and construction of alterations and additions to existing dwelling in a Heritage Overlay
Section 57A amendment:	No
VicSmart:	No
Relevant documents:	 PP22_0415 - Advertising Plans - 2  PP22_0415 - Advertising Document

Pre-Application Meeting or advice:	Yes - Luke James 16 December 2021  Pre-Application - File Note (Advice to
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Relevant Planning History:	Updated comments in response to amended plans prepared by Neil Architecture TP01-TP13, all dated 2 April 2024 circulated in relation to PA23/0058 (in red)
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Specific Planner's Instructions:	Obliques appear to show visibility from street. Double hipped roof with return end to be demolished. Looking to maintain views of this roof form from the street.
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Era of Building:	Victorian
Statement of Significance	Lyndhurst Crescent Precinct, Hawthorn, is an area of heritage significance for the following reasons: <ul style="list-style-type: none"> The place is representative of the growth of Hawthorn as a garden suburb from 1856-1900, particularly through the siting of middle-class, Victorian-style villas of varied size and materials in garden settings.

	<ul style="list-style-type: none"> • The development of the place capitalized on the fashionable status of nearby Harcourt Street and consolidated this area as a highly desirable garden suburb for the both the wealthy and relatively wealthy. • The place contains a number of significant examples of the Victorian architectural style. <p>Solar energy controls apply, but no relevant external paint controls, internal alteration controls or tree controls apply under the Schedule to Clause 43.01/</p>
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Assessment against Clause 15.03 Heritage

15.03-1L Contributory heritage places strategies

Retain contributory built fabric and not normally allow demolition.

Permit partial demolition of 'contributory' heritage places for the purpose of additions and alterations only if the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the precinct and in particular ensure that the original built fabric which contributes to the heritage values of the precinct is retained.

Discourage demolition that results in 'facadism' - where only the very front most parts of the heritage place are maintained but the integrity and massing of the place is lost either through demolition or obtrusive additions.

Support demolition to remove non-original and non-contributory additions to 'contributory' heritage places.

Ensure alterations, including restoration or reconstruction works, maintain the cultural heritage significance and integrity of the place.

Encourage reconstruction of features or finishes formerly removed only in instances where historic evidence of original or earlier appearance can be found.

Ensure that materials are sympathetic to the heritage place.

Discourage the painting of previously unpainted surfaces, particularly to the primary street frontage. This does not apply to non-original features.

Discourage the rendering of previously non-rendered surfaces.

Discourage painting in a manner that detracts from the understanding of the place, including painting in corporate colours, painting over and covering windows and the loss of contrast that provides for articulation of heritage features.

Discourage sandblasting of rendered, masonry or timber surfaces.

Discourage the introduction of architectural features, unless there is evidence that they were originally present.

Ensure additions and new buildings do not alter or obscure fabric that contributes to the cultural heritage significance of a 'contributory' heritage place including changes to the principal visible roof forms or principal façade.

Ensure additions and new buildings do not unreasonably obscure 'contributory' or 'significant' fabric in the wider precinct.

Use of materials and surface finishes that are complementary to the contributory fabric of the heritage place.

Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

Use design details that complement the design of the heritage place, (including, the type and form of windows, doors, architectural features and verandahs).

Ensure design details of new buildings and works are either:

- *Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings.*
- *A replication of historic forms and detailing.*

Ensure additions and new buildings (other than commercial buildings), are:

- *Located in manner that does not detract from or dominate the heritage place or the heritage values of the precinct.*
- *Designed and sited to respect the significance of the heritage place utilising a combination of setbacks and matching the height of the heritage place.*

Design additions and new buildings to be visually recessive and read as a secondary element to the heritage place. Where side setbacks are an important feature in a heritage precinct, ground level additions should have side setbacks that are the same or similar to those of the precinct.

Locate additions and new buildings to the rear of the heritage place where possible.

Design additions and new buildings to be sympathetic with the heritage fabric of the place and precinct rather than any 'non-contributory' elements of the place.

Discussion:

Demolition: The proposed extent of demolition includes just under a third of the building under (and including) the principal double-hipped slate roof. However, oblique views from the streetscape show the entire side of the building under (and including) the outward faces of principal double-hipped slate roof is visible and

contributory. See image below of north western and north eastern oblique views (respectively):



Accordingly, it is recommended that demolition be restricted to the rear (south) wall and south faces and inner valley of the principal roof form of the original Victorian building, and that the side walls and their existing original window and door openings, and northern, eastern and western slate roof faces remain intact.

The amended plans show the retention of the side walls and principal roof form to a much greater extent. Alterations are proposed to the existing, and to introduce new, openings to the east elevation. The revised extent of demolition is acceptable, noting that the proposed changes to openings would be largely concealed and the key contributory fabric (slate roof, eaves, red brick walls) would be retained.

Reconstruction: It is proposed to reconstruct a portion of the eastern slate roof face to the rear. For the reasons above, demolition of this portion of the roof is not recommended to proceed and accordingly reconstruction would not be required.

The plans now show the retention of this section of the roof. Accordingly this comment has been addressed.

Additions/ New Buildings:

- **Siting:** It is proposed to site the ground and upper storey addition to the rear of the existing building.
- **Setbacks:** It is proposed to set the ground storey addition approximately 20.6m from the front (north) property boundary, 1.3m from the eastern property boundary and at a zero setback to the western property boundary. It is proposed to set the upper storey addition back a minimum of 20.39m

from the front (north) property boundary, 2.3m from the eastern property boundary and between 1.875m and 1.16m from the western property boundary. The side setbacks at ground level are supported, however it is noted that the proposed northern elevation (at Drawing TP09) does not appear to show the ground floor built form extending to the property boundary to the west, and it is recommended that this be clearly depicted in the next iteration of drawings. Noting the recommendation regarding demolition above, it is likely that the setbacks to the front property boundary would need to be increased at a minimum - a summation of recommendations is included below. **The plans have been amended to show the extension of the ground floor to the north boundary. Setbacks to the main bulk of the first floor are largely the same, however the impact of this has been mitigated by the retention of additional heritage fabric.**

- **Building Height and Form:** Due to the fall in the land, the building height is variable. Measured from street level, the maximum visible building height would be 6.1m. The proposed form is cubic.
- **Roof Form:** The proposed roof form is flat. Noting the predominance of pitched (hipped) roof forms in the precinct, including the subject property and adjoining contributory properties, to the extent that it is clearly visible from the streetscape it is recommended that the proposed roof form incorporate an angled element to reference the predominant pitched roof forms. This should not be a reproduction of a hipped roof but rather (for example) chamfered corners or angled walls that are a contemporary reference to these forms. **The proposed roof form has been amended to incorporate pitched elements. The revised roof form is acceptable.**
- **Materials, surface finishes and details:** It is proposed to use a combination of dark face brick and metal framed (in charcoal) glazing (in non-traditional proportions) to the upper storey, as would be visible from the streetscape. The glazing introduces a degree of transparency but the use of dark brick and metal frames would counter this by likely increasing visibility and apparent weight of the addition as it appears from the streetscape. To the degree that the upper storey addition remains visible from the streetscape, it is recommended that a lighter colour scheme be considered to achieve a more recessive effect. **The amended plans retain the dark colour scheme. Noting that the addition remains visible in oblique views from the streetscape, the material and colour palette should be lightened to ensure that the addition is as visually recessive as possible as required by policy.**

In summary, the upper storey addition as currently proposed does not read as sufficiently secondary from oblique views and currently dominates the heritage place. As was advised at pre-application stage, there is no reason given the size of the lot, the screening provided by the retained roof form and the substantial fall in the land away from the street that a minimal-nil visibility of upper storey addition could not be achieved. It is recommended that the proposed upper storey addition be altered through an increase in side setbacks, setback from the street, height, roof form or a combination of these so as to appear as more recessive. In particular, the side setbacks at a minimum should be increased substantially to conceal more of the massing of the proposed addition behind the central portion of the hipped roof, and the applicant is encouraged to consider the diagram at Figure 2 of the Boroondara Heritage Policy in this regard. This may require a reduction of

expectations about the number of rooms and/or space to be achieved in the rear upper storey addition for this particular site given its location in a heritage overlay area, noting the upper storey addition is proposed to include four bedrooms, two bathrooms, and a bedroom-sized walk in robe.

The revisions to the design, including the increased retention of heritage fabric and alterations to the roof form result in an acceptable outcome in terms of the siting, massing and visibility of the addition. While the setbacks have not been increased to a degree where the addition is no longer visible in oblique views, the retention of a much greater extent of the original roof and changes to the roof form of the new work result in an addition which clearly reads as a secondary element, with the heritage building retaining primacy in the streetscape. Acknowledging this, given the addition remains visible, further changes are required to the material and colour palette to lighten the scheme and ensure that the dark palette of the addition does not detract from the heritage building and its contribution to the precinct.

(see below for matters relating to fences, vehicle accommodation, outbuildings, services, landscaping, signage, commercial buildings and subdivision)

15.03-1L Contributory heritage places policy guidelines

Consider as relevant:

Siting and massing development to be behind and visually recessive in regard to the heritage place as shown on Figures 1, 2 and 3.

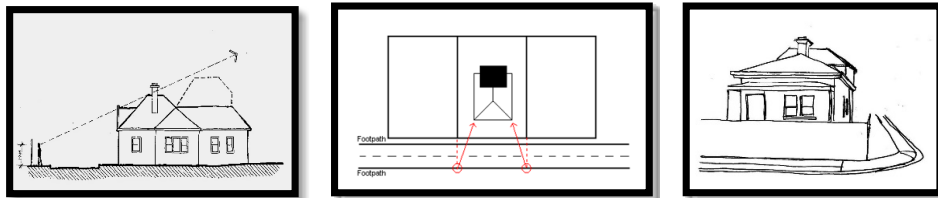


Figure 1: Sight line diagram, Figure 2: Oblique views diagram, Figure 3: Three dimensional oblique view

Discussion:

Sightline: The sightline diagram indicates the central portion of the addition is screened by the existing roof ridge.

Oblique views: the oblique view images show that the addition is insufficiently recessive. While the oblique images demonstrate that the addition remains visible in oblique views, it is considered that the relevant modifications to the plans have addressed the key concerns with this visibility, with the exception of the material and colour palette.

15.03-1L All places - vehicle accommodation, outbuildings and services strategies

Ensure vehicle accommodation and other services do not dominate heritage places.

Minimise new vehicle cross-overs for heritage places with narrow street frontage, where few or no crossovers exist or where rear laneway access is available.

Discourage the widening of vehicle crossovers, or the construction of large areas of paving or other hard surfaces in the front setback where this is not responsive to the heritage place, except in the interests of traffic safety.

Encourage the location of new carports, garages and outbuildings to the rear of the main building (excluding verandahs, porches, bay windows or similar projecting features) except where the character of the heritage place supports the location of carports, garages and outbuildings to the side of the heritage building behind the main front building line.

Encourage any new carports, garages and outbuildings that are visible from the street to use wall openings, roof forms and materials that complement the main building or the characteristics of the heritage precinct.

Discourage the location of swimming pools in the front setback.

Support rain water tanks, hot water systems, air-conditioning units and other equipment in areas visible from the street only where they will not detract from the heritage significance of the place.

Avoid visible roof fixtures, such as solar panels, on the principal visible roof form.

Ensure visible roof fixtures are aligned with the profile of the roof and not mounted on protruding frames.

Discussion: The proposed vehicle accommodation to the rear is supported.

15.03-1L All places - roads and laneways strategy

Ensure works within and adjacent to roads and laneways maintain the heritage significance of the road or laneway through the use of sympathetic materials and finishes.

Discussion: It is recommended that the proposed materiality of paving between bluestone laneway and garage door be confirmed, with asphalt recommended as an appropriately sympathetic material. **The amended plans indicate bluestone paving or similar at the basement entry. This is acceptable.**

The proposed sheer 4m-4.5m (measurements vary in the drawings) rendered concrete wall is substantially out of keeping with existing boundary arrangements

to the laneway and would risk dominating the bluestone laneway. It is recommended that this be reduced in height to a maximum of 3m, with any portion above that height set back substantially. **A setback has been incorporated above 3.2m. This is acceptable.**

General policy guidelines

Consider as relevant:

- *Not including vegetation and fences as permanent screening when determining if a proposed addition is visible from the street for significant and contributory heritage places.*
- *Allowing the demolition of a heritage place where the place is structurally unsound and cannot reasonably be rectified. The poor condition of a heritage place should not in itself, be a reason for permitting demolition of a significant or contributory heritage place or part thereof.*

(See list of policy documents in Clause 15.03-1L)

Discussion: It is noted that the application appears to acknowledge that vegetation is not to be considered in determining visibility but nevertheless seeks to propose existing vegetation as a screening in mitigation of visibility including in streetscape renders. This has been disregarded in this referral advice as required by policy, and it is recommended that the next iteration of streetscape renders show all vegetation removed so that it may be assessed in accordance with policy. **The revised renders do not show any vegetation as suggested.**

Recommendations

1. On heritage grounds the works proposed in this application should be modified as follows prior to further consideration:

	Suggested condition	Explanation	Updated comment
1	Demolition be restricted to the rear (south) wall and south faces and inner valley of the principal roof form of the original Victorian building, and that the side walls and their existing original window and door openings, and northern, eastern and western slate roof faces remain intact.	<i>Oblique views from the streetscape show the entire side of the building under (and including) the outward faces of principal double-hipped slate roof is visible and contributory.</i>	Revised. Extent of demolition now acceptable.
2	To the extent that it is clearly visible from the	<i>The proposed roof form is flat. There is a</i>	The roof form has been appropriately

	streetscape, the proposed roof form incorporate an angled element to reference the predominant pitched roof forms. This should not be a reproduction of a hipped roof but rather (for example) chamfered corners or angled walls that are a contemporary reference to these forms.	<i>predominance of pitched (hipped) roof forms in the precinct, including the subject property and adjoining contributory properties.</i>	<i>amended and is now acceptable.</i>
3	To the degree that the upper storey addition remains visible from the streetscape, it is recommended that a lighter colour scheme be considered.	<i>The glazing introduces a degree of transparency but the use of dark brick and metal frames would counter this by likely increasing visibility and apparent weight of the addition as it appears from the streetscape. A lighter colour scheme would achieve a more recessive effect.</i>	<i>A lighter colour scheme is still required to achieve an acceptable outcome, noting the rear addition remains visible in oblique views.</i>
4	The proposed upper storey addition be altered through an increase in side setbacks, setback from the street, height, roof form or a combination of these so as to appear as more recessive. In particular, the side setbacks at a minimum should be increased substantially to conceal more of the massing of the proposed addition behind the central portion of the hipped roof, and the applicant is encouraged to consider the diagram at Figure 2 of the Boroondara Heritage Policy in this regard.	<i>The upper storey addition as currently proposed does not read as sufficiently secondary from oblique views and currently dominates the heritage place. As was advised at pre-application stage, there is no reason given the size of the lot, the screening provided by the retained roof form and the substantial fall in the land away from the street that a minimal-nil visibility of upper storey addition could not be achieved. This may require a reduction of expectations about the number of rooms and/or space to be achieved in the rear upper storey addition for this particular site given its location in a heritage overlay area.</i>	<i>The revisions to the plans have resulted in an acceptable outcome with regard to the massing and siting of the rear addition. The addition is considered acceptable, subject to amendments to the materiality to adopt a lighter colour scheme to ensure a more visually recessive outcome.</i>

5	The proposed materiality of paving between bluestone laneway and garage door be confirmed, with asphalt recommended.	<i>Asphalt would be an appropriately sympathetic material to the 19th century bluestone laneway.</i>	<i>The material has been clarified as bluestone. This is acceptable.</i>
6	The wall to laneway be reduced in height to a maximum of 3m, with any portion above that height set back substantially.	<i>The proposed sheer 4m-4.5m (measurements vary in the drawings) rendered concrete wall is substantially out of keeping with existing boundary arrangements to the laneway and would risk dominating the bluestone laneway.</i>	<i>The wall has been reduced to 3.2 with a 1m setback to higher form. This is acceptable.</i>
7	The next iteration of streetscape renders show all vegetation removed so that it may be assessed in accordance with policy.	<i>The application appears to acknowledge that vegetation is not to be considered in determining visibility but nevertheless seeks to propose existing vegetation as a screening in mitigation of visibility including in streetscape renders.</i>	<i>Actioned.</i>
8	<i>The ground floor built form of the addition be clearly depicted in the proposed northern elevation in the next iteration of drawings</i>	<i>The proposed northern elevation (at Drawing TP09) does not appear to show the ground floor built form extending to the property boundary to the west.</i>	<i>Actioned</i>

Signed:



Luke James

Dated: 29 December 2022

Updated comments



Michelle Bashta

Dated: 11 April 2024

APPENDIX B - PLANNING POLICIES

Statement of Significance

The subject site is located within the Lyndhurst Crescent Precinct which is an area of local, historical, and architectural significance to the City of Boroondara.

Lyndhurst Crescent Precinct, Hawthorn, is an area of heritage significance for the following reasons:

- The place is representative of the growth of Hawthorn as a garden suburb from 1856- 1900, particularly through the siting of middle-class, Victorian-style villas of varied size and materials in garden settings.
- The development of the place capitalized on the fashionable status of nearby Harcourt Street and consolidated this area as a highly desirable garden suburb for the both the wealthy and relatively wealthy.
- The place contains a number of significant examples of the Victorian architectural style.

Clause 15.03-1L - Heritage

Clause 15.03-1L 'Contributory' heritage places

To retain and conserve 'contributory' places and fabric in the Heritage Overlay which are visible from the primary street frontage.

To facilitate sympathetic additions, alterations and new buildings to 'contributory' heritage places which are massed, detailed, finished and located to preserve the presentation of the place from the street.

Consider the following policies (as appropriate):	Assessment
Demolition	✓ Complies
Conservation and alterations	N/A
Additions and New Buildings	✓ Complies
Landscape setting	✓ Complies
Vehicle accommodation, outbuildings and services	✓ Complies
Roads and laneways	✓ Complies

Residential Zone

The Garden Area provisions of the Boroondara Planning Scheme do not apply unless there is a permit trigger under the zone. In the case of this application, where a permit is required under the Heritage Overlay only, Garden Area will be assessed under the Building Regulations. Regardless, the proposal appears to comply with the regulation, providing (approximately) 230.6sqm or 35.8% of the site towards Garden Area.

Clause 32.09-9 Maximum Building Height

A building must not be constructed for use as a dwelling or a residential building that:

- Exceeds the maximum building height specified in a schedule to this zone; or
- Contains more than the maximum number of storeys specified in a schedule to this zone.

Mandatory Maximum Building Height (NRZ3)			
	Requirement	Proposed	Assessment
Building height requirement	9m	8.46m	✓ Complies
Maximum number of storeys	2	2	✓ Complies



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02 April 2024

STATEMENT OF CHANGES

24 Lyndhurst Crescent Hawthorn 3122
VCAT Reference No. P1466/2023

This statement of changes sets out the differences between the plans considered by the Council in Planning Permit Application No. PP22/0415 being plans prepared by Neil Architects dated 01 August 2022 and the amended plans now circulated formally in this proceeding which the permit applicant intends to seek leave to substitute in this proceeding (being plans prepared by Neil Architects dated 02 April 2024) (**Amended Plans**).

The Amended Plans seek to respond to the concerns raised by the City of Boroondara and objector parties. Key changes relate to increased retention of original fabric including wall and a chimney, varied roof form (now hip and gable), varied setbacks and south wall design.

It is considered that the amended plans now incorporate changes aimed to respond to various heritage matters and provide a further improved response to heritage matters.

The specific changes are identified below:

TP01 – Existing Conditions

- No changes.

TP02 – Demolition Plan

- Extent of demolition to existing east and west walls reduced, additional existing fabric retained.

TP03 – Roof Demolition Plan

- Extent of demolition to existing roof reduced, additional existing fabric retained.

TP04 – Basement Plan

- Increased basement setback from north boundary (Lyndhurst Crescent) from 20.64m to 23.145m.
- Increased basement setback from east boundary from 1.30m to 1.46m.
- Overall basement floor plan scope reduced to accommodate increased setback.
- Basement ramp set back to accommodate concealed flood barrier.
- Basement entry to be paved in bluestone or similar to complement existing laneway materiality.

TP05 – Ground Floor Plan

- Increased ground floor setback to new extension from north boundary (Lyndhurst Crescent) from 23.89m to 26.78m.
- Decreased ground floor setbacks from south boundary (laneway) from 11.37m to 9.95m.
- West wall on boundary decreased from 24.88m to 21.99m
- Revised southern boundary treatment with reduced wall on boundary to 2940mm from 4390mm, stepped planter (1m setback from south boundary) and wall behind to an overall height of RL100.94

TP06 – First Floor Plan

- Increased first floor setback from north boundary (Lyndhurst Crescent) from 20.39m to 23.615m.
- Decreased first floor setback from south boundary from 5.32m to 4.75m.
- Decreased first floor setback from east boundary from 2.3m to 2.28m.
- First floor extension moved south, away from street frontage to reduce visibility to first floors extension. Plan/layout reconfigured.
- Adjusted façade to south-east to reduce overall bulk and mass.

TP07 – Roof Plan

- Extent of retained existing roof increased.

Lyndhurst0001_240131_001.docx

- Changes to setbacks as noted under TP06.
- Updated proposed roof form of from flat roof to a modern interpretation of a hipped (pitched) roof to the front elevation.

TP08 – Existing Elevations

- Extent of demolition to existing east and west walls reduced.
- Extent of demolition to existing roof reduced.

TP09 – Proposed Elevations

- Wall on boundary to east reduced height from 3.27m to 3.04m.
- Updated proposed roof form of extension from flat roof to a modern interpretation of a gable to the front elevation.
- Due to the traditional roof form in increase internal ceiling heights, overall RLs revised from 105.65 to 106.18.
- Ground floor built form of extension clearly depicted in north elevation.
- Revised southern boundary treatment with reduced wall on boundary to 2940mm from 4390mm, stepped planter (1m setback from south boundary) and wall behind to an overall height of RL100.94
- Adjusted façade to south-east to reduce overall bulk and mass. Refer to TP06 for further detail

TP10 – Proposed Elevations

- Updated proposed roof form of extension from flat roof to a modern interpretation of a hipped (pitched) roof to the front elevation.
- Basement ramp set back to accommodate concealed flood barrier.
- Pool/rear wall on boundary set back 1000mm for planter.
- Adjusted façade to south-east to reduce overall bulk and mass.

TP11 – Oblique Views

- Revised proposed perspective (street view) to reflect current design.

TP12 – Oblique Views

- Revised proposed perspective (street view) to reflect current design.

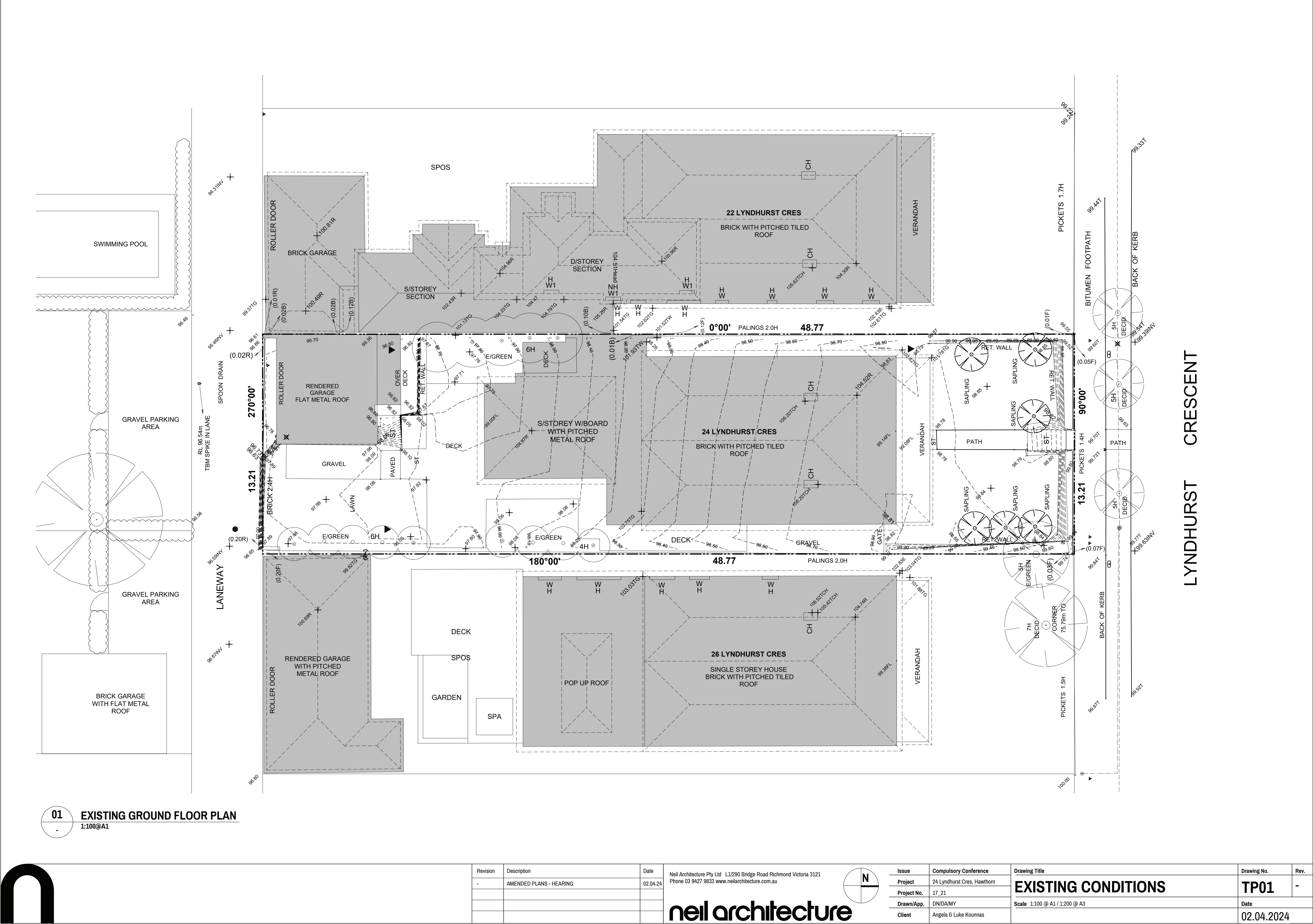
TP13 – Materials Schedule

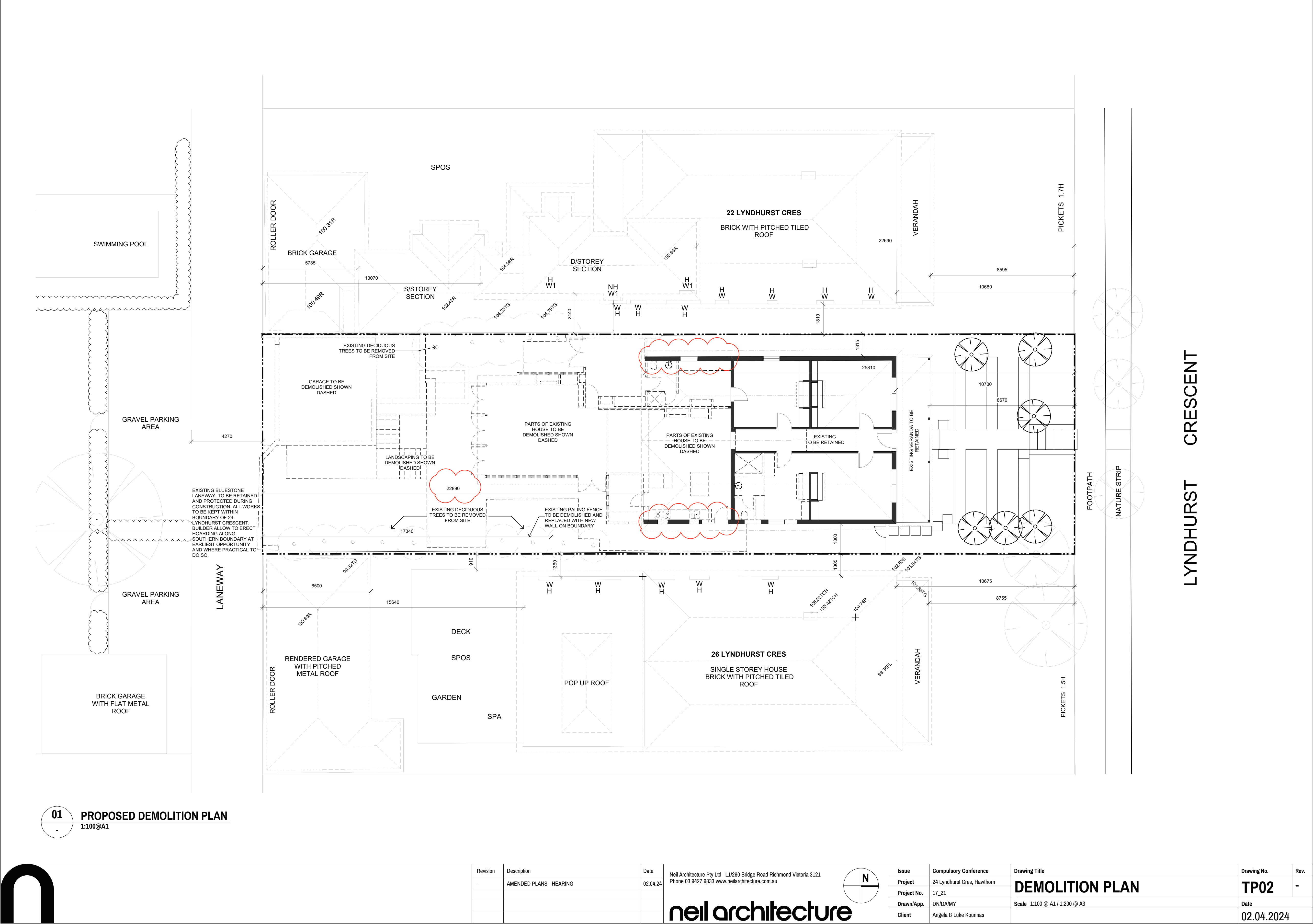
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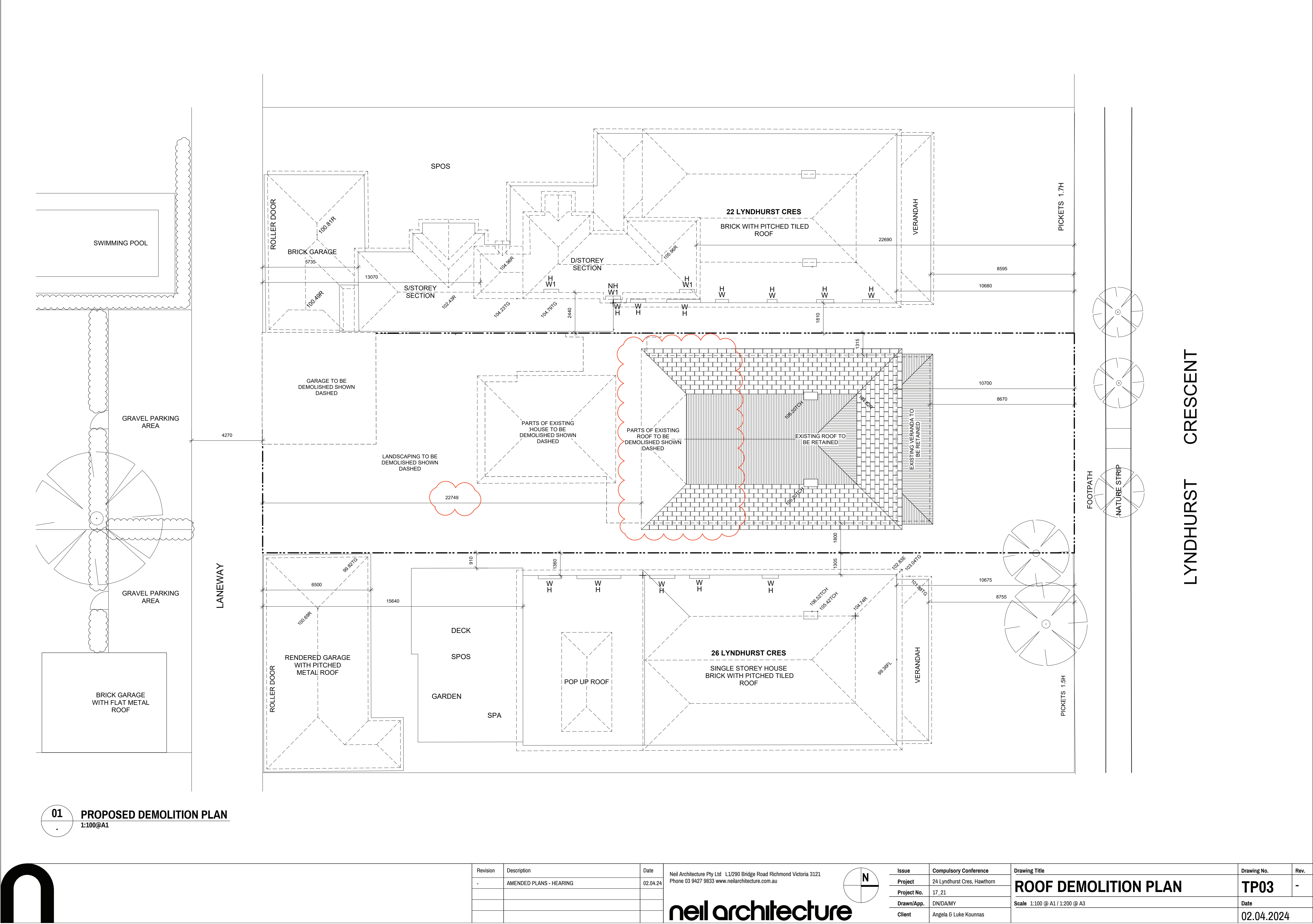
Kind regards,

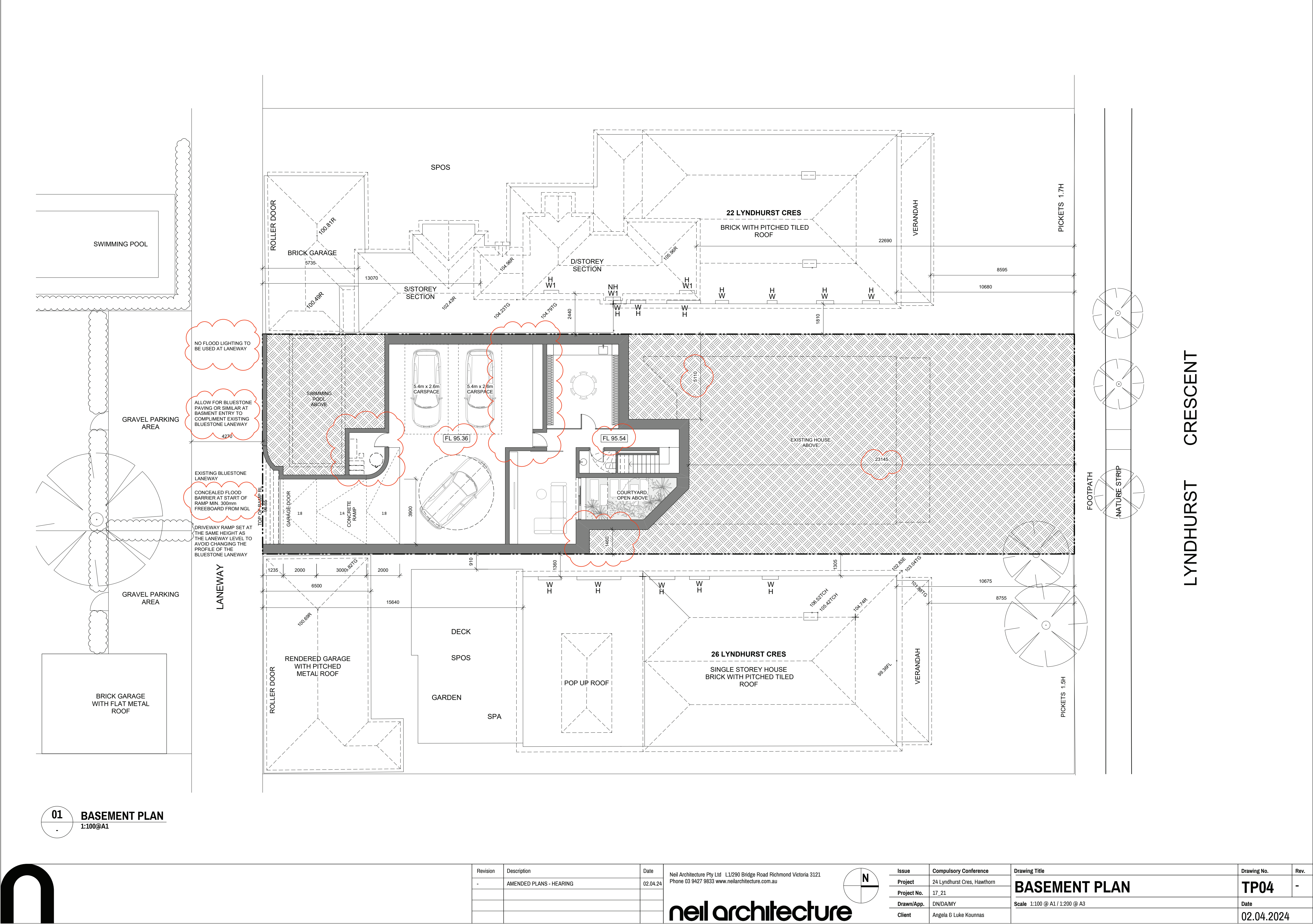
Mark Yam
Neil Architecture

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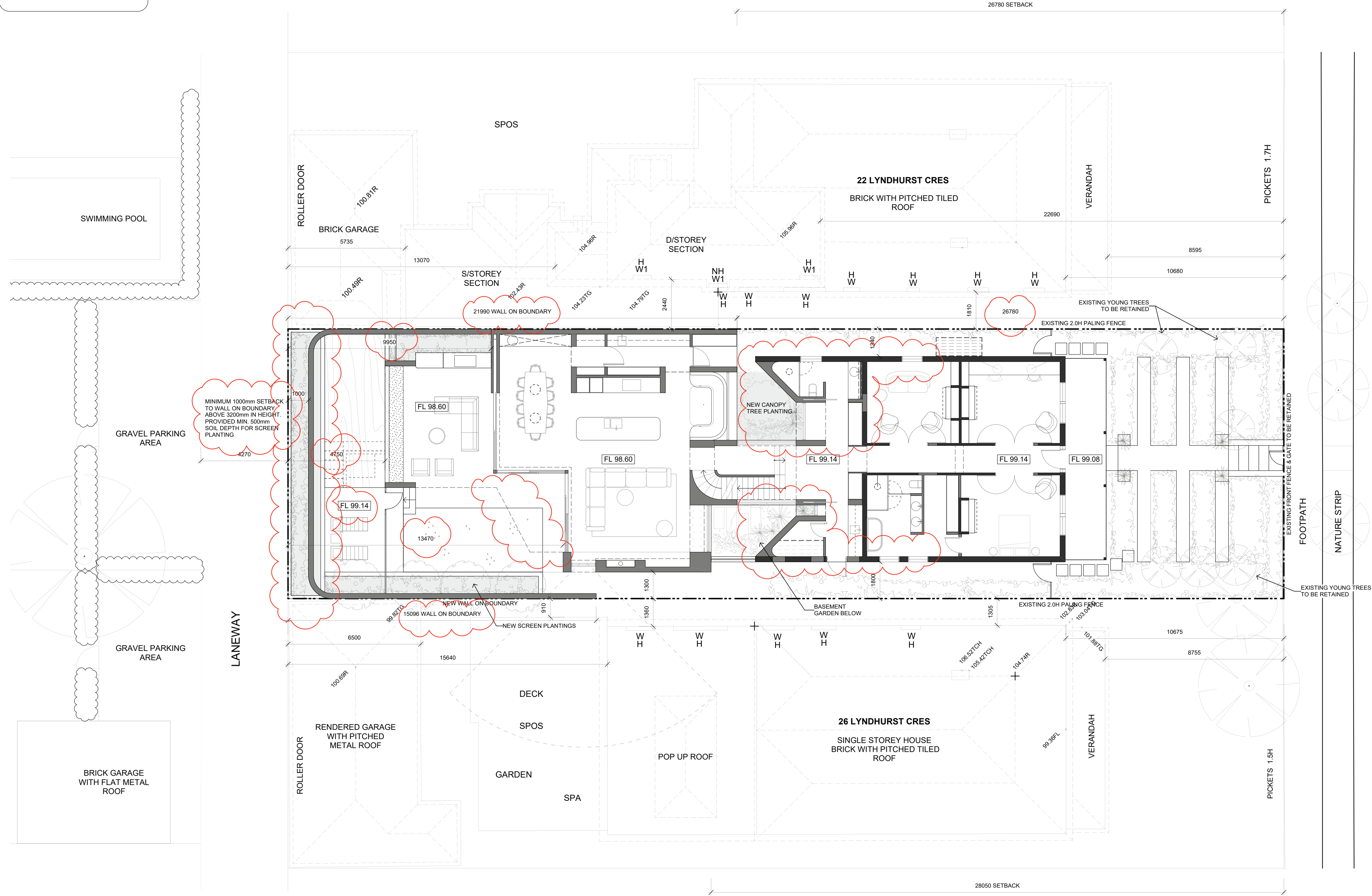




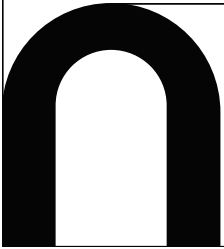




AREA SCHEDULE	
SITE AREA	644m ²
GARDEN AREA	35.8% (230.6m ²)
SITE COVERAGE	56% (364.2m ²)
PERMEABILITY	30% (197.2m ²)



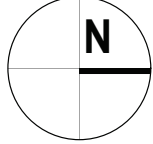
01 GROUND FLOOR SITE & LANDSCAPE PLAN
1:100@A1



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

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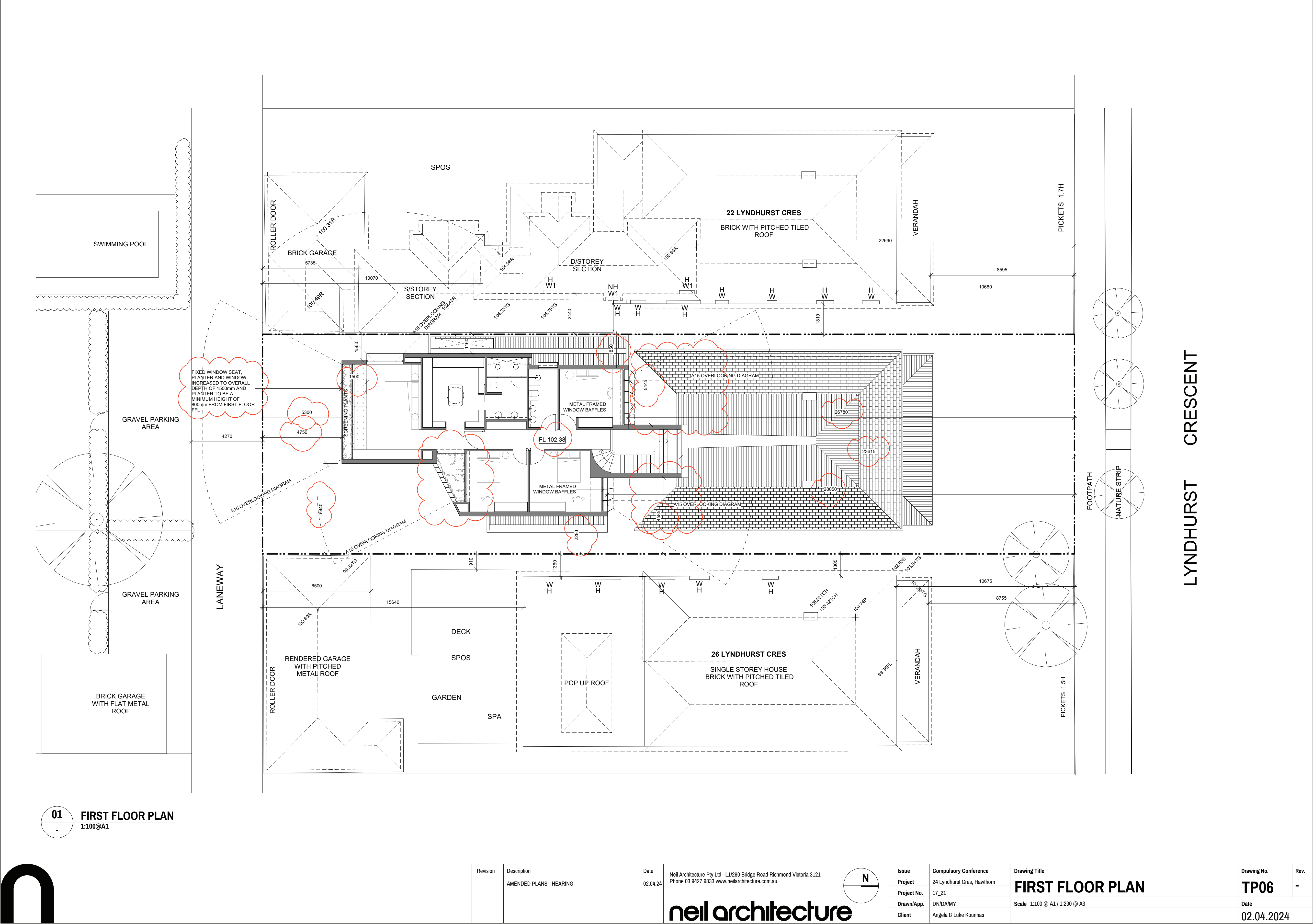
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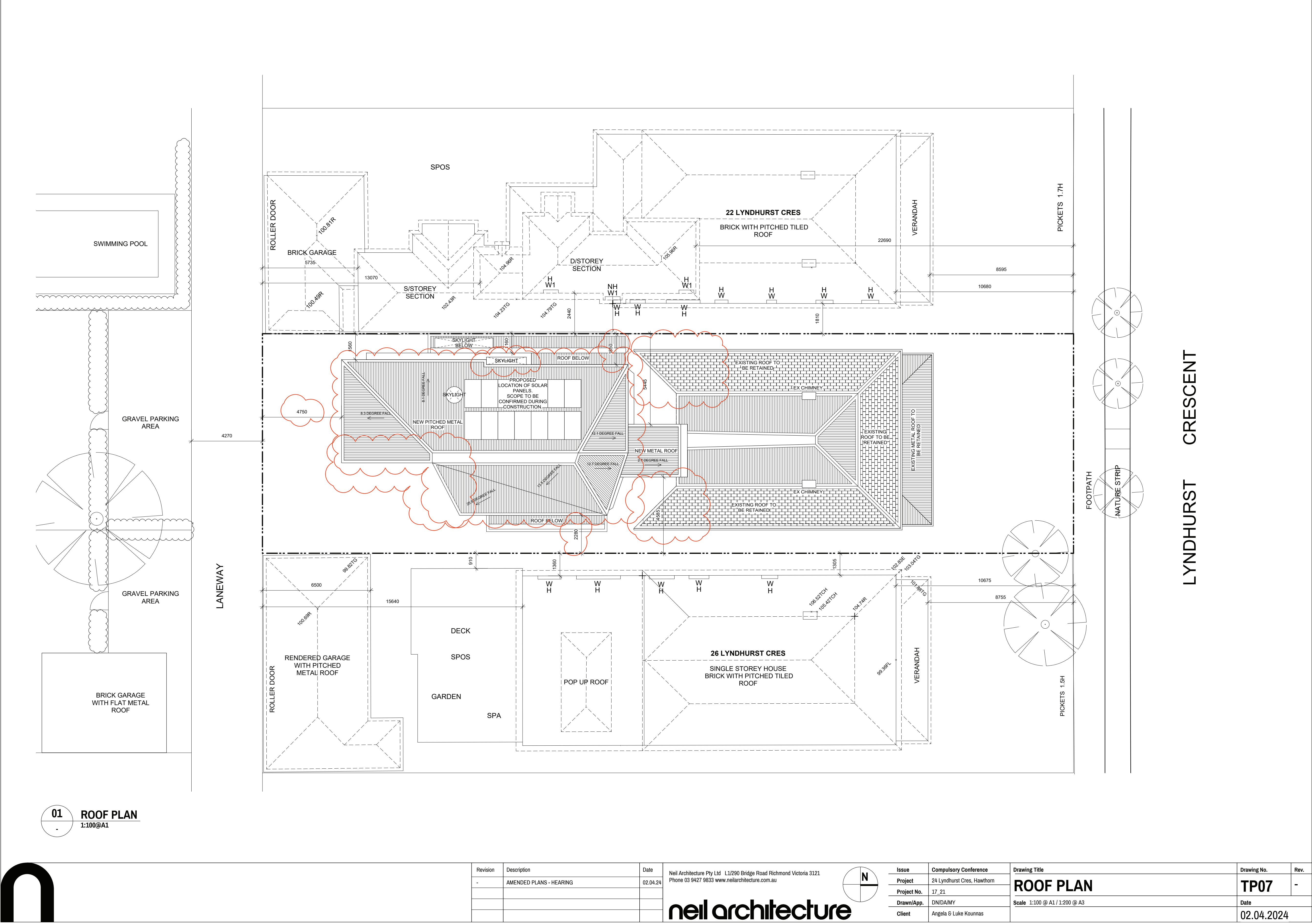


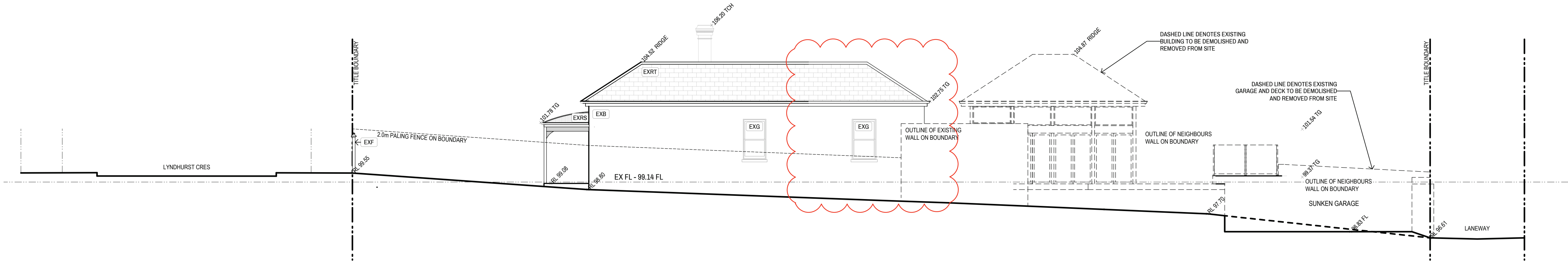
Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title	Drawing No.	Rev.
GROUND FLOOR PLAN	TP05	-
Scale 1:100 @ A1 / 1:200 @ A3		Date
		02.04.2024

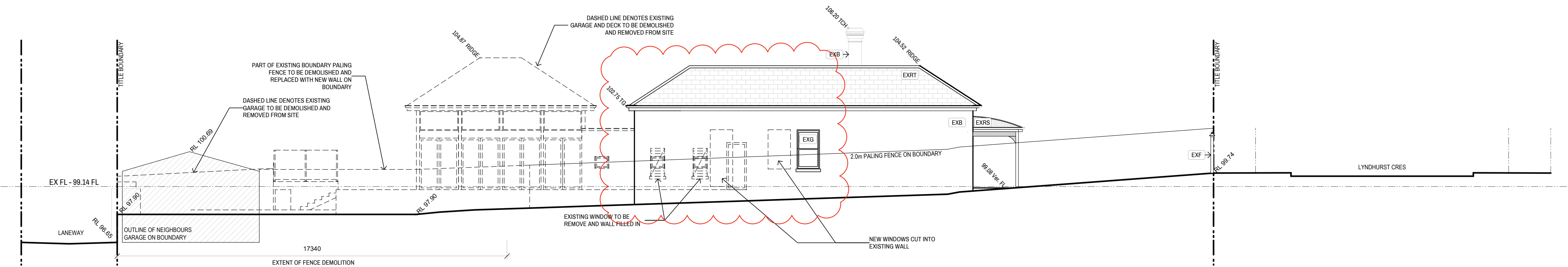
LYNDHURST CRESCENT



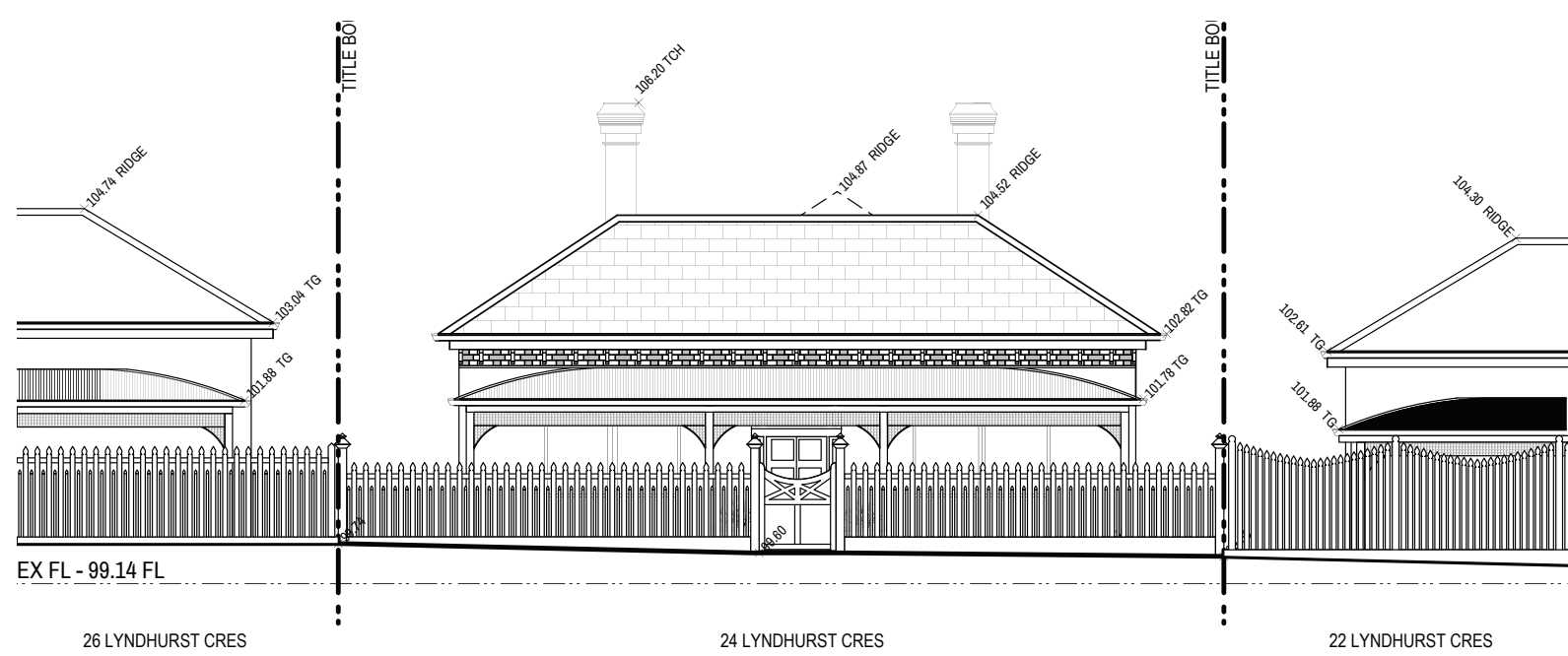




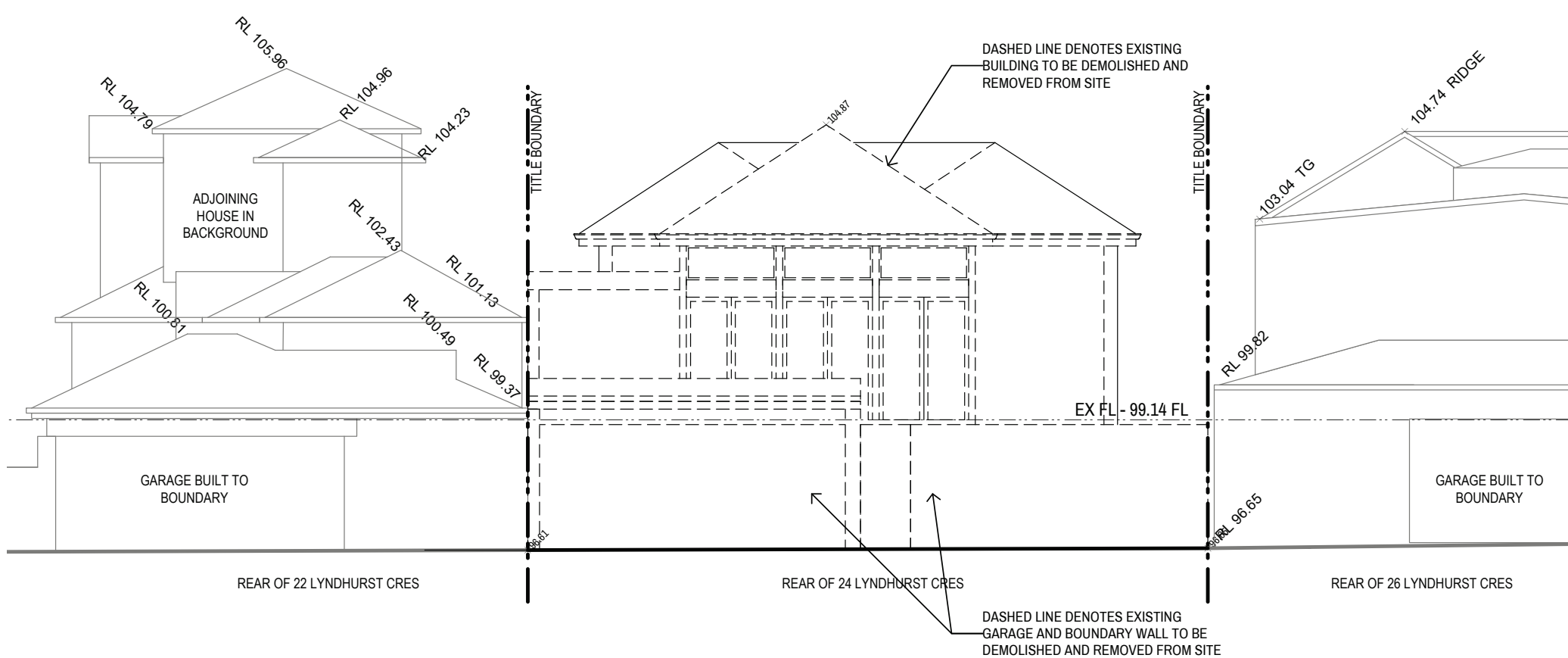
01 EXISTING WEST ELEVATION
1:100@A1



02 EXISTING EAST ELEVATION
1:100@A1



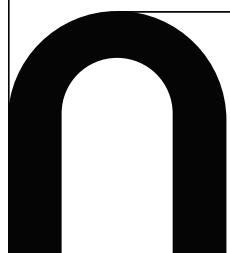
03 EXISTING NORTH ELEVATION
1:100@A1



04 EXISTING SOUTHELEVATION
1:100@A1

EXISTING MATERIAL SCHEDULE

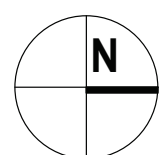
EXB	EXISTING BRICKWORK
EXF	EXISTING PAINTED TIMBER FENCE & GATE
EXG	EXISTING CLEAR GLAZING
EXRT	EXISTING SLATE ROOF TILE
EXRS	EXISTING METAL ROOF SHEETING
EXT	EXISTING PAINTED TIMBER
EXWB	EXISTING PAINTED WEATHERBOARDS



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

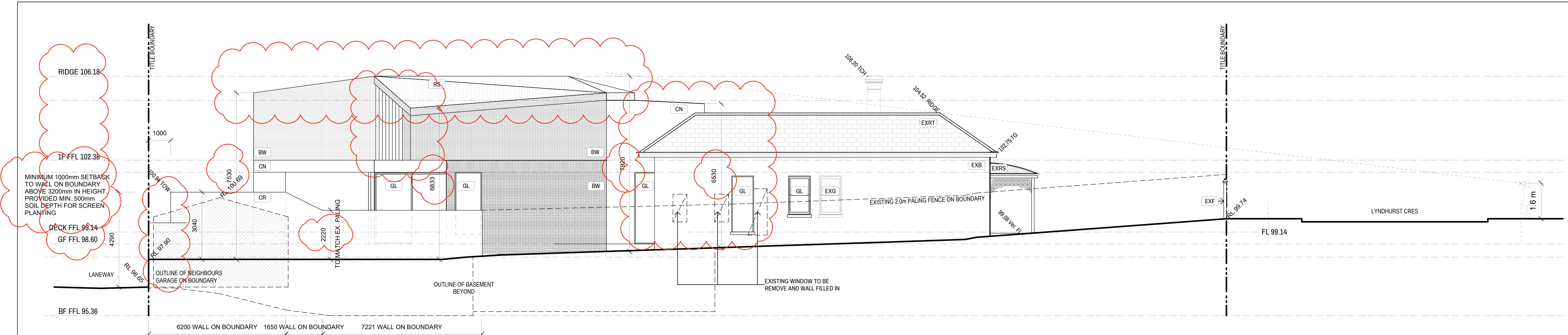
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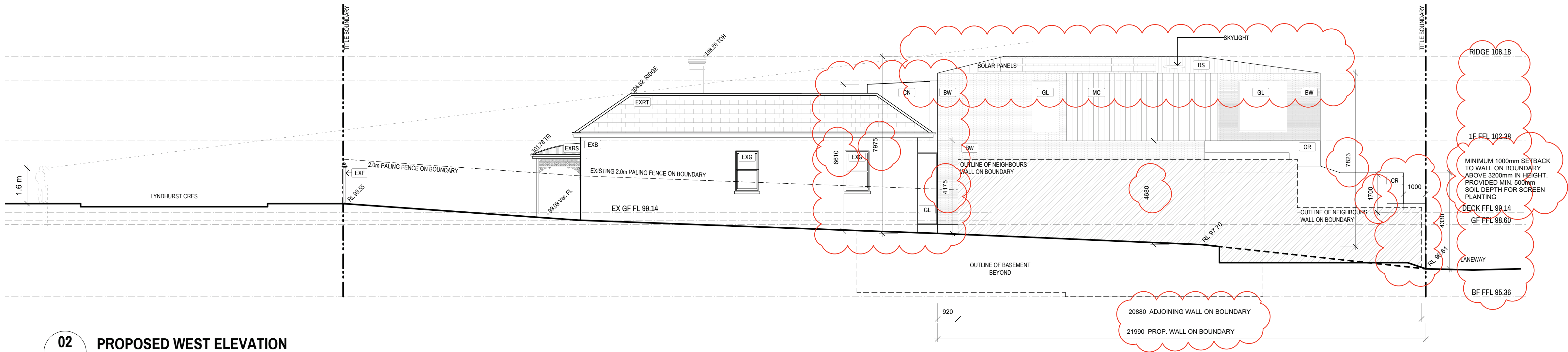


Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
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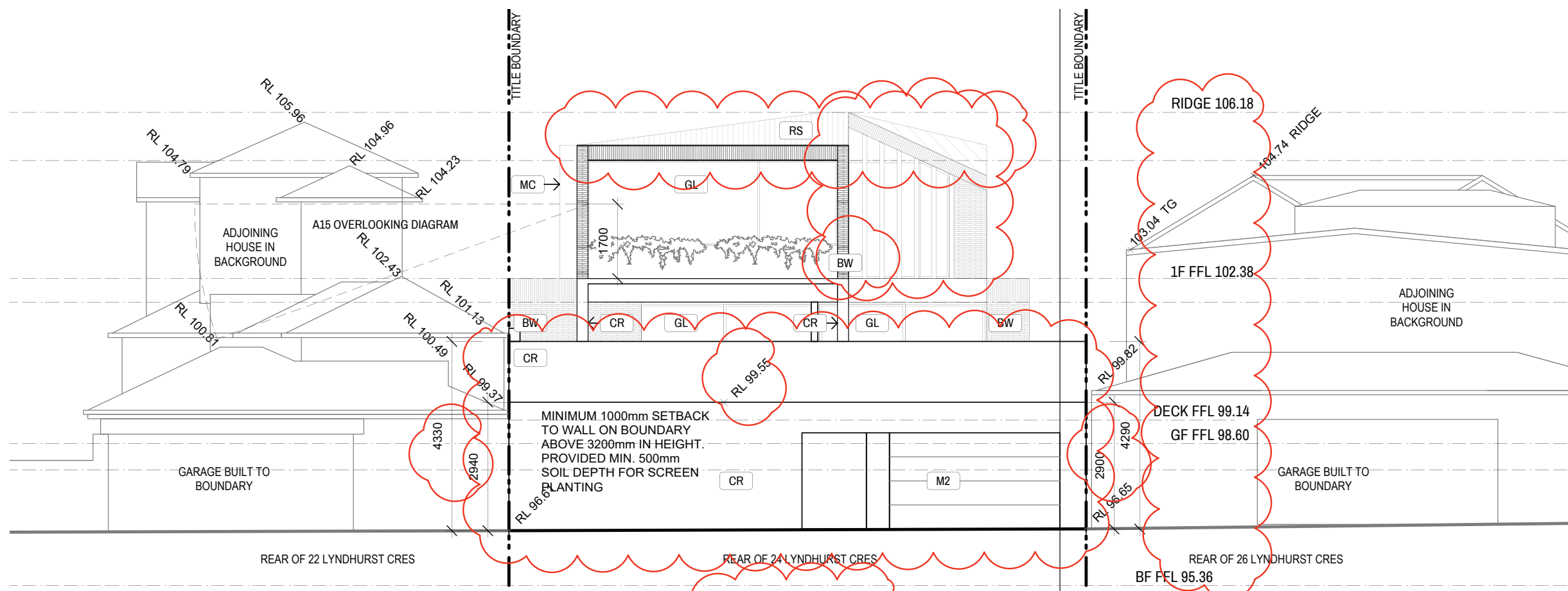
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EXISTING ELEVATIONS	TP08	-
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	02.04.2024	



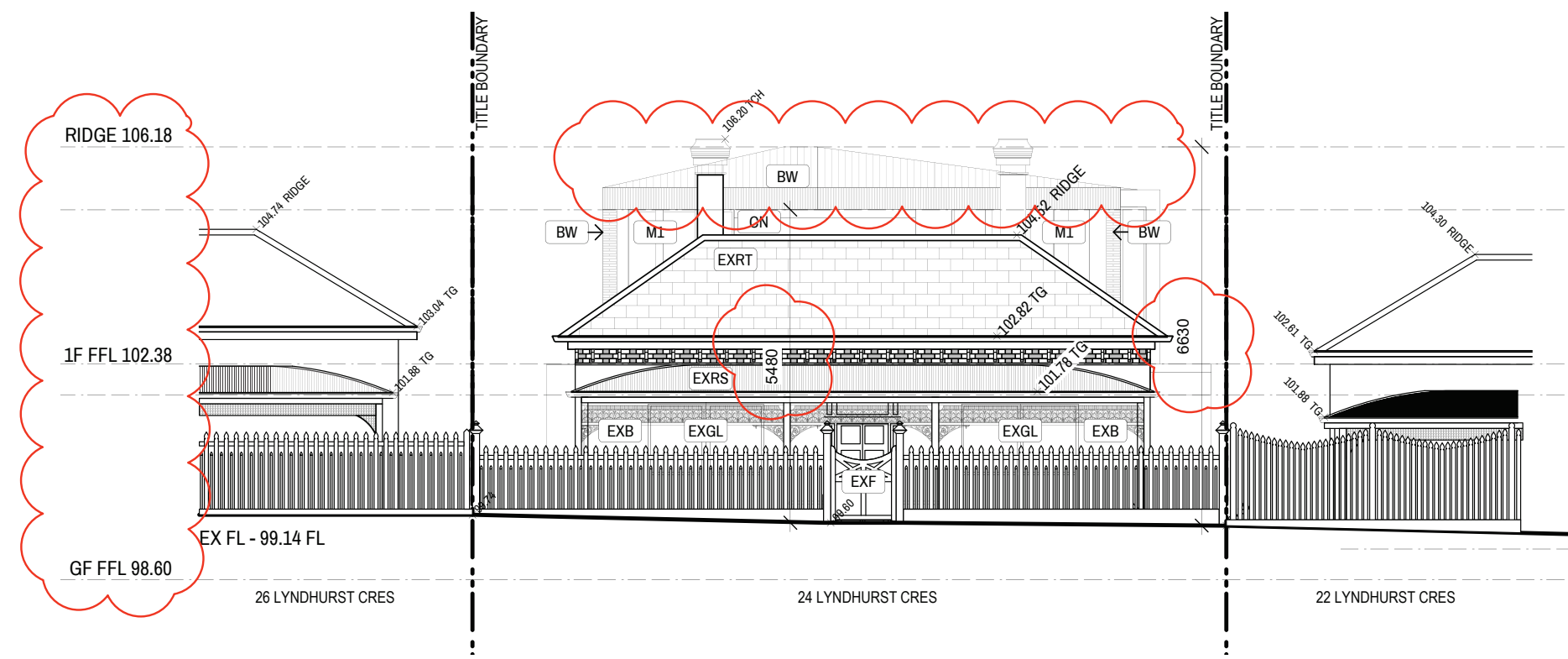
01 PROPOSED EAST ELEVATION
1:100@A1



02 PROPOSED WEST ELEVATION
1:100@A1



03 PROPOSED SOUTH ELEVATION
1:100@A1



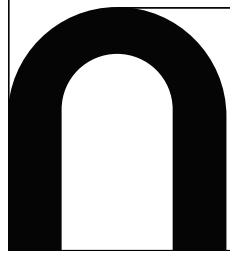
04 PROPOSED NORTH ELEVATION
1:100@A1

PROPOSED MATERIAL SCHEDULE

- BW FACE BRICKWORK
- BS BRICK SCREEN, MAX 25% TRANSPARENCY
- CN SMOOTH FINISH CONCRETE GREY
- CR CEMENT RENDER GREY
- GL CLEAR GLAZING, CHARCOAL FRAMES
- M1 METAL FRAMING, CHARCOAL
- M2 METAL CLAD GARAGE DOOR, CHARCOAL
- MC METAL CLADDING, CHARCOAL
- RS METAL ROOF SHEETING
- RT SLATE ROOF TILES TO MATCH EXISTING

EXISTING MATERIAL SCHEDULE

- EXB EXISTING BRICKWORK
- EXF EXISTING PAINTED TIMBER FENCE & GATE
- EXG EXISTING CLEAR GLAZING
- EXRT EXISTING SLATE ROOF TILE
- EXRS EXISTING METAL ROOF SHEETING
- EXT EXISTING PAINTED TIMBER
- EXWB EXISTING PAINTED WEATHERBOARDS



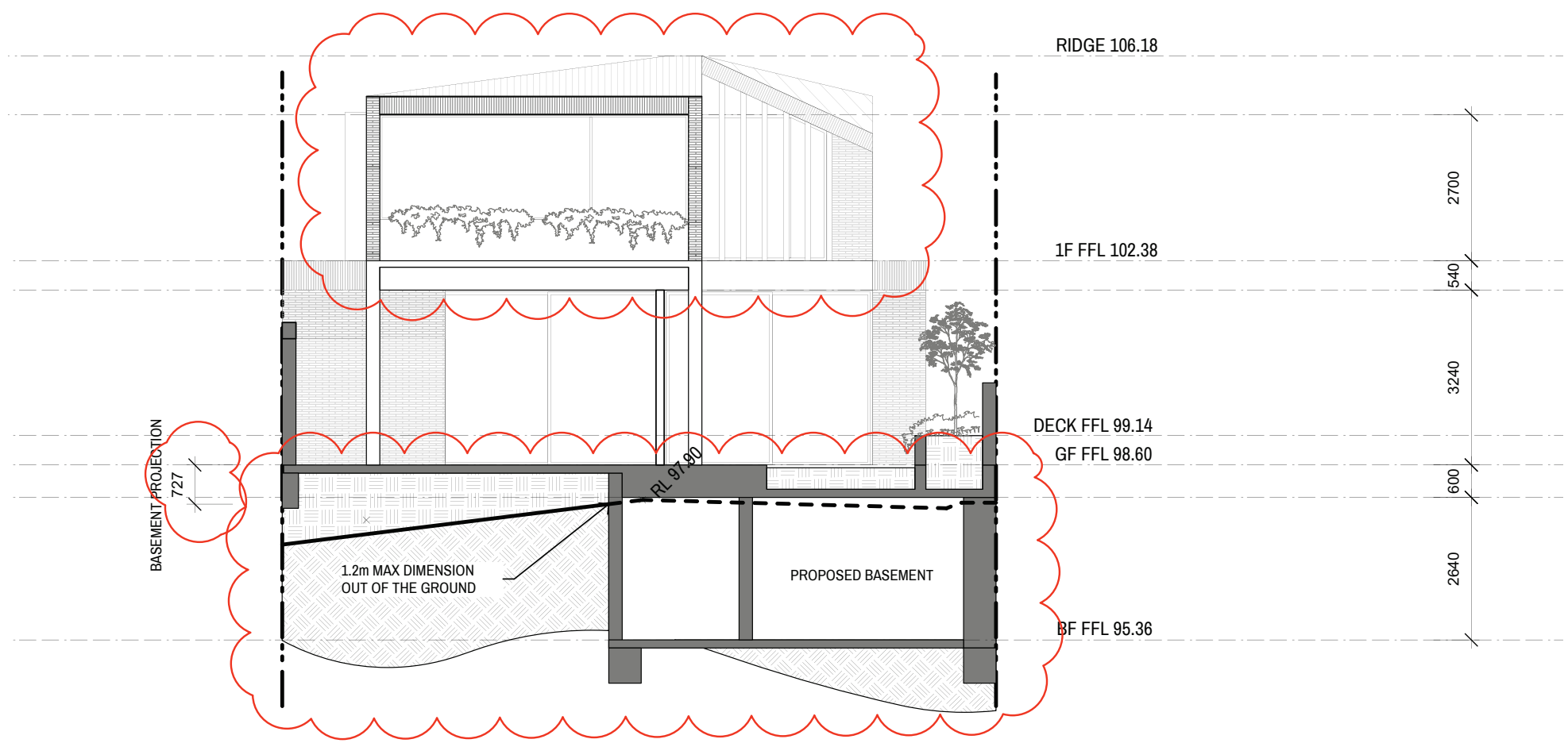
Revision	Description	Date
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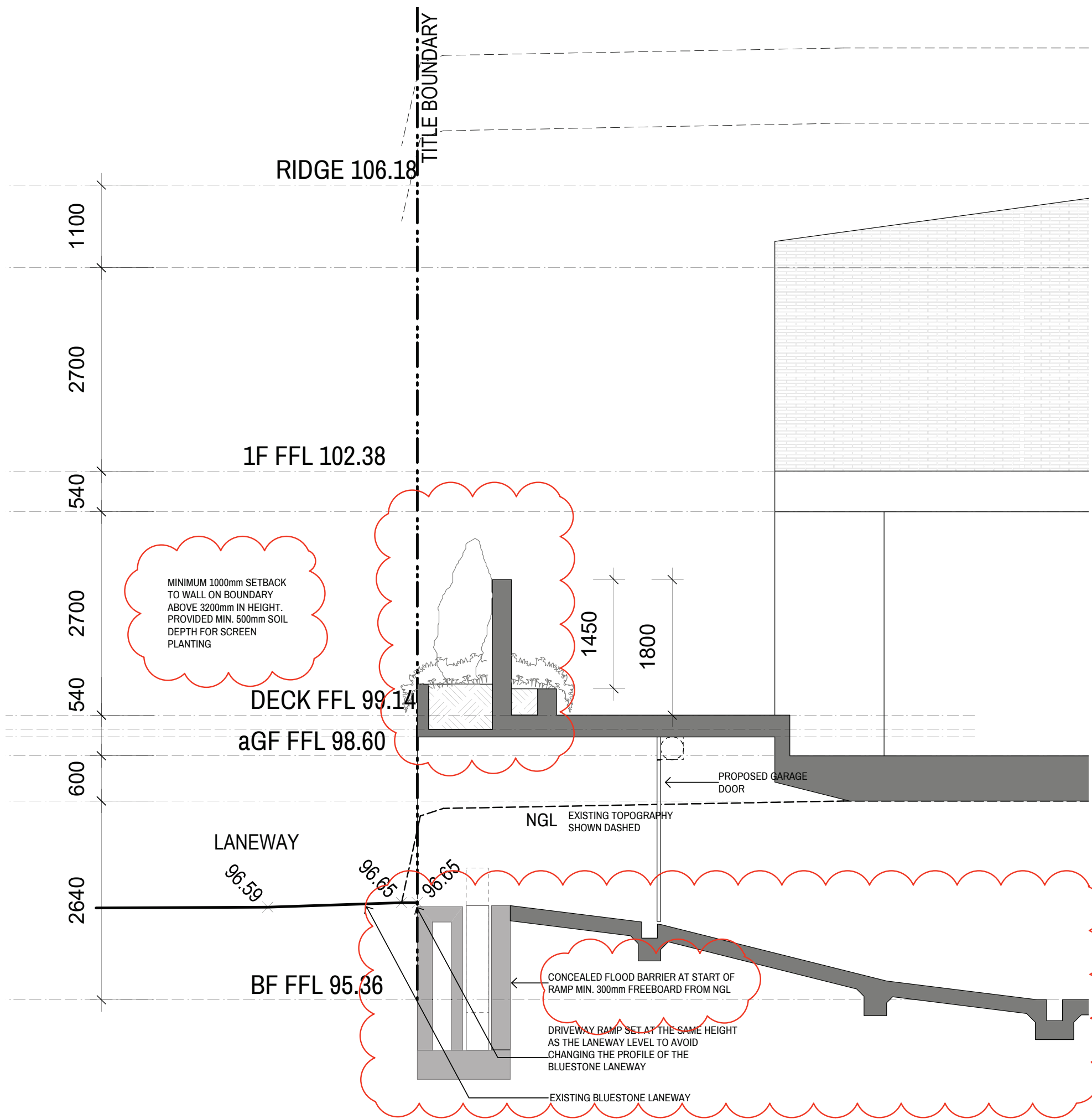
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Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
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Client	Angela & Luke Kounnas

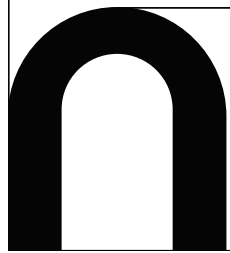
Drawing Title	Drawing No.	Rev.
PROPOSED ELEVATIONS	TP09	-
Scale 1:100 @ A1 / 1:200 @ A3	Date	
	02.04.2024	



01
-
PROPOSED SOUTH ELEVATION
1:100@A1



02
-
PROPOSED LANEWAY SECTION
1:50@A1



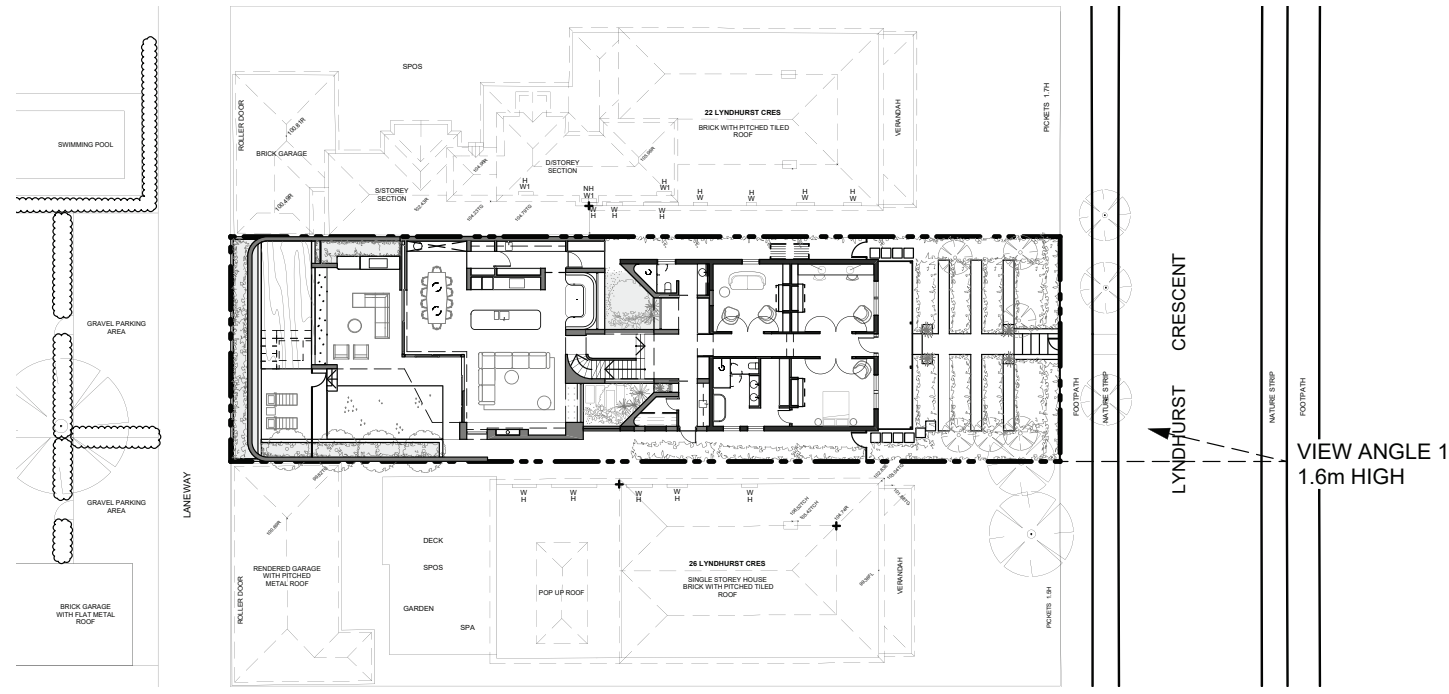
Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

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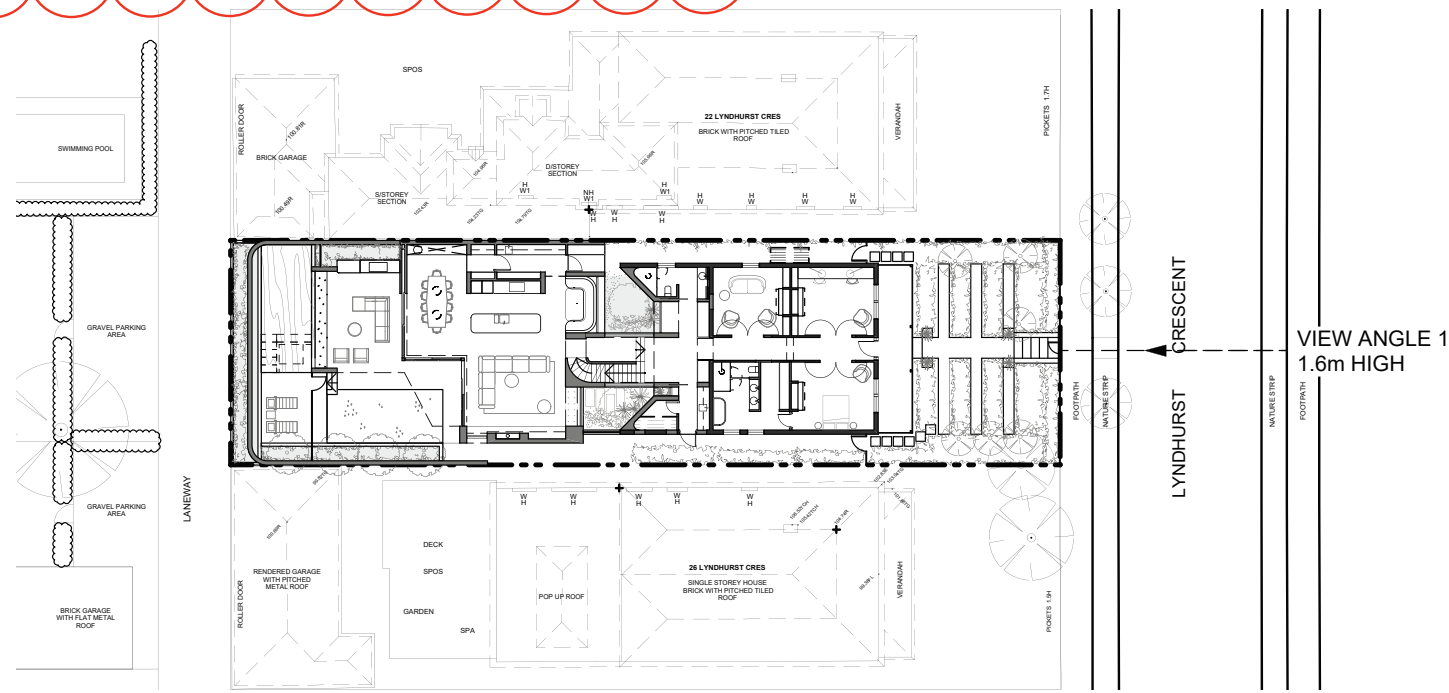
Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title	Drawing No.	Rev.
PROPOSED ELEVATIONS	TP10	-
Scale 1:100 @ A1 / 1:200 @ A3	Date	
	02.04.2024	



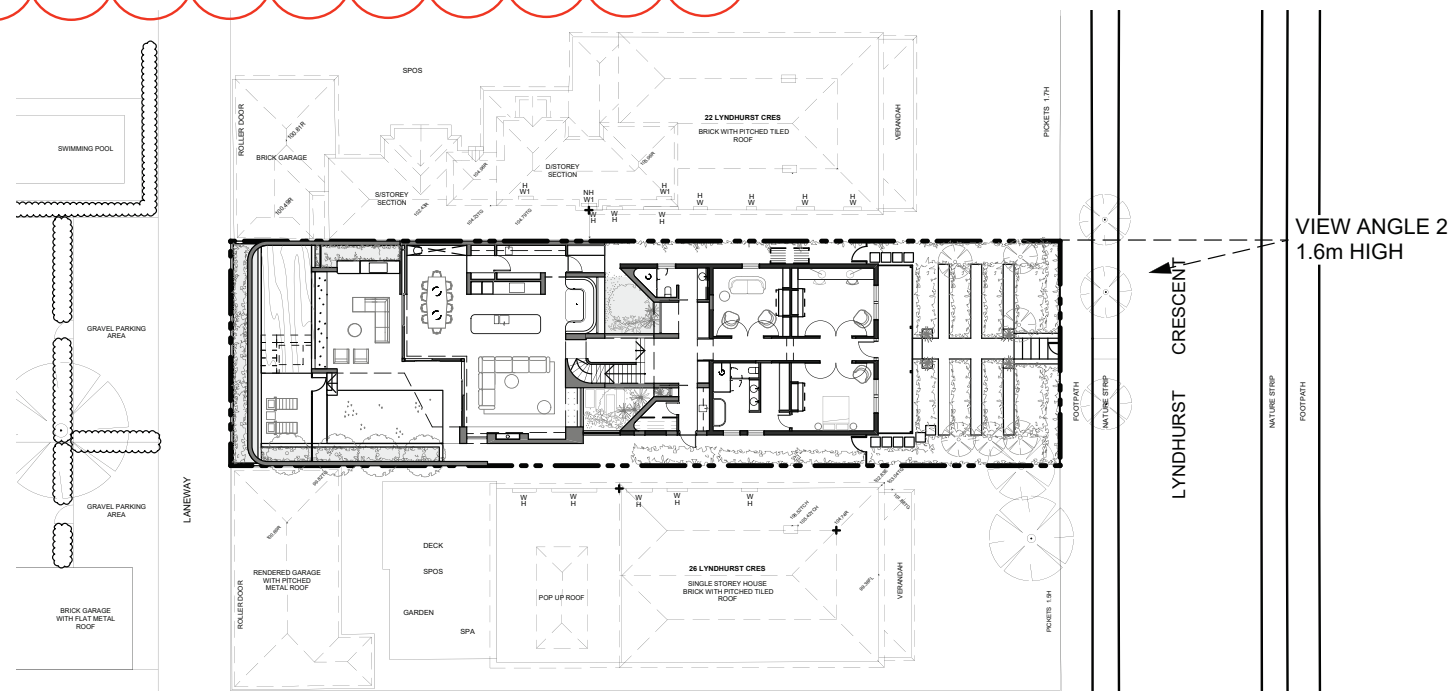
VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

01 PROPOSED PERSPECTIVE 1



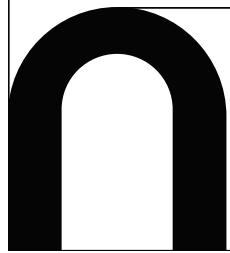
VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

02 PROPOSED PERSPECTIVE 2



VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

03 PROPOSED PERSPECTIVE 3



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

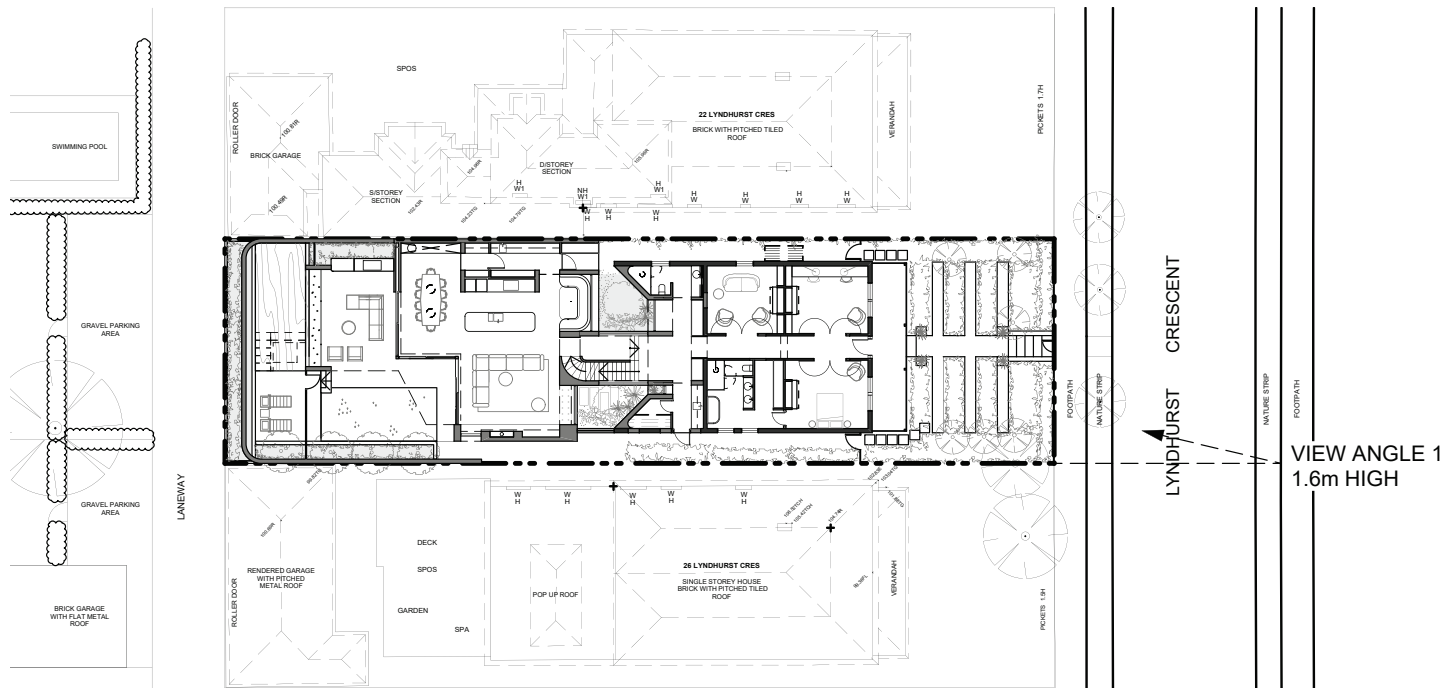
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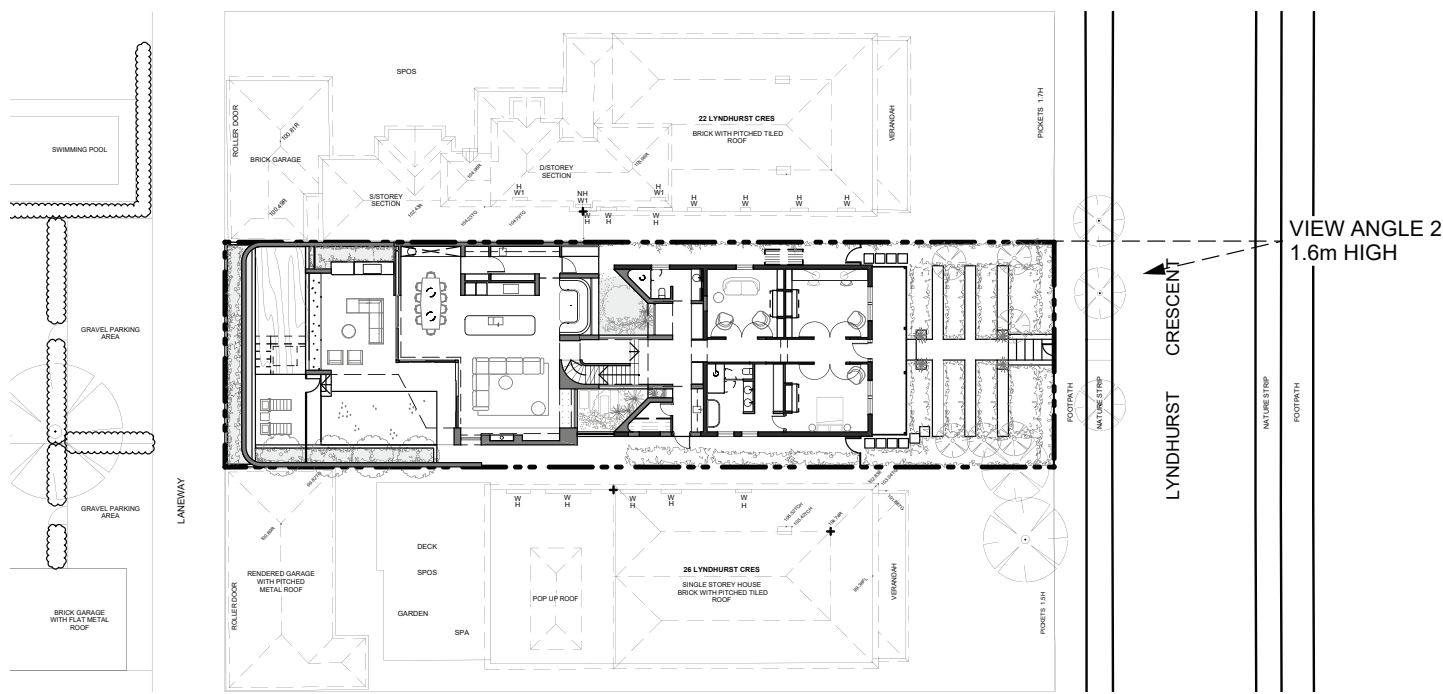
Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title
OBLIQUE VIEWS
Scale 1:100 @ A1 / 1:200 @ A3

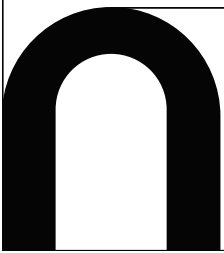
Drawing No.	Rev.
TP11	-
Date	
02.04.2024	



01 PROPOSED PERSPECTIVE 1



02 PROPOSED PERSPECTIVE 2



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

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Issue	Compulsory Conference
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Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title
OBLIQUE VIEWS WITH EXISTING LANDSCAPING
Scale 1:100 @ A1 / 1:200 @ A3

Drawing No.	Rev.
TP12	-
Date	
02.04.2024	



BW
'LOHAS' ROMAN HANDMADE COLLECTION
COLOUR TEIDE



MC
METAL WALL CLADDING, CHARCOAL,
COLOUR



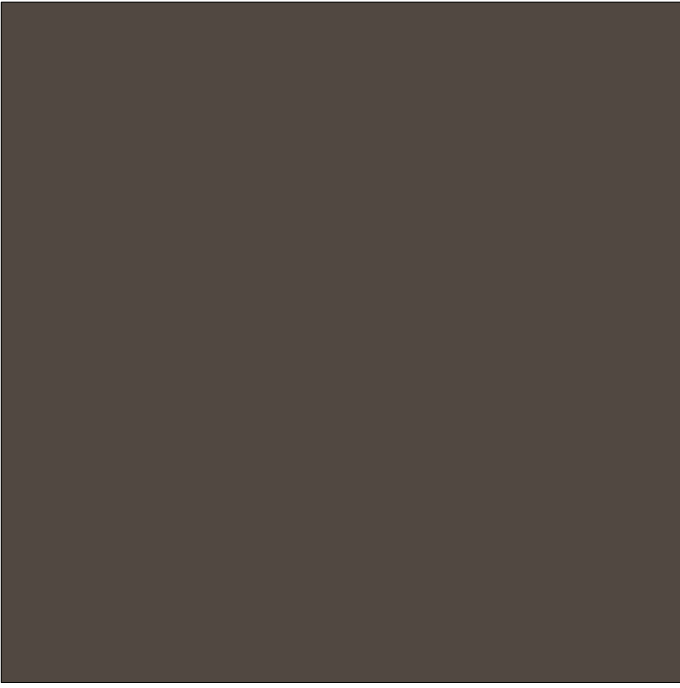
CN
SMOOTH CONCRETE FINISH, GREY



BS
'LOHAS' ROMAN HANDMADE COLLECTION
COLOUR TEIDE
MAXIMUM 25% TRANSPARENCY



RT
ROOF TILE TO MATCH EXISTING



GL
NEW WINDOW FRAMES, DARK COLOUR,
CLEAR GLAZING

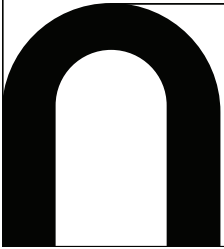


M2
METAL GARAGE DOOR, CHARCOAL,
COLOUR



IMAGE OF THE EXISTING HOUSE FACADE,
PROPOSED MATERIAL SELECTION
REFERENCES THE EXISTING MATERIAL
PALETTE

01 MATERIALS AND FINISHES SCHEDULE



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

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Drawn/App.	DN/DAMY
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Drawing Title	Drawing No.	Rev.
MATERIALS SCHEDULE	TP13	-
Scale -	Date	
	02.04.2024	