



Planning Enquiries
Phone: (03) 9278 4888
Email:
boroondara@boroondara.vic.gov.au
Web: www.boroondara.vic.gov.au

Clear Form

Office Use Only

Application No.:

NOTICE INFORMATION

Date of Notice: 06/01/2021

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 9	St. Name: LANSELL CRESENT
Suburb/Locality: CAMBERWELL		Postcode: 3124

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.: 7	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: LP 12146
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit? *

SINGLE DWELLING RENOVATION & EXTENSION

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$ 700,000

You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Estimated cost of any development for which the permit is required *

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Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

SINGLE DWELLING - TWO STOREY

 Provide a plan of the existing conditions. Photos are also helpful.

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Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☒ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☐ Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title:

First Name: SERENA

Surname: BAI

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 587

St. Name: WHITEHORSE ROAD

Suburb/Locality: SURREY HILLS

State: VIC

Postcode: 3127

Contact information for applicant OR contact person below

Business phone: 0452491027

Email: ST@ALTAARCHITECTURE.COM

Mobile phone:

Fax:

Contact person's details*

Same as applicant ☒

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Name:

Same as applicant ☐

Title:

First Name: JIZHI

Surname: HUANG

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 9

St. Name: LANSELL CRESCENT

Suburb/Locality: CAMBERWELL

State: VIC

Postcode: 3124

Owner's Signature (Optional):


Date:

day / month / year

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This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

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I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:



Date: 25/09/2020

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

☐

No

☐

Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist

Have you:

☒

Filled in the form completely?

☐

Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?

☒

A full, current copy of title information for each individual parcel of land forming the subject site.

☒

A plan of existing conditions.

☒

Plans showing the layout and details of the proposal.

☐

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☐

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

☐

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.

☒

Completed the relevant council planning permit checklist?

☒

Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

City of Boroondara
Private Bag 1
Camberwell VIC 3124

8 Inglesby Road
Camberwell VIC 3124

Contact information:

Telephone: (03) 9278 4888

Email: boroondara@boroondara.vic.gov.au

DX: 12206

Deliver application in person, by post or by electronic lodgement.

Collection of Personal Information

The City of Boroondara is committed to protecting your Privacy. Personal information requested on this form is being collected by City of Boroondara for the purpose of assessing planning permit applications, parts of which are set out in the *Planning and Environment Act 1987*.

The personal information will be used for the following purposes:

- correspond with you about your planning permit application
- if necessary, notify affected parties who may wish to inspect your application, this may include, placing a notice of application on the subject site, sending a notice of application by post or on-line
- for any other directly related, or reasonably related purposes.

The information you provide will be made available:

- on-line on Council's website commencing from public notice of the application until the application process has concluded
- on Council's Planning Permit Application register (no Applicant details are visible on this on-line register)
- to any person who may wish to inspect your application until the application process has concluded, including any review at the Victorian Civil and Administrative Tribunal
- to relevant officers within Council and other pertinent Government agencies directly involved in the Planning process
- to persons accessing information in accordance with the *Public Records Act 1973*, *Planning and Environment Act 1987*, or the *Freedom of Information Act 1982*.

Personal information will not be disclosed to any other external party without your consent, unless required or authorised by Law. If your personal information is not collected, we may not be able to process your application. If you wish to access or alter any of the personal information you have supplied to the City of Boroondara, please contact the Statutory Planning Department on (03) 9278 4888 or email boroondara@boroondara.vic.gov.au

5/10/2020
The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?

Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?

The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

▲ Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at planning-schemes.delwp.vic.gov.au

▲ You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.

Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

▲ Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

▲ Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

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Metropolitan Planning Levy refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at www.sro.vic.gov.au for more information. A leviable application submitted without a levy certificate is void.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

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You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

⚠ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

⚠ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

⚠ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

Date of Notice: 06/01/2021

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

⚠ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

⚠ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

⚠ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.


The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Formal Land Description *

Complete either A or B.

 This information can be found on the certificate of title.


If this application relates to more than one address, attach a separate sheet setting out any additional property details.

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Example 2

For what use, development or other matter do you require a permit? *

Construction of two, double-storey dwellings and construction of two new crossovers.

 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.


Example 3

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

 a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: <i>Mr</i>	First Name: <i>Len</i>	Surname: <i>Browning</i>
Organisation (if applicable): <i>Responsible Developers P/L</i>		
Postal Address: <i>If it is a P.O. Box, enter the details here:</i>		
Unit No.: <i>4</i>	St. No.: <i>12</i>	St. Name: <i>Ardour Lane</i>
Suburb/Locality: <i>Wycheproof</i>		State: <i>Vic</i> Postcode: <i>3527</i>
Contact information for applicant OR contact person below		
Business phone: <i>9123 4567</i>	Email: <i>tcpl@bigpond.net.au</i>	
Mobile phone: <i>0412 345 678</i>	Fax: <i>9123 4567</i>	
Contact person's details* Same as applicant <input type="checkbox"/>		
Name:		
Title: <i>Mr</i>	First Name: <i>Andrew</i>	Surname: <i>Hodge</i>
Organisation (if applicable): <i>Town Planning Consultants</i>		
Postal Address: <i>If it is a P.O. Box, enter the details here:</i>		
Unit No.:	St. No.:	St. Name: <i>PO Box 111</i>
Suburb/Locality: <i>Parkdale</i>		State: <i>Vic</i> Postcode: <i>3194</i>
Name: Same as applicant <input checked="" type="checkbox"/>		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <i>If it is a P.O. Box, enter the details here:</i>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:
Owner's Signature (Optional):		Date: day / month / year

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	LP012146
Number of Pages (excluding this cover sheet)	5
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City of Harmony
Received
5/10/2020

NOTICE INFORMATION
LP 12146
Date of Notice: 06/01/2021
EDITION 5
PLAN MAY BE LODGED 23/8/27

COLOUR CODE

- BL=BLUE G=GREEN
R1 & R2=BROWN P=PURPLE
Y=YELLOW R=RED
H=HATCH CH=CROSS HATCH

APPROPRIATIONS

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR ROADS

THE LAND COLOURED BLUE IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND SEWERAGE AND IS 6 FEET WIDE

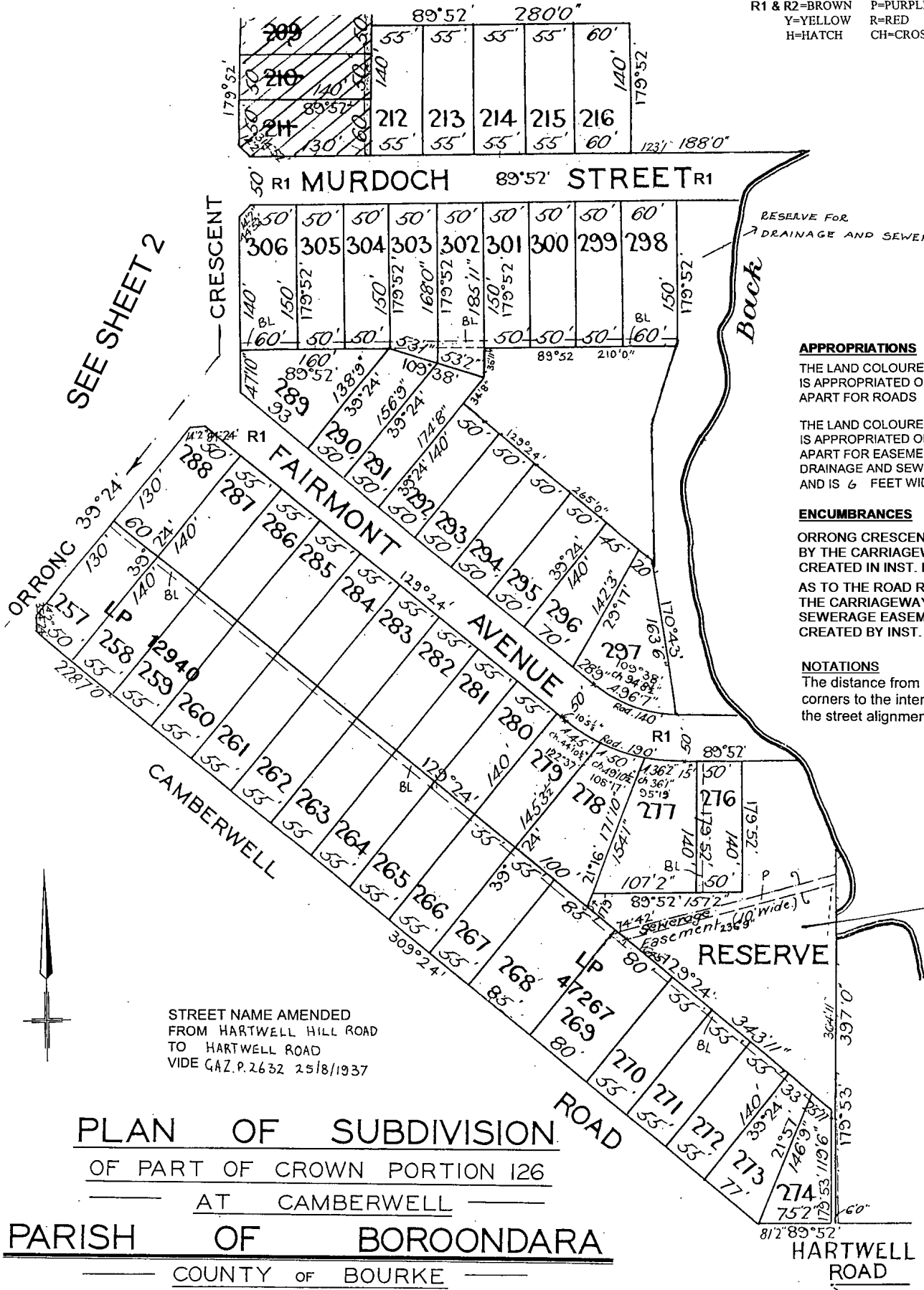
ENCUMBRANCES

ORRONG CRESCENT IS ENCUMBERED BY THE CARRIAGEWAY EASEMENT CREATED IN INST. No. 1423342.

AS TO THE ROAD R2: THE CARRIAGEWAY, DRAINAGE & SEWERAGE EASEMENT CREATED BY INST. 1326216

NOTATIONS

The distance from the splayed corners to the intersection of the street alignments is 10 feet



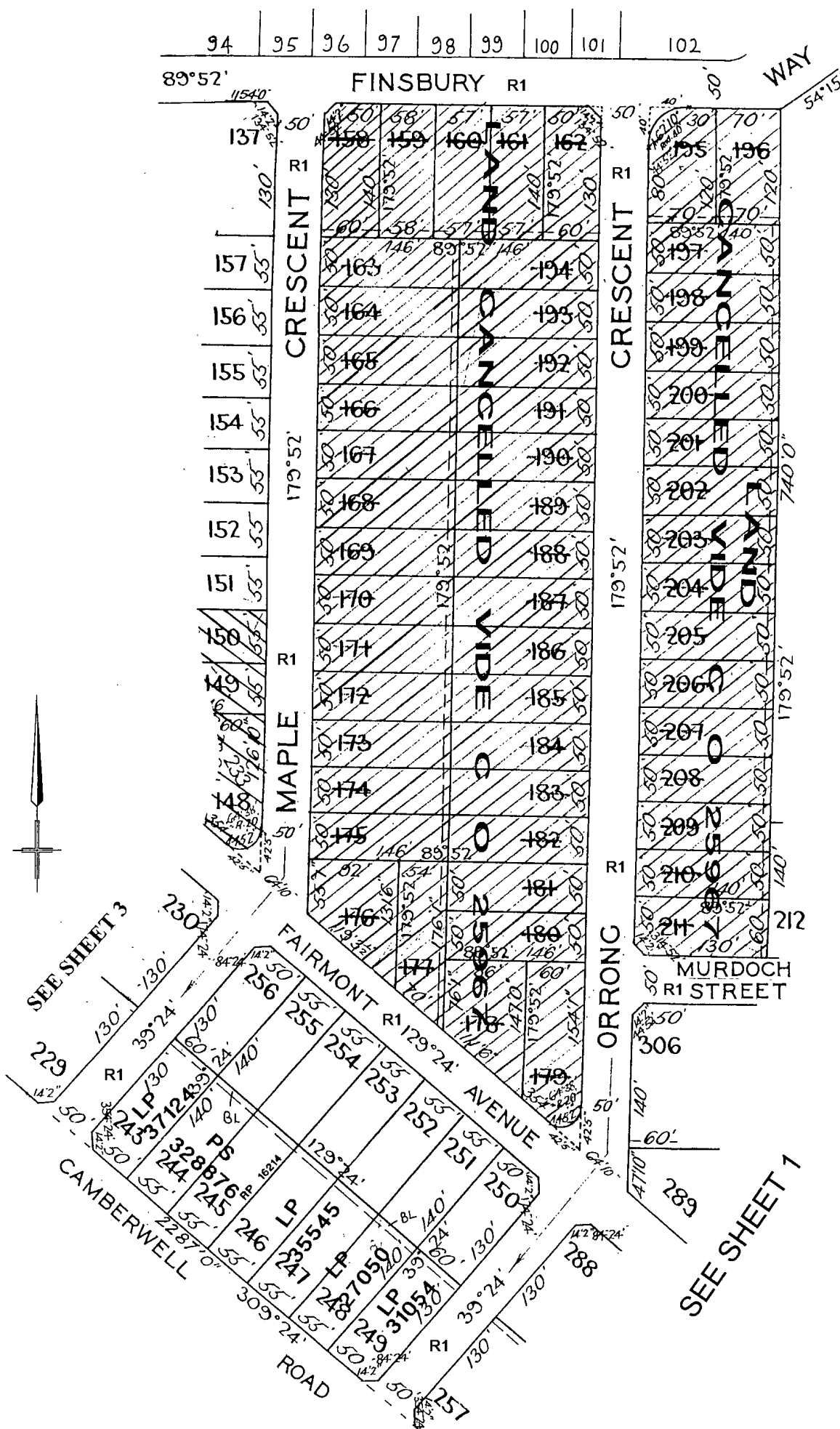
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NOTICE INFORMATION

Date of Notice 06/01/2021

LP 12146



4 SHEETS
SHEET 2

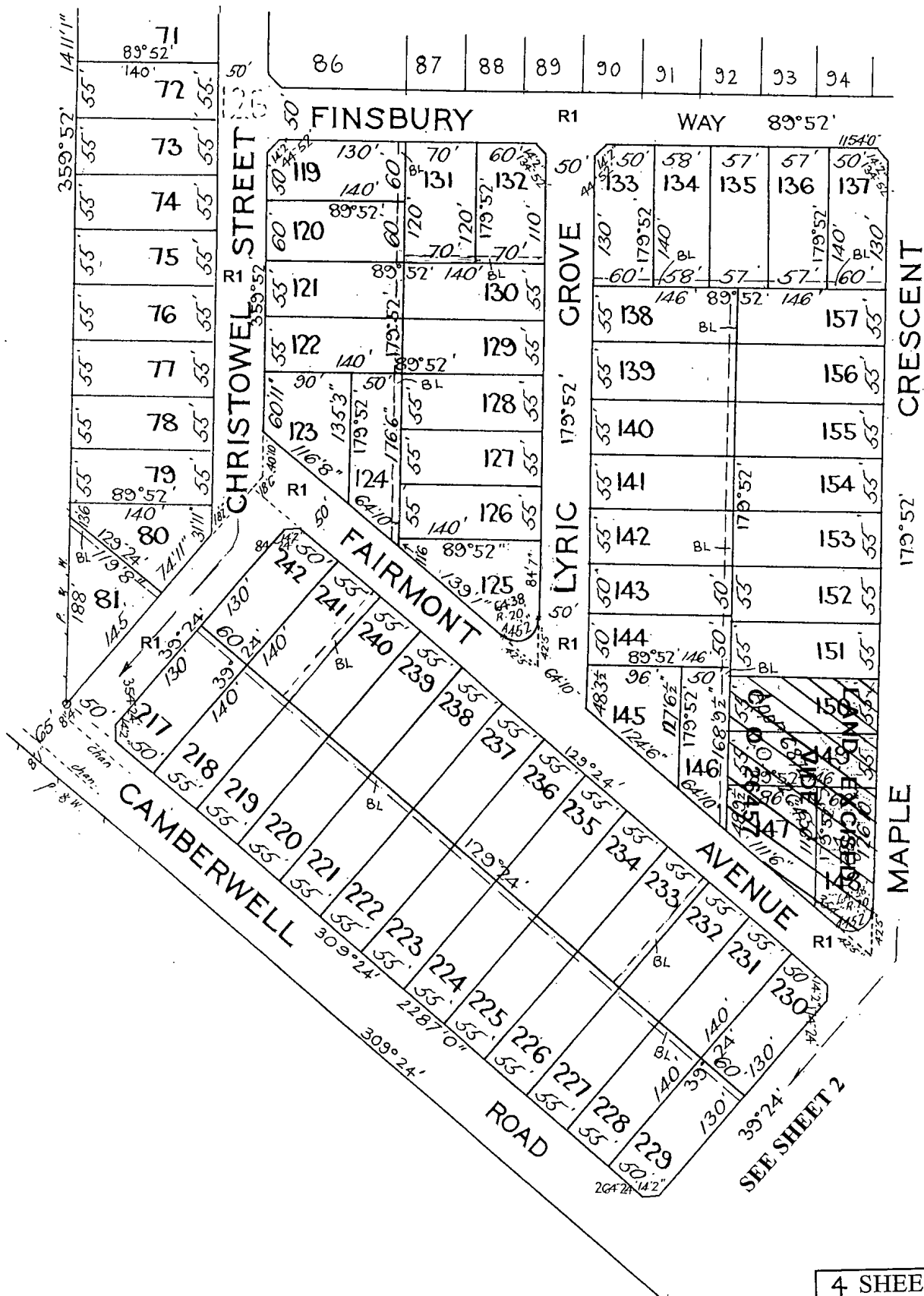
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NOTICE INFORMATION

Date of Notice: 06/01/2025
LP 12146

SEE SHEET 4



SEE SHEET 2

4 SHEETS
SHEET 3

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5/10/2020

Date of Notice: 06/01/2021

PLAN NUMBER

LP12146

**WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.**

[illegible]



Imaged Document Cover Sheet

NOTICE INFORMATION

Date of Notice: 06/01/2021

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Document Type	Instrument
Document Identification	1571534
Number of Pages (excluding this cover sheet)	4
Document Assembled	28/09/2020 15:49

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Received

5/10/2020

3408725

JOHN W. MCCOMAS AND CO.

VICTORIA

TRANSFER OF LAND.

1571534



We MICHAEL PATRICK MORNANE of Queen Street Melbourne Solicitor
MARY GERTRUDE MORNANE Spinster and HERBERT SHINE FORREST
Medical Practitioner both of Victoria Parade East Melbourne
being registered as the proprietors of an estate in fee simple
in the land hereinafter described subject to the encumbrances
notified hereunder in consideration of the sum of FOUR HUNDRED
AND SEVENTY-THREE POUNDS paid to us by JOSEPH WILLIAM POOLE
of 53 Harold Street Hawthorn East Builder DO HEREBY TRANSFER
to the said Joseph William Poole All our estate and interest in
All that piece of land being Lot Seven on Plan of Subdivision
Number 12146 lodged in the Office of Titles and being part of
Crown Portion One hundred and twenty-six Parish of Boroondara
County of Bourke and being part of the land more particularly
described in Certificate of Title entered in the Register Book
Volume 5221 Folio 1044161 and the said Joseph William Poole for
himself his heirs executors administrators and transferees DOTH
HEREBY COVENANT with the said Michael Patrick Mornane, Mary
Gertrude Mornane and Herbert Shine Forrest their heirs executors
administrators and transferees registered proprietor or
proprietors for the time being of the land remaining untransferred
in the said Certificate of Title entered in the Register Book
Volume 5221 Folio 1044161,

(a) That no galvanised Iron fence nor split
paling or hardwood fence (other than that of jarrah or red gum)
shall be at any time erected within thirty-six feet of the
street line of the said lot

(b) That he or they shall not excavate or open
upon the said land any sand pit or quarry and shall not (save
for the purpose of roadmaking or erecting a dwelling house or
residence and outbuildings on the said land) dig or excavate or
take up carry away or remove from the said land or any part
thereof any marl clay sand stone gravel or earth and shall not
use or permit to be used the said land or any part thereof or any

IMAGED

*29th Reg of Titles
Please register this
transfer as to be known for
29th Reg of Titles*

29th

340855

Sheet 2

*5221 Part
161 Under an acre
Eng the Cat in
TS 1571534*

16/3/25

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*15.
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8-3-35*

*70/7/21 25/1/22, 03/04/25 01834
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5/10/2020

NOTICE INFORMATION

Date of Notice: 06/01/2021

buildings now erected or which may hereafter be erected on the said land for the purpose of conducting or carrying on a noxious trade.

(c) That no dwelling or outbuildings ^{other} than those constructed of brick concrete or stone shall be erected on the said lot and that the roof of any such dwelling house or outbuildings shall not be comprised of any material other than slate or tiles

AND IT IS INTENDED THAT the above covenants shall be set out as an encumbrance at the foot of the Certificate of Title to be issued in respect of the land hereby transferred and shall run with the land.

DATED the *Twenty-ninth* day of *November* One thousand nine hundred and thirty-four.

SIGNED by the said MICHAEL PATRICK
MORNANE in Victoria in the
 presence of

M. P. Mornane
John O'Callaghan
Clerk to M. P. Mornane
Per M. P. Mornane

SIGNED by the said MARY GERTRUDE
MORNANE in Victoria in the
 presence of

M. G. Mornane
John O'Callaghan

SIGNED by the said HERBERT SHINE
FORREST in Victoria in the
 presence of

H. Forrest
John O'Callaghan

SIGNED by the said JOSEPH WILLIAM
POOLE in Victoria in the
 presence of

J. W. Poole
L. H. Rowe
Managing Clerk to John W. Mornane &
Solicitors Melbourne

ENCUMBRANCES REFERRED TO.

Received

5/10/2020

NOTICE INFORMATION

Date of Notice: 06/01/2021

2

67

JOHN W. MCCOMAS AND CO.
Solicitors,
450 Collins Street,
MELBOURNE.

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R

MR. JOSEPH W. POOLE.

- to -

MR. M. P. MORANE, MISS
M. G. MORANE and DR. H. S.
FOREST

DATED 29th Nov 1934.

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
TRANSFER AS TO PART	THE 5 th DAY OF March 1935	TO Joseph William Poole	1571534

A. L. Lutterland

ASSISTANT REGISTRAR OF TITLES.

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT
THE TIME LAST MENTIONED IN THE REGISTER BOOK VOL. 5221 FOL. 1044/61

A. L. Lutterland

ASSISTANT REGISTRAR OF TITLES.

W. J. P.

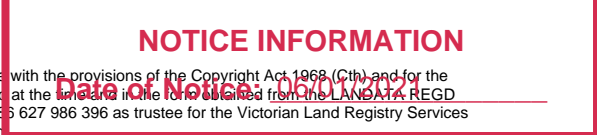
Received

5/10/2020

NOTICE INFORMATION

Date of Notice: 06/01/2021

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 05950 FOLIO 822

Security no : 124085762486K
Produced 28/09/2020 03:47 PM

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 012146.
PARENT TITLE Volume 05221 Folio 161
Created by instrument 1571534 05/03/1935

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
JIZHI HUANG of 9 LANSELL CRESCENT CAMBERWELL VIC 3124
AS982017Y 12/02/2020

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT 1571534 05/03/1935

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP012146 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 9 LANSELL CRESCENT CAMBERWELL VIC 3124

DOCUMENT END

Planning Submission

9 Lansell Crescent, Camberwell

Application for a planning permit for part demolition and buildings and works to a dwelling in a Heritage Overlay (HO1).

December 2020

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Introduction

This planning submission is provided in response to Council's request for a statement explaining how the proposal responds to the intent and objectives of the Boroondara Planning Scheme and any proposed Planning Scheme Amendments that are applicable to the planning permit application.

The Proposal

It is proposed to part demolish the ground and upper floor to make way for extension on both floor levels into the rear of the site. Internal alterations are also proposed.

The extension will be constructed with bricks, slate roof and window and door frames.

The existing driveway will be paved with aggregate.

Planning Controls

An assessment according to the State Planning Policy Framework, the Local Planning Policy Framework of the Boroondara Planning Scheme, Council's Municipal Strategic Statement and Heritage Overlay of the Boroondara Planning Scheme were carried out as follows:

State Planning Policy Framework

The State planning policies relating to this application can be found at:

- Clause 15- Built Environment and Heritage

The relevant policies are assessed below:

- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

Response

Demolition will mainly be at the rear of the site on both the ground and upper floors. The front of the dwelling will remain where its heritage and architectural values will be conserved. Extension is also at the rear of the site where the built form extends northward. Both the demolition and extension will not be visible from the street. The existing dwelling will remain the dominant feature of the site to protect the heritage significance of the site. The proposal is considered to be consistent with the policies above.

Local Planning Policy Framework

Strategies and policy guidelines have been developed to guide development within Boroondara and include the following:

Clause 22.03 Heritage Policy

Objective

- To preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm.
- To facilitate sympathetic new buildings which extend the life of 'significant' 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.
- To ensure buildings and works to 'non-contributory' properties are sympathetic to the heritage values of the precinct and complement the precinct's heritage built fabric by being respectful of the scale, massing, rhythm and detailing.

'Contributory' heritage places

Demolition

- Retain contributory built fabric and not normally allow demolition.

Only partial demolition is proposed at the rear of the site and on the upper floor. The front of the dwelling where the significant built fabric is located will remain unaltered.

- 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.

Council's heritage advisor has supported the proposed partial demolition on the ground and first floors. The rear sections to be removed is a later addition. Similarly, the proposed addition extends at the rear that will have no added adverse impact on the heritage values of the place. The front section of the previously added first floor will remain. The front façade and massing of the heritage dwelling and a majority of the existing roof form will remain unaltered to present to the street. The proposed works will continue to ensure that the property is upgraded, maintained and conserved to a liveable standard to suit the current property market.

- 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.

Not only is the front façade of the house retained, the main massing of the existing dwelling will be retained as well as a majority of the roof form. They will not be obscured by the new additions.

- Demolition to remove non-original and non-contributory additions to 'contributory' heritage places is generally supported.

There rear extension on ground floor is a non-contributory addition which can be removed. Part of the first floor addition will be removed to make way for a larger upper floor footprint along with the extension of the ground floor northwards. Council's Heritage Advisor is supportive of the proposal.

- Consider the following, as appropriate, before determining an application for demolition of significant heritages places:
 - The cultural heritage significance of the heritage place.
 - Whether the demolition or removal of the entire heritage place or any part of the place will adversely affect cultural heritage significance of the wider precinct.
 - Whether the demolition or removal contributes to the long – term conservation of the heritage place.
 - Whether the heritage place is structurally unsound and cannot be reasonably rectified. The poor condition of a heritage place should not itself, be a reason for permitting demolition of a contributory heritage place.

The subject site is located within the Golf Links Estate which has cultural and architectural significance. The interwar period dwelling has strong brick and render character. The part demolition of the rear of the property will have no adverse impact on the heritage significance of the place as it is supported by Council's Heritage Advisor. The proposed demolition will allow the upgrade of the existing dwelling to take place to ensure that the remaining of the contributory fabric will be conserved and maintained such that will continue to contribute to the wider precinct.

Additions and new buildings

- Not alter fabric that contributes to the cultural heritage significance of a 'contributory' heritage plan including changes to the principal visible roof forms or principal facade.

The existing façade of the dwelling which is the most significant fabric will remain unaltered to continue to present to the street in its original form. A small section of the roof of the heritage dwelling has been removed to make way for the upper floor addition previously. The new addition will not remove any roof form at the front that is visible from the street.

- Not unreasonably obscure contributory or significant fabric I the wider precinct.

Again, the front façade which is the most significant fabric will not be altered. It will not be obscured since the proposed demolition and extensions are located to the rear of the dwelling. The siting and height of the rear addition have minimal changes to the built form and detailing as viewed from Landsell Crescent.

- Make use of materials and surface finishes that are complementary to the fabric of the heritage place.

The original application included the use of bluestone to both ground and first floor walls. Council's advisor has raised concern as the bluestone cladding will negatively contrast with the brick and render facade of the original dwelling. This concern has been taken into consideration. The bluestone walls have been replaced with brick cladding. The new brick cladding will be of a lighter colour and a softer texture to differentiate from the original bricks and render surface but at the same time will also complement them.

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

There are no original fabric removed that can be reused in the new additions.

- Use design details which complement the design of the heritage place (including, but not limited to the type and form of windows, doors, architectural features and verandahs). Design details of new buildings and works should either be:
 - Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings; or

- A replication of historic forms and detailing.
- Through appropriate siting and massing be located in a manner which does not detract from or dominate the heritage place and or detract from heritage values of the precinct. This should be achieved utilising a combination of setbacks and matching the height of the heritage place. This does not apply to commercial buildings.
- Should 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.
- Be located to the rear of the heritage place, where possible.
- Be sympathetic with heritage fabric of the place rather than any 'non-contributory' elements of the place.
- Vegetation and fences are not considered to be permanent screening and will not be taken into account when determining if a proposed addition is visible from the street.

As can be seen from the elevations and 3D perspectives, the new additions have taken the modern approach with parapet walls to clearly distinguish from the historical architectural features of the existing dwelling. The new window and door frames are simple to not detract from the original windows with decorative bricks around them. The rear extension on the ground floor has the same side setback as the original building mass. The new upper floor is recessed from the ground floor with great side setbacks achieved. Drawing TP08 presents the sight line diagram and oblique views diagram. These diagrams have demonstrated that the new additions will be hidden behind the original roof form due to the height and setback. Three dimensional oblique views are also provided to demonstrate that the new additions do not over dominate the heritage dwelling.

Vehicle accommodation, outbuildings and services

- Vehicle accommodation and other outbuildings and services should not dominate heritage places.

The existing garage and crossover will remain. Council's heritage advisor supports the use of aggregate to the driveway.

Overlay

Clause 43.01 Heritage Overlay

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Decision guidelines

The relevant decision guidelines are assessed below:

- The Municipal Planning Strategy and the Planning Policy Framework.

The assessment above demonstrated that the proposal is consistent with the relevant policies of the Boroondara Planning Scheme.

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.

The heritage dwelling on the site is a contributory dwelling to the precinct. The proposal will not adversely affect the contributory elements since the front of the house will not be altered and that there will not be additional removal of the original roof form. The additions are considered to be recessive as they are located to the rear of the dwelling with the same side setbacks. The upper floor is recessive with a smaller footprint than the ground level. Materials used have been altered to address Council's concern. Light coloured bricks are used to distinguish from the original brick and render façade while still complementing them. Furthermore, Council's Heritage Advisor is supportive of this application.

- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.

The heritage Policy – Statements of Significance Reference Document January 2018 states - The subject site is located within the Golf Links Estate which is studied to have heritage significance due to the precinct containing intact and notable collection of vernacular housing styles of the late 1920s to the early 1940s, the place is predominantly intact interwar landscape, the place demonstrates the successful influence of building controls during the interwar and post WWII period and that the Estate is conspicuously predicted on a commuter-based city workforce with both tram and railways bounding the precinct.

- Any applicable heritage design guidelines specified in the schedule to this overlay.

The schedule does not contain any heritage design guidelines.

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.

The location of the proposed works are situated to the rear of the site. Though there will be first floor addition, they are an extension to the previously added first floor. The first floor addition will also be located to the rear away from street view. Bulk is minimised with an average floor to ceiling height proposed at 2.7m. Given the high roof form of the existing dwelling, the upper floor addition proposed can be concealed behind the existing roof form. The sight line diagrams demonstrates that the upper floor addition will not be visible from the street.

- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

As assessed earlier in this report, the new additions on the ground floor will have the same side setbacks as the heritage place to be in keeping with the setback character. The upper floor will have a greater side setbacks to offer a recessive upper floor to minimise its visual dominance. The modern but simple additions will clearly distinguish from the historical architectural features of the heritage place while not over dominating those heritage elements. The proposed works will have limited impact on the adjacent buildings due to the above design details.

- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

No, the proposed demolition is to the later addition at the rear of the ground and first levels will not have an adverse impact to the site. The proposed demolition has been supported by Council's Heritage Advisor.

- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

No, the proposed works will not negatively affect the heritage place for reasons identified throughout this report. These include, the location of the proposed works, the side setbacks and siting of the proposed works, the design details and the materials used. Council's Heritage Advisor has previously raised concern with the bluestone walls proposed. This material has been replaced with a more complementing material – bricks with lighter tone, to ensure that the existing brick and render façade remains the dominant feature.

Based on the above assessment, it is considered that the proposal is consistent with the purpose of this provision.

Conclusion

This development proposal has been thoroughly considered with Council's concerns addressed to produce a development that is consistent with the relevant provisions of the Boroondara Planning Scheme.