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27 November 2024

Monash City Council  
Statutory Planning  
Attention: Jack Gleeson

Dear Jack,

**PLANNING APPLICATION: TPA/55739**  
**THE LAND: 36 CALEMBEENA AVENUE HUGHESDALE**  
**SECTION 72 AMENDMENT APPLICATION EXPLANATORY LETTER**

Pursuant to Section 72, Town Planning & Co. act for the landowner in lodging this application which seeks approval for alterations to the plans to be endorsed under the permit. No changes to what the permit allows, or the conditions of the permit are proposed.

### **1.0 BACKGROUND**

Planning Permit TPA/55739 was issued on 24 September 2024 allowing the '*Part demolition and construction of buildings and works to an existing dwelling in a Heritage Overlay*'

Plans and supporting reports are yet to be endorsed.

Currently, the site conditions remain unchanged from the time of planning approval.

### **2.0 THE RATIONALE**

Condition 2 of the permit requires '*The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority*'.

As plans are yet to be endorsed in accordance with Condition 1 of Planning Permit TPA/55739, this Section 72 Amendment Application is lodged for Council to consider minor changes to the considered plans.

### **3.0 PLAN CHANGES**

The following changes to the plans are proposed:

1. Alterations to the materials for the proposed additions, replacing the previously supported face brick on ground floor in 'Ghost Grey' and

weatherboard cladding on the upper floor in 'Surfmist' with 'Stucco Render' in 'Dulux Casper White Quarter'.

2. Replacement of the Ground Floor east facing Dining Room doors with windows.
3. Revised window design on the upper floor South Elevation.
4. Inclusion of an Operable Louvre Roof over the Outdoor Entertaining Area.
5. First-Floor West Boundary setbacks reduced from 3.075m to 3.025m (50mm) and 3.675m to 3.625m (50mm) to accommodate the altered external material.
6. First-Floor east setback reduced from 7.083m to 7.033m (50mm) to accommodate the altered external material.

All ground-floor and the first-floor (2.193m) east side setback is not proposed to be altered.

## 4.0 PLANNING CONTROLS

We interpret that the planning controls affecting the Site have not changed since the date of issue of the Planning Permit. The site is located within a Neighbourhood Residential Zone, Schedule 1 (NRZ1) and affected by Heritage Overlay, Schedule 94 (HO94).

### 4.1 Clause 32.09 Neighbourhood Residential Zone, Schedule 1 (NRZ1)

As the Site affords a land holding of approximately 758 sqm, planning approval is not required for the alterations and additions to the existing dwelling as it exceeds the minimum 300sqm lot requirement as per the schedule to the zone.

When considering Clause 32.09-4, the proposal complies with the mandatory 35% requirement for lots greater than 650 sqm.

### 4.2 Clause 43.01 Heritage Overlay, Schedule 94 (HO94)

We interpret that further planning consideration is not required for buildings and works associated with a single dwelling within the HO as the changes proposed are generally consistent with the previously approved development layout and does not present any further amenity impact to surrounding land.

The HO94 does not include external paint controls, therefore the minor alterations to the external colours are not subject to consideration within the Heritage Overlay.

The alterations to the dining room windows / doors and inclusion of an operable louvre roof over the outdoor dining area is not visible from the street, nor marks any significant changes to the dwelling additions.

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The main consideration is to the alterations to external materials, replacing the previously supported face brick on ground floor and weatherboard cladding on the upper floor with Stucco Render.

The change in material to Stucco Render is sympathetic to the rendered elements on the existing heritage façade, whilst also maintaining and enhancing the contemporary design of the upper floor.

The alteration to the materials continues to satisfy applicable heritage policy within Clause 22.07 of the Monash Planning Scheme, including objectives and policy which relate to Alterations and Additions of existing contributory buildings and Materials and Finishes.

In terms of the materials and architectural expression, the stucco render finish relates to the materiality of the existing dwelling, albeit applied in a modern language, and examples of similarly rendered dwellings and contemporary additions are found in the broader precinct. This is consistent with Council policy stating that '*If a contemporary approach is used, there be a visual link with the contributory building to which the additions relate.*'

The minor changes to side setbacks (50mm) are a result in the change in material. The minor dimension change is inconsequential when compared to the supported setbacks and is unlikely to result in any detrimental impact to the adjoining land. The variation is not discernible.

As such, we submit that the amendment application as presented is worthy of approval.

## 6.0 PUBLIC NOTICE

The submission of the Section 72 amendment is a consequence of plans pursuant to Condition 1 of the permit yet to be endorsed. The application would likely satisfy the provisions of Secondary Consent had plans been endorsed.

We submit that the alterations to the materials, minor setback alteration and internal changes to the additions (windows and louvred roof) is unlikely to result in any material detrimental to the adjoining land, or broader neighbourhood, and as such, public notice in this instance is not warranted.

## 6.0 CONDITION 1 RESPONSE

The revised plans have also been prepared to satisfy the requirements of condition 1. A summary of each condition is below:

1. *Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Dawes*

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Design and Drafting Group, dated 18 July 2024 (Issue F), but modified to show:

- a) The front fence to be constructed of a brick base with brick pillars and flat top timber picket inserts to a maximum height of 1.2m. Timber picket inserts must be at a minimum of 25 per cent transparent.

**Response: See Elevation 5 (Fence) on TP10. The fence as shown is a 1.2-metre-high rendered brick fence with flat top timber infill pickets at a minimum 25% transparency.**

- b) The garage façade depicted as to be retained, or to be depicted as retained with the widening of the garage opening. If the garage door opening is to be widened, then a replica custom tilt panel garage door is to be utilised.

**Response: North Elevation (Demo) on TP07 shows the extent of demolition to the garage façade, including the removal of the doors and a minor widening of the opening.**

**The Colours and Materials Schedule (TP10) identifies the replacement 'GARAGE' door will be a replica to the original garage door design on a tilt door.**

- c) The brickwork on the façade to be accurately depicted.

**Response: Elevation Plan on TP06, TP07, TP10 and TP11 shows brick detail within the front façade, which satisfies the condition.**

- d) Elevation demolition plans.

**Response: Demo Plan TP07 satisfies the condition.**

- e) A roof plan.

**Response: Roof Drainage Plan TP03 shows the proposed roof, including direction and fall. This satisfies the condition.**

We submit that the amendment application as presented is worthy of approval, with the concurrent endorsement of plans.

Should you have any question or seek any further clarification, I invite you to contact me on 0467 205 432 or email james@townplanningco.com.au for a timely response.

We look forward to working with you towards a favourable outcome.

Kind Regards,



JAMES LEONARD  
Town Planner