

Report to the Future Melbourne Committee

Agenda item 6.2

Planning Permit Application: TP-2021-224 95 Millswyn Street, South Yarra

19 July 2022

Presenter: Marjorie Kennedy, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of Planning Permit Application TP-2021-224 for land located at 95 Millswyn Street, South Yarra (refer Attachment 2 – Locality Plan). The proposal includes demolition of the existing dwelling and construction of a three storey dwelling.
2. The applicant is Ratio, the owner is John Hudson and the architect is Neil Architecture.
3. The land is located in the General Residential Zone 5 (GRZ5); the Heritage Overlay Schedule 6 (HO6); the Design and Development Overlay Schedule 15, Area 1 (DDO15-A1) and the Design and Development Overlay Schedule 66 (DDO66).
4. Public notice of the proposal was given and a total of 15 objections were received, with one objection including 14 signatures.
5. The applicant has since submitted formally amended plans under Section 57A of the *Planning and Environment Act 1987* (Act) and the amended plans have been circulated to objectors.

Key issues

6. Key issues for consideration are whether the replacement building responds appropriately to the heritage precinct, character of the surrounding area and appropriately mitigates the potential for any unreasonable offsite amenity impacts. Key issues raised by objectors relate to heritage and built form.
7. The existing building is not formally recognised as a heritage building and therefore demolition is supported.
8. The scale and strong design quality of the proposed development successfully responds to the mixed character of Millswyn Street, noting the two adjacent properties are also not formally recognised as heritage buildings.
9. The amended proposal achieves an appropriate response to the amenity of the adjacent apartment building and dwellings, subject to a recommended condition in relation to the potential for overlooking.
10. The proposed development is considered to be an acceptable outcome and, subject to recommended permit conditions, satisfies relevant provisions of the Melbourne Planning Scheme.

Recommendation from management

11. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions outlined in the Delegate Report (refer Attachment 4 - Delegate Report).

Attachments:

1. Supporting attachment (Page 2 of 63)
2. Locality Plan (Page 3 of 63)
3. Selected Plans (Page 4 of 63)
4. Delegate Report (Page 25 of 63)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the Act sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and the objectors notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which the objectors may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

Environmental sustainability

8. Standard permit conditions will ensure the development achieves the relevant performance measures set out in Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management) of the Melbourne Planning Scheme.

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
19 July 2022

95 Millswyn Street, South Yarra



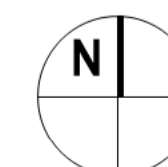


SITE ANALYSIS NOTES:

- 1 THE SUBJECT SITE IS LOCATED IN SOUTH YARRA ON THE SOUTHERN SIDE OF DOMAIN ROAD OFF ST KILDA RD.
- 2 THE SUBJECT SITE IS LOCATED IN A GENERAL RESIDENTIAL ZONE & SCHEDULE TO THE RESIDENTIAL ZONE.
- 3 THE SUBJECT SITE IS LOCATED IN A D & D OVERLAY & SCHEDULE TO THE D & D OVERLAY.
- 4 THE SUBJECT SITE IS LOCATED IN A HERITAGE OVERLAY & SCHEDULE TO THE HERITAGE OVERLAY.
- 5 THE SUBJECT SITE IS CURRENTLY A 2 STOREY BRICK AND RENDER HOUSE IN POOR CONDITION
- 6 THE SUBJECT SITE IS APPROX 200m FROM THE ROYAL BOTANIC GARDENS
- 7 THE SUBJECT SITE IS APPROX 3KM FROM THE CBD
- 8 THE SUBJECT SITE IS APPROX 200m FROM THE DOMAIN RD RESTAURANT & CAFE STRIP

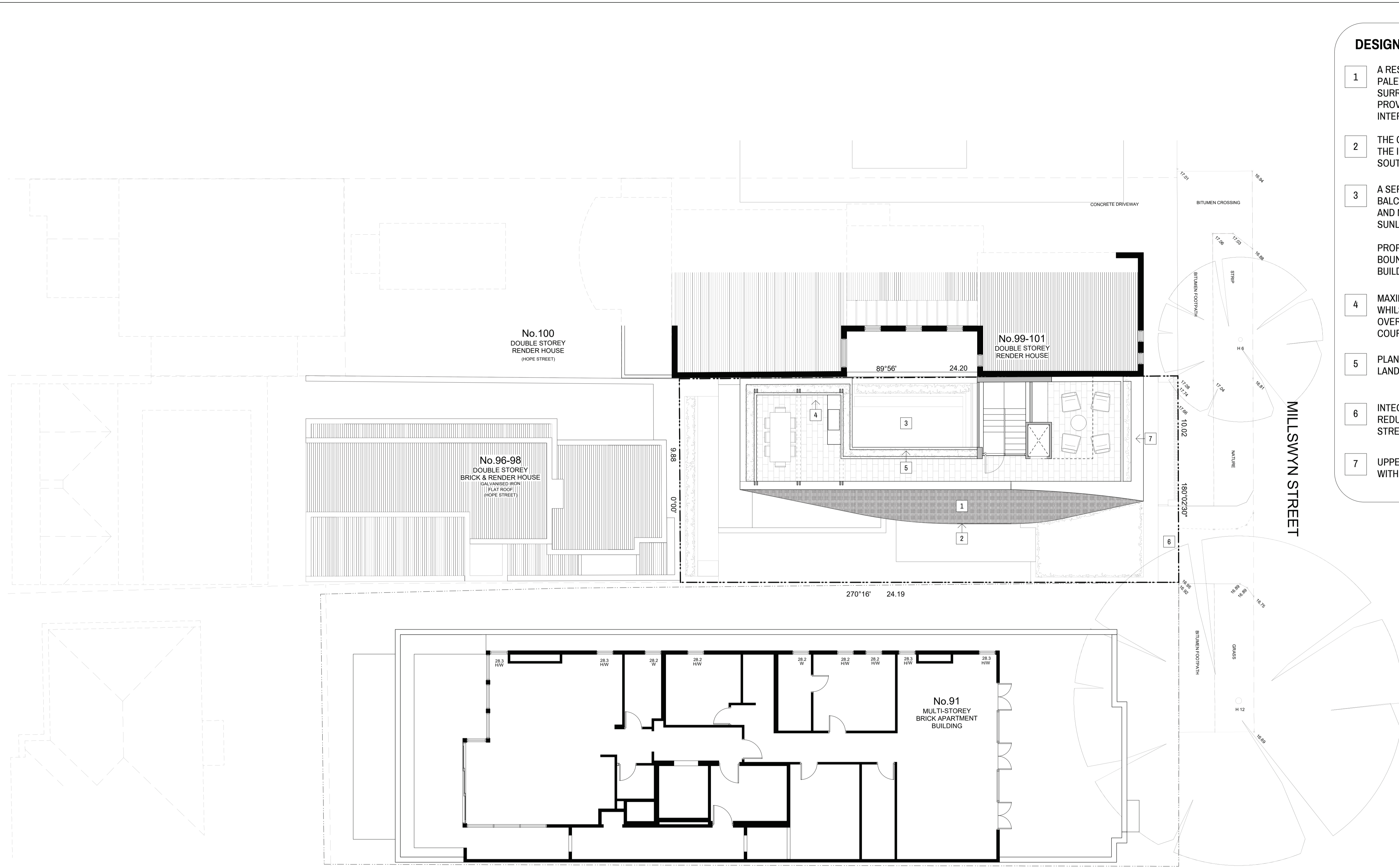
01 SITE & DEMOLITION PLAN
NOT TO SCALE

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

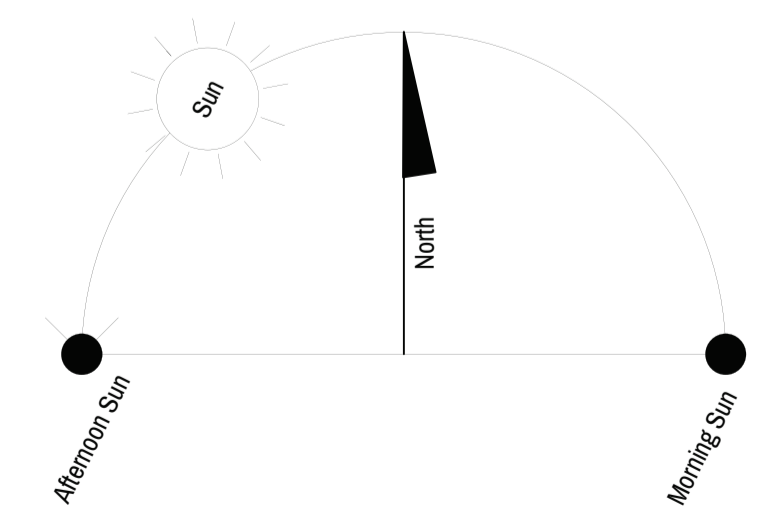
Drawing Title	SITE & DEMOLITION	Drawing No.	TP01
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



- DESIGN RESPONSE NOTES:**
- 1 A RESTRAINED, HIGH QUALITY MATERIAL PALETTE REFERENCES THE EXISTING SURROUNDING BUILDING STOCK WHILE PROVIDING A CONTEMPORARY INTERPRETATION OF THE TERRACE TYPOLOGY
 - 2 THE CHAMFERED BUILDING FORM MINIMISES THE IMPACT OF OVERSHADOWING ON SOUTHERN NEIGHBOURING APARTMENTS
 - 3 A SERIES OF INTERNAL COURTYARDS & BALCONIES PROVIDE PRIVATE OPEN SPACE AND MAXIMISE ACCESS TO NORTHERN SUNLIGHT.

PROPOSED NORTHERN COURTYARD & BOUNDARY WALLS RESPOND TO EXISTING BUILDING FOOTPRINT AT #99 MILLSWYN ST
 - 4 MAXIMISED NORTHWARD VIEWS TO CBD WHILST MAINTING PRIVACY FROM OVERLOOKING FOR APARTMENTS AT #91 & COURTYARD AT #99 MILLSWYN ST
 - 5 PLANTERS PROVIDE VISUAL CONNECTION TO LANDSCAPING
 - 6 INTEGRATED LIGHT VEHICLE ACCESS TO REDUCE VISUAL IMPACT TO THE STREETSCAPE.
 - 7 UPPER STOREY FRONT SETBACK UNIFORM WITH THE STREET

01 DESIGN RESPONSE
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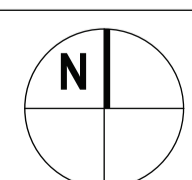


95 Millswyn St, South Yarra
John & Katie Hudson

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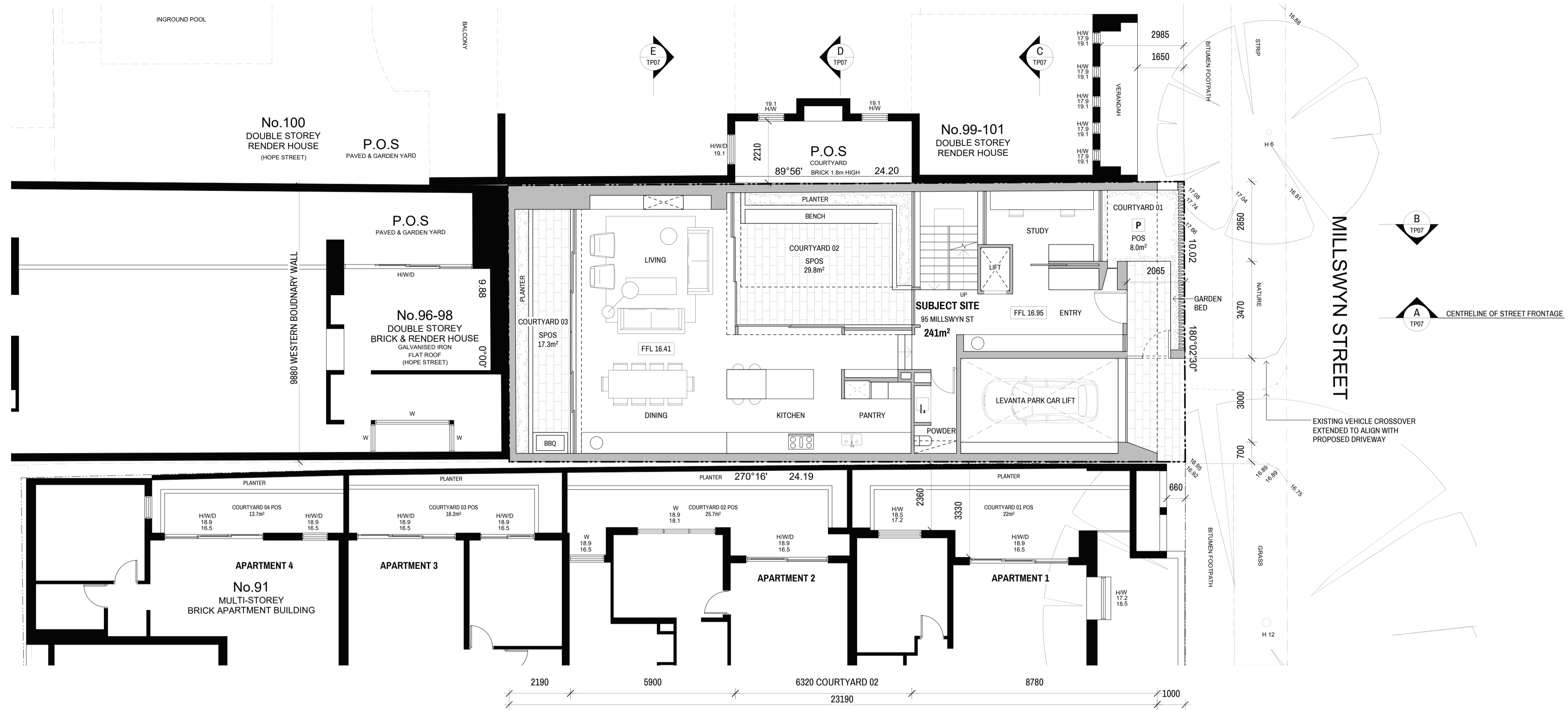
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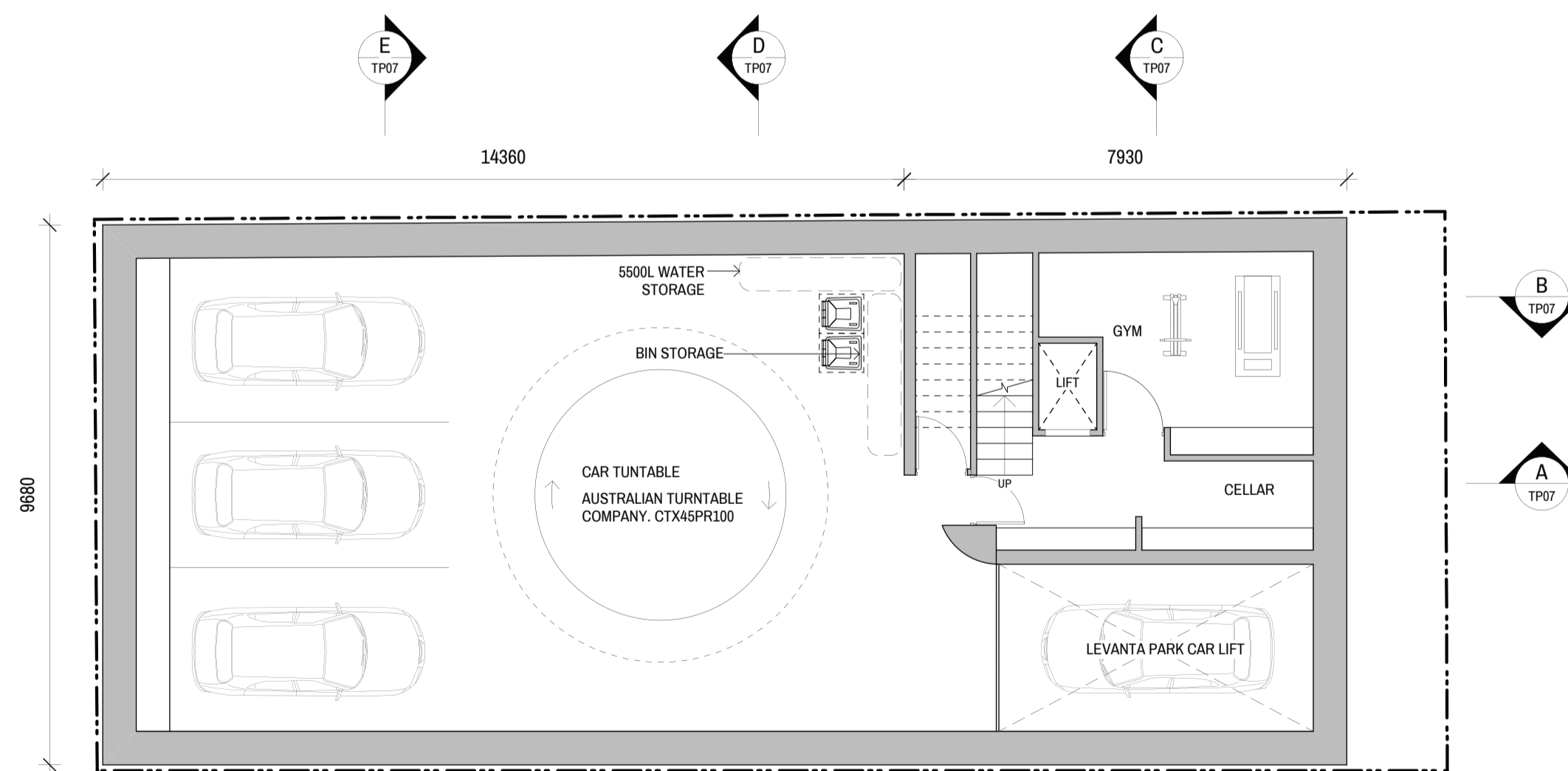


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Project	95 Millswyn St, South Yarra
Project No.	07_20
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Drawing Title	Drawing No.	Rev.
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Scale	Date	
1:100@A1 / 1:200@A3	06.06.22	



02 GROUND FLOOR PLAN
1:100@A1/1:200@A3



01 BASEMENT PLAN
1:100@A1/1:200@A3

DEVELOPMENT SUMMARY

OVERALL SITE AREA	241m ²
BUILDING SITE COVERAGE	183.8m ² 76.3%
PERMEABLE AREA	8.0m ² 3.3%
IMPERMEABLE AREA	233.0m ² 96.7%
PRIVATE OPEN SPACE	92.4m ² 38.3%
BASEMENT FLOOR AREA	217.2m ² 90.1%
GROUND FLOOR AREA	166.1m ² 68.1%
FIRST FLOOR AREA	123.6m ² 51.3%
SECOND FLOOR AREA	97.1m ² 40.3%
ROOF TERRACE AREA	75.2m ² 31.2%

LEGEND

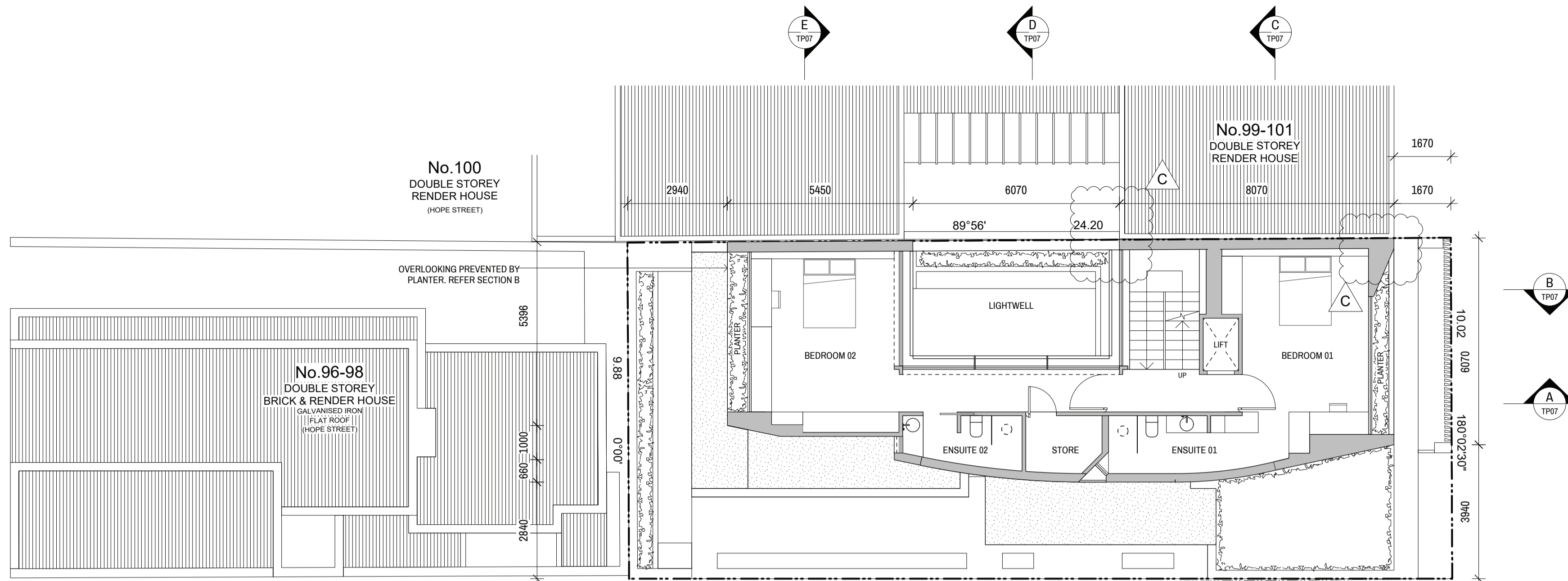
P	PERMEABLE AREA
HW	HABITABLE WINDOW
SILL: RL: XX HEIGHT: RL: XX	
W	NON-HABITABLE WINDOW
D	DOOR
SPOS	SECLUDED PRIVATE OPEN SPACE
POS	PRIVATE OPEN SPACE

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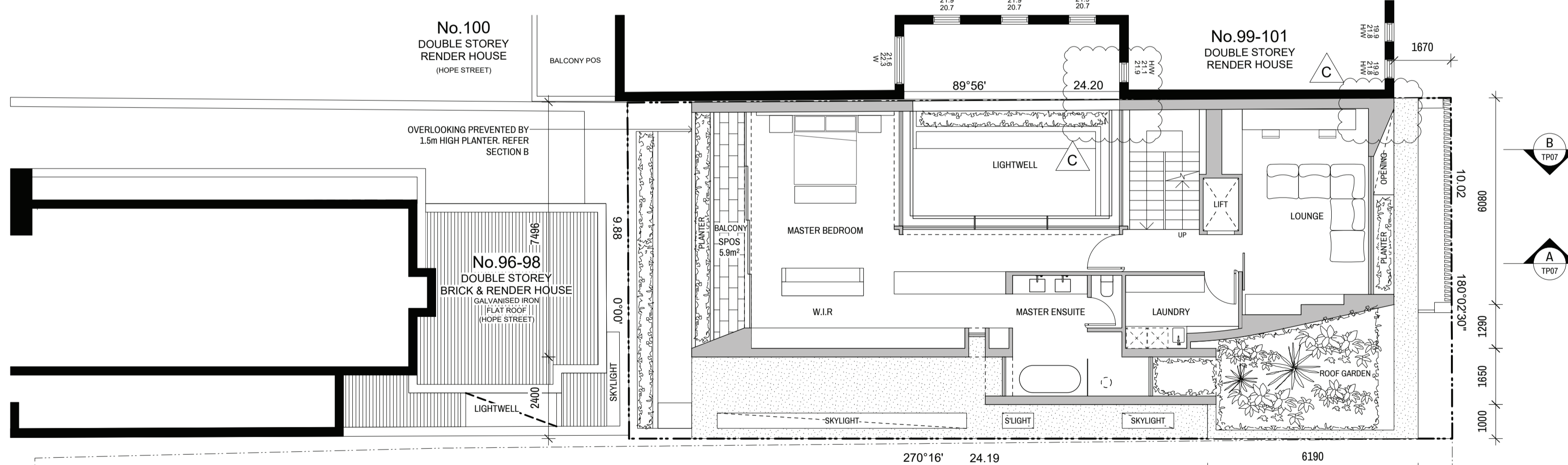
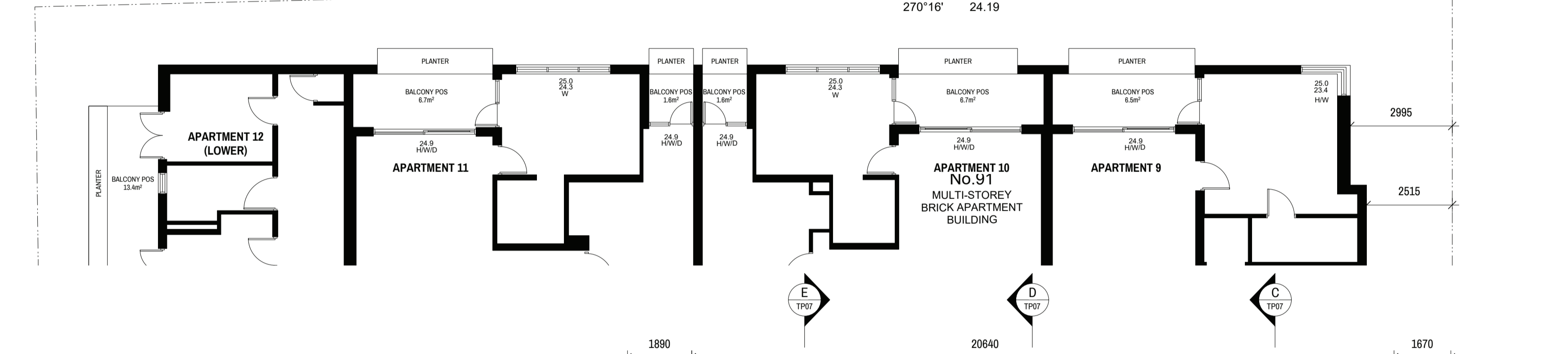
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Drawing Title	PLANS 01
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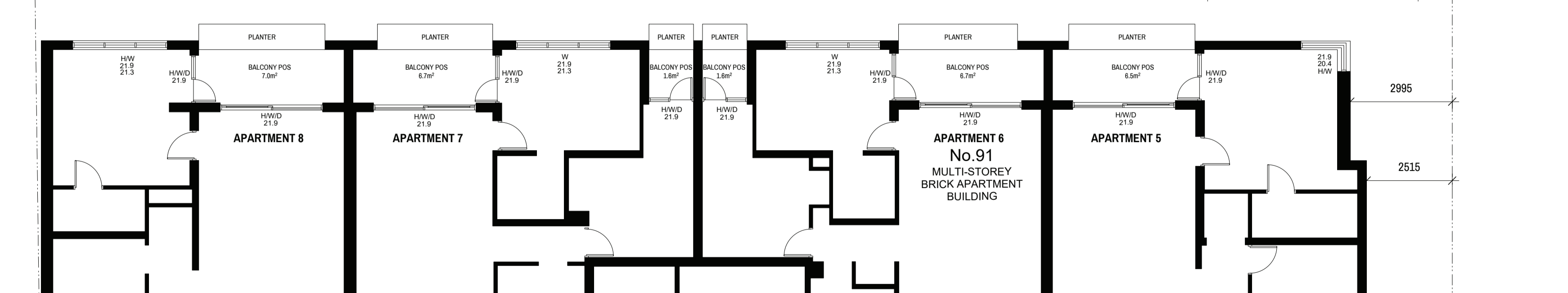
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Date	06.06.22		



02 SECOND FLOOR PLAN
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01 FIRST FLOOR PLAN
1:100@A1/1:200@A3



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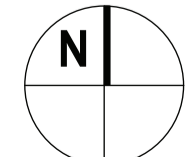
LEGEND	
P	PERMEABLE AREA
HW	HABITABLE WINDOW
SILL: RL:XX HEIGHT: RL:XX	
W	NON-HABITABLE WINDOW
D	DOOR
SPOS	SECLUDED PRIVATE OPEN SPACE
POS	PRIVATE OPEN SPACE

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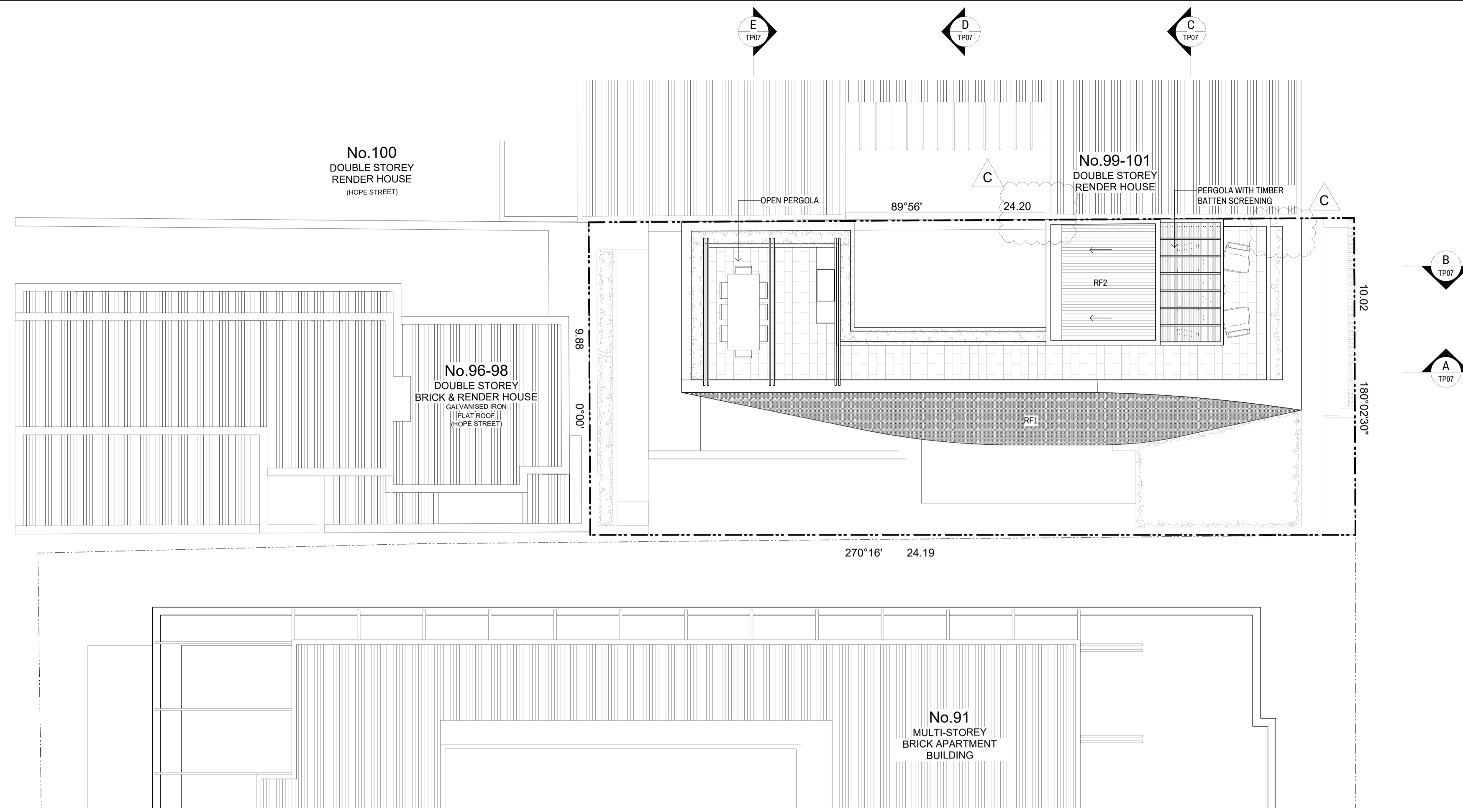
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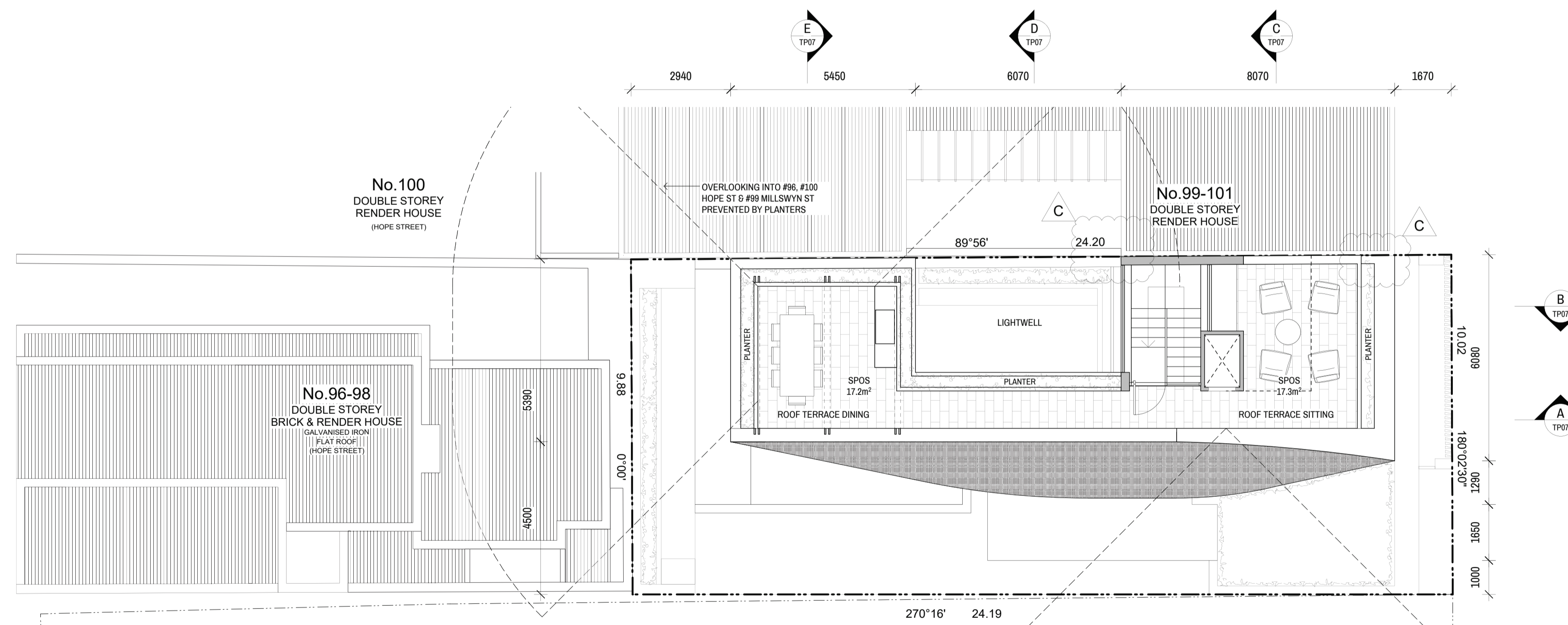
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Project	95 Millswyn St, South Yarra
Project No.	07_20
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Drawing Title	PLANS 02
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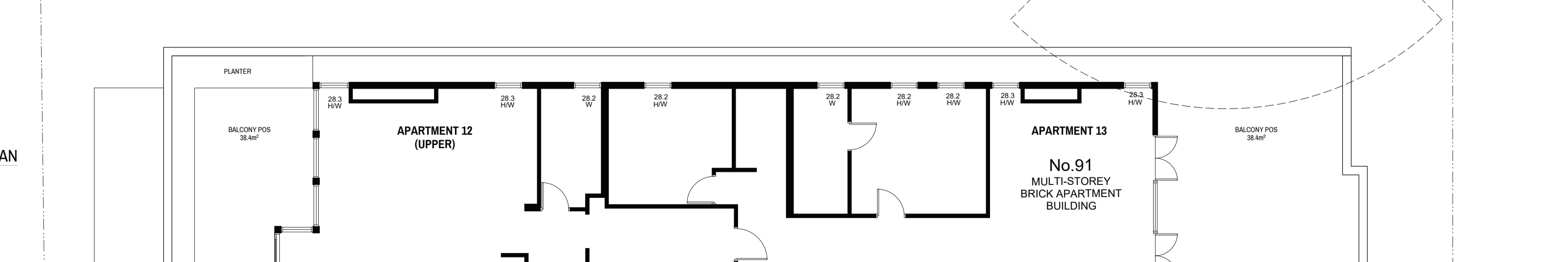
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Date	06.06.22	



02 ROOF PLAN
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01 THIRD FLOOR [ROOF TERRACE] PLAN
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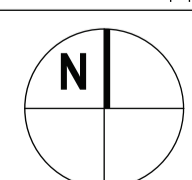
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LEGEND	
P	PERMEABLE AREA
HW	HABITABLE WINDOW
SILL: RL: XX HEIGHT: RL: XX	
W	NON-HABITABLE WINDOW
D	DOOR
SPOS	SECLUDED PRIVATE OPEN SPACE
POS	PRIVATE OPEN SPACE

95 Millswyn St, South Yarra
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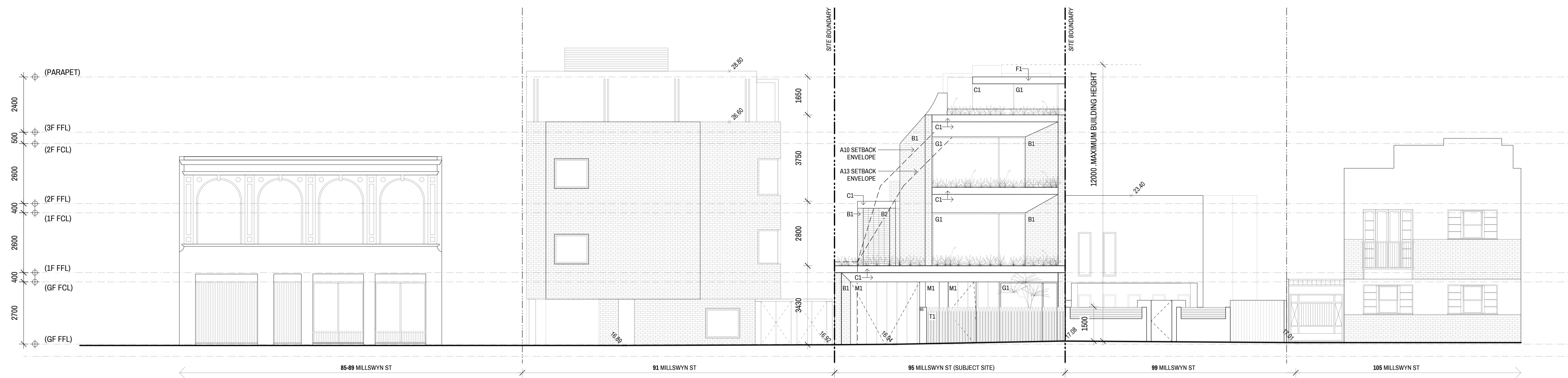
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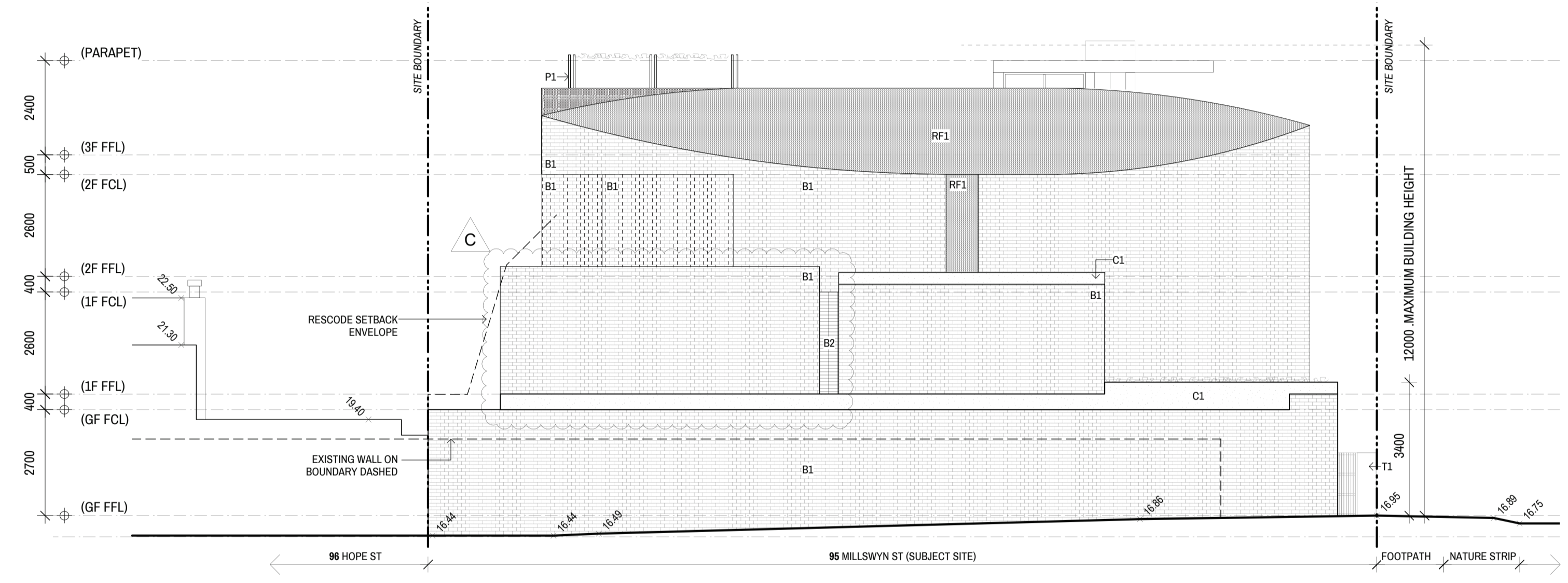


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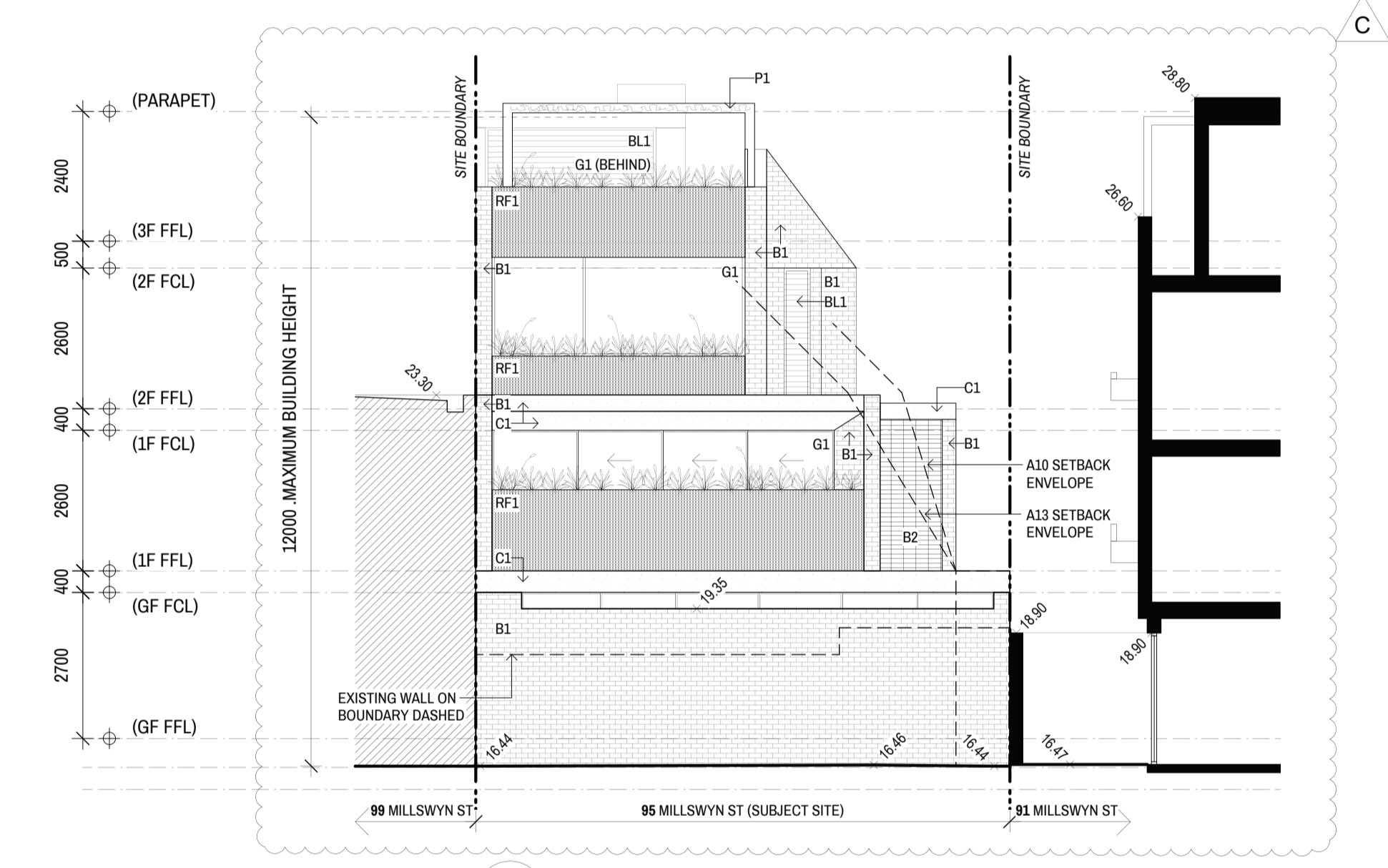
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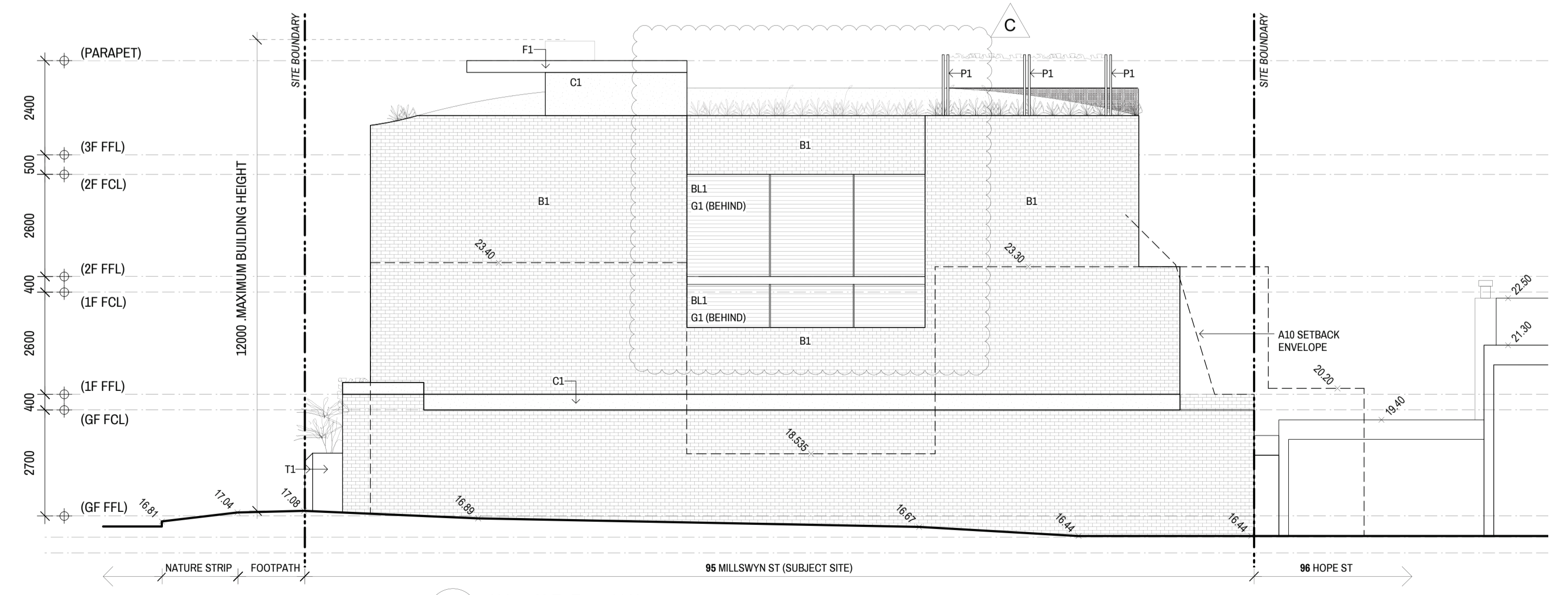
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02 SOUTH ELEVATION
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03 SOUTH ELEVATION
1:100@A1/1:200@A3



04 NORTH ELEVATION
1:100@A1/1:200@A3

PROPOSED MATERIALS LEGEND					
	'T1' - BLACK STAINED TIMBER FENCE		'C1' - CONCRETE FINISH		'G1' - GLAZING (CLEAR)
	'B1' - WHITEPAINTED BRICK		'F1' - METAL FLASHING (BLACK)		'P1' - MICACEOUS CHARCOAL PAINT FINISH
	'B1' - GLASS BRICK (OBSCURED)		'S1' - STONE PAVING		'RF1' - PERFORATED METAL SCREEN
	'RF2' - METAL ROOF		'BL1' - EXTERNAL LOUVERED BLIND (CHARCOAL FINISH)		'M1' - DARK BRONZE METAL CLADDING

95 Millswyn St, South Yarra
John & Katie Hudson

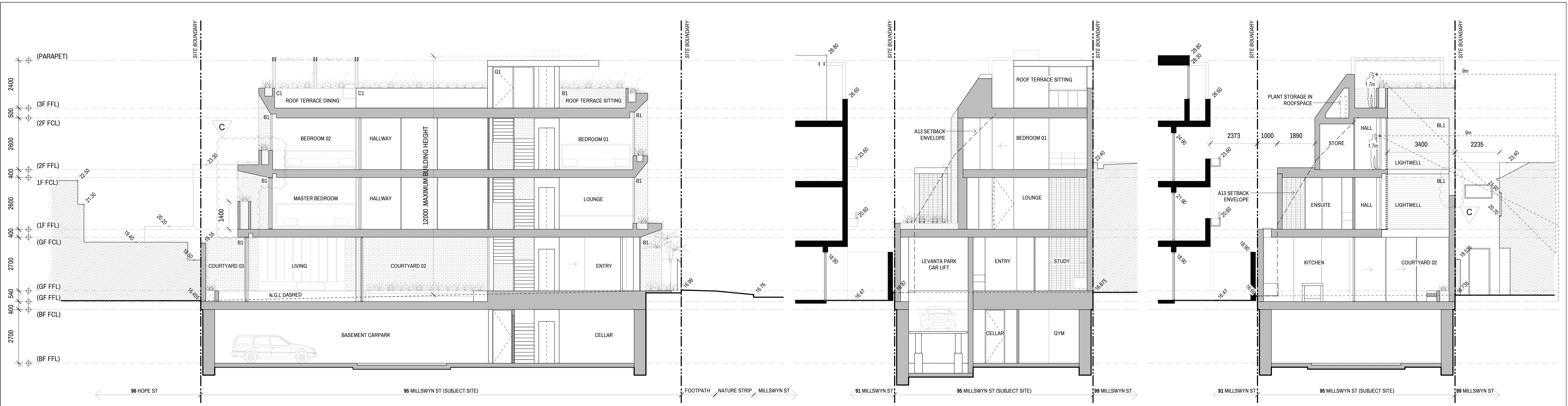
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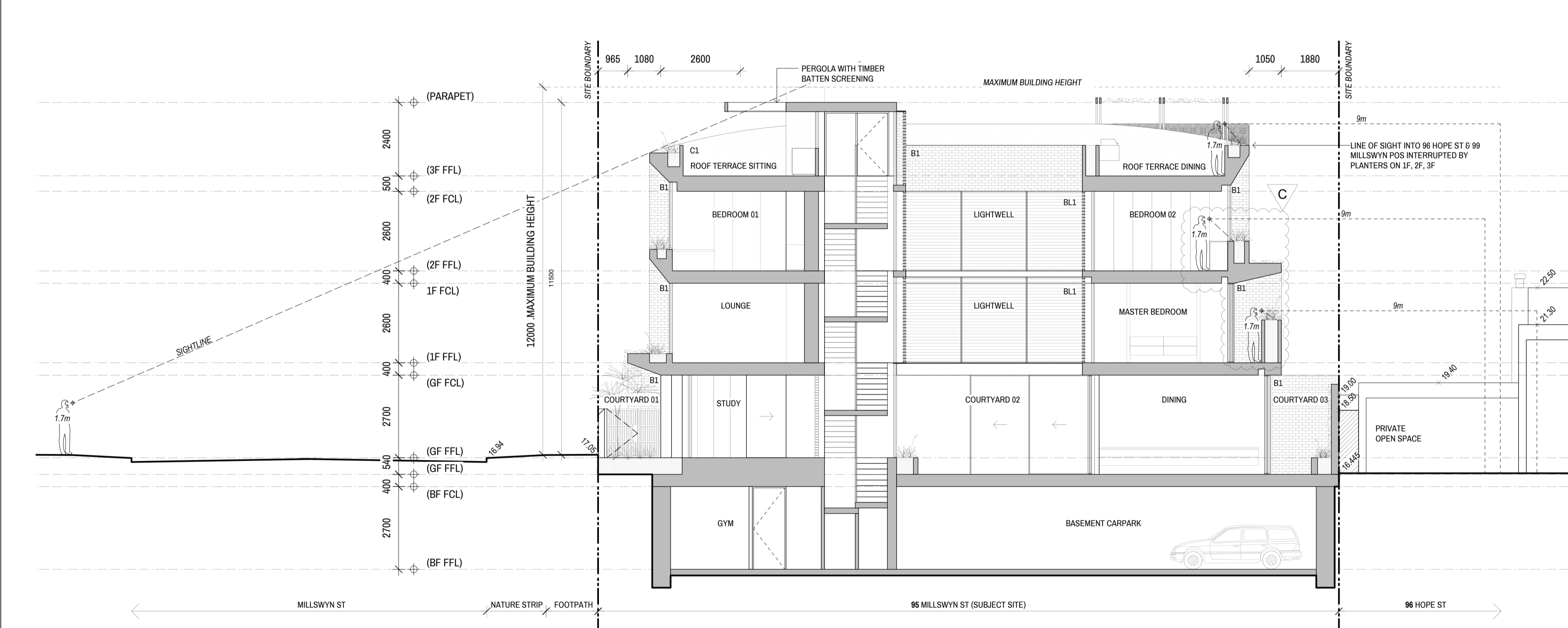
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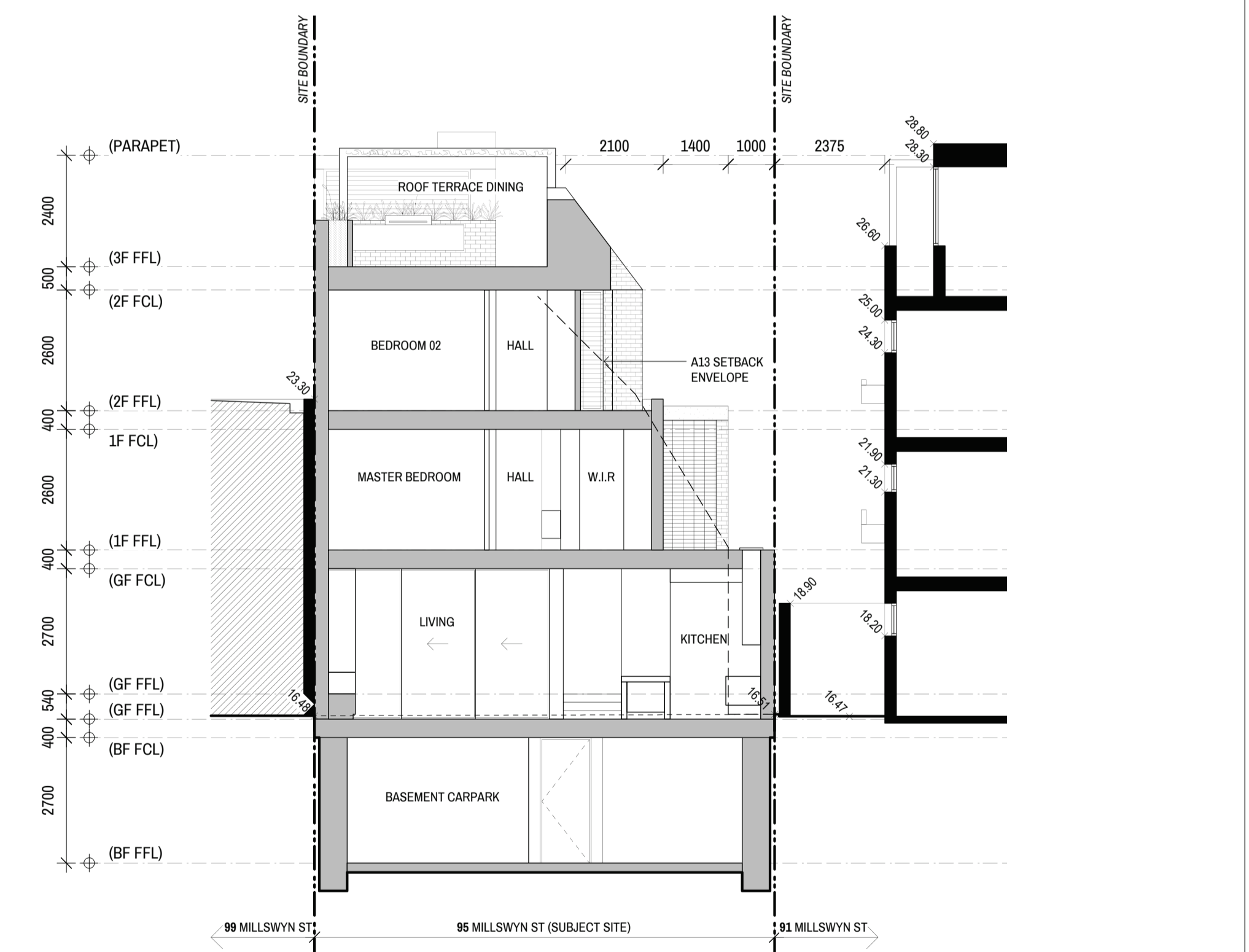
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03 SECTION C
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04 SECTION D
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02 SECTION B (CENTRELINES OF SITE FRONTAGE)
1:100@A1/1:200@A3



05 SECTION E
1:100@A1/1:200@A3

PROPOSED MATERIALS LEGEND					
'TI' - BLACK STAINED TIMBER FENCE	'C1' - CONCRETE FINISH	'G1' - GLAZING (CLEAR)	'RF2' - METAL ROOF		
'B1' - WHITEPAINTED BRICK	'F1' - METAL FLASHING (BLACK)	'P1' - MICACEOUS CHARCOAL PAINT FINISH	'BL1' - EXTERNAL LOUVERED BLIND (CHARCOAL FINISH)		
'B1' - GLASS BRICK (OBSCURED)	'S1' - STONE PAVING	'RF1' - PERFORATED METAL SCREEN	'M1' - DARK BRONZE METAL CLADDING		

95 Millswyn St, South Yarra
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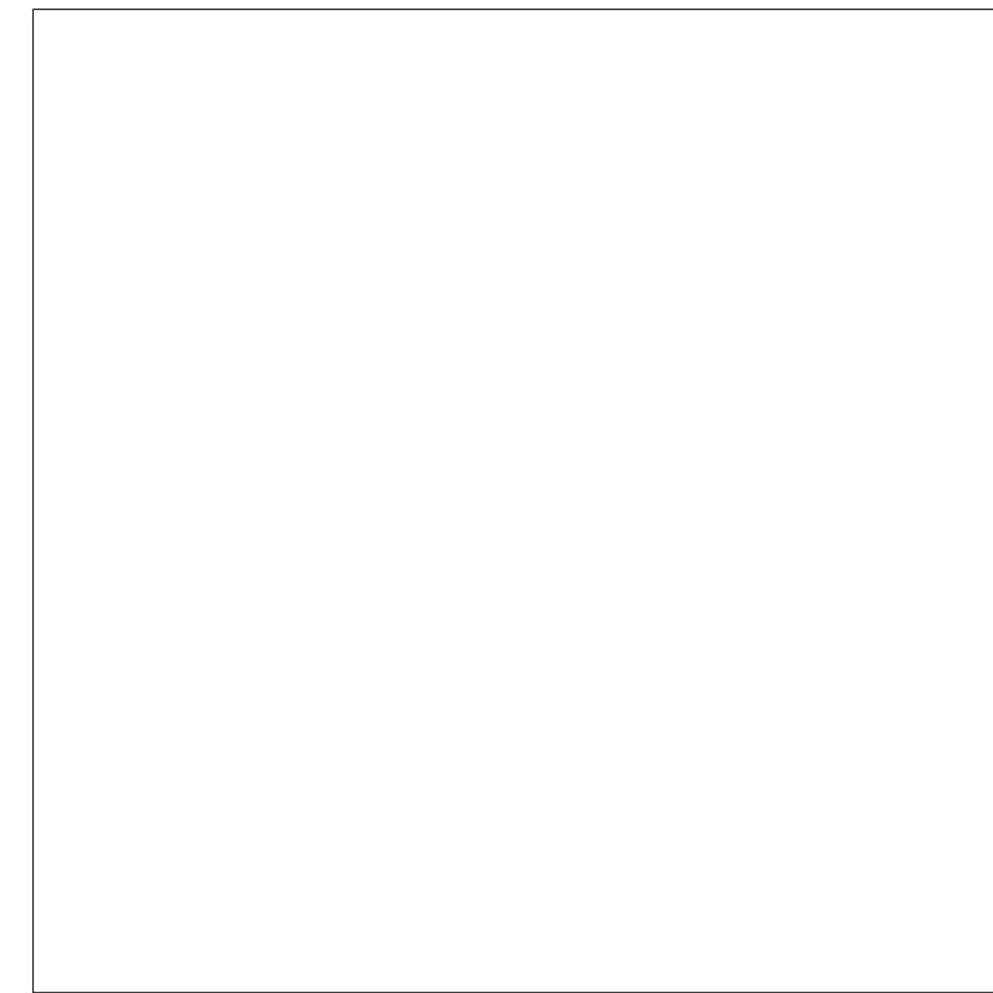
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SECTIONS	TP07	C
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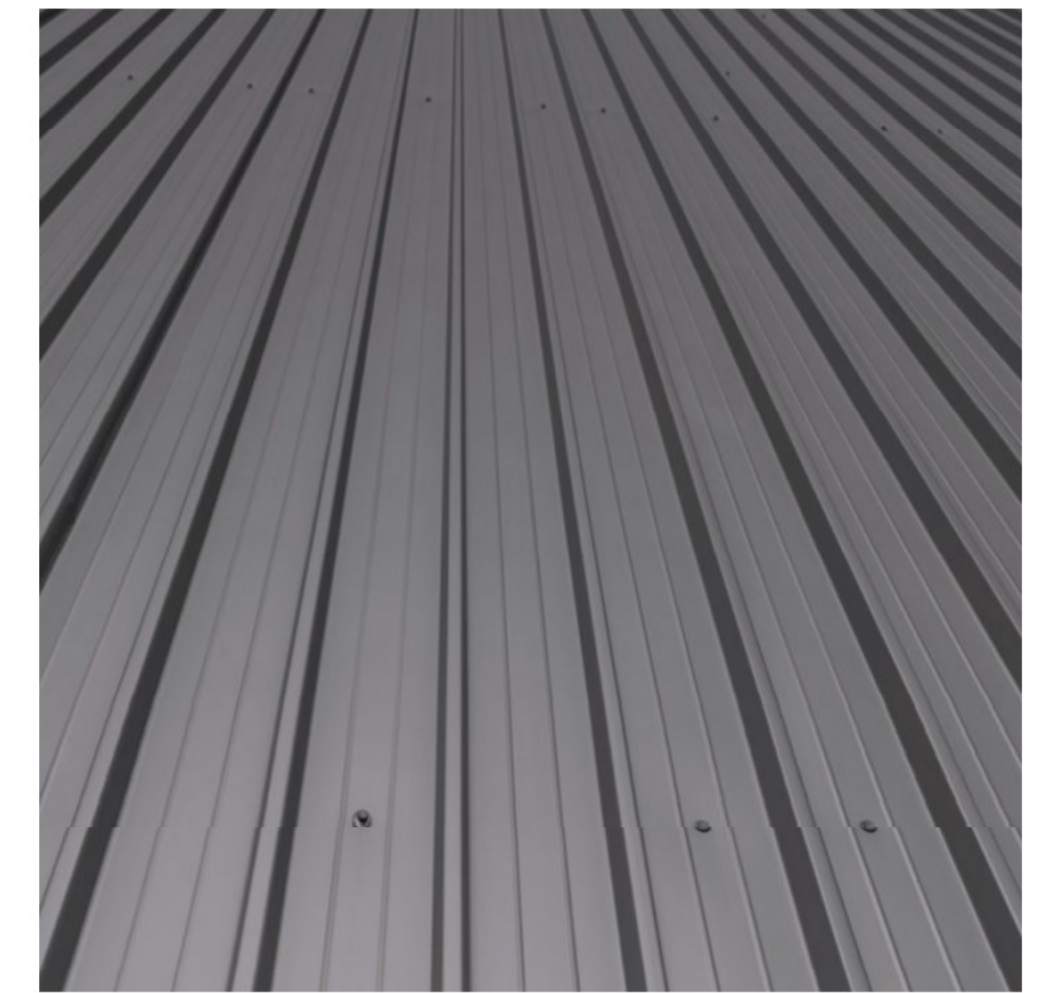
 'T1' - BLACK STAINED TIMBER CLADDING




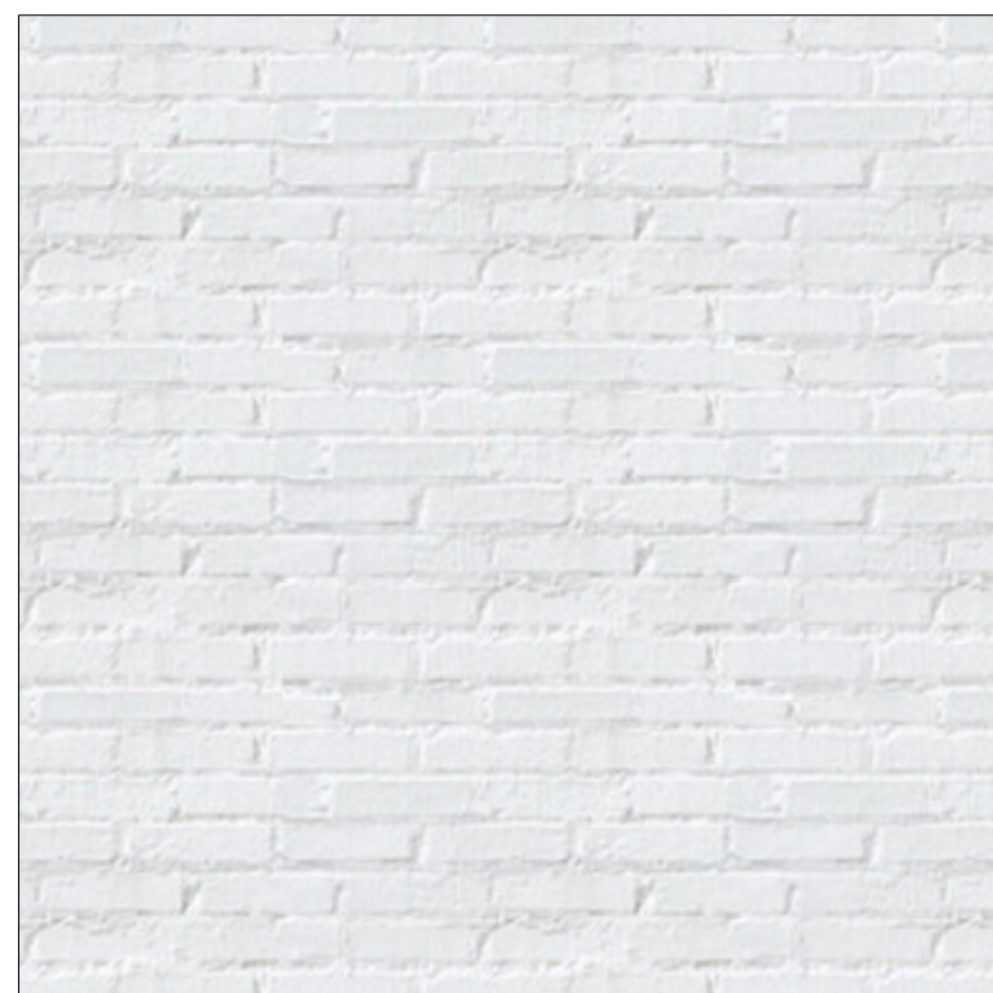
 'C1' - WHITE PAINTED CONCRETE FINISH



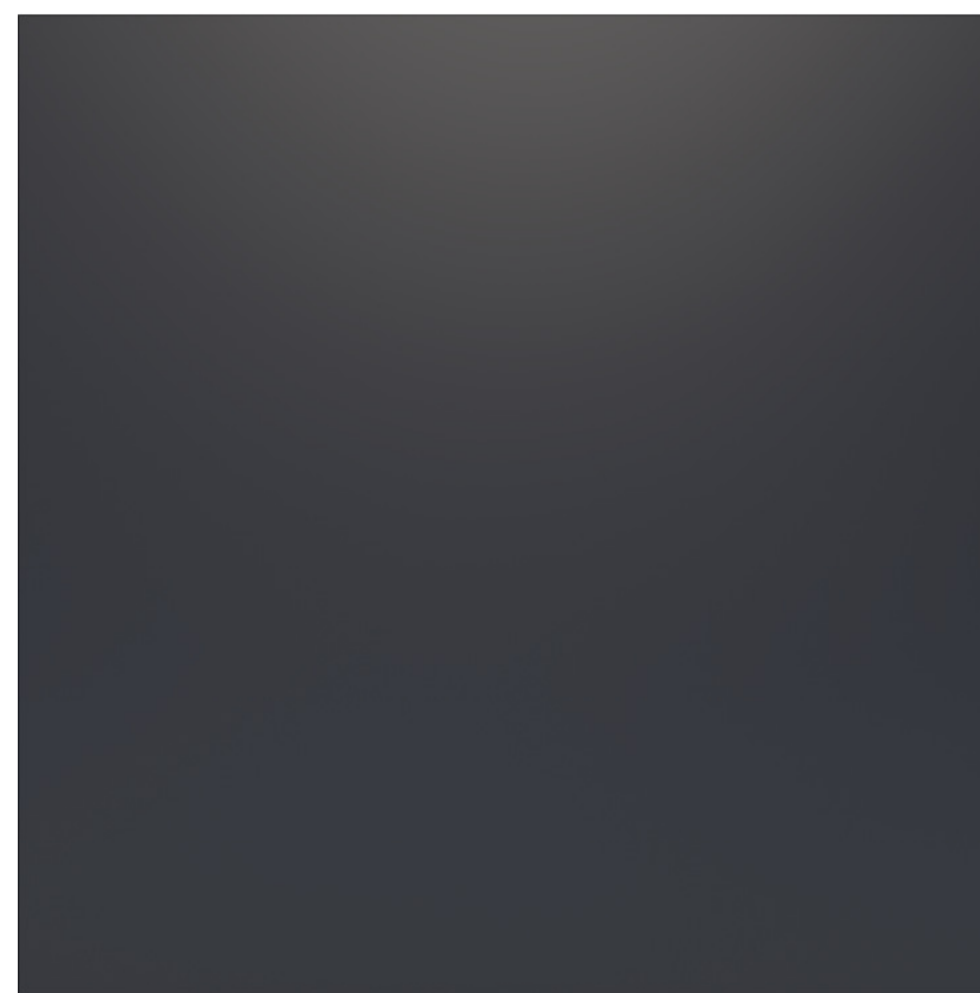
 'G1' - GLAZING (CLEAR)



 'RF2' - METAL DECK ROOF




 'B1' - WHITE PAINTED BRICK



 'F1' - METAL FLASHING (BLACK)

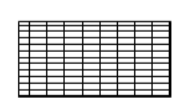


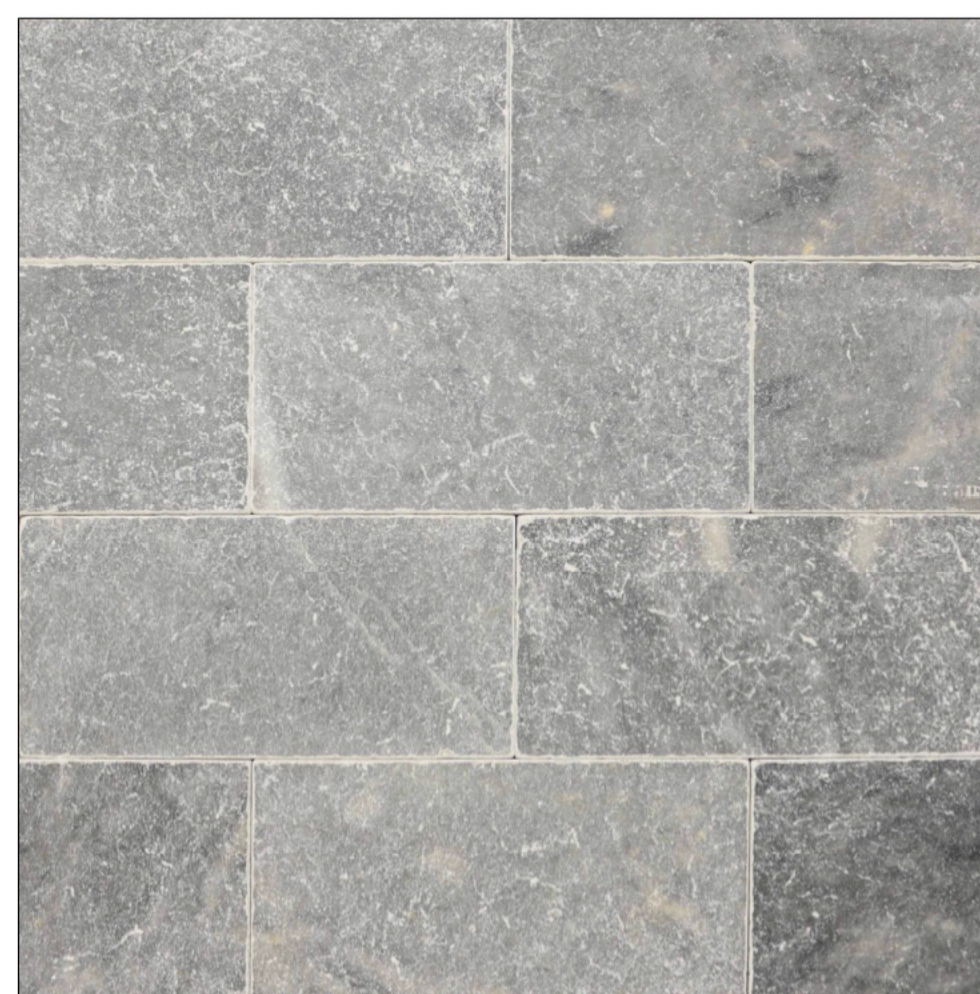
 'P1' - MICACEOUS CHARCOAL PAINT FINISH

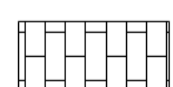


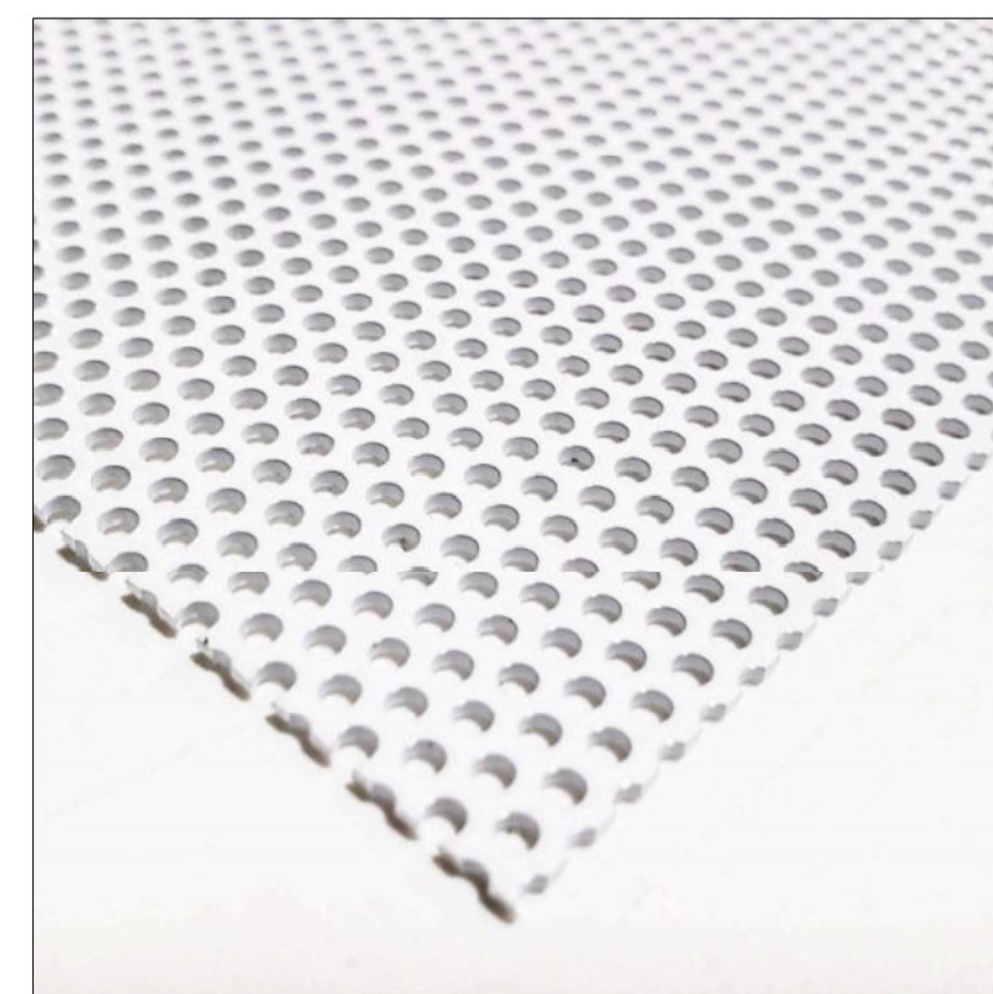
 'BL1' - EXTERNAL, OPERABLE LOUVERED BLIND. WAREMA OR EQUIVALENT

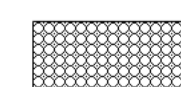


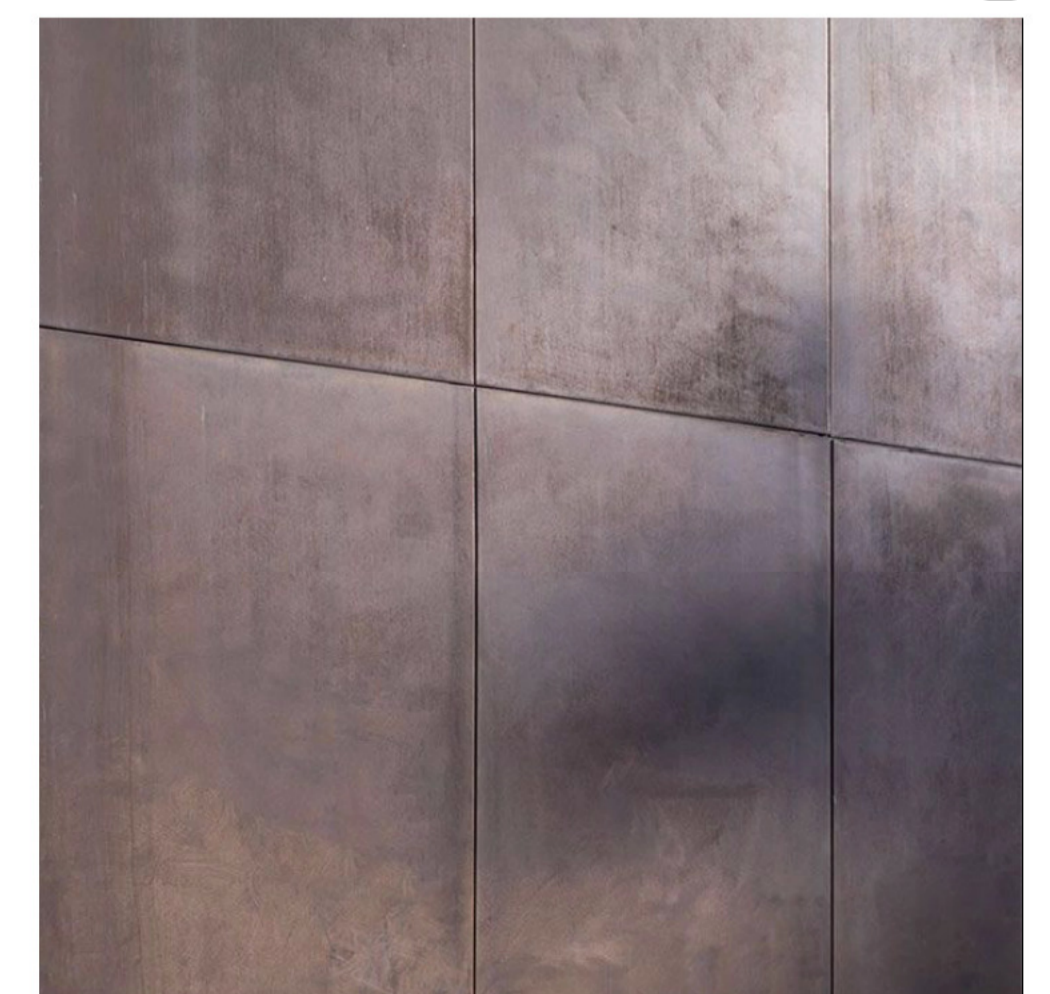
 'B1' - GLASS BRICK (OBSCURED GLASS PROVIDES <25% TRANSPARENCY)




 'S1' - STONE PAVING



 'RF1' - PERFORATED METAL SCREEN PAINTED WHITE

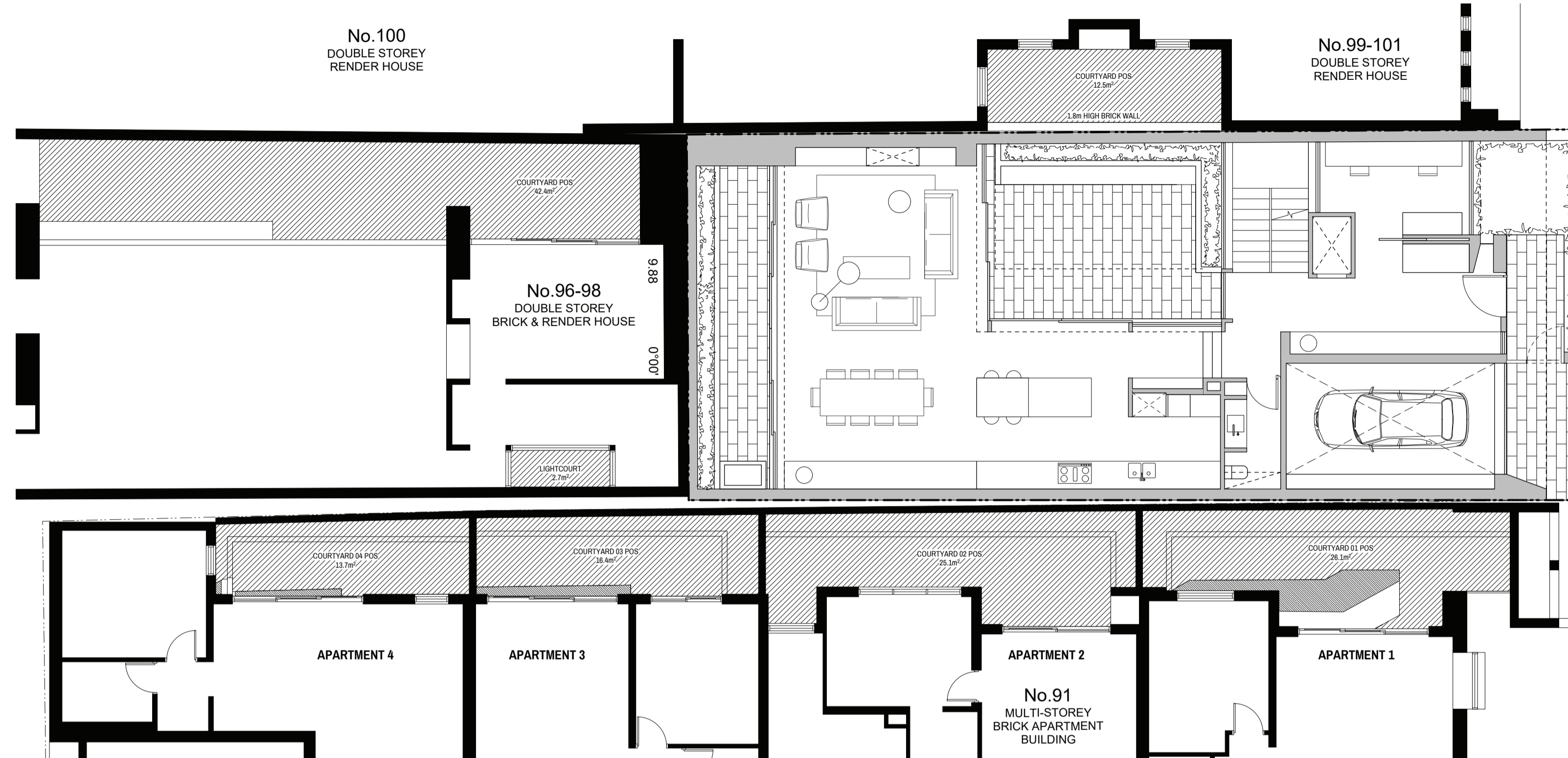
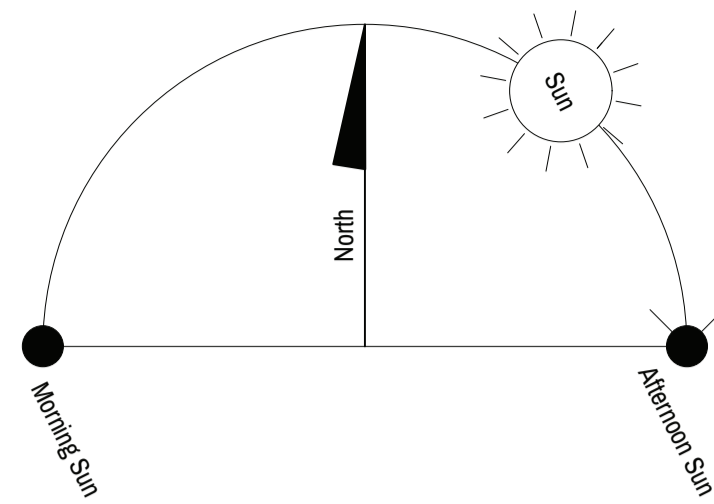


 'M1' - DARK BRONZE METAL CLADDING

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Drawing Title	Drawing No.	Rev.
MATERIALS LEGEND	TP08	B
Scale	Date	
1:100@A1 / 1:200@A3	06.06.22	



01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 9AM
GROUND FLOOR

SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 1
SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ²
EXISTING SHADOWS - 20.7m ² (79%)
PROPOSED SHADOWS - 3.4m ² (13%)
AREA NOT IN SHADOW - 2m ² (8%)

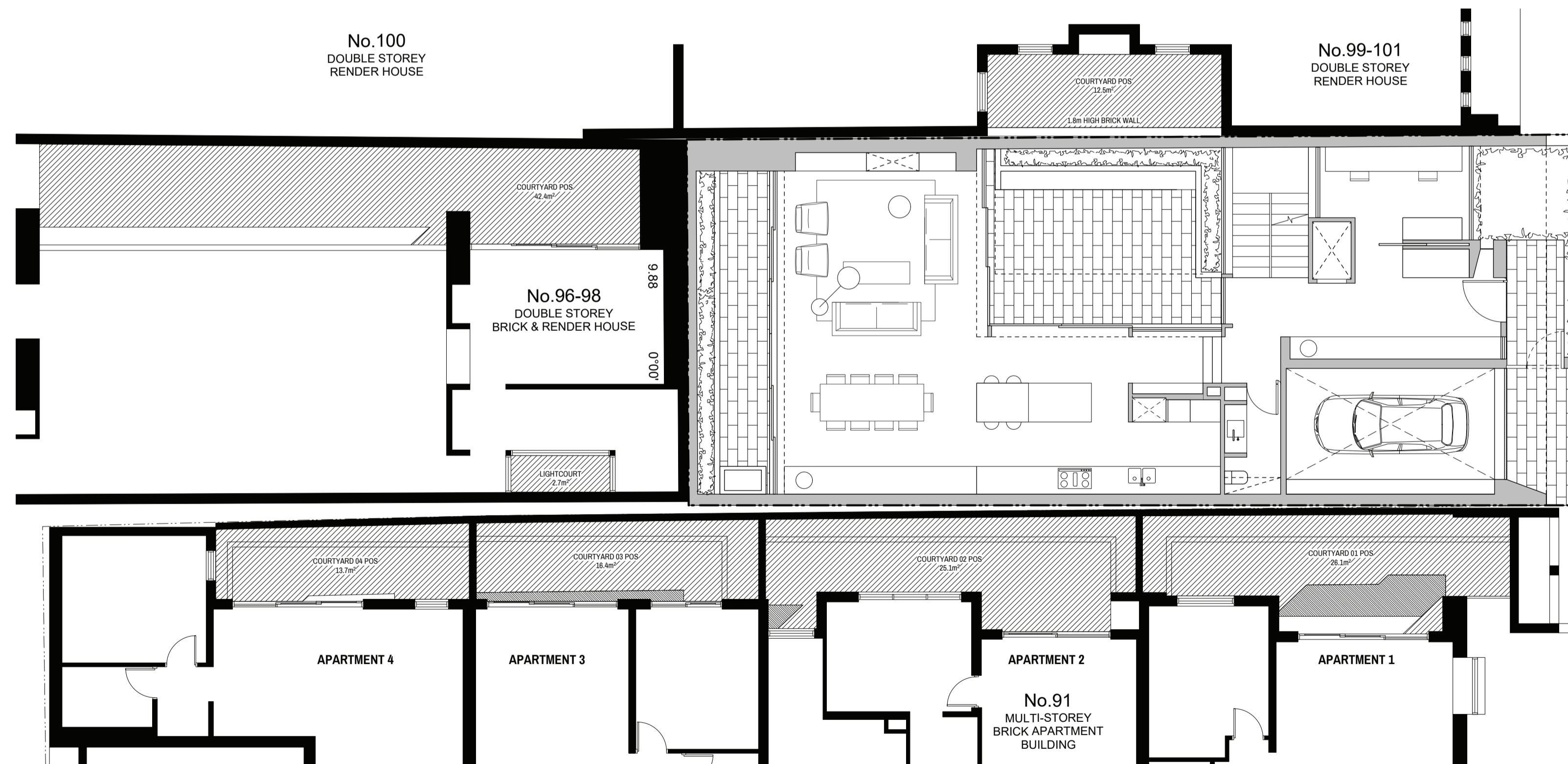
99-101 MILLSWYN ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ²
EXISTING SHADOWS - 12.5m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 2
SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ²
EXISTING SHADOWS - 25.1m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

96-98 HOPE ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ²
EXISTING SHADOWS - 39.3m ² (93%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 3.1m ² (7%)

91 MILLSWYN ST - APT 3
SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ²
EXISTING SHADOWS - 15.3m ² (93%)
PROPOSED SHADOWS - 1.1m ² (7%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 4
SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ²
EXISTING SHADOWS - 13.1m ² (95.6%)
PROPOSED SHADOWS - 0.5m ² (3.8%)
AREA NOT IN SHADOW - 0.1m ² (0.8%)



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 1
SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ²
EXISTING SHADOWS - 20.5m ² (78%)
PROPOSED SHADOWS - 3.8m ² (14%)
AREA NOT IN SHADOW - 1.8m ² (7%)

99-101 MILLSWYN ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ²
EXISTING SHADOWS - 12.5m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 2
SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ²
EXISTING SHADOWS - 24.8m ² (99%)
PROPOSED SHADOWS - 0.4m ² (1%)
AREA NOT IN SHADOW - 0.0m ² (0%)

96-98 HOPE ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ²
EXISTING SHADOWS - 37.5m ² (88%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 4.9m ² (12%)

91 MILLSWYN ST - APT 3
SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ²
EXISTING SHADOWS - 14.9m ² (91%)
PROPOSED SHADOWS - 1.4m ² (9%)
AREA NOT IN SHADOW - 0.0m ² (0%)

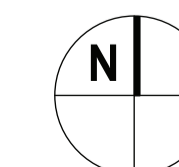
91 MILLSWYN ST - APT 4
SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ²
EXISTING SHADOWS - 13.3m ² (97%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.4m ² (3%)

SHADOW DIAGRAM KEY

- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

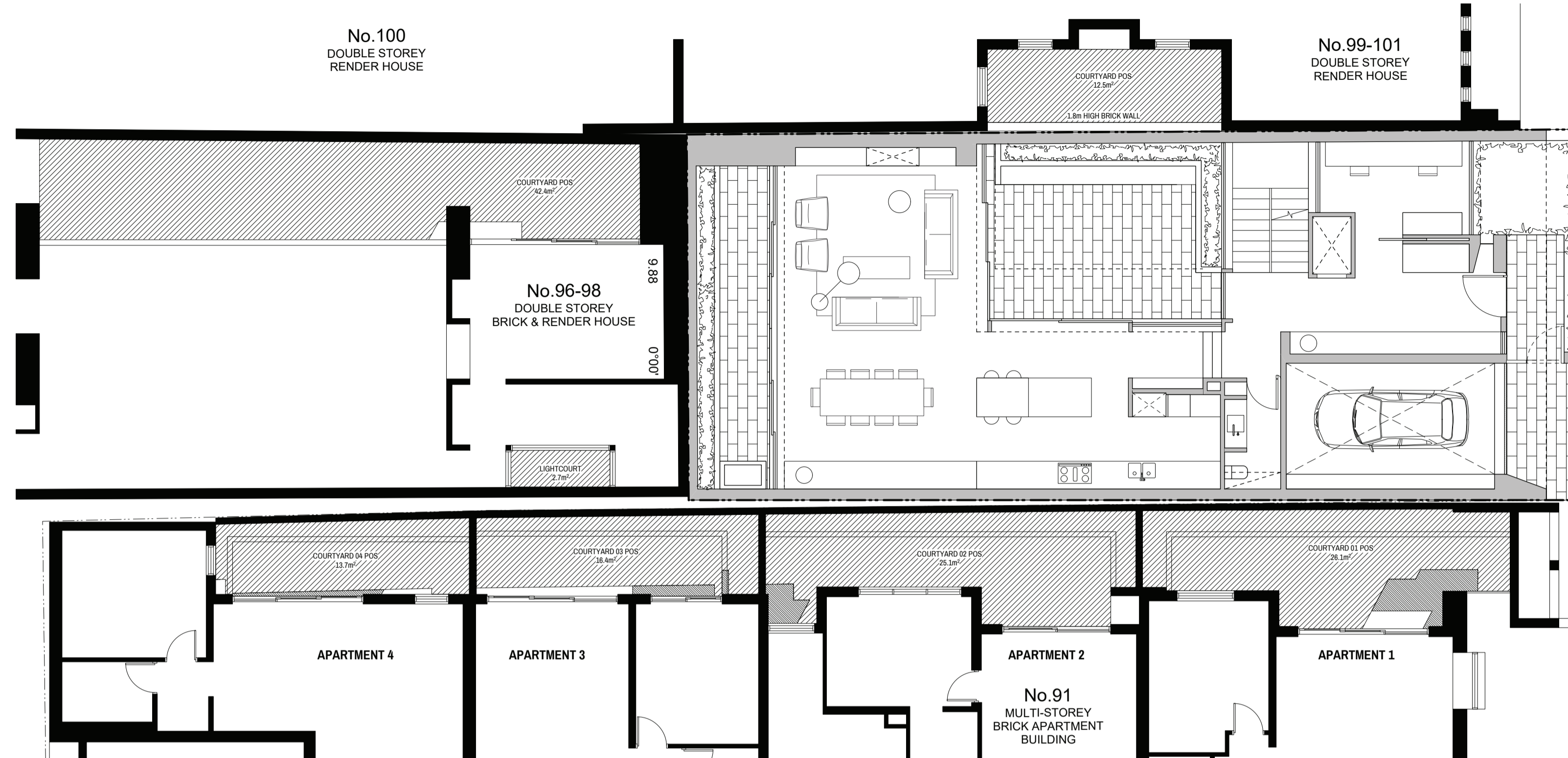
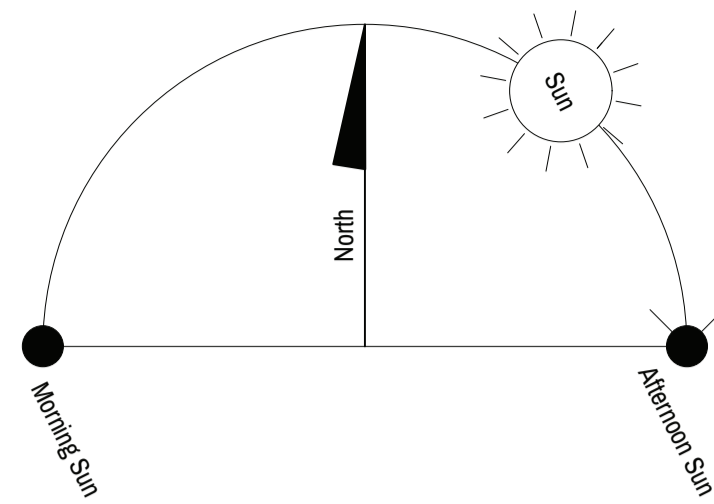
02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 10AM
GROUND FLOOR

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	GF SHADOW DIAGRAMS 9 & 10am	Drawing No.	TP09
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 11AM
GROUND FLOOR

**SECLUDED PRIVATE OPEN SPACE
SHADOW ANALYSIS**

91 MILLSWYN ST - APT 1
SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ²
EXISTING SHADOWS - 22.9m ² (88%)
PROPOSED SHADOWS - 2.4m ² (9%)
AREA NOT IN SHADOW - 0.8m ² (3%)

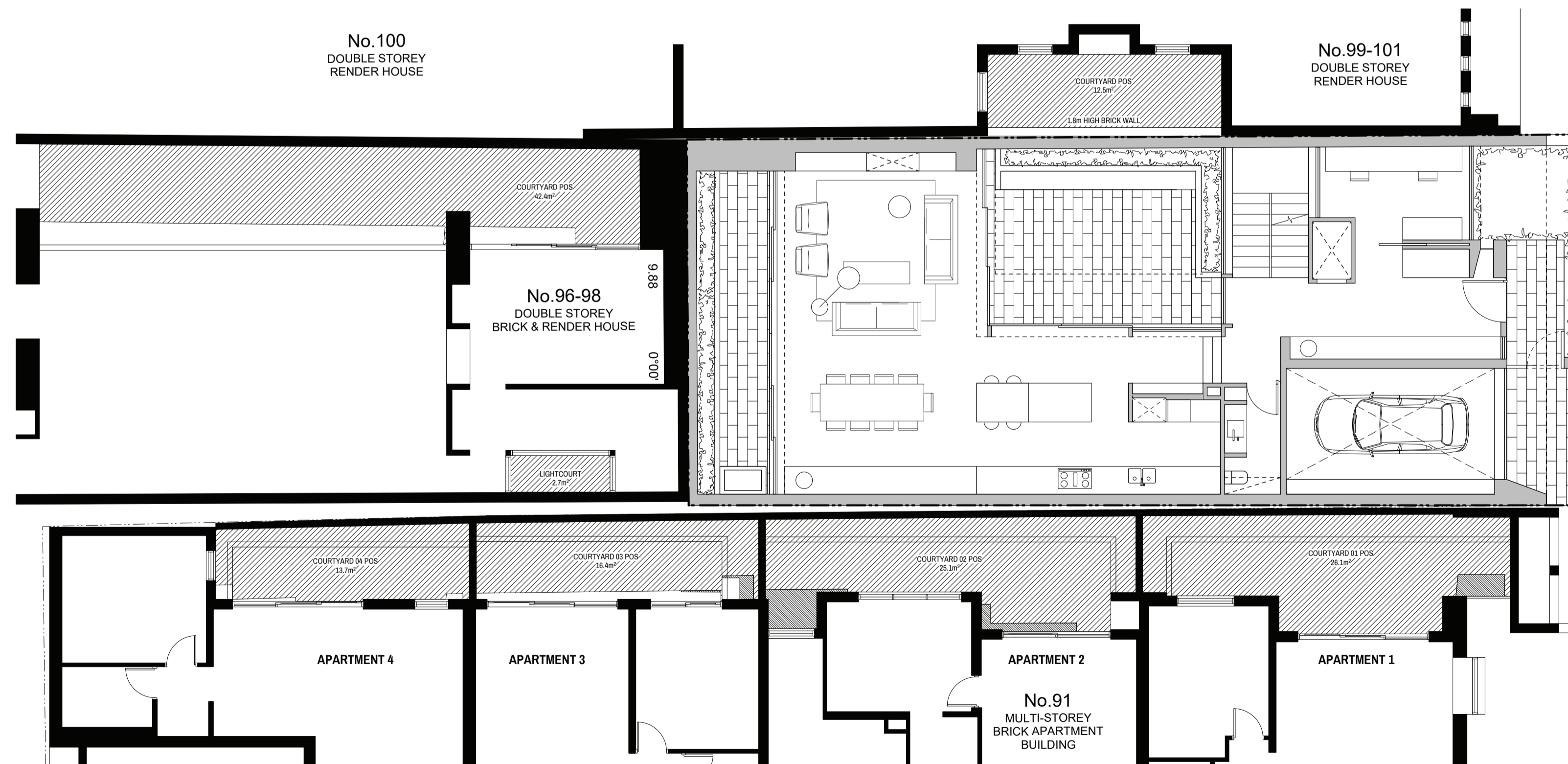
99-101 MILLSWYN ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ²
EXISTING SHADOWS - 12.5m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 2
SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ²
EXISTING SHADOWS - 24.2m ² (96%)
PROPOSED SHADOWS - 0.9m ² (4%)
AREA NOT IN SHADOW - 0.0m ² (0%)

99-98 HOPE ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ²
EXISTING SHADOWS - 41.6m ² (98%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.8m ² (2%)

91 MILLSWYN ST - APT 3
SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ²
EXISTING SHADOWS - 14.6m ² (89%)
PROPOSED SHADOWS - 0.7m ² (4%)
AREA NOT IN SHADOW - 1.1m ² (7%)

91 MILLSWYN ST - APT 4
SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ²
EXISTING SHADOWS - 12.9m ² (94%)
PROPOSED SHADOWS - 0.5m ² (4%)
AREA NOT IN SHADOW - 0.3m ² (2%)



02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 12PM
GROUND FLOOR

**SECLUDED PRIVATE OPEN SPACE
SHADOW ANALYSIS**

91 MILLSWYN ST - APT 1
SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ²
EXISTING SHADOWS - 25.3m ² (97%)
PROPOSED SHADOWS - 0.8m ² (3%)
AREA NOT IN SHADOW - 0.0m ² (0%)

99-101 MILLSWYN ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ²
EXISTING SHADOWS - 12.5m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 2
SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ²
EXISTING SHADOWS - 23m ² (92%)
PROPOSED SHADOWS - 2.1m ² (8%)
AREA NOT IN SHADOW - 0.0m ² (0%)

99-98 HOPE ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ²
EXISTING SHADOWS - 34.9m ² (82%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 7.5m ² (18%)

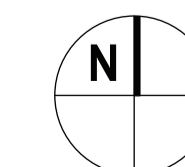
91 MILLSWYN ST - APT 3
SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ²
EXISTING SHADOWS - 14.2m ² (86%)
PROPOSED SHADOWS - 0.3m ² (2%)
AREA NOT IN SHADOW - 1.9m ² (12%)

91 MILLSWYN ST - APT 4
SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ²
EXISTING SHADOWS - 13.3m ² (97%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.4m ² (3%)

SHADOW DIAGRAM KEY

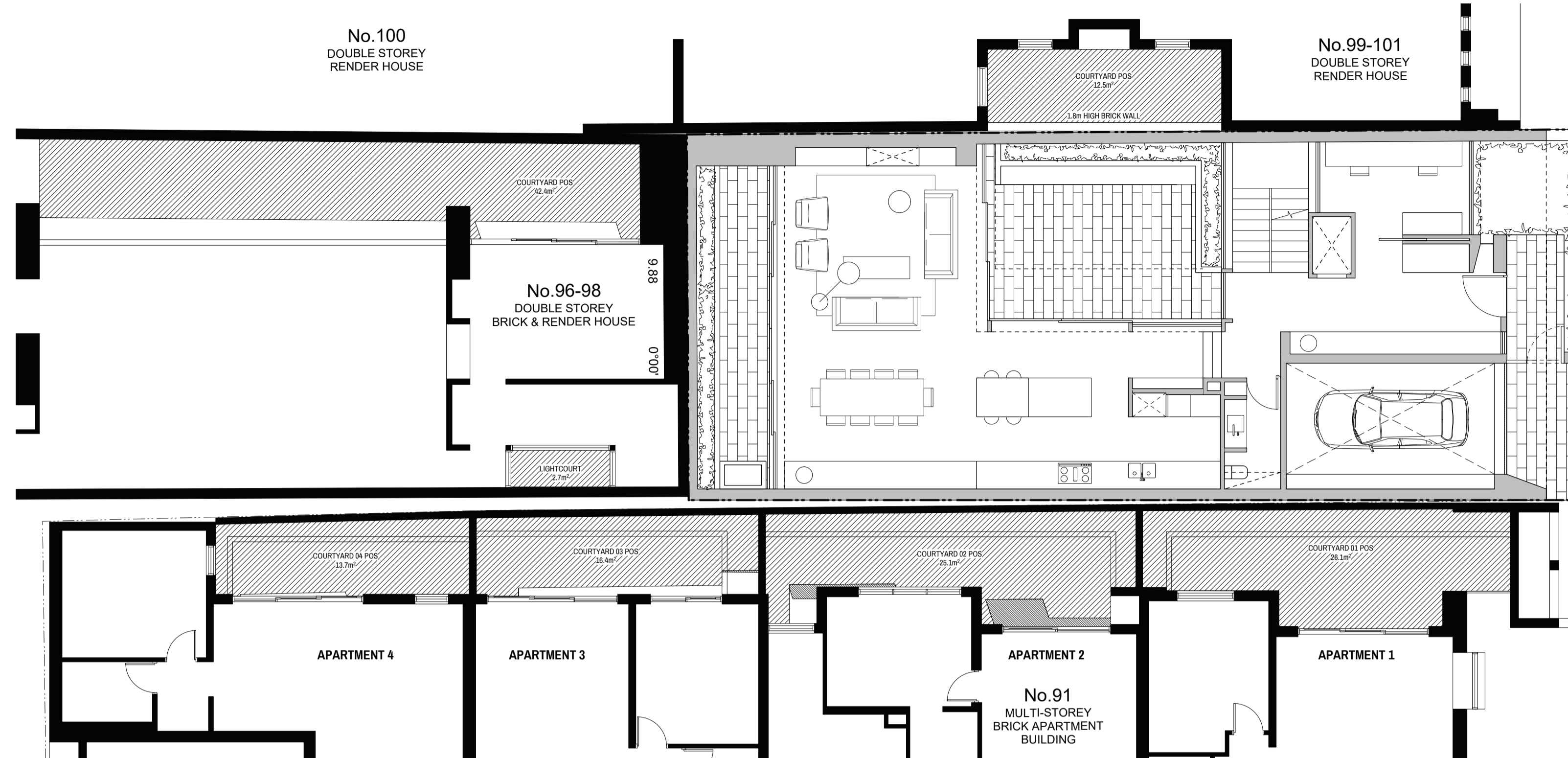
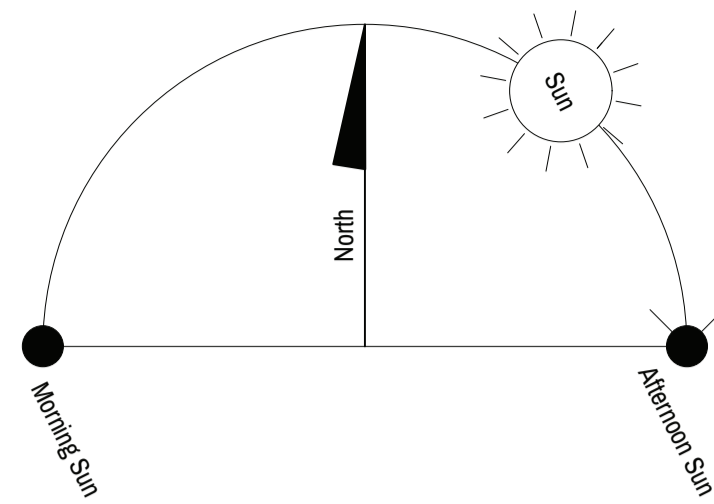
- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.08.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21

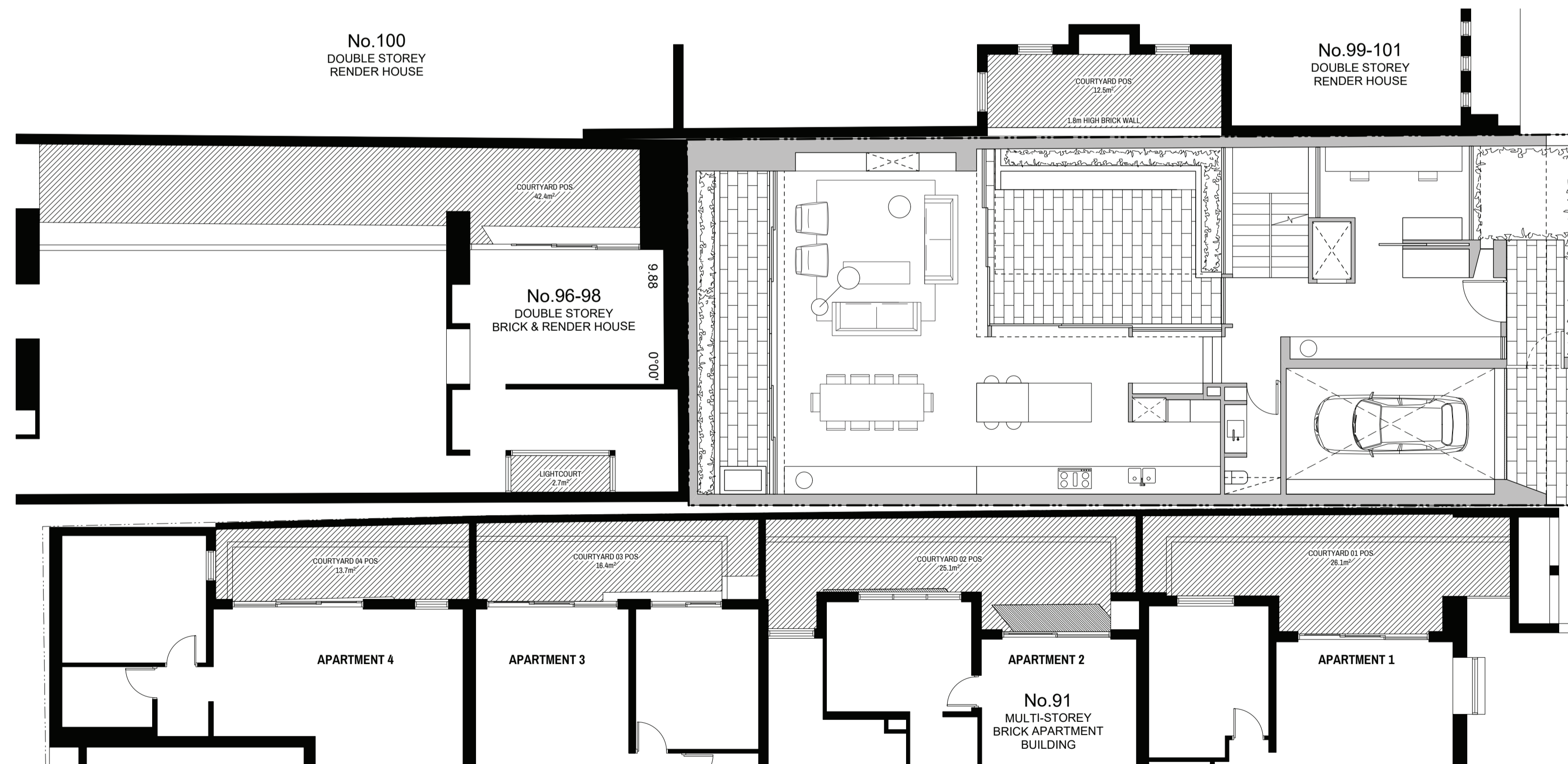


Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	GF SHADOW DIAGRAMS 11am & 12pm	Drawing No.	TP10
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 1PM
GROUND FLOOR



02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 2PM
GROUND FLOOR

SHADOW DIAGRAM KEY
 OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
 ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
 NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

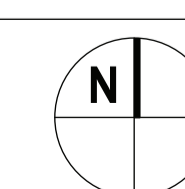
SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 1 SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ² EXISTING SHADOWS - 26.1m ² (100%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.0m ² (0%)	99-101 MILLSWYN ST SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ² EXISTING SHADOWS - 12.5m ² (100%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.0m ² (0%)
91 MILLSWYN ST - APT 2 SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ² EXISTING SHADOWS - 22.7m ² (90%) PROPOSED SHADOWS - 1.9m ² (8%) AREA NOT IN SHADOW - 0.5m ² (2%)	96-98 HOPE ST SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ² EXISTING SHADOWS - 34.6m ² (82%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 7.8m ² (18%)
91 MILLSWYN ST - APT 3 SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ² EXISTING SHADOWS - 14.4m ² (88%) PROPOSED SHADOWS - 0.1m ² (0.5%) AREA NOT IN SHADOW - 1.9m ² (11.5%)	
91 MILLSWYN ST - APT 4 SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ² EXISTING SHADOWS - 13.5m ² (99%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.2m ² (1%)	

SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

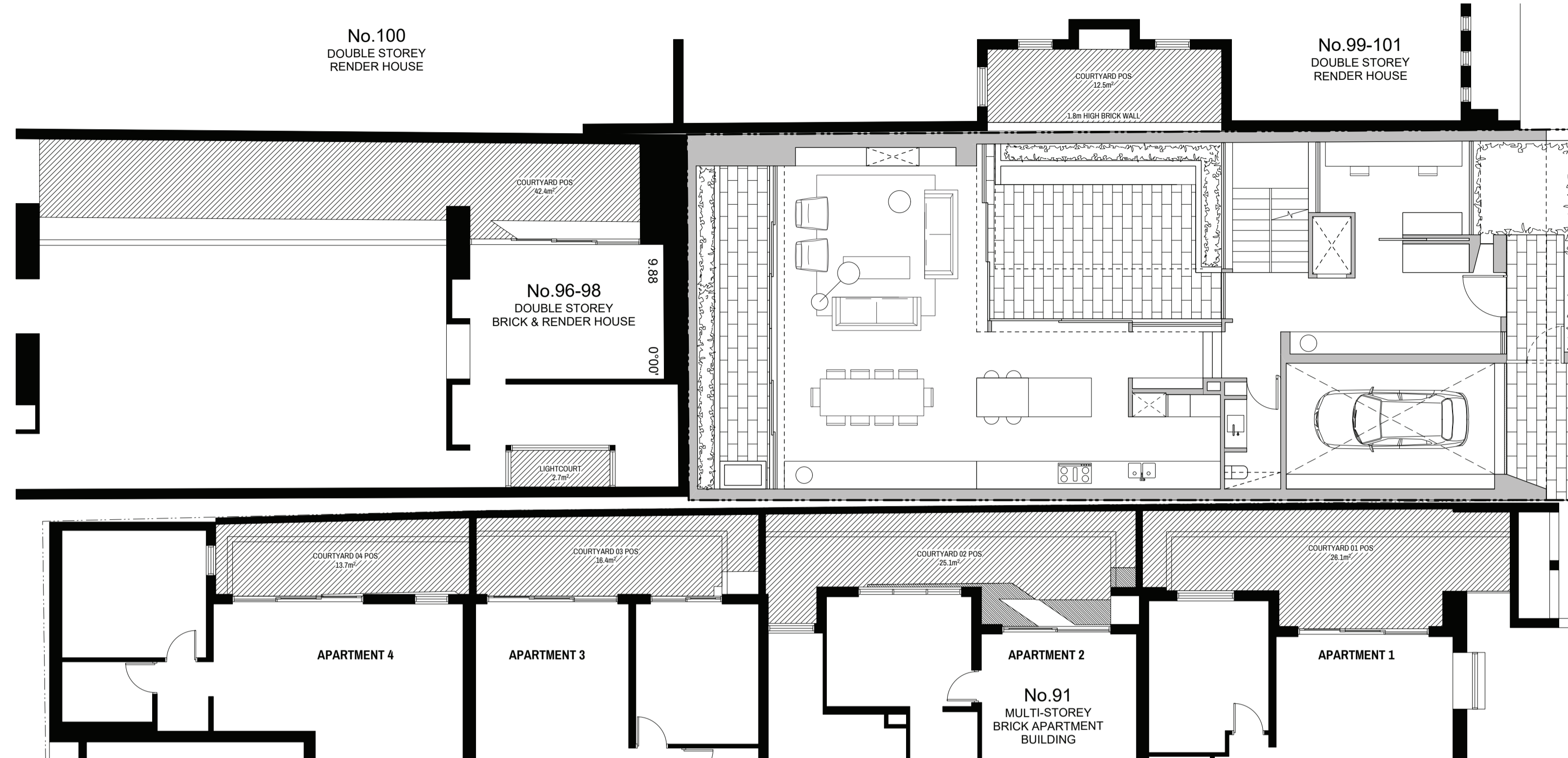
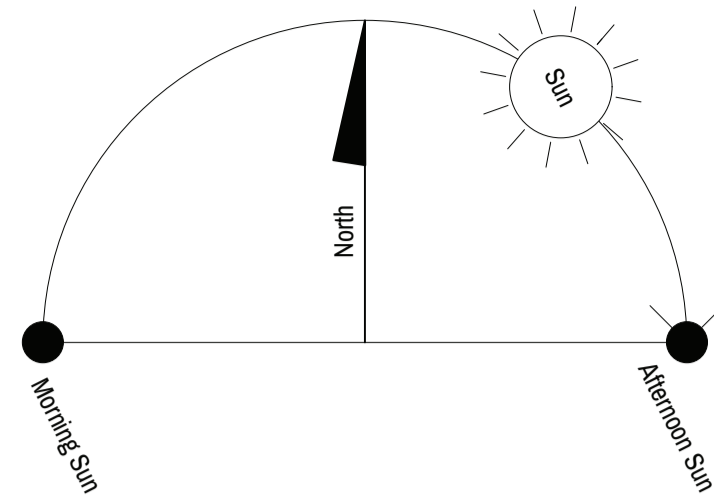
91 MILLSWYN ST - APT 1 SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ² EXISTING SHADOWS - 26.1m ² (100%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.0m ² (0%)	99-101 MILLSWYN ST SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ² EXISTING SHADOWS - 12.5m ² (100%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.0m ² (0%)
91 MILLSWYN ST - APT 2 SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ² EXISTING SHADOWS - 22.8m ² (91%) PROPOSED SHADOWS - 2.3m ² (9%) AREA NOT IN SHADOW - 0.0m ² (0%)	96-98 HOPE ST SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ² EXISTING SHADOWS - 34.3m ² (81%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 8.1m ² (19%)
91 MILLSWYN ST - APT 3 SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ² EXISTING SHADOWS - 15.0m ² (91%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 1.4m ² (9%)	
91 MILLSWYN ST - APT 4 SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ² EXISTING SHADOWS - 13.5m ² (99%) PROPOSED SHADOWS - 0.0m ² (0%) AREA NOT IN SHADOW - 0.2m ² (1%)	

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	GF SHADOW DIAGRAMS 1 & 2pm	Drawing No.	TP11
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 1
SECLUDED PRIVATE OPEN SPACE TOTAL - 26.1m ²
EXISTING SHADOWS - 26.1m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

99-101 MILLSWYN ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 12.5m ²
EXISTING SHADOWS - 12.5m ² (100%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.0m ² (0%)

91 MILLSWYN ST - APT 2
SECLUDED PRIVATE OPEN SPACE TOTAL - 25.1m ²
EXISTING SHADOWS - 21.5m ² (86%)
PROPOSED SHADOWS - 2.8m ² (11%)
AREA NOT IN SHADOW - 0.8m ² (3%)

99-98 HOPE ST
SECLUDED PRIVATE OPEN SPACE TOTAL - 42.4m ²
EXISTING SHADOWS - 34.4m ² (81%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 8.0m ² (19%)

91 MILLSWYN ST - APT 3
SECLUDED PRIVATE OPEN SPACE TOTAL - 16.4m ²
EXISTING SHADOWS - 15.7m ² (96%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.7m ² (4%)

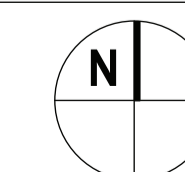
91 MILLSWYN ST - APT 4
SECLUDED PRIVATE OPEN SPACE TOTAL - 13.7m ²
EXISTING SHADOWS - 13.5m ² (99%)
PROPOSED SHADOWS - 0.0m ² (0%)
AREA NOT IN SHADOW - 0.2m ² (1%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 3PM GROUND FLOOR

SHADOW DIAGRAM KEY

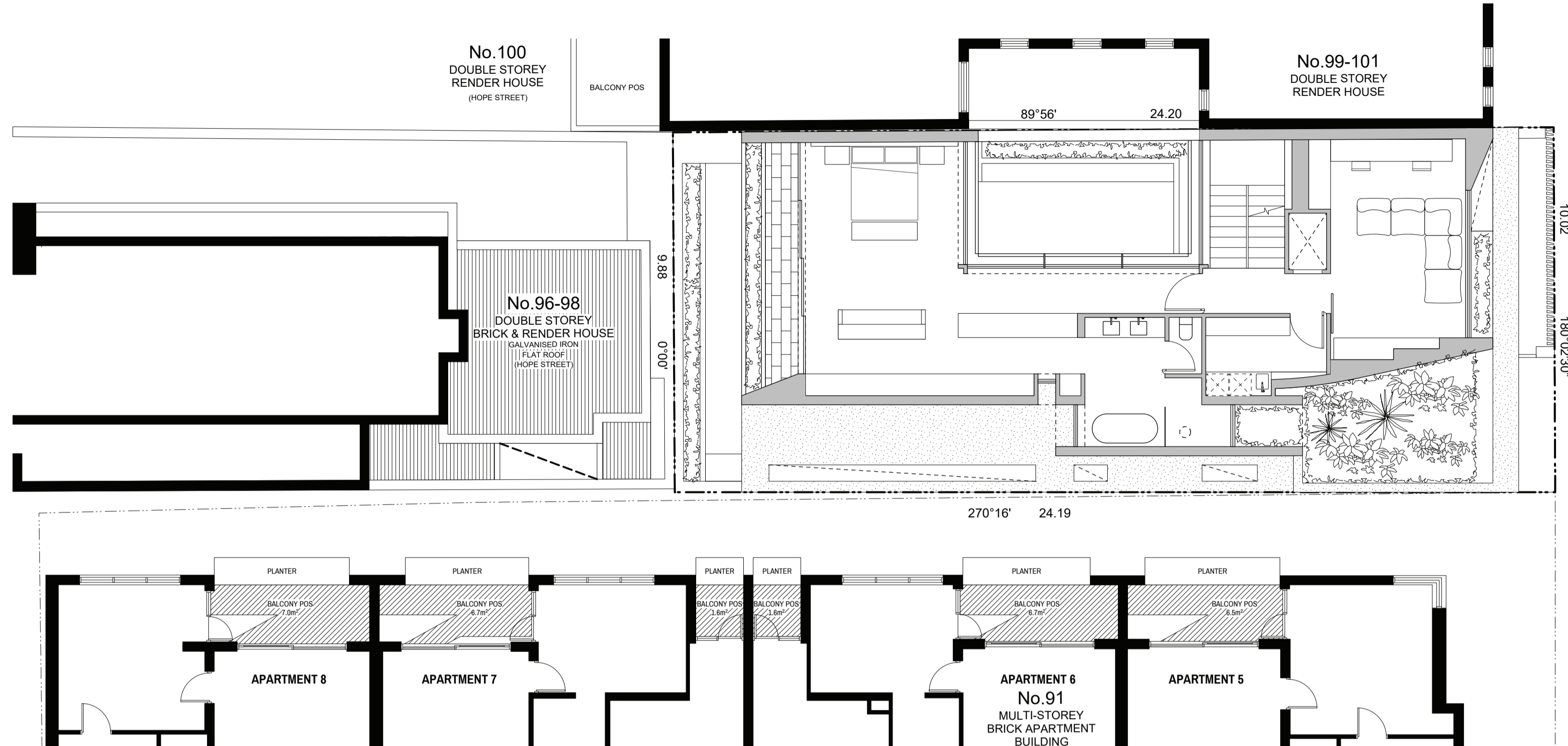
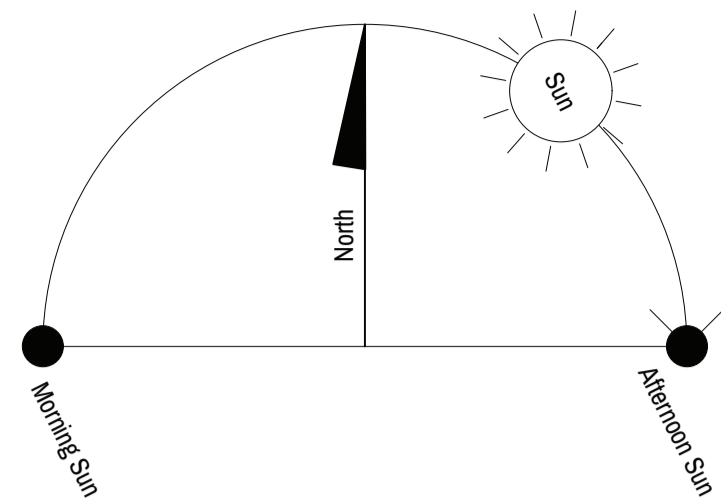
- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	GF SHADOW DIAGRAMS 3pm	Drawing No.	TP12
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

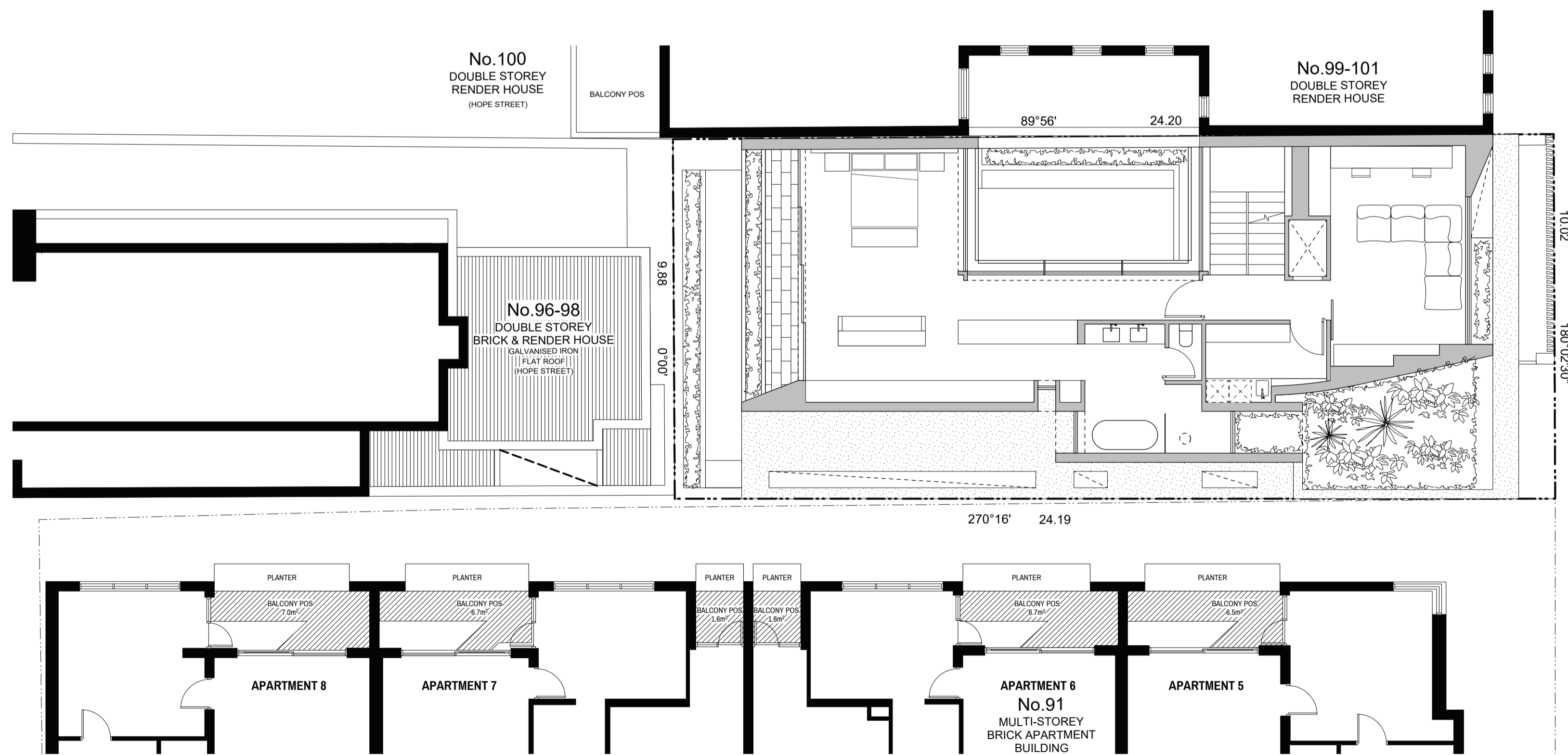
91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 5.4m² (83%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.1m² (17%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.8m² (94%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 0.5m² (6%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.1m² (86%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (14%)

91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 6.1m² (87%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 0.9m² (13%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 9AM
 FIRST FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.7m² (72%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.8m² (28%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.1m² (86%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (14%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.4m² (77%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.9m² (23%)

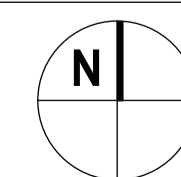
91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 5.2m² (74%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.8m² (26%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 10AM
 FIRST FLOOR

SHADOW DIAGRAM KEY
 OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
 ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
 NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.08.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
 Phone 03 9427 9833 www.neilarchitecture.com.au

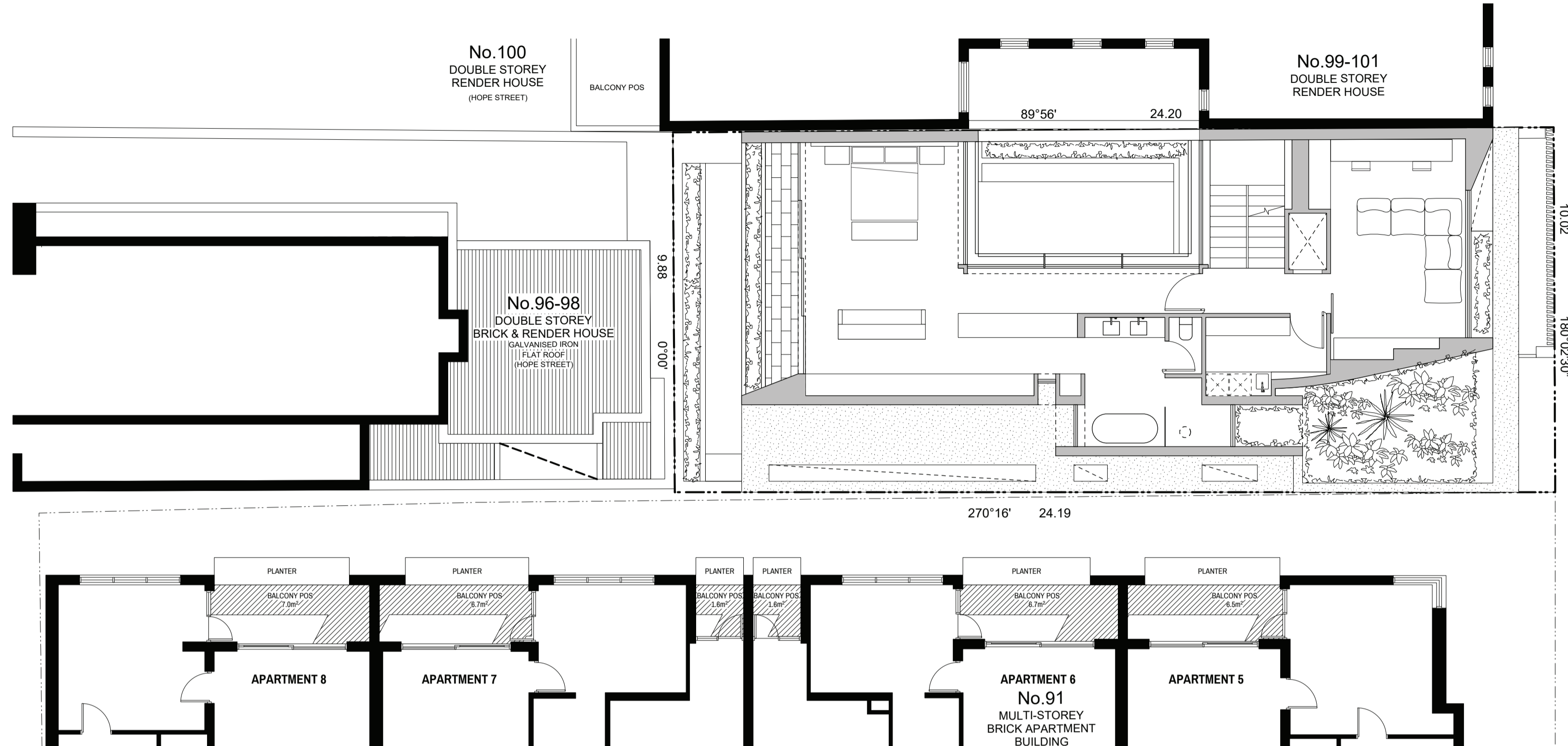
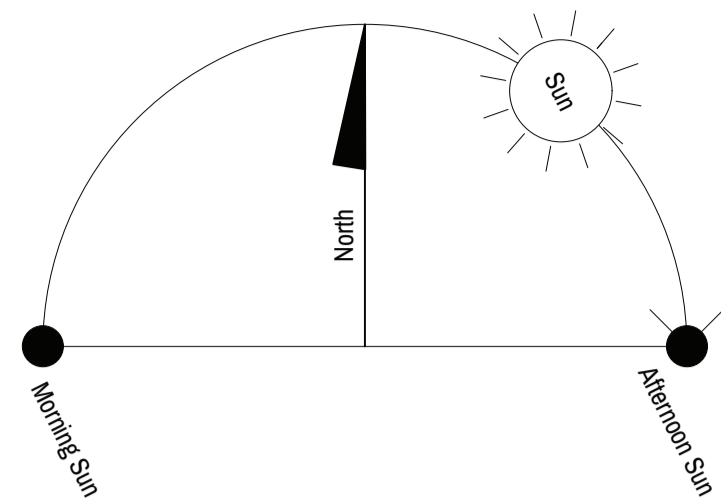


Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	1F SHADOW DIAGRAMS 9 & 10am
Scale	1:100@A1 / 1:200@A3

Drawing No.	Rev.
TP13	
Date	06.06.22

95 Millswyn St, South Yarra
John & Katie Hudson



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

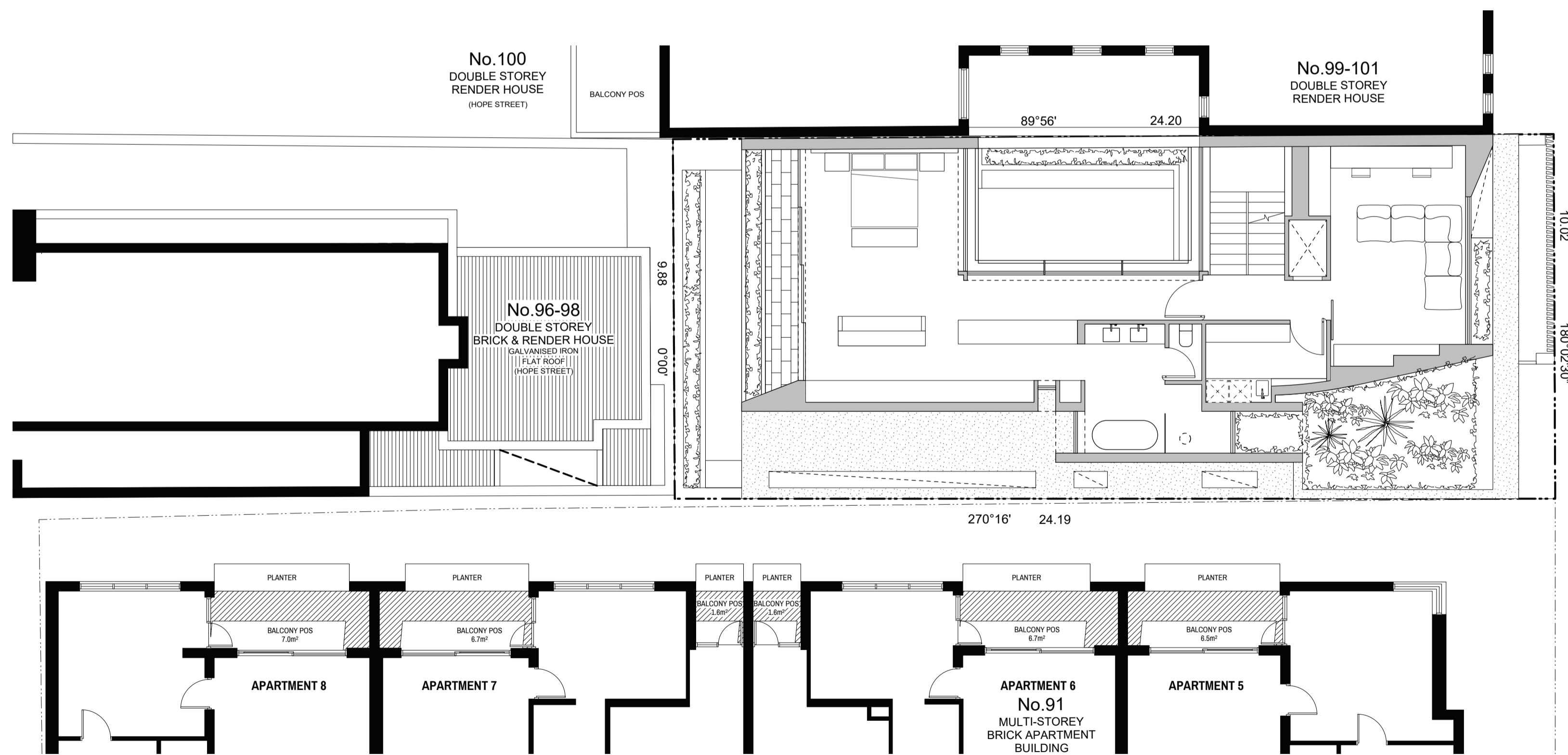
91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.1m² (63%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.4m² (37%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.2m² (75%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.1m² (25%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.6m² (67%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.7m² (33%)

91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 4.6m² (66%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.4m² (34%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 11AM
 FIRST FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 3.9m² (60%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.6m² (40%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.3m² (64%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 3.0m² (36%)

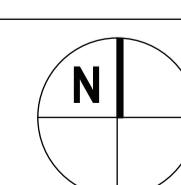
91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.2m² (63%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 3.1m² (37%)

91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 4.1m² (59%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.9m² (41%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 12PM
 FIRST FLOOR

SHADOW DIAGRAM KEY
 OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
 ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
 NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

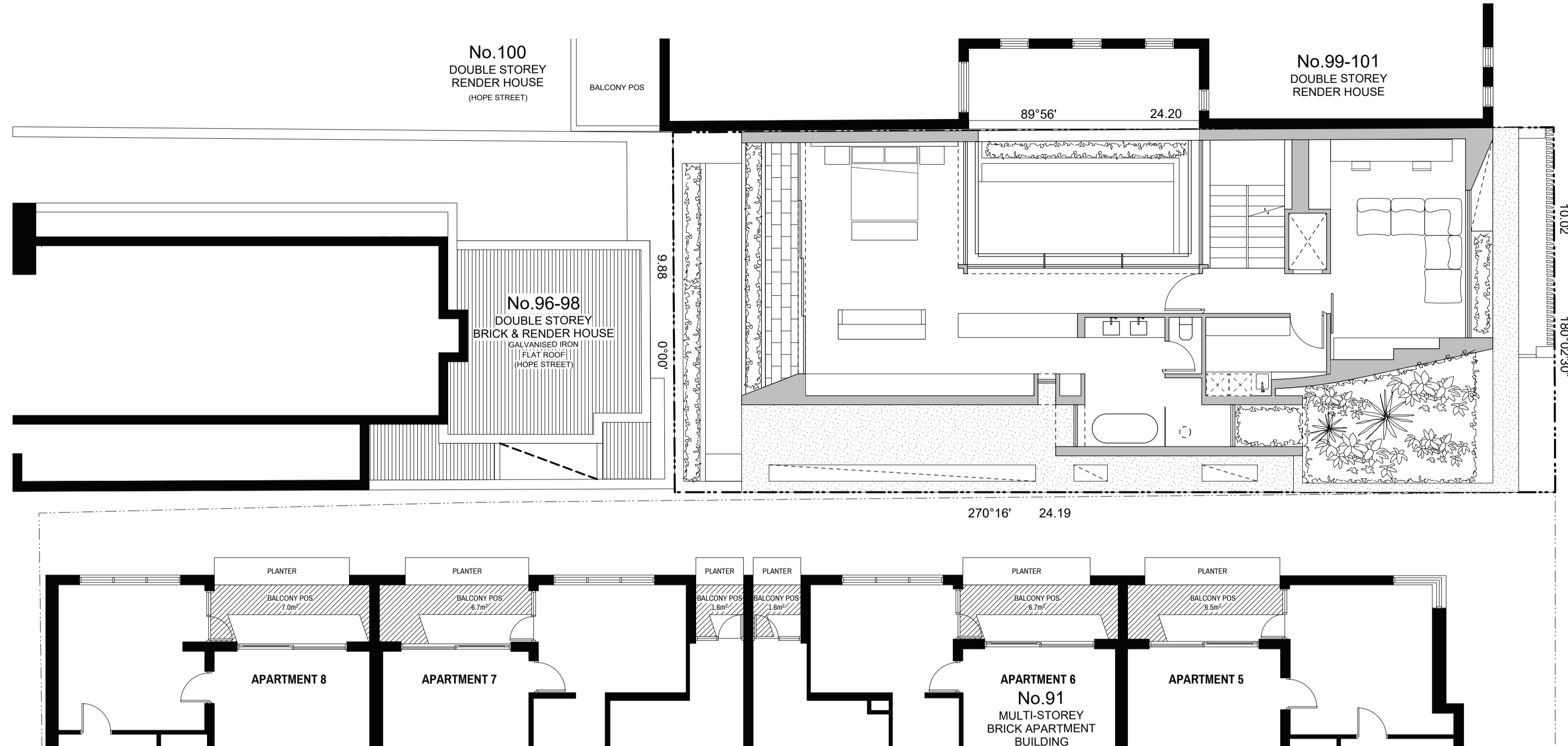
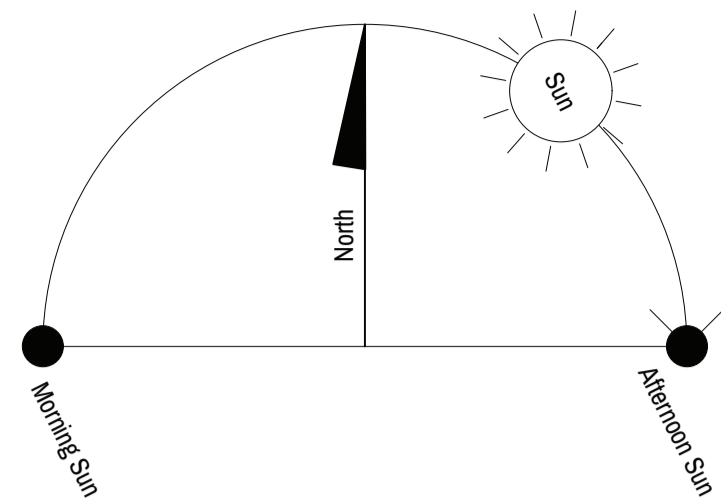
Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.08.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	1F SHADOW DIAGRAMS 11am & 12pm
Scale	1:100@A1 / 1:200@A3

Drawing No.	Rev.
TP14	
Date	06.06.22



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

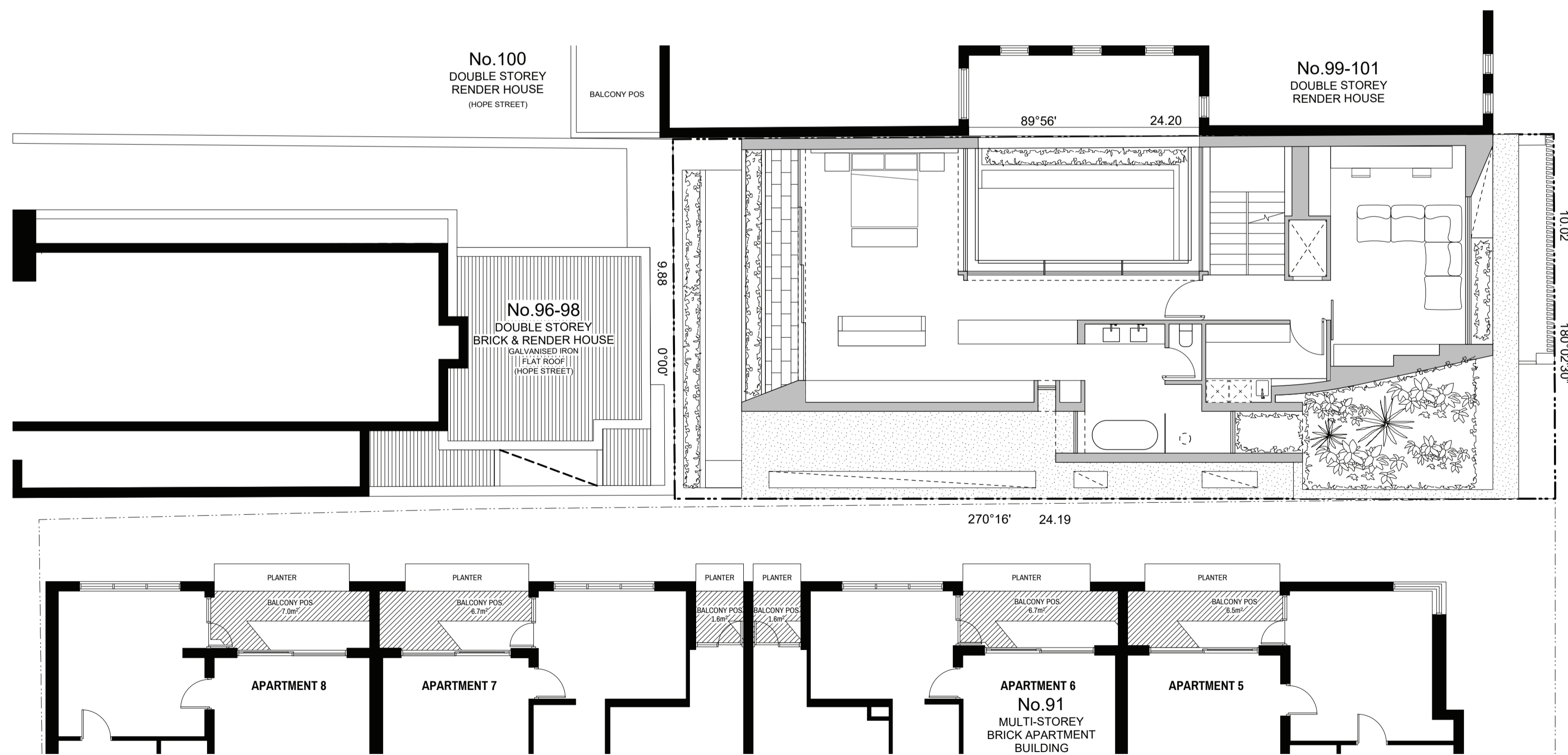
91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.2m² (65%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.3m² (35%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.5m² (66%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.8m² (34%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.7m² (69%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.6m² (31%)

91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 4.1m² (59%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.9m² (41%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 1PM
 FIRST FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.7m² (72%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.8m² (28%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.1m² (73%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.8m² (27%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.7m² (81%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.6m² (19%)

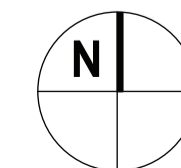
91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 4.5m² (64%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.5m² (36%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 2PM
 FIRST FLOOR

SHADOW DIAGRAM KEY

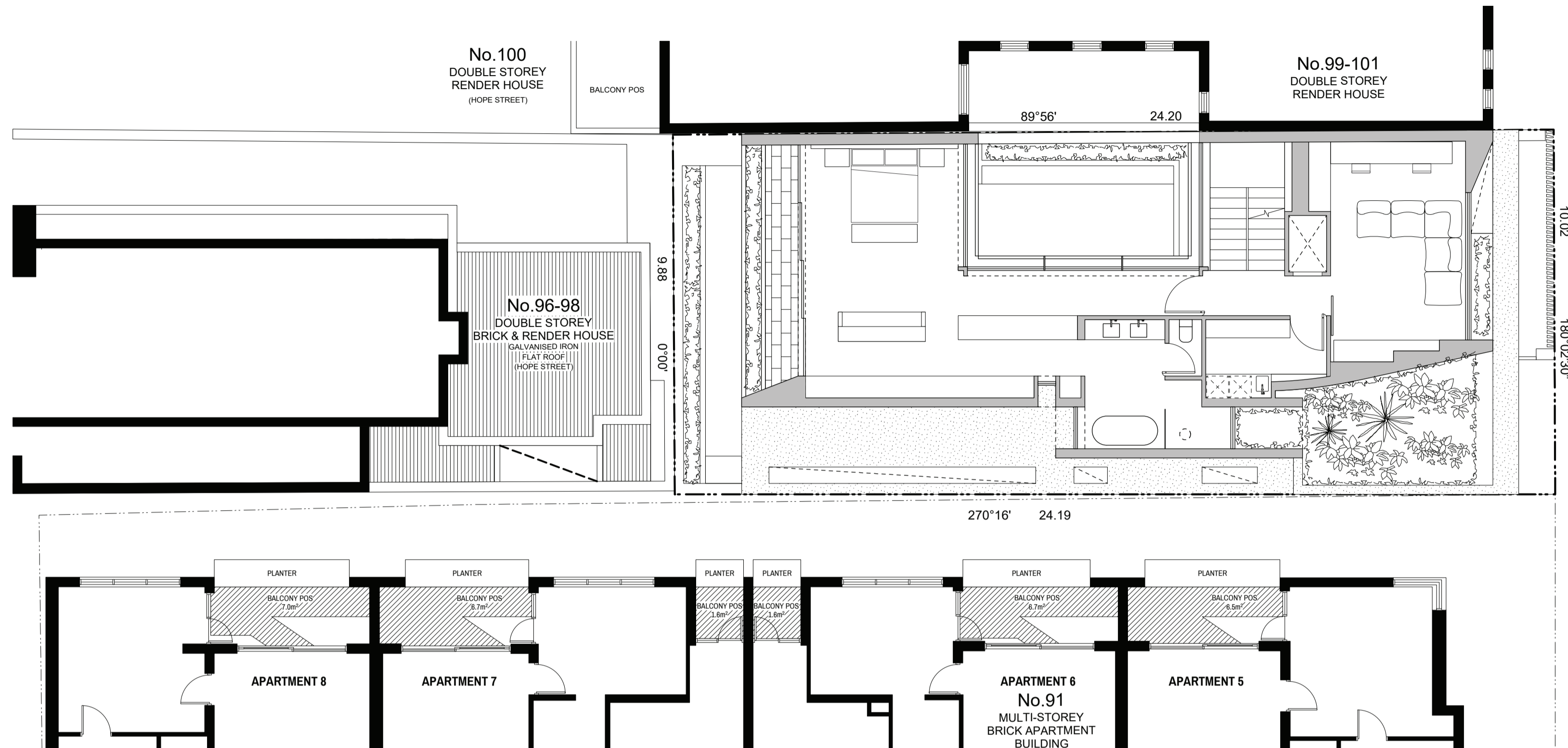
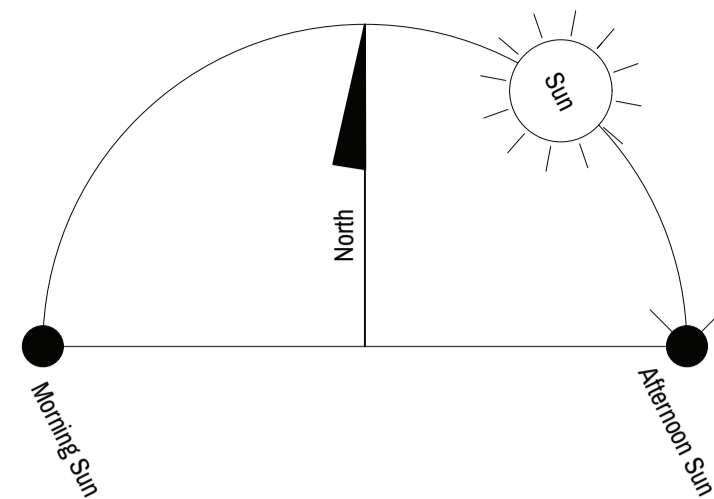
- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	1F SHADOW DIAGRAMS 1 & 2pm	Drawing No.	TP15
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 5
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 5.3m² (82%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (18%)

91 MILLSWYN ST - APT 6
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.8m² (82%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.5m² (18%)

91 MILLSWYN ST - APT 7
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.5m² (90%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 0.8m² (10%)

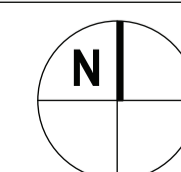
91 MILLSWYN ST - APT 8
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 7m²
 EXISTING SHADOWS - 5.0m² (71%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.0m² (29%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 3PM
 FIRST FLOOR

SHADOW DIAGRAM KEY

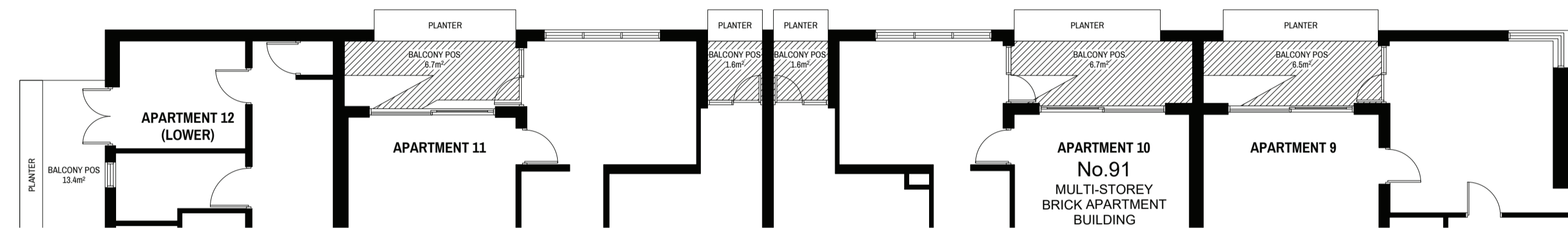
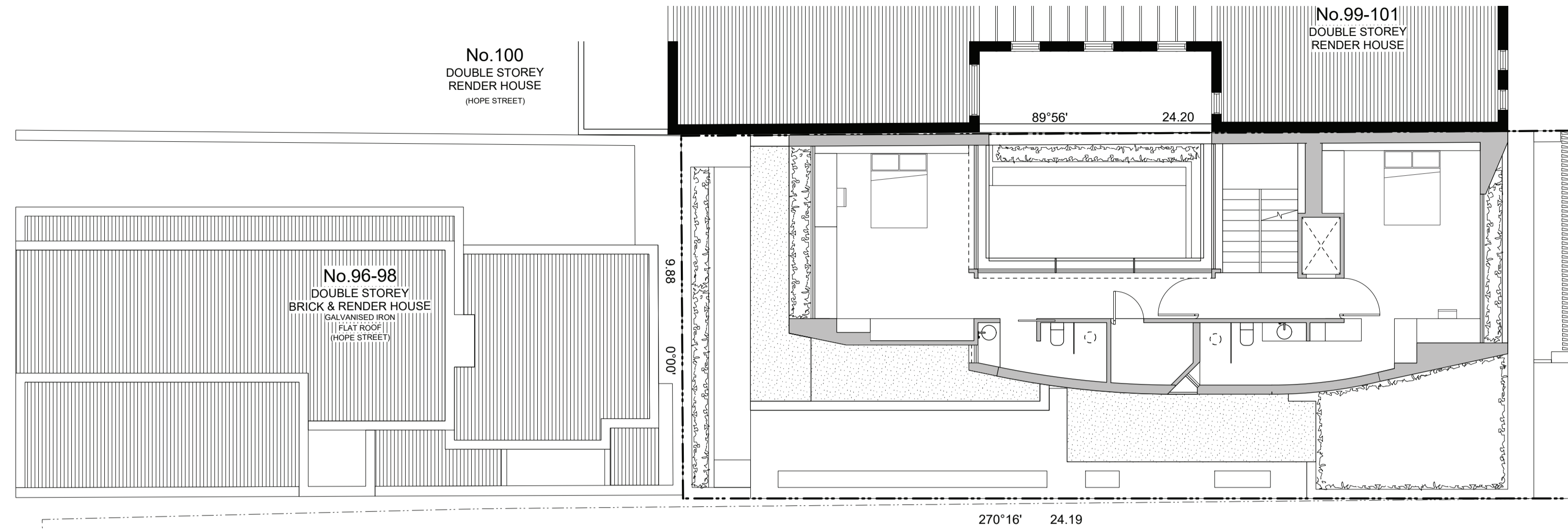
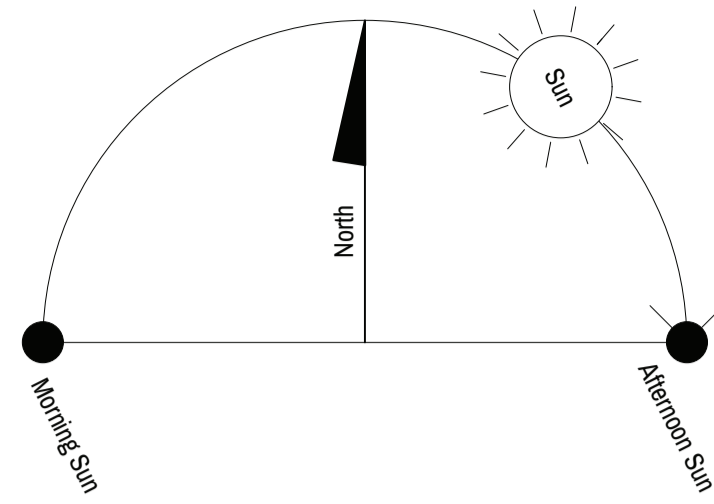
- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	1F SHADOW DIAGRAMS 3pm	Drawing No.	TP16
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



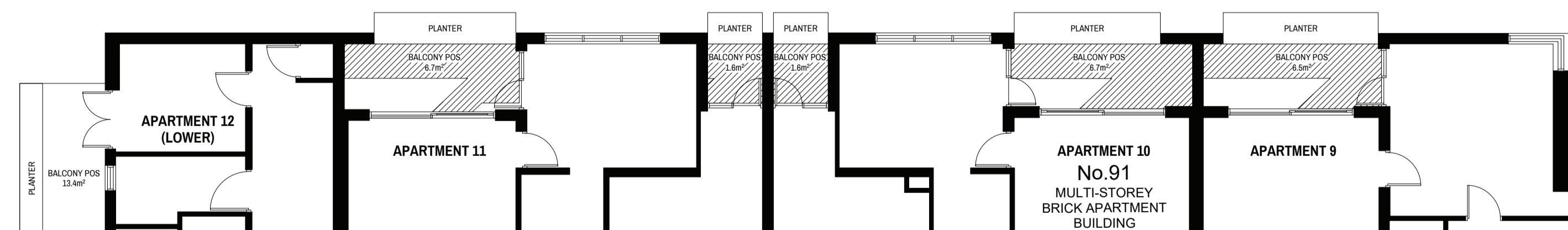
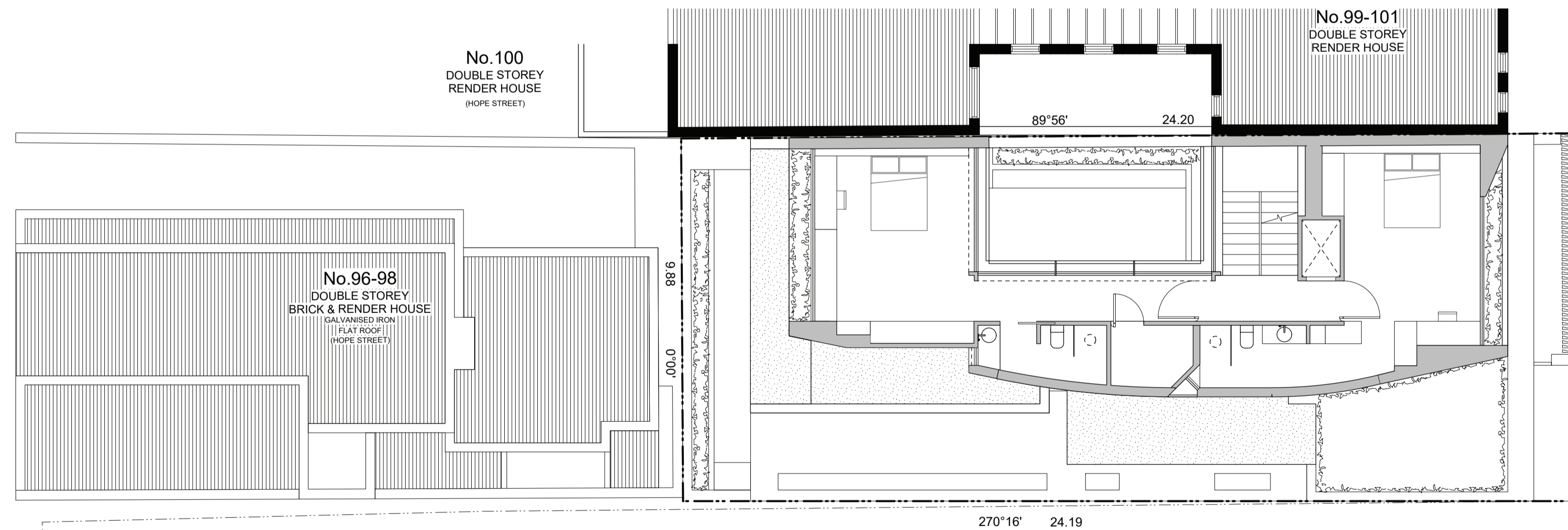
SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 5.4m² (83%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.1m² (17%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.8m² (94%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 0.5m² (6%)

91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.1m² (86%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (14%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 9AM
 SECOND FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.6m² (71%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.9m² (29%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.1m² (86%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (14%)

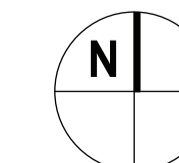
91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.4m² (77%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.9m² (23%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 10AM
 SECOND FLOOR

SHADOW DIAGRAM KEY

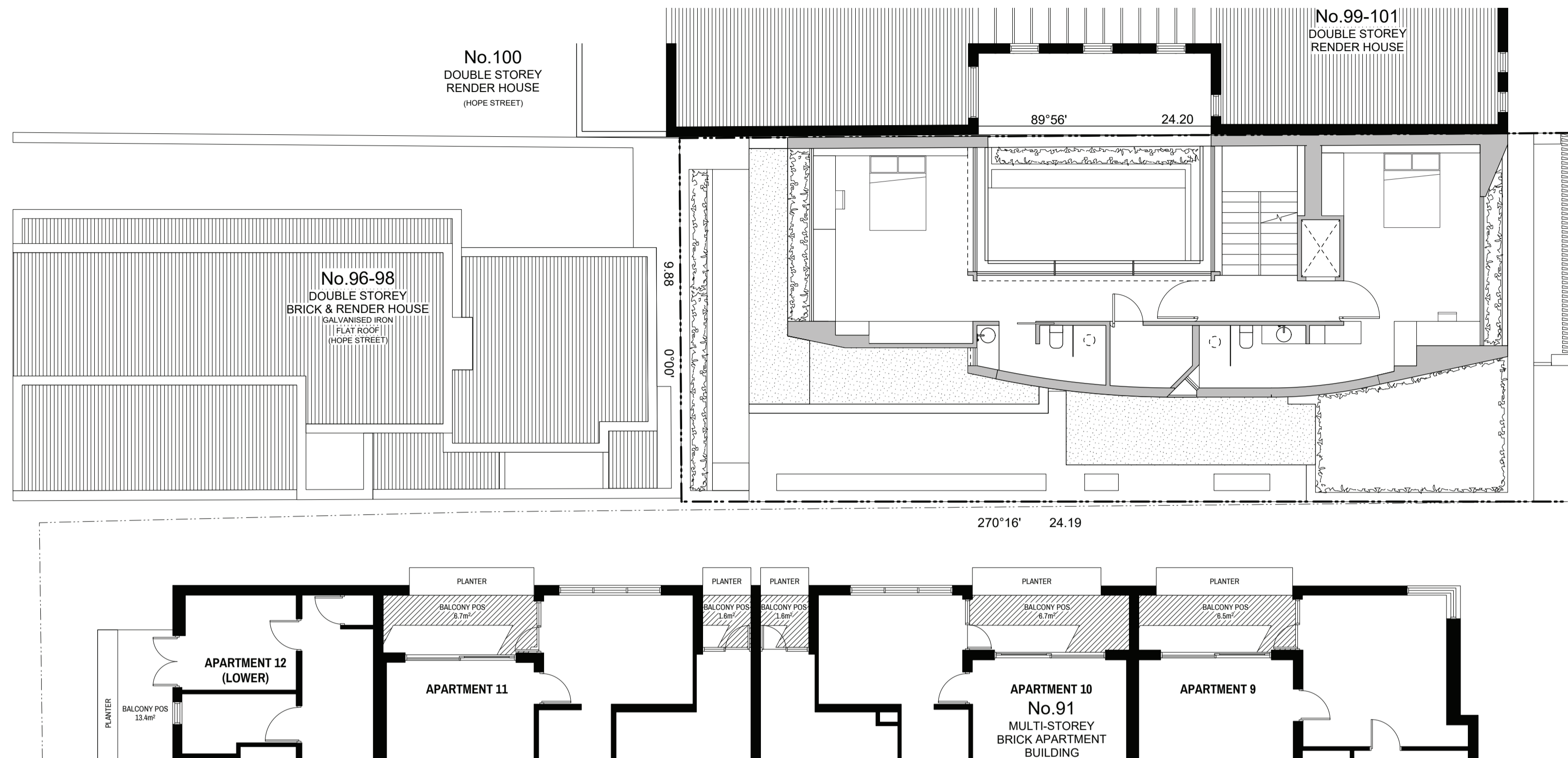
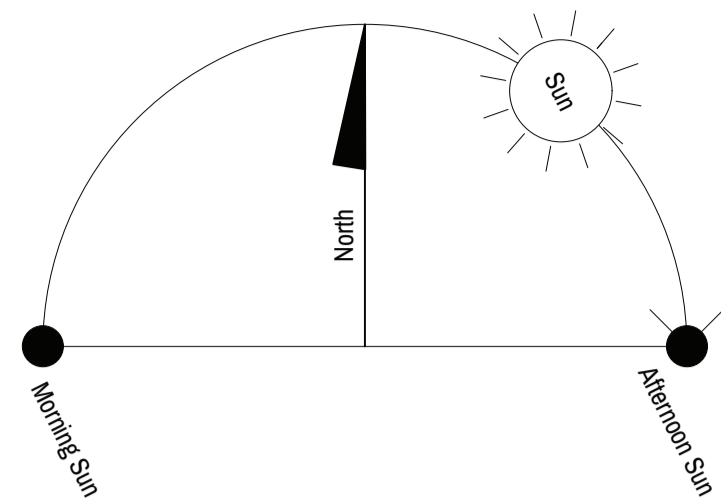
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- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	2F SHADOW DIAGRAMS 9 & 10am	Drawing No.	TP17
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



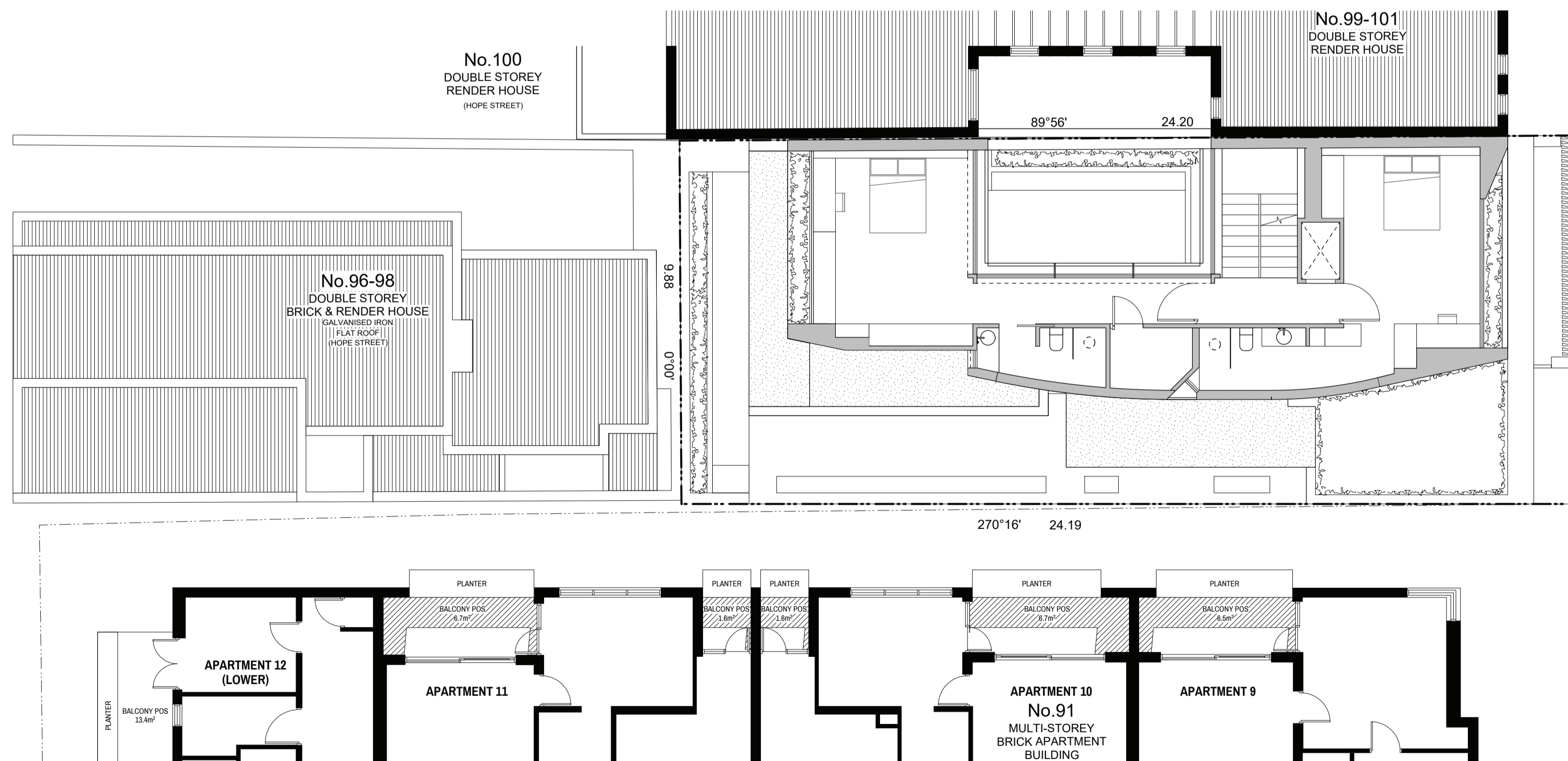
SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.1m² (63%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.4m² (37%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.2m² (75%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.1m² (25%)

91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.6m² (67%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.7m² (33%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 11AM
 SECOND FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 3.9m² (60%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.6m² (40%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.3m² (64%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 3.0m² (36%)

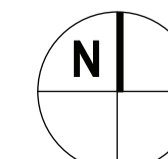
91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.2m² (63%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 3.1m² (37%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 12PM
 SECOND FLOOR

SHADOW DIAGRAM KEY

- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

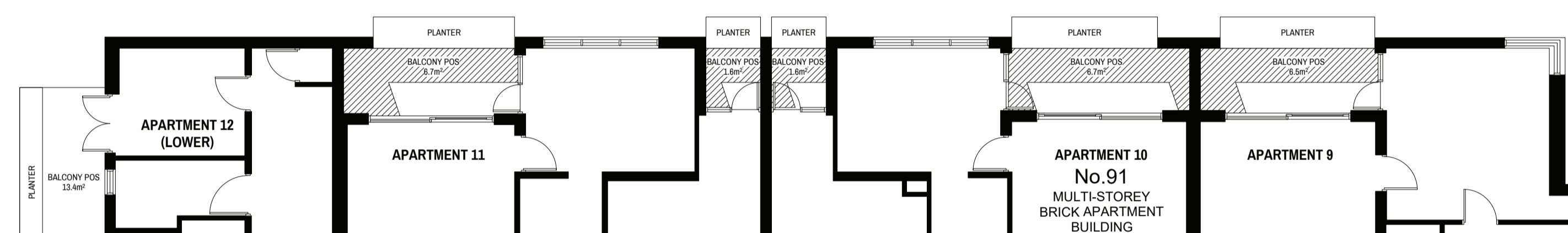
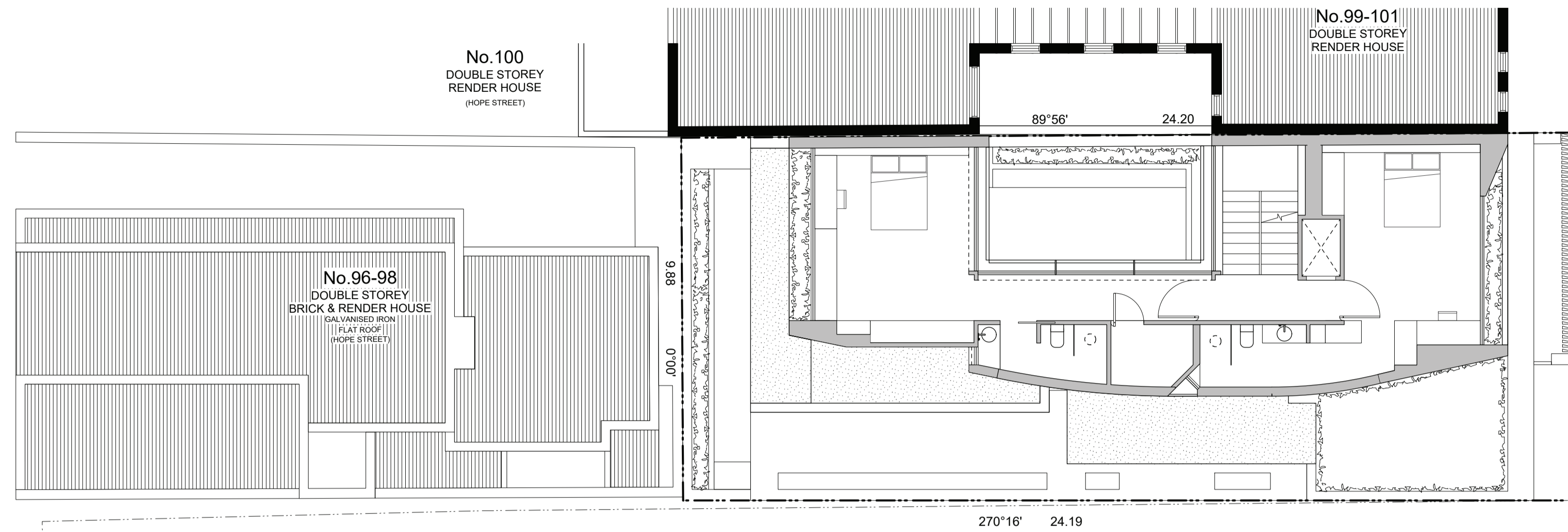
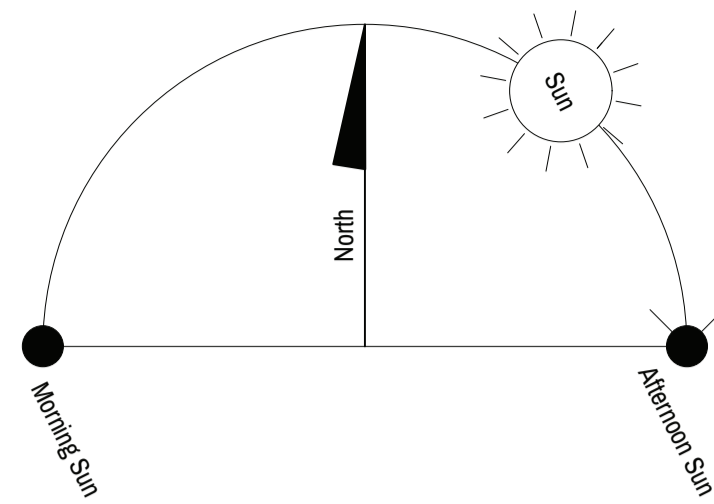
Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.08.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	2F SHADOW DIAGRAMS 11am & 12pm
Scale	1:100@A1 / 1:200@A3

Drawing No.	Rev.
TP18	
Date	06.06.22



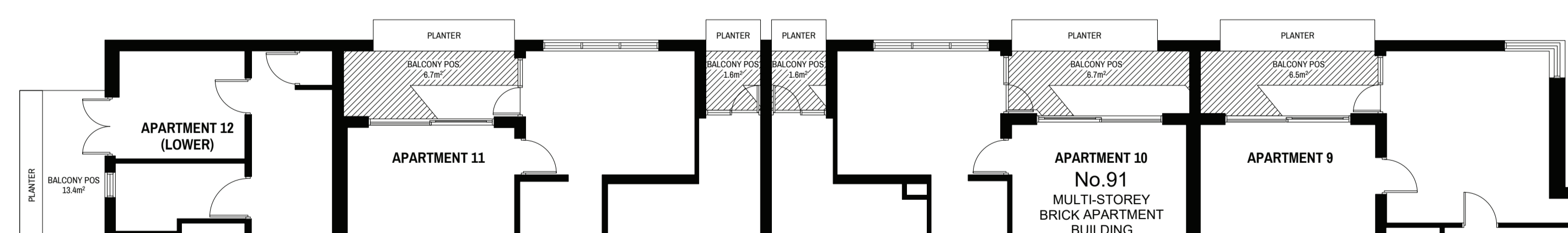
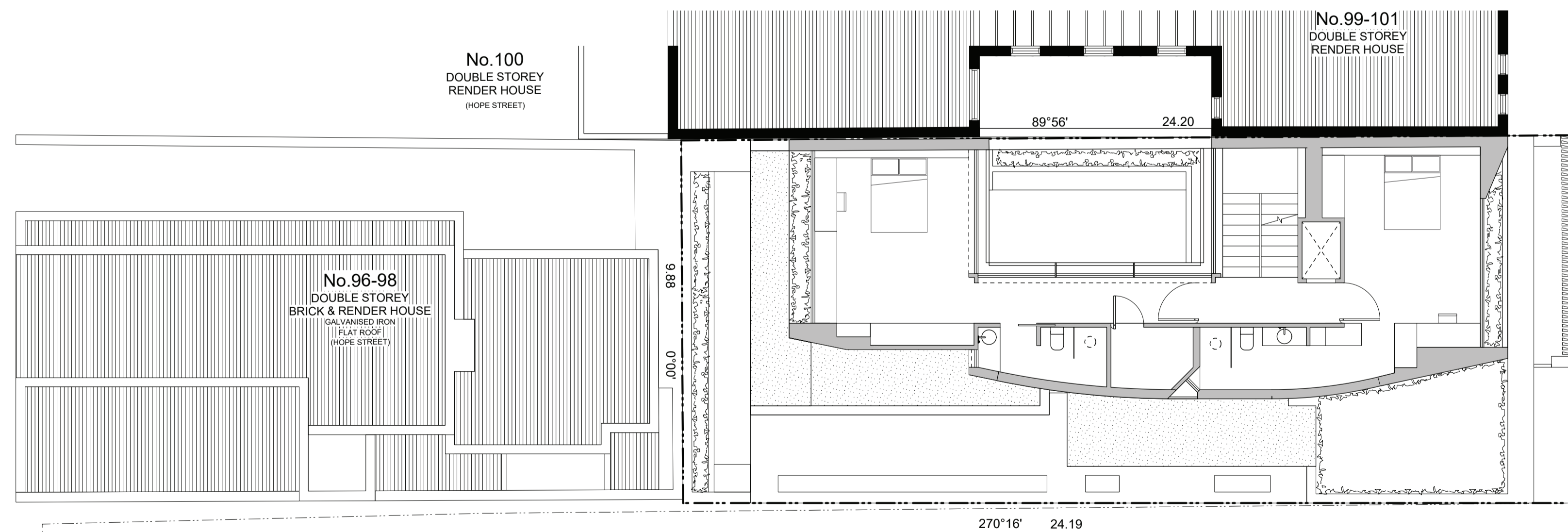
SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.2m² (65%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.3m² (35%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.5m² (66%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.8m² (34%)

91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 5.7m² (69%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.6m² (31%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 1PM
 SECOND FLOOR



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 4.7m² (72%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.8m² (28%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.1m² (73%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 2.2m² (27%)

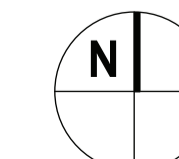
91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.7m² (81%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.6m² (19%)

02 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 2PM
 SECOND FLOOR

SHADOW DIAGRAM KEY

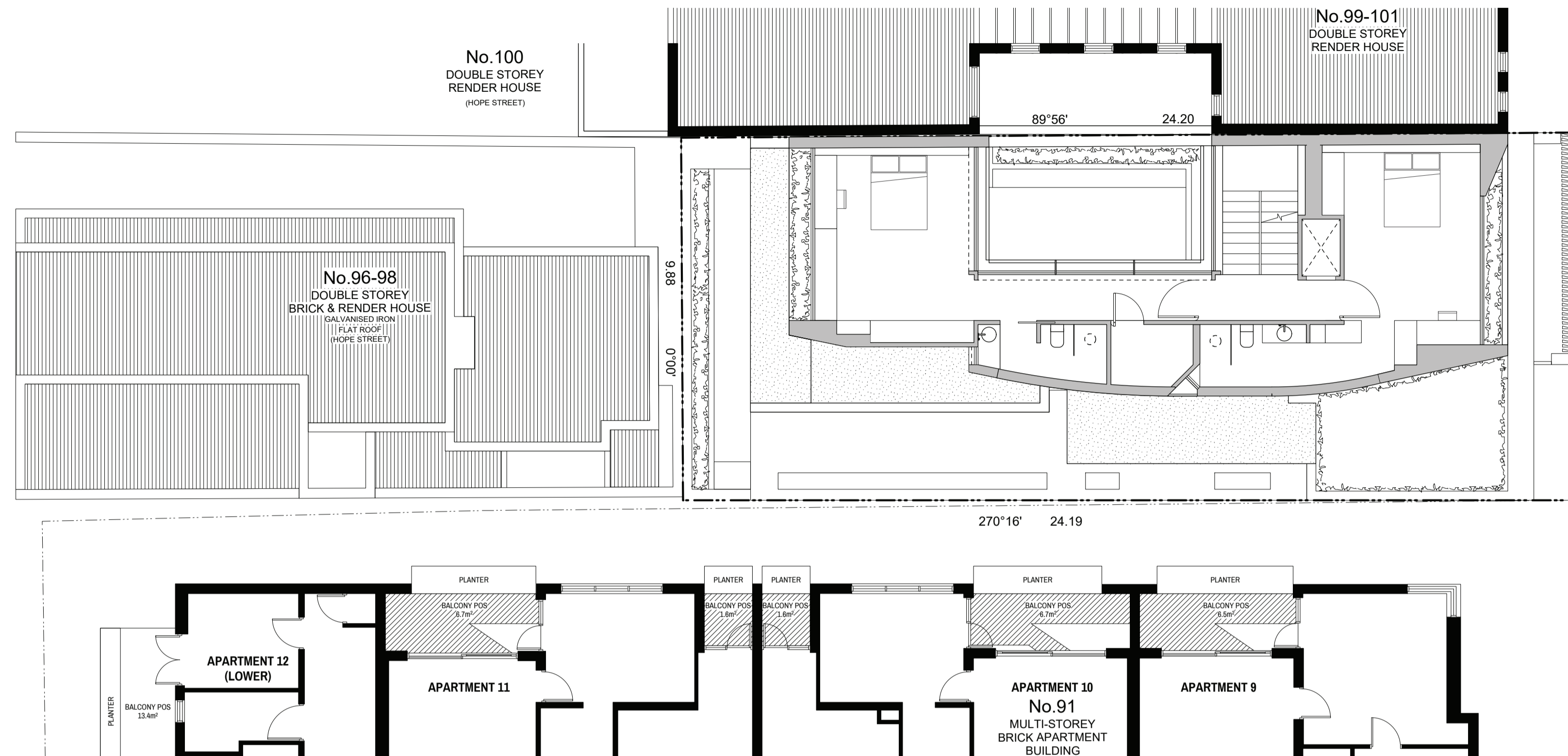
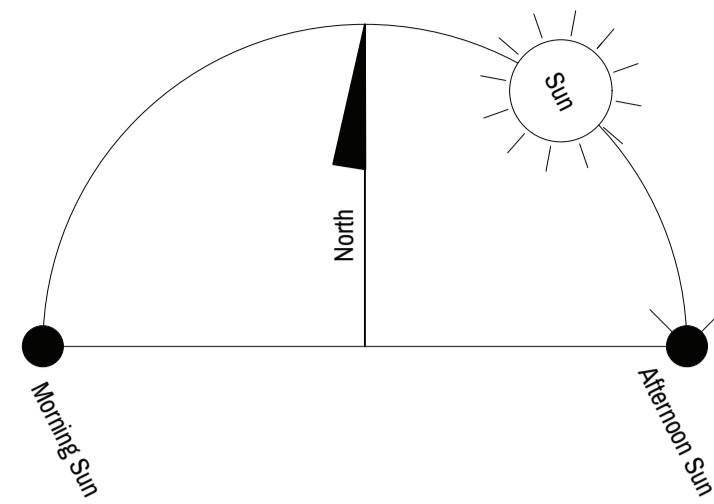
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Revision	Description	Date
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I	TOWN PLANNING SUBMISSION	19.04.21



Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	2F SHADOW DIAGRAMS 1 & 2pm	Drawing No.	TP19
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



SECLUDED PRIVATE OPEN SPACE SHADOW ANALYSIS

91 MILLSWYN ST - APT 9
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 6.5m²
 EXISTING SHADOWS - 5.3m² (82%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.2m² (18%)

91 MILLSWYN ST - APT 10
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 6.8m² (82%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 1.5m² (18%)

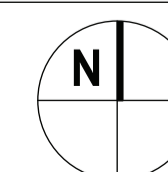
91 MILLSWYN ST - APT 11
 SECLUDED PRIVATE OPEN SPACE
 TOTAL - 8.3m²
 EXISTING SHADOWS - 7.5m² (90%)
 PROPOSED SHADOWS - 0.0m² (0%)
 AREA NOT IN SHADOW - 0.8m² (10%)

01 SHADOW ANALYSIS DIAGRAM. 22 SEPTEMBER 3PM
 SECOND FLOOR

SHADOW DIAGRAM KEY

- OVERSHADOWING FROM EXISTING BUILDINGS & FENCES (NOTE - VEGETATION NOT CONSIDERED)
- ADDITIONAL OVERSHADOWING FROM PROPOSED BUILDINGS (NOTE - VEGETATION NOT CONSIDERED)
- NOTE: OVERSHADOWING WITHIN SUBJECT SITE EXCLUDED FOR CLARITY

Revision	Description	Date
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Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	2F SHADOW DIAGRAMS 3pm	Drawing No.	TP20
Scale	1:100@A1 / 1:200@A3	Date	06.06.22



01 MILLSWYN ST (EAST) STREETScape PERSPECTIVES

95 Millswyn St, South Yarra
John & Katie Hudson

Revision	Description	Date
C	RESPONSE TO COUNCIL DESIGN MATTERS	06.06.22
B	OVERLOOKING OBJECTION RESPONSE	22.03.22
A	RESPONSE TO RFI (DATED 18.05.21)	08.12.21
/	TOWN PLANNING SUBMISSION	19.04.21

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
 Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

Issue	TOWN PLANNING
Project	95 Millswyn St, South Yarra
Project No.	07_20
Drawn/App.	DA/DN
Client	John & Katie Hudson

Drawing Title	Drawing No.	Rev.
PERSPECTIVES	TP21	A
Scale	Date	
1:100@A1 / 1:200@A3	06.06.22	

PLANNING PERMIT APPLICATION DELEGATE REPORT

Application number:	TP-2021-224
Applicant:	Ratio Consultants Pty Ltd
Owner:	John Hudson
Architect	Neil Architecture
Address:	95 Millswyn St, SOUTH YARRA VIC 3141
Proposal:	Demolition of the existing dwelling and construction of a new dwelling on a lot less than 300sqm and a Heritage Overlay
Estimated Cost of Dev:	\$4,000,000
Date of application:	22 April 2021
Responsible officer:	Matthew Mukhtar, Senior Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Site

Planning Application TP-2021-224 (**Application**) concerns the land at 95 Millswyn St, South Yarra (**Site**) which is formally identified as Lot 2 on PS713489.

The Site is rectangular in shape, with a frontage of 10.02m to Millswyn St and a maximum depth of 24.20m. The overall Site area is approximately 241sqm. The Site is located on the western side of Millswyn St, approximately 200m south of Domain Rd and the Royal Botanic Gardens, and 250m north of Fawkner Park.

The key features of the Site are summarised as follows:

- comprises a double storey rendered brick dwelling with a flat roof;
- has an existing brick fence, approximately 0.5m in height to Millswyn St;
- has an uncovered car parking space within the front setback, with the associated crossover;
- secluded private open space is provided to the rear (west);
- the topography is generally flat, with a slight fall from the north-west to the south-east corner;
- some planting exists within the front setback;
- a site coverage of approximately 75%; and
- is not affected by any easements or restrictions on title, as confirmed by the applicant.

The dwelling is graded as 'non-contributory' (within an ungraded streetscape) within the *Heritage Places Inventory February 2020 Part A (Amended May 2021)* (**Heritage Inventory**) which is an incorporated document under the Melbourne Planning Scheme (**Planning Scheme**).

The Heritage Inventory provides the following definition of a 'non-contributory' place:

A 'non-contributory' place does not make a contribution to the cultural significance or historic character of the heritage precinct.

A formal inspection of the Site and surrounds was undertaken on 29 May 2021.

See **Figures 1 and 2** below.

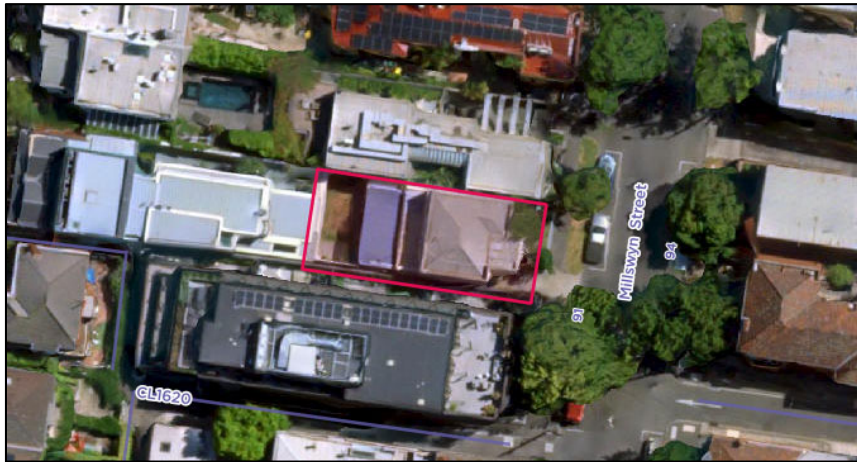


Figure 1 – aerial image of the Site (Source: CoMPass, image taken January 2022)



Figure 2 – image of the Site from Millswyn St (Source: Council photography)

1.2 Surrounds

The Site forms part of an established residential area of South Yarra characterised by a mix of dwelling typologies. The scale of built form in the surrounding area is varied containing low scale one and two storey single detached dwellings as well as three to four story multi-dwelling complexes.

Millswyn St is affected by the precinct wide Heritage Overlay, Schedule 6.

There are examples of 'contributory' and 'significant' graded heritage buildings along the street as well as examples of modern development (single dwelling and multi-unit development) including a recently constructed development to the Site's southern interface. Within close proximity to the Site, there are

no examples of significant graded buildings, with a majority of buildings being graded as non-contributory as **Figure 3** below shows.

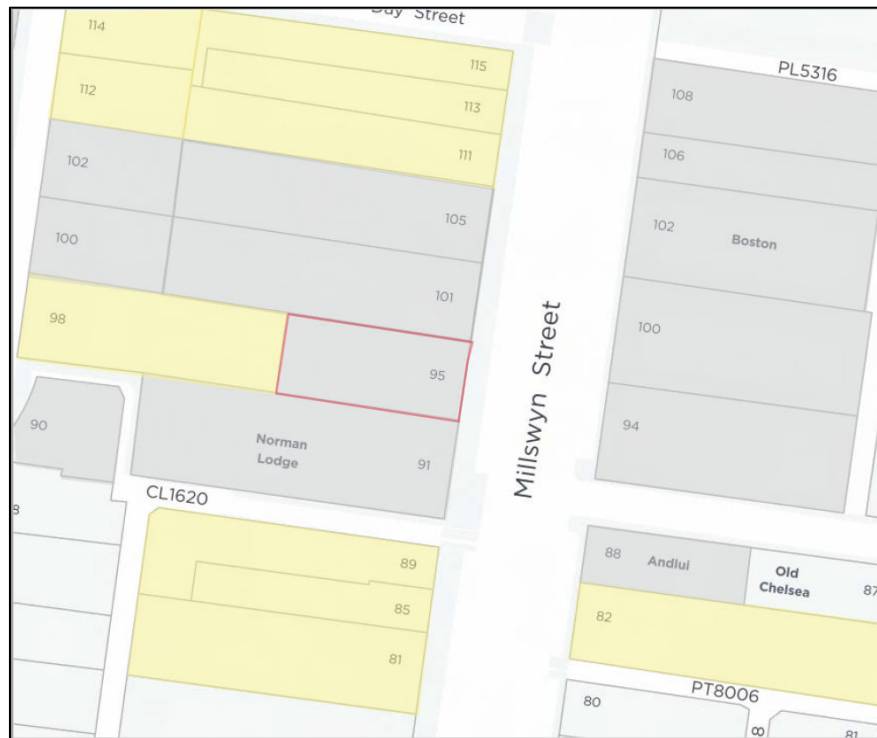


Figure 3 – heritage gradings surrounding the Site, with a grey shading representing ‘non-contributory’ and yellow shading representing ‘contributory’ graded buildings (Source: Council)

Millswyn St is bookended by Royal Botanic Gardens (north) and Fawner Park (south) zoned Public Use Zone. Within its immediate context, east and west of the Site is bound by residential zoning.

The key features of the Site’s direct interfaces are:

- North – 99-101 Millswyn St, a double storey brick rendered dwelling with a flat roof. The dwelling’s secluded private open space is located at its rear and side (via a courtyard) to the shared interface with the Site.
- East – Millswyn St.
- South – 91 Millswyn St, a recently constructed four-storey brick apartment development.
- West – 96-98 Hope St, a double storey brick semi-detached dwelling. The upper level and rear portion of the dwelling is a contemporary addition. Secluded private open space is provided to the north side of the property.

See **Figures 4 – 10**.



Figure 4 and 5 – image of 94 Millswyn St (left) (non-contributory property) and 88 and 82-84 Millswyn St (right) (non-contributory property) (Source: Council photography)



Figure 6 and 7 – image of 91 Millswyn St (left) (non-contributory property) and 99 Millswyn St (right) (non-contributory property) (Source: Council photography)



Figure 8 and 9 – image of 102 Millswyn St (left) (ungraded property) and 113 Millswyn St (non-contributory property) and 111 Millswyn St (significant graded property) (right) (Source: Council photography)



Figure 10 – image of 98 Hope Street (contributory property) (Source: Council photography)

1.3 Relevant Permit History

The following planning permits are relevant to the consideration of the Application:

- TP-2015-668 for ‘Demolition of the existing building, the development of a four-storey building containing 13 dwellings, a reduction in the car parking requirement and associated works.’ This planning permit approved full demolition of an ungraded building and the construction of a four storey apartment building at 91 Millswyn St (abutting the Site to the south). The development includes balconies facing to the shared boundary with the Site. Construction is complete.

See Figures 11 and 12 below.

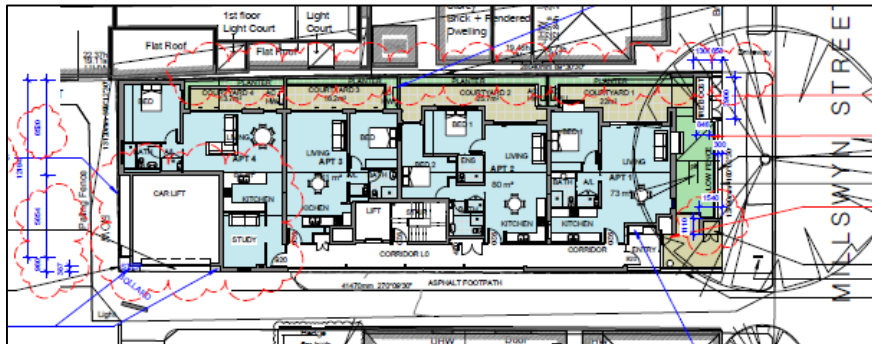


Figure 11 – ground floor plan of TP-2015-668

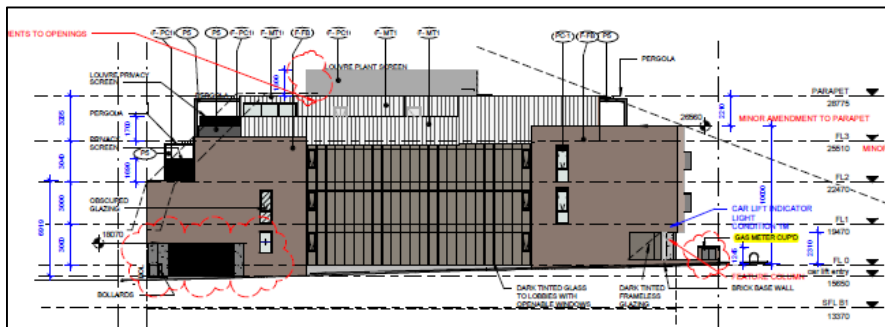


Figure 12 – south elevation of TP-2015-668

1.4 Archaeology and Heritage Inventory

The Site is not included in the Victorian Heritage Inventory.

1.5 Aboriginal Cultural Heritage

The Site is not included in an area of legislated cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

2.1.1 Pre-Application Meeting

No pre-application meeting was held with Council.

2.1.2 Request for Further Information (RFI)

On 22 June 2021 Council issued a RFI letter.

On 15 December 2021, the applicant provided a response to Council's RFI letter.

2.1.3 57A Amendment

Following the formal notice period (discussed below), objections were provided to the applicant.

In response to issues raised, the permit applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987 (Act)* on 9 June 2022 to:

- Extend the northern light court by 500mm to the east to align with the light court at 99 Millswyn St.
 - This has resulted in the lift shaft being shifted east 500mm and the eastern wall to Millswyn St shifting 370mm closer to Millswyn St to align with the front façade at the property to the north.
- Reduction in the height of the boundary wall to 99 Millswyn St.
- The second story southern elevation parapet lowered 720mm and the soffit rake made shallower. West elevation horizontal bands and soffit (previously concrete) replaced with a more visually light perforated mesh.

The architectural plans subject to assessment in this report are the 57A amendment plans prepared by Neil Architecture dated 6 June 2022.

A comparison to the advertised plans are outlined below.

The notice period for the above amendment is outline below.

2.2 Planning Scheme Amendments

In the intervening period between when the Application was first received by Council and the date of this report, no Planning Scheme amendments have been adopted or gazetted, which have altered the planning controls or statutory framework as bearing on the Application.

3 PROPOSAL

3.1 Documents Considered in Assessment

The documents which have been considered in this assessment are identified in the table below:

Document Title	Author	Date
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57A Plans	Neil Architecture	6 June 2022
Plan of Feature Survey	JCA Land Consultants	15 April 2020
Town Planning Report (and Clause 54 Assessment) RFI Response Letter	Ratio	December 2021 15 October 2020
Swept Path Diagrams	Ratio	8 December 2021
Landscape Plan	Acre	17 September 2021
Certificate of Title	Landdata	7 April 2021
Stormwater Management Plan	Low Impact Development Consulting	15 December 2021

3.2 Summary of proposed development

The Application triggers planning approval for:

- Demolition.
- Construction of a single dwelling on a lot less than 300sqm.
- Buildings and works.

Specifically, the Application seeks:

Demolition

- Full demolition of the existing building.

Single dwelling

- The proposed new dwelling is a contemporary three-story building with upper roof terrace. The dwelling has a maximum overall building height of 11.5 metres above natural ground level.

The dwelling is generally described as:

- Basement: three car park spaces, a turntable, gym, cellar, lift core and stairs to the level above. Vehicle access to the basement is via the existing cross-over to Millswyn St.
- Ground Floor: Study, powder room, kitchen/living/dining area, two courtyard spaces (north and east), and stairs to the level above.
- First Floor: Master bedroom with ensuite, laundry and lounge room, and stairs to the level above.
- Second Floor: Two x bedrooms each with individual ensuites.
- Roof terrace: open terrace with open pergola structures and building services.
- Site coverage: 76.3%
- Permeability of 3.3%.
- Two primary areas of secluded primary open space:
 - the courtyards at ground floor totalling 45sqm; and
 - the roof terrace totalling 35sqm.
- The building is to be constructed using a variety of materials including white painted concrete, timber cladding, brick, white perforated metal screen, glass brick and glazing.

3.3 Key Excerpts from the Originally Advertised Plans



Figure 13 – demolition plan

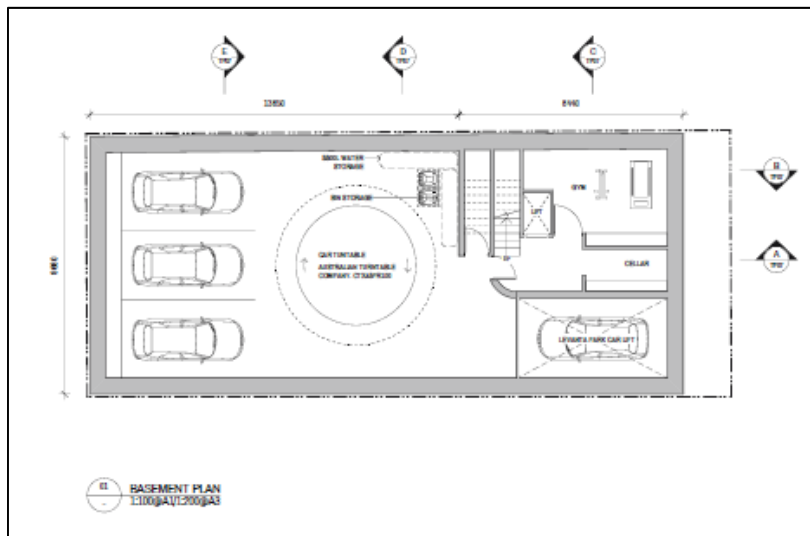


Figure 14 – basement

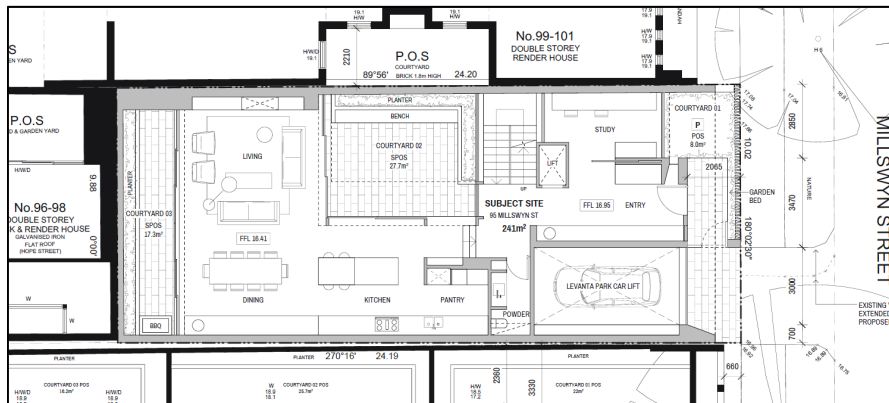


Figure 15 – ground floor

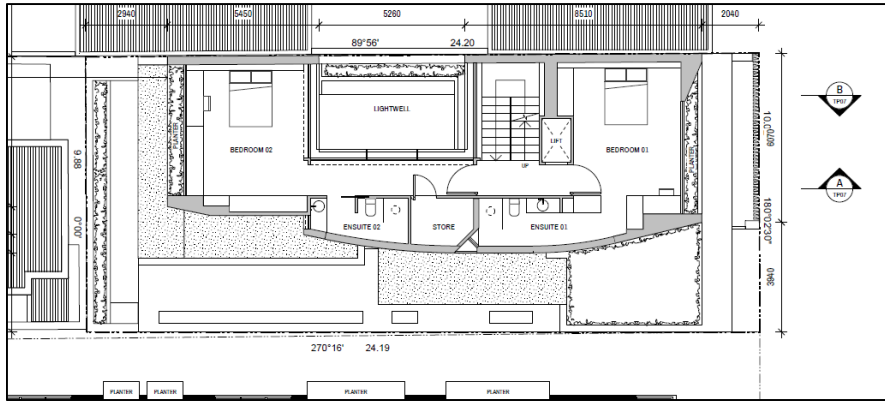


Figure 16 – first floor

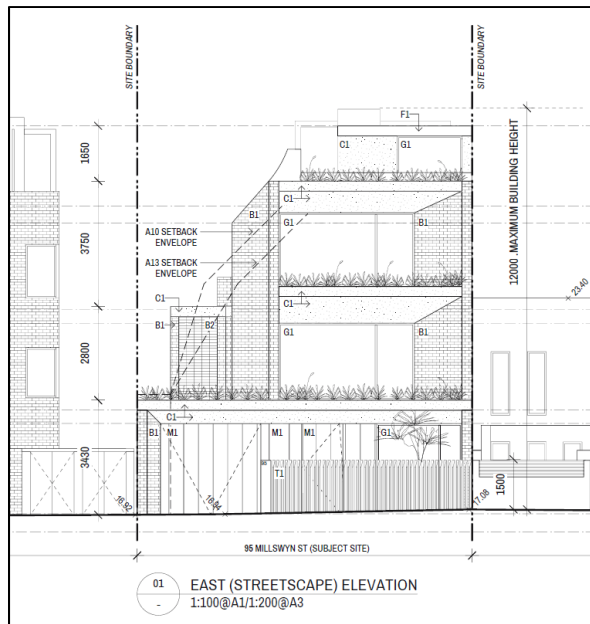


Figure 17 – east elevation

3.4 Key Excerpts from the 57A Plans (Decision Plans)

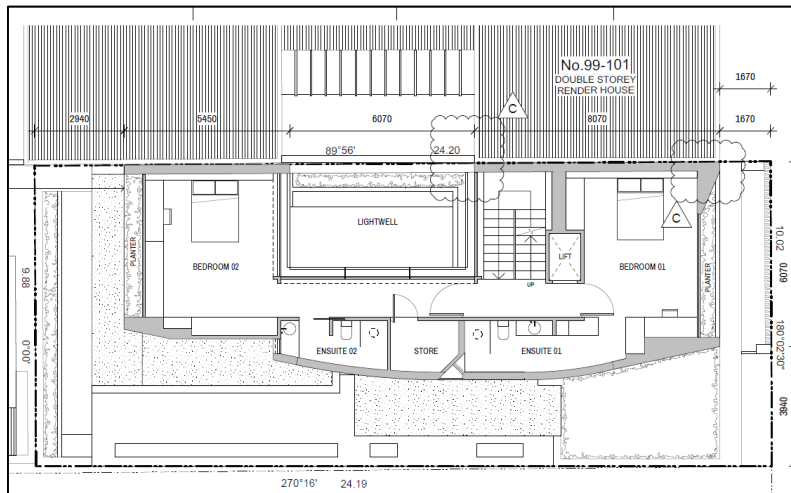


Figure 18 – first floor – noting the extended light court and the shift closer to Millswyn St

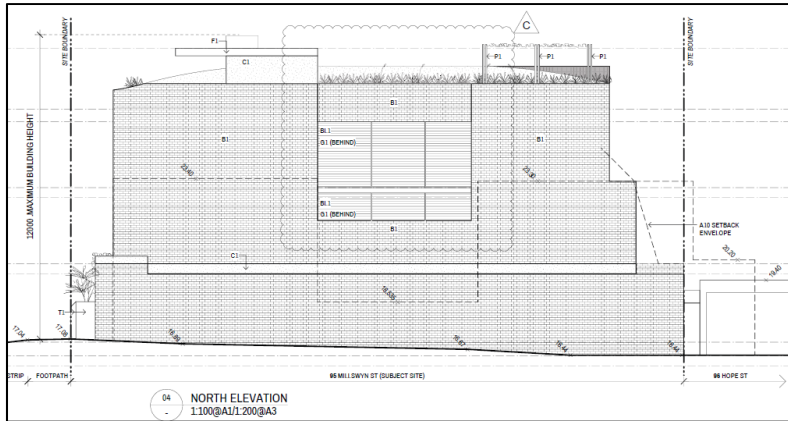


Figure 19 – north elevation – noting the reduced wall on boundary height

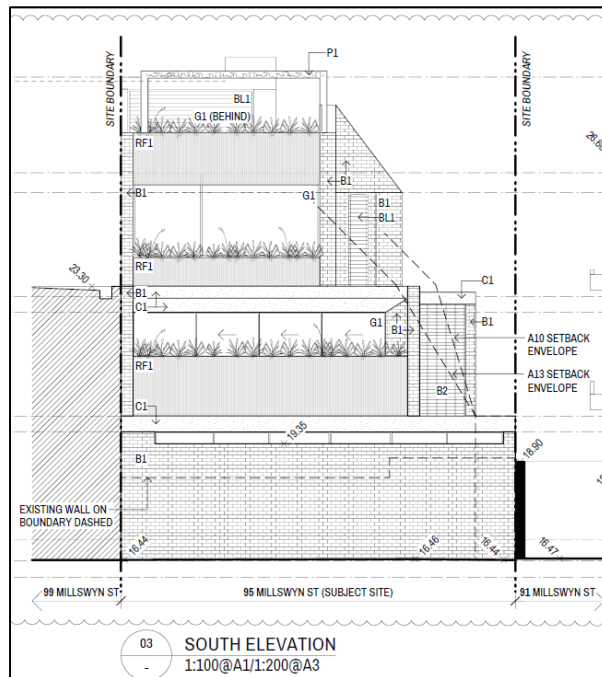


Figure 20 – south elevation – noting the reduced parapet and amended materials

4 PLANNING CONTROLS

The following planning controls and requirements of the Planning Scheme apply to the Site and the proposed development:

Clause	Permit Trigger
Zone	
Clause 32.08 General Residential Zone, Schedule 5	Permit required - construct one dwelling on a lot less than 300sqm Pursuant to Clause 32.08-2, a permit is not required to use the land as a dwelling.

(GRZ5)	<p>Pursuant to Clause 32.08-4, as the Site is not greater than 400sqm, no minimum garden area is required.</p> <p>Pursuant to Clause 32.08-5, a permit is required to construct one dwelling on a lot less than 300sqm. A development must meet the requirements of Clause 54.</p> <p>Pursuant to Clause 32.08-5, a permit is required to construct a front fence if it is greater than 1.5 metres in height. The proposed front fence is dimensioned to 1.5m and therefore does not trigger a permit under the zone.</p> <p>Pursuant to Clause 5.0 of the GRZ5, the maximum mandatory building height is 12m (no storey limit), measured from natural ground level.</p>						
<p>Clause 43.02 Design and Development Overlay Schedule 15 – Area A1 (Royal Botanic Gardens) (DDO15)</p>	<p>Permit required – buildings and works</p> <p>Pursuant to Clause 43.02-2 a permit is required to construct or carry out works, unless a Schedule to the DDO states that a permit is not required.</p> <p>The DDO15 does not provide an exemption, as such a planning permit is required for buildings and works.</p> <p>Table 1 to the DDO15 establishes a discretionary height limit and Built Form Outcomes, see image below.</p> <p>Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services</p> <p>Table 1 to Schedule 15</p> <table border="1" data-bbox="464 1133 1362 1406"> <thead> <tr> <th>Area</th> <th>Maximum Building Height</th> <th>Built Form Outcomes</th> </tr> </thead> <tbody> <tr> <td>DDO 15 – Area A1 South and East of the Royal Botanic Gardens</td> <td>12 metres</td> <td>Buildings or works do not visually intrude upon vistas within the Royal Botanic Gardens or cast shadows on the Gardens between 11.00 am and 2.00 pm on 22 March and 22 September. Development is compatible with the scale and character of the South Yarra area.</td> </tr> </tbody> </table> <p>Before deciding on an application, the Responsible Authority must consider the views of the Director of the Royal Botanic Gardens if the Responsible Authority considers that the application involves works which may be visible from the Royal Botanic Gardens. The Land and proposed development will not be visible from the Royal Botanic Gardens. As such, the comments of the Director of the Royal Botanic Gardens have therefore not been sought as part of the assessment of the application.</p>	Area	Maximum Building Height	Built Form Outcomes	DDO 15 – Area A1 South and East of the Royal Botanic Gardens	12 metres	Buildings or works do not visually intrude upon vistas within the Royal Botanic Gardens or cast shadows on the Gardens between 11.00 am and 2.00 pm on 22 March and 22 September. Development is compatible with the scale and character of the South Yarra area.
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<p>Clause 43.02 Design and Development Overlay Schedule 66 Hospital Emergency</p>	<p>Permit required – buildings and works</p> <p>Pursuant to Clause 43.02-2 a permit is required to construct or carry out works, unless a Schedule to the DDO states that a permit is not required.</p> <p>The DDO66 states that a permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height specified in Table 1.</p>						

<p>Medical Services Helicopter Flight Path Protection (Outer Area)</p> <p>(DDO66)</p>	<p>Table 1: Helicopter Landing Site Elevations</p> <table border="1" data-bbox="464 271 1375 439"> <thead> <tr> <th>Helicopter landing site</th> <th>Helipad Height (AHD)</th> <th>Referral Height (AHD)</th> </tr> </thead> <tbody> <tr> <td>Alfred Hospital</td> <td>15.7 metres</td> <td>25.7 metres</td> </tr> <tr> <td>Royal Childrens Hospital</td> <td>62.4 metres</td> <td>72.4 metres</td> </tr> <tr> <td>Royal Melbourne Hospital</td> <td>67.3 metres</td> <td>77.3 metres</td> </tr> </tbody> </table> <p>As confirmed by the architectural plans, the proposal is above the referral height of the Alfred Hospital, as such a planning permit is required.</p> <p>An application under DDO66 must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987 (Act)</i> to the referral authority specified in Clause 66.04 of the Planning Scheme. As such, a referral is required to the Department of Health and Human Services (DHHS).</p> <p>This is discussed later in this report.</p>	Helicopter landing site	Helipad Height (AHD)	Referral Height (AHD)	Alfred Hospital	15.7 metres	25.7 metres	Royal Childrens Hospital	62.4 metres	72.4 metres	Royal Melbourne Hospital	67.3 metres	77.3 metres
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Alfred Hospital	15.7 metres	25.7 metres											
Royal Childrens Hospital	62.4 metres	72.4 metres											
Royal Melbourne Hospital	67.3 metres	77.3 metres											
<p>Clause 43.01</p> <p>Heritage Overlay, Schedule 6 (South Yarra Precinct)</p> <p>(HO6)</p>	<p>Permit required – demolition and buildings and works</p> <p>Pursuant to Clause 43.01-1, a permit is required for:</p> <ul style="list-style-type: none"> • Demolition; and • buildings and works 												
Particular Provisions													
<p>Clause 52.06</p> <p>Car Parking</p>	<p><i>No permit required</i></p> <p>Clause 52.06 does not apply to:</p> <ul style="list-style-type: none"> • <i>the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.</i> <p>A permit is required under the GRZ to construct one dwelling on a lot, as such Clause 52.06 is applicable.</p> <p>Clause 52.06-5 establishes the statutory car parking rate for a dwelling is two car parking spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms). As such, the proposal has a statutory car parking rate of two spaces.</p> <p>The proposal provides for three parking spaces in a basement arrangement, which exceeds the statutory rate. No planning permit is required to exceed the statutory rate, as such no planning permit is required.</p>												
<p>Clause 54</p> <p>One Dwelling on a Lot</p>	<p>A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.</p>												
General Provisions													

Clause 65 Decision Guidelines	Matters within Clause 65.01, which includes the matters set out in Section 60 of the Act.
Clause 66.04 Referral Of Permit Applications Under Local Provisions	Pursuant to the Schedule to Clause 66.04 any application to construct a building or to construct or carry out works under the DDO66 is required to be referred to the DHHS as a determining referral authority.

5 STRATEGIC FRAMEWORK

A list of the relevant policies in the Planning Policy Framework (**PPF**), Municipal Strategic Statement (**MSS**) and Local Planning Policy Framework (**LPPF**) have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the proposed development under the Application in the Assessment chapter of this report.

6 PUBLIC NOTICE

6.1 Section 52 Notice

Public notice was required under Section 52 of the Act.

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 2 February 2022 and by instructing the permit applicant to erect a public notice for a 14 day period in accordance with Section 52 of the Act.

A signed statutory declaration confirming that the permit applicant had erected the public notice signs in accordance with Council's requirements was returned on 19 February 2022.

6.2 Section 57A Amendment Notice

Notice of the S.57A Amended Application was given under S.57B of the Act to objectors to the Application via email. It was not considered that the changes would result in material detriment to any other person.

7 OBJECTIONS

The application has received fifteen objections, with one objection including 14 signatures.

Council officers have reviewed all objections. The concerns raised have been summarised below to identify key themes and issues raised and have informed consideration of the Application in the Assessment chapter of this report.

7.1 Heritage

- Full demolition of the subject building.

7.2 Built Form

- Inconsistency with neighbourhood character / heritage character of Millswyn Street.

- Failure to comply with the Planning Scheme, in particular the following Clauses:
 - Clause 22.05 (Heritage Places Outside of the Capital City Zone);
 - Clause 43.01 (Heritage Overlay); and
 - Clause 54 (ResCode).
- Excessive building height.
- Noise impacts from the rooftop terrace.
- Amenity impacts (overlooking, overshadowing, visual bulk, etc.).
- Overdevelopment of the Site.

8 Referrals

8.1 Internal

8.1.1 City Strategy

Council's City Strategy department provided the following comments (summarised):

- No interim heritage controls are proposed to apply to the Site.

8.1.2 Heritage

Council's heritage advisor provided the following comments (summarised):

- There is no prima facie case for disputing the allocated grade.
- The proposed infill building is broadly acceptable within its immediate context. An adequate degree of design consideration has been exercised to achieve a respectful interface with the streetscape and respond to some of the precinct's key attributes.
- A reconsidered colour scheme is recommended – one that utilises mid-toned neutrals to better blend the infill building with the streetscape.

Planner's comments:

- The application was amended to provide an improved colour scheme. This issue was raised in the RFI therefore the change formed part of the originally advertised plans.

8.1.3 Urban Design

Council's Urban Design department provided the following comments (summarised):

- Identified some non-compliances with Clause 54 (ResCode) Standards.
- Strong support of the proposal's design quality.
- Recommend the provision of further landscaping detail (that is, planting depths) to ensure the landscaping proposal is viable.
- Noted that where glass bricks are coded as B1 these appear to be annotated as B2 on elevations, which should be rectified.

Planner's Comments:

- Compliance with the Objectives and Standards of ResCode will be considered by the planning department. See the Assessment chapter of this report.
- See the comments from the ESD advisor with respect to the Landscape Plan.

- Should a planning permit issue, a condition will be added to the permit to correct the materials schedule.

8.1.4 Civil Design

Council's Principal Engineer (Infrastructure) provided the following comments:

- The drawings shall show the width of the extended vehicle crossing.
- Recommended that a number of conditions be included on any permit being granted to protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

Planner's Comments:

- The above comments will inform conditions should a planning permit issue.

8.1.5 Traffic

Council's Traffic Engineering department provided the following comments (summarised):

- Vehicle swept paths diagrams should be provided to ensure the viability of the parking proposition.
- The future residents will not be entitled to parking permits.
- The City of Melbourne is not obligated to amend the parking restrictions in the area to meet future parking demands from this development.

Planner's Comments:

- In response to the above, the applicant provided swept path diagrams for all three car parking spaces. These diagrams were then referred to the traffic department. As advised by the traffic department, the swept path diagrams demonstrate adequate operation of the turn table and access/egress to each of the parking spaces and are acceptable. The basement car lift and basement is appropriately dimensioned, as such, there is no need for the swept path diagrams to be endorsed should a planning permit issue.

8.1.6 ESD

Council's ESD department provided the following comments (summarised):

- The WSUD report can be endorsed should a planning permit issue.
- The Landscape Plan meets Council's expectations for Green Infrastructure, however the following information should also be provided:
 - Detailed drawings of planter boxes, including size, depth, drainage.
 - Appropriate lightweight green roof substrates to be identified.
 - Appropriate anchorage for trees on rooftop to be stipulated
 - Deep soil planting to be identified on ground level.
 - A Landscape Maintenance Plan.

Planner's Comments:

- The above will form conditions on the planning permit should it issue.

8.2 External

8.2.1 DHHS

On 15 June 2021, the DHHS provided a letter to the City of Melbourne stating the following:

'The Department of Health determined that the proposed development will have minimal impact on emergency medical service helicopter operations into the Alfred Hospital. On this basis, the Department does not object to the proposed development provided the permit is subject to the following conditions:

1. *Prior to the commencement of any development (Including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health in writing, a flight path construction management plan must be prepared to the satisfaction of the Department of Health and be approved by the responsible authority. The flight path construction management plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Alfred Hospital helipad. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and the responsible authority. The flight path construction management plan must identify the location and height of any construction equipment, including cranes and methodology for recall within 15 minutes.*
2. *Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the Civil Aviation Safety Authority Manual of Standards Part 139 at their highest point(s) to ensure that they can be seen within the helicopter flight paths.'*

Section 62(1) of the act states:

- '(1) In deciding to grant a permit, the responsible authority must—*
- (a) include any condition which the planning scheme or a relevant determining referral authority requires to be included...*
- ...'*

As such, should a planning permit issue, the above conditions will be included on the planning permit.

9 ASSESSMENT

The key issues for consideration in the assessment of this application include the following:

- Heritage
- Neighbourhood Character and Urban Design.
- ResCode
- Sustainability.
- Other Matters Raised in Objection.

9.1 Heritage

9.1.1 Demolition

The Site is graded as non-contributory to the South Yarra heritage precinct.

Clause 22.05 provides policies for assessing an application that seeks permission for partial demolition of a non-contributory heritage building, including:

- *The demolition of a non-contributory place will generally be permitted.*

- *A demolition permit not be granted until the proposed replacement building or works have been approved.*

Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate matters including:

- *The assessed significance of the heritage place or building.*
- *The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place, and the street.*

Prior to the non-contributory grading of the Site under C258melb, the 1985 South Yarra Conservation Study identified the Site as an 'E' graded place (of a scale between A – F) within a level 3 streetscape.

E' graded places are defined as:

'Has limited integrity and relative isolation from buildings of higher integrity and therefore neither represents individual form or style types well, nor does it contribute to a streetscape or precinct. It possesses some period detail and thus it can be recognised as belonging to a general era and it may by restoration or renovation achieve a viable reuse and potentially it may contribute more to the area's period content.'

Level 3 streetscapes:

'...do not exhibit such an important intactness of scale and character, and control is mainly limited to specifying maximum and minimum heights and set-backs for new development and rear additions. Significant individual buildings are still protected from demolition or defacement.'

Council's heritage advisor has described the Site as:

- *'Two-storey single-family residence*
- *Plain parapet concealing hipped roof*
- *Rendered walls, steel-framed window*
- *Simplified Bauhaus idiom, generally intact.'*

Council's heritage advisor ultimately concludes that there is no prima facie evidence to dispute the assigned heritage grade.

A number of applicable excerpts from the Statement of Significance (**SoS**) for HO6 notes the following relevant attributes of the South Yarra heritage precinct (not an exhaustive list):

- *'Typical interwar building characteristics including for flat blocks:*
 - *Use of face brickwork, often patterned, or rendered surfaces, or combinations of face brick and render building materials.*
 - *Hipped or flat roof forms, with plain but sometimes prominent parapets, and plainly detailed chimneys; curved window and corner bays; externally expressed stair bays; art deco iron work; large windows, including steel-framed; and balconies with brick or iron balustrades.*
- *Later development, of the 1940s and after, is generally stripped of ornamentation, with plain walls and limited detailing.*
- *South Yarra Precinct is predominantly residential, where significant and contributory development dates from the 1850s through to the mid-twentieth century, including the post-World War II period. While nineteenth century development is well represented, the twentieth century is also an important period.*

- *Typically low scale character, of one and two-storeys, with some variety in historic two-storey heights; and flat blocks of two-three storeys, with some taller examples.*

Importance of gardens and front setbacks to dwellings, particularly the larger residences; and street tree plantings to streets.'

Under Clause 22.05 the assessed significance of the heritage place is critical in determining whether demolition is appropriate. The assessed heritage value is 'non-contributory'. Submissions have been made from objectors to provide evidence of heritage elements of the subject building to demonstrate that the subject building is, at least, of marginal contributory significance. It was further submitted that the 1985 South Yarra Conservation Study failed to identify the building for heritage protection.

As held in VCAT cases such as *Gray v Yarra CC [2014] VCAT 1* new evidence must demonstrate that the attribution in the incorporated document is incorrect. Objectors have raised potential shortfalls of Planning Scheme Amendment C258melb and provided a statement from a heritage architect that the Site exhibits heritage value and should have a 'contributory' grading. Council officers have reviewed these submissions in depth and although some weight can be attributed to these submissions ultimately, on balance with the comments received from Council's heritage advisor, there is no irrefutable evidence to persuade that the assigned grade is incorrect. There is also no proposed interim protection that is being contemplated.

To this point, whilst the dwelling is old it does not appear to clearly possess the key identified heritage components of the South Yarra SoS. Consideration must be given to the level of significance and the context of the building in cases where the heritage area is broad. The assessed significance is discussed above. In regard to context, the Site is located within a pocket of non-contributory buildings – see **Figure 3** above.

As such, this is considered to be such an example where demolition is appropriate, subject to the appropriateness of the replacement building.

9.1.2 Designing New Buildings and Works or Additions to Existing Buildings

Clause 22.05 provides policies for assessing an Application that seeks permission for the construction of a new building and works, including:

- *Key attributes of the heritage precinct such as:*
 - *Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.*
 - *Prevailing streetscape height and scale.*
- *Do not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory places or buildings.*
- *Maintain a façade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser.*
- *Set back higher building components so as not to dominate or reduce the prominence of an adjoining significant or contributory place or building.*

Impact on precinct's significance

The proposal is considered acceptable as it is not considered to detract from the cultural significance of the surrounds. Whilst it is acknowledged that objectors have raised legitimate points for consideration, Council officers find that the proposal will not sit uncomfortably in the heritage precinct, will be respectful of existing building scale, and will not adversely affect the precinct's significance, for the following reasons:

- Based on a visit to the Site and surrounds, Council officers are satisfied that the Millswyn St built form is eclectic and includes other visually prominent buildings nearby of three storeys or higher. This creates a higher level of flexibility, in terms of a contemporary three storey infill building being able to sit comfortably with the existing built form character in this location. The SoS does not point to any one style of building in the precinct as being dominant or particularly valued or prominent above other styles, which further emphasises this flexibility.
- The proposed dwelling has a triple storey sheer façade (with some recesses) with no setback to the north abutting building and a setback between 1m – 4.5m from the south abutting apartment building. These setbacks are in keeping with style and form of dwellings along Millswyn St and the surrounding streets. With regard to the front setback and height of the dwelling, the front setback is brought forward to the proudest part of the existing building however generally aligns with the abutting dwellings and the streetscape. Whilst the parapet is higher than built form to the north there is separation from heritage forms. As such, the dwelling is not considered to compete with or dominate the heritage place or obscure views to principal facades.
- As per **Figure 3** above, the Site forms a line of four and five non-contributory buildings on the west and east (respectively) side of Millswyn St. This reduces the heritage sensitivity of the Site's location in the heritage precinct. The height of the proposed parapet to Millswyn St is circa 9.5m which is comparable with the circa 9.4m parapet of the building at 91 Millswyn Street and several of the surrounding multi storey buildings. As such, the height of the proposal is considered to be appropriate noting the presence of similarly constructed buildings and the eclectic mix of forms discussed above. Notwithstanding this, it is observed that roof building services and architectural features are not prominent along Millswyn St. As depicted in the sightline diagram (see **Figure 21** below), the rooftop terrace shading pergola will be partially visible to Millswyn St. This is required to be set back further so that it is not visible at a height of 1.7m from the opposite side of Millswyn St which will form a condition should a planning permit issue.

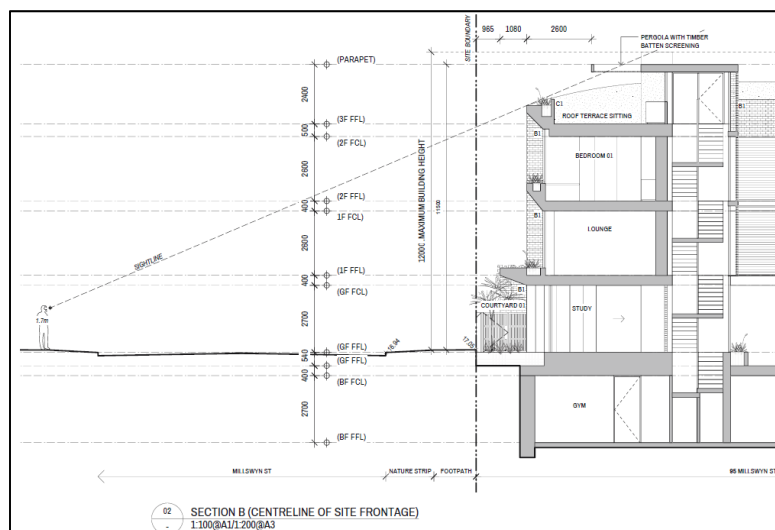


Figure 21 – sightline diagram

- As identified on the site visit and within the South Yarra SoS, three storey built forms are not uncharacteristic in the precinct. It is a policy guideline that the height and form for a new building in a non-contributory place be respectful of prevailing height of heritage buildings. As above, it is identified that the Site sits within a 'non-contributory' section of Millswyn Street, as such the parapet of the proposal has less opportunity to detract from the heritage significance of Millswyn St. For these reasons a three-storey presentation to Millswyn St is an acceptable heritage outcome.

- As discussed above the SoS for the South Yarra area identifies a mix of heritage and contemporary buildings of principally one, two or three storey forms (with some examples of four storey form, including the contemporary form abutting the south of the Site) with a variety of roof forms. Other key neighbourhood character elements include small front gardens, short front setbacks, built form to the street and with limited setbacks, and boundary to boundary construction. This is balanced by other policies of the Planning Scheme which speak to maintain generally low scale areas (Clause 21.06-1) and to reduce unacceptable bulk for new developments (Clause 22.17). For the reasons given above, on balance, considering the identified character of Millswyn St and the local area, the proposed building form is considered appropriate, and in terms of the streetscape rhythm, will not impose a scale at odds with its neighbours in relation to building height transition.

The relationship and interface with the adjoining dwellings to the north and south is acceptable. The building will clearly be visible as one approaches from the interfaces, however, due to the combination of walls on boundaries to the north and the four storey form to the south, the impact of the proposal is reduced to an acceptable level. This view is shared by Council's heritage advisor who states: *'The proposed infill building is broadly acceptable within its immediate context. An adequate degree of design consideration has been exercised to achieve a respectful interface with the streetscape and respond to some of the precinct's key attributes.'*

Contemporary design

- Clause 22.05 seeks to encourage good quality contemporary design and discourage replication of historic forms for new buildings. The proposal has a contemporary design with a modernist style, utilising a cuboid form and flat roof. Noting the isolation from other heritage buildings and the varied heights, Council officers are of the view that scale and articulation of the proposed building is appropriate. The articulation is seen to arise both from changes to the side and rear setbacks as well as changes to materials. Further, the massing is considered to be consistent with the neighbourhood character setting that includes three-storey built form with prominent street walls and minimal front setbacks.
- With regard to materials the overall design proposal is unapologetically modern and acceptable. This is encouraged by the heritage policy, which encourages that new buildings are readily discernible and do not mimic heritage forms. As discussed above, Council's heritage adviser recommended a more respectful colour scheme. The applicant made the following changes / comments in response to the heritage advisor's comments which formed part of its RFI response and ultimately the originally advertised plans:
 - The black stained black timber removed from the garage door and replaced with brown cladding (M1). This results in a reduction of a contrast with the white bricks.
 - The black stained timber contained only to the fence.
 - Concrete amended from a 'concrete finish' (grey) to a 'white painted concrete' (C1).
 - The use of white brick and render is seen throughout the street and on many of the heritage buildings. For example, 60 - 60, 80, 117 Millswyn St, with other examples of greys and browns.

It is considered that the proposal adequately satisfies the policy guidelines of Clause 22.05 as well as the objectives and decision guidelines of the Heritage Overlay. The proposed demolition and new dwelling are supported from a heritage perspective.

9.1.3 Vehicle Accommodation and Access

The Site is serviced by an existing crossover to Millswyn St. This crossover is proposed to be widened as part of the Application. Crossovers to driveways and garages are not uncommon in the

surrounding area. The proposal of a garage which reads as a single architectural element combined with the pedestrian entrance is considered acceptable.

9.1.4 Fences and Gates

The fence is acceptable as it is considered to be an appropriate contextual design response and generally achieves the following:

- it does not conceal views of the building or heritage place; and
- is a maximum height of 1.5 metres; and
- is more than 50% transparent.

9.1.5 Services and Ancillary fixtures

The services and ancillary fixtures are appropriately concealed into the design of the building. Should a permit issue a standard condition will be included that no further services and ancillary fixtures can be applied to the building without the consent of the responsible authority (unless otherwise exempted under the Planning Scheme).

9.2 Neighbourhood Character and Urban Design

9.2.1 Neighbourhood Character

There are various policies in the Planning Scheme that seek to ensure new development is compatible with the existing and preferred future character of an area.

Specific matters that are relevant in this regard including Clause 21.04, Clause 21.06, Clause 21.07, Clause 21.16, Clause 22.05, Clause 22.17 and Clause 54.

The Site is located within a 'Stable Residential Area' (see Figure 16 at Clause 21.16-1) where in-fill development is expected, albeit it requires that new development fit in with the existing character.

Clause 21.16-1 under 'built environment and heritage' states (inter alia):

- *'Ensure development in South Yarra is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.'*
- *'Encourage low rise sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the residential areas in South Yarra.'*

Neighbourhood character relates to a broader conception which includes such elements as the height and siting of buildings, the spaces between them, and the landscape character of the area. The term 'low scale' is to be applied in a balanced way on conservation of the local environs.

As identified above, the surrounding Site along Millswyn Street comprises of minimal front veneration, limited or no front setbacks, boundary to boundary development, medium to no front fences, examples of garages, and no brightly-coloured buildings. As touched on above in the heritage assessment, the character and built form response is acceptable because of the observations above noting the characteristics of Millswyn Street.

9.2.2 Design and Development Overlay, Schedule 15

The design objectives of the DDO15 are:

- *To preserve the landscape qualities and amenity of the Royal Botanical Gardens and to foster vegetation growth in the Gardens.*
- *To ensure that the enjoyment of the Royal Botanic Gardens is not diminished by overshadowing or visual intrusion from any new buildings or works.*
- *To minimise detrimental wind impacts on the Royal Botanic Gardens.*

- *To ensure that any new development or redevelopment is compatible with the existing scale and character of buildings in the area.*
- *To protect the residential amenity of the area.*

The DDO15 states that the maximum height of a building in Area A1 should not exceed 12m which the architectural plans illustrate is complied with.

The proposal is considered to meet the design objectives of the DDO15 for the following reasons:

- As discussed throughout this report, the proposal is of a design and scale that is consistent with the surrounding area.
- The Site is some distance from the Royal Botanic Gardens, as such detrimental impacts of wind, shadows and the like will not occur.
- As discussed at the Clause 54 assessment to this report, the proposal achieves the Objectives of Clause 54 and therefore does not unreasonably impact the residential amenity of the area.

9.2.3 Clause 22.17 – Urban Design outside of the Capital City

The proposal appropriately responds to the relevant policy considerations of Clause 22.17, which is concurred with by City Design (see the comments above), for the following reasons:

- Respects and complements the scale, alignment and height of the existing buildings along Millswyn Street.
- Is architecturally distinguished between the graded heritage buildings in the streetscape.
- The proposal maintains the established streetscape pattern, which features boundary to boundary construction and varied building heights.
- The rooftop terrace and building services are appropriately setback.

9.3 Technical Compliance

9.3.1 Building Height

Clause 32.08-10 states that:

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

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

The GRZ5 states the maximum mandatory building height of 12 metres, with no storey limit.

As confirmed by section diagram, the building height to the parapet is circa 10.8m with a maximum building height of 12m to the building services. As such, the proposal does not breach the maximum height restrictions of the GRZ5.

9.4 ResCode (Clause 54)

An assessment of the proposed development against the requirements of Clause 54 (One Dwelling on a Lot) is provided in a separate document (Appendix 2 to this report), which concludes that the proposal achieves compliance with the Objectives of Clause 54.

Consideration of the proposed development against a requirement of Clause 54 is provided in this report in the following instances:

- Where the Clause 54 assessment has identified that a variation of the Standard is required, and it is not clear that the corresponding Objective is met.

- Where the requirement is nested under Clause 54.04 (Amenity Impacts).
- Where the design response to the particular Objective is considered to require specific discussion.

9.4.1 Front Setback

Standard A3 requires that the dwelling be set back the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street.

The 1.65m setback of 99-101 Millswyn St and 2.86m setback of 91 Millswyn Street yields an average setback of 2.26m.

The front wall of the proposal is set back 2.065m (a shortfall of 195mm).

Before deciding on an application, the responsible authority must consider:

- *Any relevant neighbourhood character objective, policy or statement set out in this scheme.*
- *The design response.*
- *Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.*
- *The visual impact of the building when viewed from the street and from adjoining properties.*
- *The value of retaining vegetation within the front setback.*

The variation sought to Standard A3 is acceptable, having regard to the decision guidelines of Clause 54.03-1, noting the following:

- The existing dwelling is set back between 1.5m and 3.0m from the street. Further along Millswyn St, several properties are built to the Millswyn St interface and as identified above, Millswyn St has an eclectic character. As such it is not considered that the setback proposed will impact the streetscape or that a different setback is more appropriate given the varied front setbacks observed along Millswyn St.
- Millswyn St includes abundant street trees, however the size and location of front setback gardens for dwellings vary. The proposed setback allows for some minor tree planting within the front setback which is considered to be appropriate.

9.4.2 Building Height

See discussion at chapter 9.3 above.

9.4.3 Side and Rear Setbacks

Clause 54.04-1 provides the following objective, which the proposed development must meet:

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

Standard A10 states that:

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- *At least the distance specified in a schedule to the zone, or*
- *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.*

In regard to side setbacks, as depicted in **Figure 22** below, the west and south elevation second and third storeys are non-compliant. The north elevation wall is on a boundary which is assessed under Standard A11 (see below).

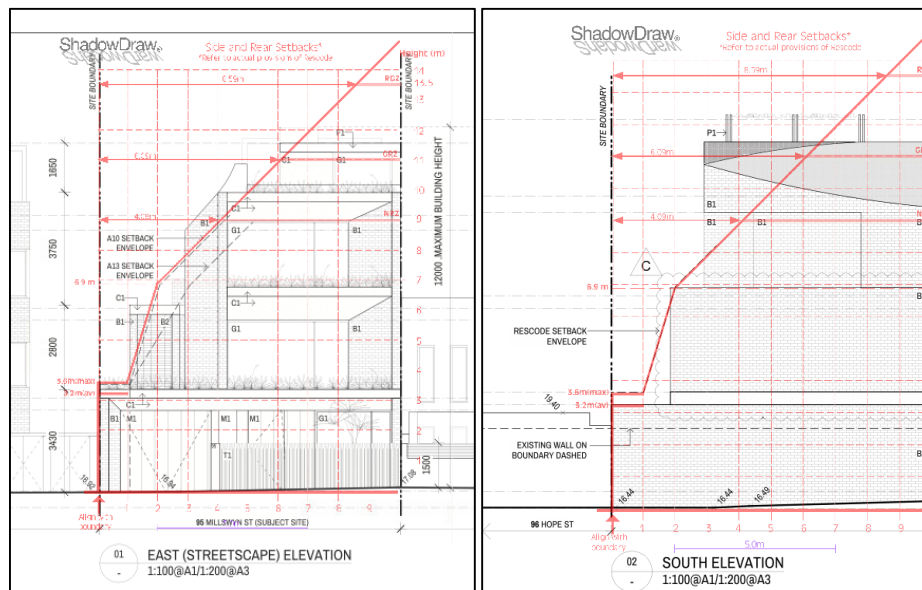


Figure 22 – east and south elevations with A10 setback indicated

Before deciding on an application, the responsible authority must consider (amongst other things):

- *'The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.*
- *Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.*
- *Whether the wall abuts a side or rear lane.'*

South elevation

The variation sought to Standard A10 is acceptable, having regard to the decision guidelines of Clause 54.04-2, noting the following:

- The southern elevations meet the Objective of Standard A13 (North-facing windows) as will be discussed later in this report.
- Overshadowing has been appropriately limited (see discussion below).
- Given the neighbourhood character and narrowness of the Site, full compliance with the setbacks of Standard A10 is not a common feature of inner city locations and would not result in a reasonable building envelope footprint. The decision guidelines require a balance between the Standard and the neighbourhood character objective, policy or statement set out in the Planning Scheme. For the reasons discussed earlier in this report, the setbacks are considered acceptable when considering the neighbourhood character.
- No objections have been received from 91 Millswyn St.

West elevation

The variation sought to Standard A10 is acceptable, having regard to the decision guidelines of Clause 54.04-2, noting the following:

- Based on the survey data presented, the property at 98 Hope Street has a northern courtyard to the north boundary and no habitable room windows facing to the Site. Further, as discussed below, the shadow impact to the secluded private open space (SPOS) of 98 Hope Street is

acceptable. As such, it is considered that the first decision guideline above is adequately considered and responded to by the proposal.

- The impact to 98 Hope St will be primarily limited to the presentation of visual bulk in the context of the neighbourhood character, which is acceptable for the following reasons:
 - Both Council officers and the objectors raised some concern with the presentation of the rear (west elevation) of the proposal with the applicant. In response, the applicant provided the following via a s.57A amendment:
 - The second story parapet lowered 720mm to match the level of northern neighbour's parapet. Soffit rake shallower.
 - Horizontal bands and soffit (previously concrete) replaced with a more visually light perforated mesh

See **Figures 23 and 24**

As depicted in **Figure 25** below, dwellings and apartment buildings developed deep into properties is not an uncommon character of the neighbourhood, with the property at 98 Hope St being surrounded by other like forms of similar height. As such, it is considered that the proposal is consistent with the surrounding developments.

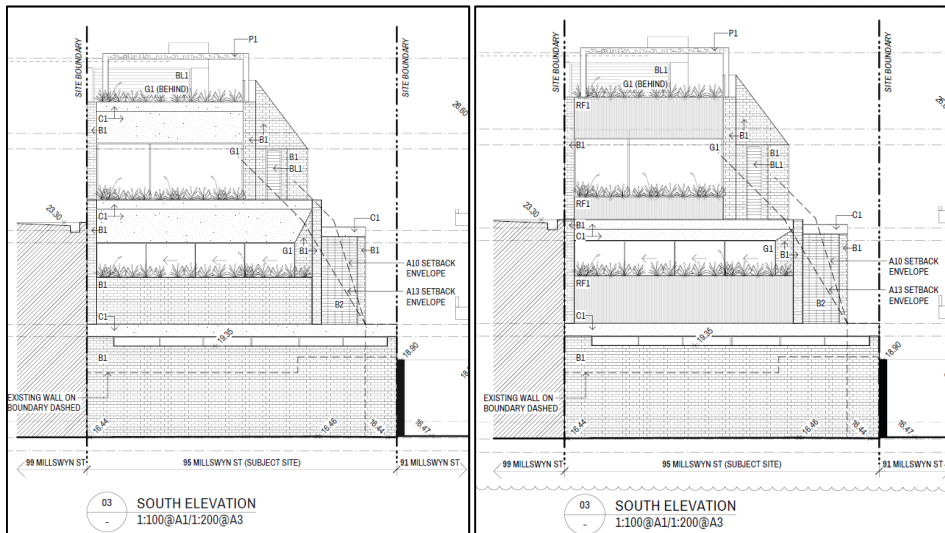


Figure 23 – advertised south elevation (left) compared with the 57A reductions (right)

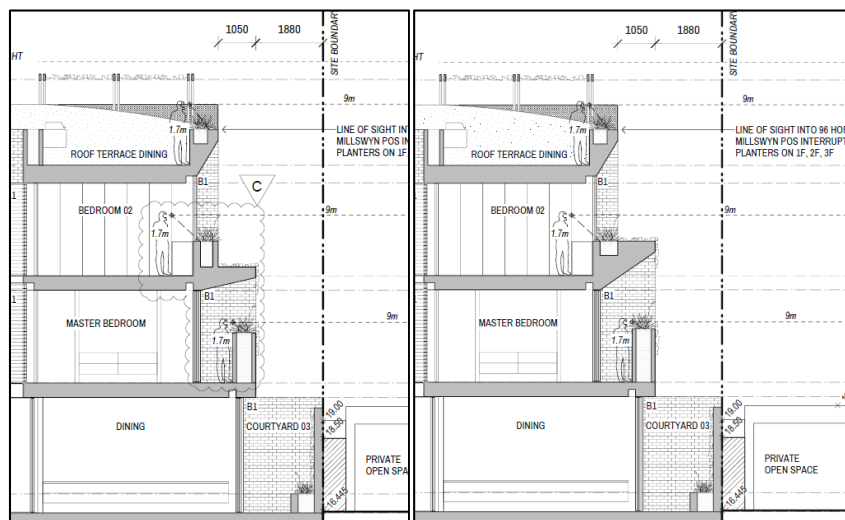


Figure 24 – advertised south elevation (left) compared with the 57A reductions (right)

The Objective is therefore met.



Figure 25 – aerial image (Source: Google)

9.4.4 Walls on Boundaries

Clause 54.04-2 provides the following objective, which the proposed development must meet:

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.

A variation to Standard A11 is required for wall length as follows:

	Maximum wall length permissible	Proposed maximum wall length	Variation
North	13.5m	24m (ground floor)	10.5m variation

A variation to Standard A11 is required for wall height as follows:

	Maximum wall height permissible	Proposed maximum wall height	Variation
North	3.6 m	10.4m (top of life core)	6.8m variation

Before deciding on an application, the responsible authority must consider (inter alia):

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The width of the lot.

The variation sought to Standard A11 is considered acceptable, having regard to the decision guidelines of Clause 54.04-2, noting the following:

- Figure 26** below (provided to Council) depicts the interface between the existing south facing light court at 99 Millswyn Street and the northern elevation wall of the subject building. The existing northern wall of the subject building is part one storey and part two storeys, with a maximum height 7.6m with a small setback off the boundary. The proposal provides for a part 6.1m (to the top of the light court parapet) and part 10.2m (to the top of the roof parapet) boundary wall.

Objectors and Council officers expressed concern with the proposed wall on boundary, citing unreasonable amenity impact to 99 Millswyn St's side courtyard and habitable room windows.

In response, the applicant provided 57A amended plans to widen the light court to match the width of the courtyard at 99 Millswyn St and a lowering of the wall on boundary to 5.1m – see **Figure 27** below. With these changes, Council officers are of the view that the anticipated visual bulk impacts and amenity impacts to south facing windows at 99 Millswyn St from the subject building are acceptable. The centralised northern internal courtyard proposed is deliberately located to align with the existing south facing courtyard associated with the abutting dwelling at 99 Millswyn Street. This response is site responsive and appropriately responds to existing conditions.



Figure 26 – images provided by objector

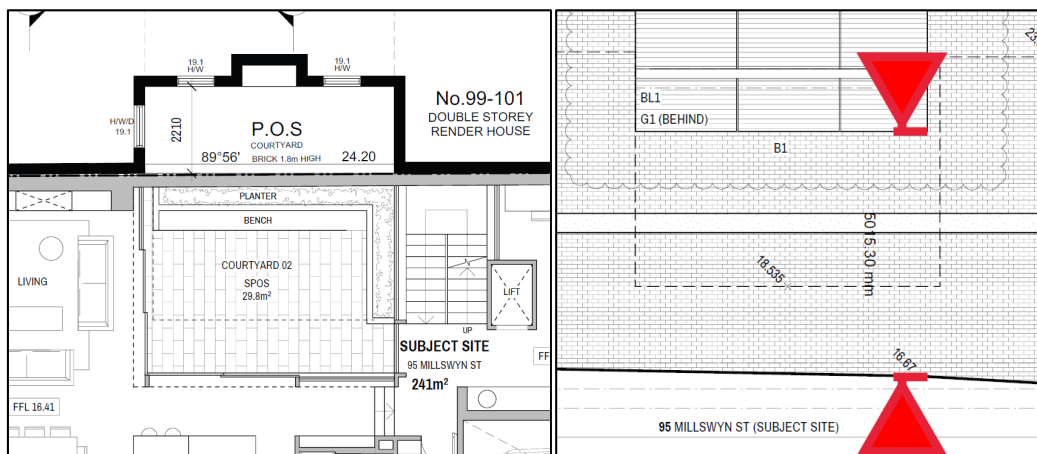


Figure 27 – proposed widening of the light court (left) and lowering of the north boundary wall (right)

- The proposed walls on boundary respect the existing neighbourhood character and will not result in any unreasonable amenity impact to the adjoining dwellings by way of overshadowing (discussed below) or visual bulk. Whilst the wall on boundary will be visible from private properties to the north and west, it is within parameters for this type of inner city location already featuring a degree of ‘cheek by jowl’ living conditions, noting as well the lack of east facing windows and open space from 96-98 Hope St facing to the Site and the length of the rear private open space of 99 Millswyn St which further dilutes the bulk of the proposal.



Figure 28 – surrounding conditions (Source: Nearmap)

9.4.5 Daylight to Existing Windows

Clause 54.04-3 provides the following objective, which the proposed development must meet:

To allow adequate daylight into existing habitable room windows.

Standard A14 provides (amongst other things):

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.

As depicted by the extract of the proposed ground floor below, the proposal seeks to introduce a wall on boundary to the north elevation to the light court of 99 Millswyn St which include habitable room windows. The habitable room windows on the opposite side of the proposed wall on boundary are setback circa 2.23m from the shared boundary. The light court is circa 6.30m wide. As such, the above Standard is achieved.

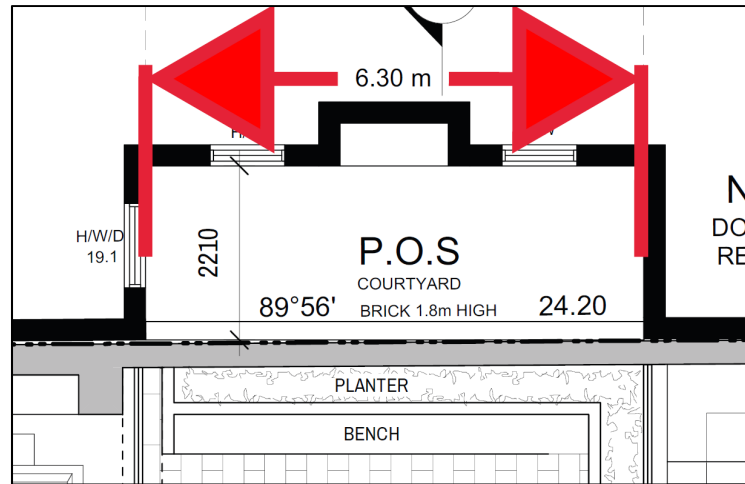


Figure 29 – extract of ground floor plans

9.4.6 North-facing Windows

Clause 54.04-4 provides the following objective, which the proposed development must meet:

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

There are a number of north facing habitable room windows facing to the Site from the apartment development of 91 Millswyn Street.

Planning Practice Note 27 provides assistance in the understanding of ResCode standards.

For Standard A13, this practice note says:

This standard protects the energy efficiency of existing dwellings which use north-facing windows for passive solar heating.

Figure 30 depicts (with a black dotted line marked 'A13') that the proposal does not comply with the setback requirements of Standard A13. The variation sought to Standard A13 is acceptable, having regard to the decision guidelines of Clause 54.04-4, noting the following:

- Opposed to Standard A12 which can be taken from the floor level of the room containing the window, Standard A13 is taken from the title boundary at ground floor. However, in cases such as *Pincent Hotel Pty Ltd v Melbourne CC [2022] VCAT 550* (see Paragraph 79) the Tribunal has considered that (within an inner city context) taking the A13 setback line from the finished floor level of a window is an appropriate response to understand whether the Objective is met. As depicted in **Figure 31**, the proposal would comply with the Standard A12 setback line if taken from this location. This is further emphasised by **Figure 32**, which confirms that if the setback line included the space on an abutting lot the Standard would also be achieved. It is noted that the existing two storey dwelling at the Site is an existing non-compliance with Standard A13, and as such the proposal would present an improvement. Whilst the proposal is a non-compliance with the Standard, having regard to the above and the improved conditions, it is acceptable.
- Overshadowing to the southern apartment balconies has been appropriately limited (discussed below).
- Given the narrowness of the Site and the neighbourhood character discussed above, full compliance with Standard A13 would not be consistent with the neighbourhood character nor allow for a reasonable building footprint. The decision guidelines ask for a balance between the Standard and the neighbourhood character objective, policy or statement set out in the Planning Scheme, which Council officers are content has occurred.

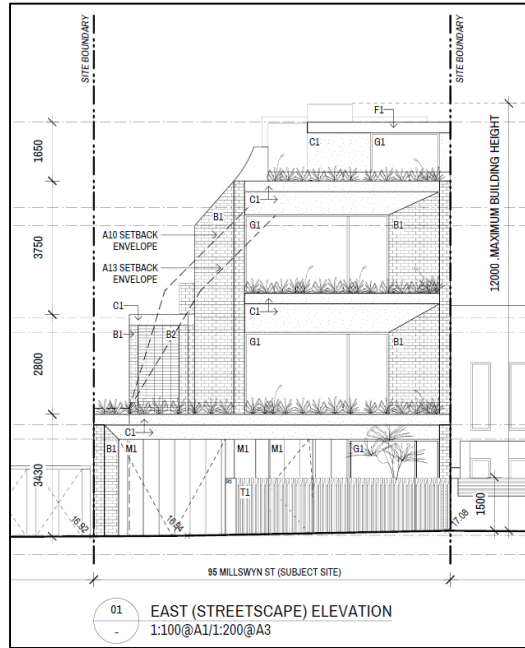


Figure 30 – east elevation with A13 setback shown

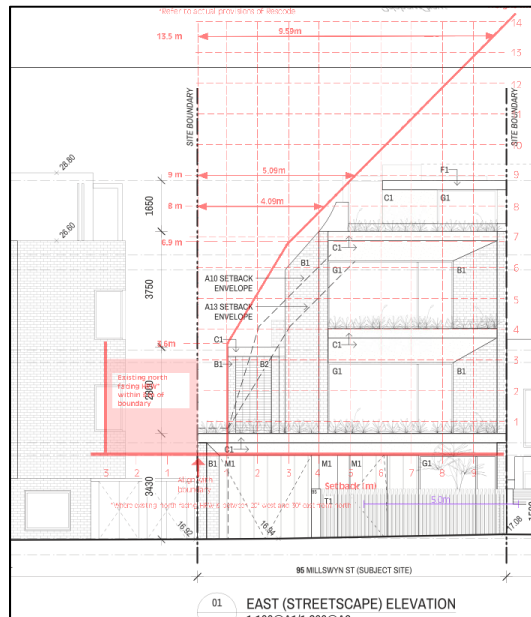


Figure 31 – east elevation with A13 setback line shown from the FFL of the abutting second floor window of 91 Millswyn St

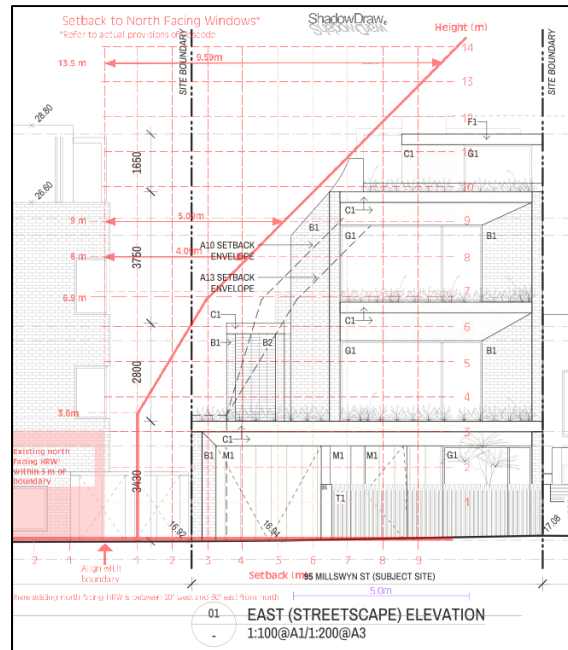


Figure 32 – east elevation with A13 setback line shown from the FFL taking into account land at 91 Millswyn St

9.4.7 Overshadowing

Clause 54.04-5 provides the following objective, which the proposed development must meet:

To ensure buildings do not significantly overshadow existing secluded private open space.

Standard A14 provides:

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.

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.

The extent of additional overshadowing cast by the development over the secluded private open space of the neighbouring properties has been modelled by the permit applicant for 9.00am to 3.00pm (inclusive) on 22 September (the assessable date).

As confirmed by the diagrams the proposal will result in additional shadow to the ground floor north facing courtyards of apartments 1 – 4 (inclusive) at 91-93 Millswyn Street.

The variation to Standard A14 is considered acceptable, having regard to the decision guidelines of Clause 54.04-5, noting the following:

- The ground floor courtyards are substantially overshadowed. The objective does not seek to eliminate or avoid any overshadowing by new development. The emphasis in the objective is on whether new development will 'significantly overshadow existing SPOS'. With the built form focused to the norther portion of the Site officers are satisfied that the shadow impact is acceptable within the inner-city context of these dwellings.
- As discussed above, the design response of the proposal to the south has been determined to meet the Objective of side and rear setbacks and north facing windows.

- In determining the appropriateness of the proposed overshadowing, the location of the site and existing conditions need to be taken into consideration. As discussed above, the Site is located on a sloping site within a tightly subdivided area and a 12m height limit where development is expected to be more intense than would be normal in less dense suburban settings. As such the level of amenity will not always be the same as afforded to outer city areas.

9.4.8 Overlooking

Clause 54.04-6 provides the following objective, which the proposed development must meet:

To limit views into existing secluded private open space and habitable room windows.

Standard A15 states

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or*
- *Have sill heights of at least 1.7 metres above floor level, or*
- *Have obscure glazing in any part of the window below 1.7 metres above floor level, or*
- *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*

Standard A15 is achieved by the proposal, having regard to the decision guidelines of Clause 54.04-6, noting the following:

Ground Floor

- North: are limited via the proposed wall on boundary.
- South: there are no windows proposed to this interface.
- West: views from the ground floor windows are limited by the proposed fence.
- East: the nearest area of SPOS or habitable room window is over 9m away, complying with the Standard.

First Floor

- North: the boundaries of the light well are screened with 'BL1' (external louvered blind). This is acceptable on the condition that the screening will be designed to meet the requirements of Standard A15, which will form a condition on permit if one issues. Section diagrams of the design of the screens will be required.
- South: notwithstanding that an ensuite is not a habitable room, obscured glass bricks are utilised to screen the window which complies with Standard A15.
- West: a 1.7m planter is proposed, complying with the Standard.
- East: as per Ground Floor above.

Second Floor

- North: as per First Floor above.
- South: as First Floor above, however a permeable screen is utilised to ensuite 01.
- West: the plans seek to rely on an inbuilt internal desk to further limit overlooking. This is not considered acceptable given the use of a dwelling does not require a permit, therefore Council cannot require the desk to be installed in this location. However, as **Figure 32** below shows, if the view is taken from the edge of the window (as required by the Standard) the proposed planter will prevent views to the ground floor SPOS of 98 Hope Street within 9m in accordance with the Standard. There are no habitable room windows in this location to 98 Hope Street. However, the plans do not make clear enough if views are sufficiently limited to the rear SPOS of 91 Millswyn Street and 99 Millswyn Street. As such a permit condition will require this detail to ensure no unreasonable views are available in accordance with Standard A15 and for any associated modifications to ensure compliance if required.
- East: as per Ground Floor above.

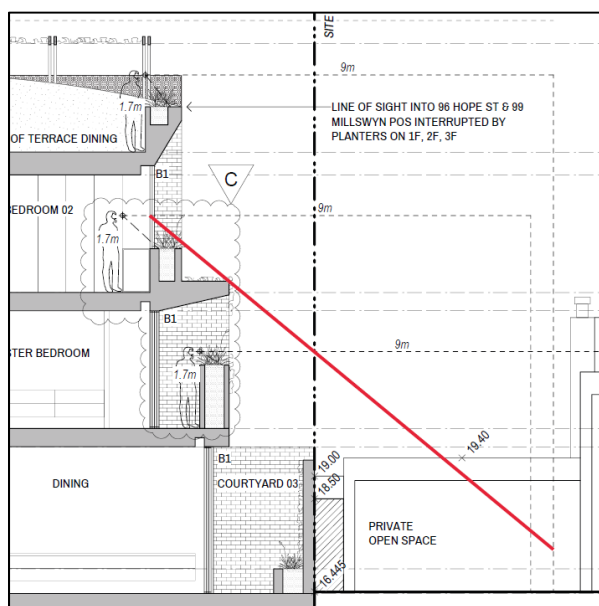


Figure 32 – section diagram with sightline drawn by Council

Rooftop

- North: as **Figure 33** below depicts, there appears to be views available to the south facing habitable room windows at 99 Millswyn Street. The parapet element to the east-west rooftop walkway and the barbeque area does not appear to be screened. As such, a condition on permit will require screening compliant with Standard A15.
- South: as **Figure 33** below depicts, the roof terrace to the southern elevation is further treated with a 1.7m high parapet so as to screen views into the habitable rooms of the apartment development at 91-93 Millswyn Street. However, this element is not dimensioned, as such permit condition will require this should a planning permit issue. As discussed above, further dimensions will be require to ensure this is complied with.
- West: see **Figure 34** below. Whilst views are sufficiently limited to 99 Hope St, the plans do not make clear enough if views are sufficiently limited to the rear SPOS of 91 Millswyn St and 99 Millswyn St. As such a permit condition will require this detail to ensure no unreasonable views are available in accordance with Standard A15.
- East: as above.

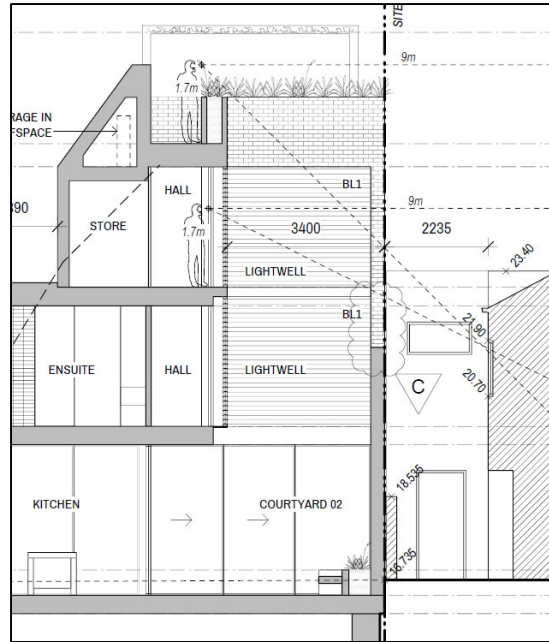


Figure 33 – section diagram

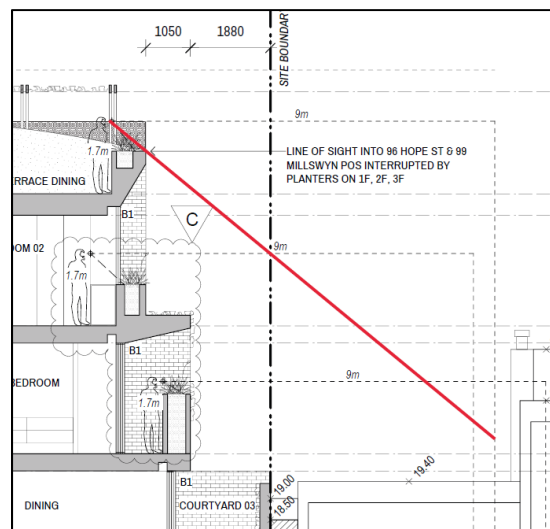


Figure 34 – section diagram with sightline drawn by Council

9.4.9 Front fence

Standard A20 requires that a front fence be no higher than 1.5 metres. The proposed fence is measured to a height of 1.5 metres, however, the land to the front of the Site appears to slope down to the south. As such, a condition will require that the fence be dimensioned from NGL and to be no higher than 1.5 metres.

9.5 Sustainability

9.5.1 Energy, Water and Waste Efficiency

The application requirements at Clause 22.19-4 states (inter alia):

- All applications must be accompanied by a Waste Management Plan prepared in accordance with the City of Melbourne’s Guidelines for Waste Management Plans.
- All applications must be accompanied by an Environmentally Sustainable Design Statement which demonstrates how the development meets the policy objectives of Clause 22.19-2 and the

policy requirements of Clause 22.19-3. The Sustainable Design Statement must also include the following as applicable:

- *Applications for buildings under 2,000 square metres in gross floor area must provide a statement demonstrating that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.*

It goes on to state that ‘Applications for alterations and additions should be assessed against the performance measures in the table above in so far as they are applicable to the alterations and additions to the building.’

In regard to energy efficiency:

- As the proposal is below 5,000sqm, as per Clause 22.19 the Building Code / Construction Code of Australia will adequately address the energy requirements of the proposal.

In regard to water efficiency:

- Council’s ESD advisor has confirmed that the WSUD report satisfies the policy requirements and can be endorsed should a permit issue.

In regard to waste management:

- The proposed was collection is to replicate the existing arrangement for the Site which is that bins are collected from Millswyn Street. Given the scale of the proposal a waste management plan is not required.

It is therefore considered that the proposed development will meet the relevant requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

9.5.2 Stormwater Management (Water Sensitive Urban Design)

Clause 22.23-4 states that an application must be accompanied by a Water Sensitive Urban Design Response. As above, Council’s ESD advisor has confirmed that the WSUD report provided with the Application satisfies the requirement and can be endorsed should a permit issue.

9.6 Objections

Where concerns raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

Objection	Response
Noise from the roof terrace	‘Dwelling’ is a Section 1 (no permit required) use under the GRZ5. Future behaviour of occupants is not a matter that can be considered under this application.

10 Recommendation

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Future Melbourne Committee issue a Notice of Decision to Grant a Permit, subject to the conditions set out below.

10.1 Permit Conditions

Amended Plans

1. Prior to the commencement of the development (including demolition), an electronic copy of plans, drawn to scale and fully dimensioned, must be submitted to and approved by the

Responsible Authority. The plans must be generally in accordance with the s.57A plans prepared by Neil Architecture, dated 6 June 2022, but amended to show:

- a) Correct labelling of the elevations.
- b) Correct tagging of materials on the elevations.
- c) Dimension the width of the extended vehicle crossing to Millswyn Street.
- d) The front fence dimensioned above natural ground level, with a height no greater than 1.5m.
- e) All windows and terraces to include privacy screening where required to comply Clause 54.04-6 (Standard A15) of the Melbourne Planning Scheme, including appropriate section diagrams and dimensions of height and widths of screening elements.
- f) A reduction in the length of the rooftop pergola element to Millswyn St to ensure it is not visible when viewed from the opposite Millswyn Street footpath at a height of 1.7m.
- g) A detailed Materials Schedule as specified by the corresponding condition below.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout not altered and satisfactory completion

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority or as otherwise exempt under the Melbourne Planning Scheme.

Material Schedule

4. Concurrent with the submission of plans for endorsement under Condition 1, a detailed schedule and samples of all external materials, colours and finishes must be submitted to, and approved by the Responsible Authority. The schedule must include (amongst other things) cross section drawings of measures to screen overlooking in to ensure compliance with Standard A15 of the Melbourne Planning Scheme. The drawings must:
 - a. Be drawn to scale and fully dimensioned;
 - b. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - c. Clearly illustrate how any louvre or batten arrangement will limit sightlines into neighbouring properties' private open space and windows;
 - d. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that views of neighbouring private open space and windows are limited.

Window Screening

5. The parts of windows shown as obscure glazing on the endorsed plans must be must have a maximum transparency of 25% and be non-opening to a height of 1.7m above finished floor level, to the satisfaction of the Responsible Authority, and must be maintained in that condition at all times.

The screening of windows as shown on the endorsed plans must be installed prior to occupation of the building and must be maintained to the satisfaction of the Responsible Authority.

Walls on Boundary

6. All new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Landscaping

7. Prior to the commencement of the development, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The amended Landscape Plan must be generally in accordance with Landscape Plan prepared by Acre dated 17 September 2021, but amended to show:
 - a. Detailed drawings of planter boxes, including size, depth, drainage.
 - b. Appropriate lightweight green roof substrates to be identified.
 - c. Appropriate anchorage for trees on rooftop to be stipulated
 - d. Deep soil planting to be identified on ground level.
 - e. A Landscape Maintenance Plan, detailing:
 - i. responsible parties for the planting (horticultural) establishment and ongoing vegetation maintenance,
 - ii. plant establishment maintenance schedule and period.
 - iii. ongoing vegetation maintenance schedule after the 52-week period including monitoring of plants, weeding, re-mulching, pest management, fertilising, re-planting and re-planting timeframes for poorly performing plant stock,
 - iv. maintenance schedule for all structures and surfaces (cyclic, routine, reactive, emergency and renovation),
 - v. irrigation specification and irrigation maintenance schedule,
 - vi. maintenance access requirements and sample agreements.

The landscaping as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

8. Prior to occupation, the site must be landscaped to the satisfaction of the Responsible Authority and the landscaping must be maintained to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design / Water Sensitive Urban Design

9. The WSUD report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Civil Engineering

10. Prior to the commencement of the development (including demolition), a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.

11. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.
12. Prior to occupation, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
13. All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
14. The footpath adjoining the site along Millswyn Street must be reconstructed together with associated works including the reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
15. Existing street levels in the road adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.

Department of Health and Human Services

16. Prior to the commencement of any development (Including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health in writing, a flight path construction management plan must be prepared to the satisfaction of the Department of Health and be approved by the responsible authority. The flight path construction management plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Alfred Hospital helipad. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and the responsible authority.

The flight path construction management plan must identify the location and height of any construction equipment, including cranes and methodology for recall within 15 minutes.

17. Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the Civil Aviation Safety Authority Manual of Standards Part 139 at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

10.2 Permit Notes

Infrastructure and Assets

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

Other Approvals May be required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.