



*Planning and Environment Act 1987*

## **Panel Report**

Glen Eira Planning Scheme  
Amendment C87

**9 August 2012**



*Planning and Environment Act 1987*

Panel Report pursuant to sections 153 and 155 of the *Act*

Amendment C87 to the Glen Eira Planning Scheme

Margaret Pitt, Chair

Ian Gibson, Member



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## **Appendix A    List of Submitters**



## List of Abbreviations

DDO	Design and Development Overlay
DPCD	Department of Planning and Community Development
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NCO	Neighbourhood Character Overlay
SCA	Significant Character Area
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

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# Amendment Summary

<b>The Amendment</b>	Glen Eira C87
<b>Purpose of Amendment</b>	To protect the significance of 17 areas through application of the Neighbourhood Character Overlay and Design and Development Overlay, and make supporting amendments to the LPPF
<b>Planning Authority</b>	Glen Eira Council
<b>Exhibition</b>	2 February to 5 March 2012
<b>The Panel</b>	Margaret Pitt (Chair) and Ian Gibson (Member)
<b>Panel Appointment</b>	14 May 2012
<b>Directions Hearing</b>	24 May 2012
<b>Panel hearings</b>	28 and 29 June 2012
<b>Site inspections</b>	26 and 29 June 2012
<b>Date of this report</b>	9 August 2012
<b>Submissions</b>	66 submissions were received
<b>Appearances</b>	<ul style="list-style-type: none"><li>• Glen Eira Council, represented by Susan Ross and Jacqui Brasher, with Lisa Riddle of Planisphere</li><li>• Sophie McCarthy (Submission 10)</li><li>• Bridget Cramphorn (Submission 30)</li><li>• Elise Latimer (Submission 14)</li><li>• John Hoey (Submission 38)</li><li>• Pia Noble (Submission 22)</li></ul>

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# 1 Background

## 1.1 Background to Amendment C87

Glen Eira Council has long recognised that parts of the municipality have ‘special character’ that warrant some form of protection through the planning scheme, and has worked towards that goal for over 15 years. The major steps taken were as follows.

### ***Urban Character Study (Cunningham and Keddle, 1996)***

The study divided the municipality into 17 neighbourhoods and identified their particular characteristics including built form. It also made recommendations that strategies be developed in future for housing, development and urban design.

### ***Housing and Residential Development Strategy (Glen Eira Council, 2002)***

On the basis of a thorough investigation of housing and population forecasts, the strategy identified those areas of the municipality where increased densities would be most appropriate due to their location in relation to transport, commercial, educational and other activities. These areas were identified as ‘Housing Diversity Areas’. The remainder of the municipality was identified as ‘Minimal Change Areas’. Part of the justification for the Minimal Change Areas was protection of neighbourhood character. The strategy was implemented as Amendment C25 to the Glen Eira Planning Scheme in 2004.

The Minimal Change Area Policy (Clause 22.08) also designates 15 ‘Significant Character Areas’ (SCAs) identified as having *“particular quality in terms of their neighbourhood character, setting them apart from surrounding residential areas”*.

### ***Neighbourhood Character Review (Planisphere, 2006)***

The aim of the review was to assess the level of significance of the 15 SCAs identified in Clause 22.08 relative to other areas, and to recommend options for managing future development.

The report included a Practice Guide on appropriate approaches to development in each area and recommended the introduction of overlay controls and changes in policy to manage development in the significant areas.

### ***Amendment C56 (2008)***

This amendment proposed to insert a new policy at Clause 22.11 (SCA Policy) and include the Practice Guide as a reference document. It did not propose to modify the existing SCAs or to apply overlay controls.

The Panel report recommended the amendment be approved subject to modification of some SCAs and to the further consideration of the use of the Neighbourhood Character Overlay (NCO) (as recommended by the Planisphere report in 2006).

The amendment was subsequently abandoned by Council after advice from the Minister that it would not be supported.

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## **Neighbourhood Character Review (Planisphere, 2011 Update)**

In preparation for introduction of the NCO, Planisphere was asked to update its 2006 report to identify any changes that had occurred in each SCA since 2006 and whether the status or boundaries of the SCAs should be modified.

The report recommended full statutory protection for 17 areas assessed as having “*higher neighbourhood character significance*”. Some of the existing SCAs were split into two separate areas. The report recommended that protection be through introduction of a NCO to control development and a Design and Development Overlay (DDO) to control front fencing. Four of the existing SCAs were excluded on the basis of not meeting the level of significance required.

The 2010 review of the Glen Eira Planning Scheme, which was running concurrently with the Planisphere review, reinforced the need to strengthen protection for SCAs.

### **Amendment C87**

The current amendment represents the culmination of the studies and reviews listed above.

## **1.2 What is proposed?**

### **(i) The Amendment**

Amendment C87 as exhibited proposes to:

- Update the Municipal Strategic Statement (MSS) at Clause 21.04 to include reference to the implementation of the *Glen Eira Neighbourhood Character Review Final Report March 2011 (Planisphere)* through the introduction of the NCO;
- Include the *Glen Eira Neighbourhood Character Review Final Report March 2011 (Planisphere)* as a reference document in Clause 21.04 – Housing and Residential Development and Clause 22.08 – Minimal Change Area Policy;
- Amend Clause 22.08 – Minimal Change Area Policy to:
  - Introduce a new map ‘Neighbourhood Character Areas’ and modify the descriptions of ‘Preferred neighbourhood Character’ in 22.08-3.4 to reflect the more detailed area studies undertaken in the Planisphere review in 2011;
  - delete the existing Clause 22.08-3.5 Significant Character Areas;
- Amend Clause 22.07 – Housing Diversity Area Policy to include parts of some of the existing SCAs that are not to be included in an NCO;
- Introduce Schedules 2, 3 and 4 to the DDO;
- Introduce Schedules 1, 2, 3, 4, 5 and 6 to the NCO;
- Apply the NCO and DDO to 17 residential areas within the municipality; and
- Amend the Schedule to Clause 61.03 to introduce the NCO and DDO schedules.



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## **(ii) Areas affected by the amendment**

Amendment C87 introduces the NCO and DDO to the following areas:

- The Highway, Bentleigh (NCO1 and DDO2);
- Chestnut Street, Carnegie (NCO2 and DDO3);
- McPherson Avenue Area, Carnegie (NCO2 and DDO4);
- Queens Avenue, Caulfield East (NCO5 and DDO4);
- Derby Crescent, Caulfield East (NCO2 and DDO3);
- Clarinda Street, Caulfield South (NCO4 and DDO3);
- Downshire Road Area, Elsternwick (NCO4 and DDO4);
- St James Parade Area, Elsternwick (NCO3 and DDO4);
- Exhibition Street, McKinnon (NCO3 and DDO4);
- Field Street, McKinnon (NCO3 and DDO4);
- Lindsay Avenue, Murrumbeena (NCO3 and DDO4);
- Oakdene Crescent Area, Murrumbeena (NCO3 and DDO4);
- Boyd Park Area, Murrumbeena (NCO6 and DDO4);
- Lydson Street, Murrumbeena (NCO3 and DDO4);
- Murray Street, Elsternwick (NCO4 and DDO4);
- Prentice Street, Elsternwick (NCO2 and DDO3); and
- Kambea Grove, North Caulfield (NCO3 and DDO2).

The following existing SCAs have been assessed as not meeting the criteria for the NCO:

- Urandaline Grove, Caulfield;
- Normanby Road/Park Crescent Area, Caulfield North;
- Tramways Estate, Caulfield South; and
- Ulupna Road, Ormond.

If Amendment C87 is approved, the designation 'SCA' will be removed from the planning scheme and these areas will no longer be referenced or described in Clause 22.08.

## **(iii) Submissions**

In response to public exhibition of the amendment, 66 submissions were received as follows:

- 19 submissions supporting the amendment and the inclusion of the submitter's property;
- 18 submissions opposing the amendment and the inclusion of the submitter's property; and

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- 29 submissions supporting the amendment but objecting to the exclusion of the submitter's property.

At its meeting of 1 May 2012, Council resolved to refer the submissions to a Panel.

#### **(iv) Changes proposed by Council**

##### **Changes recommended at hearing**

In response to the submissions received, Council resolved to recommend to the Panel the following changes to the exhibited amendment:

- The Normanby Road/Park Crescent Area should be retained as an SCA in Clause 22.08; and
- The properties at 47, 49 and 51 Poath Road should be excluded from the Boyd Park Area NCO.

##### **Post-hearing changes proposed**

At the conclusion of the hearing, the Panel made a request to Council that Planisphere review the inclusion of a number of properties within the boundaries of four of the proposed NCOs. The Panel was subsequently provided with a copy of Planisphere's review, which proposes the following changes:

- Boyd Park Area: redefine boundary of this NCO to exclude 5, 6 and 7 Wilson Road, 2 Narbethong Road and 34 Gilsland Road;
- Exhibition Street: redefine boundary of this NCO to exclude 64 and 70 Wheatley Road and 1-3, 5 and 7 Exhibition Street;
- Queens Avenue: redefine boundary of this NCO to exclude 2 and 4 Queens Avenue; and
- St James Park area: retain exhibited NCO boundary but remove DDO from properties with frontages to the south side of Riddell Parade.

## **1.3 Planning context**

### **(i) State Planning Policy Framework**

**Policies in the SPPF that are directly relevant to this Amendment are as follows:**

#### ***Clause 15 – Built Environment and Heritage:***

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

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*Planning should achieve high quality urban design and architecture that:*

- Contributes positively to local urban character and sense of place.*
- Reflects the particular characteristics, aspirations and cultural identity of the community.*
- Enhances liveability, diversity, amenity and safety of the public realm.*
- Promotes attractiveness of towns and cities within broader strategic contexts.*
- Minimises detrimental impact on neighbouring properties.*

#### **15.01-1 Urban Design**

##### **Objective**

*To create urban environments that is safe, functional and provides good quality environments with a sense of place and cultural identity.*

##### **Strategies**

*Promote good urban design to make the environment more liveable and attractive...*

*Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

*Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context...*

#### **15.01-2 Urban design principles**

##### **Objective**

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

#### **15.01-5 Cultural Identity and Neighbourhood Character**

##### **Objective**

*To recognise and protect cultural identity, neighbourhood character and sense of place.*

##### **Strategies**

*Ensure development responds and contributes to existing sense of place and cultural identity.*

*Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*

*Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*

- The underlying natural landscape character.*

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- *The heritage values and built form that reflect community identity.*
  - *The values, needs and aspirations of the community.*

## **(ii) Local Planning Policy Framework**

### **Municipal Strategic Statement**

**The Glen Eira Planning Scheme's MSS outlines a series of 'key land use visions' for the City. Clause 21.03-3 includes the following:**

*Improve and protect the liveability, neighbourhood character and amenity of Glen Eira...*

*Ensure integrated neighbourhood planning of Glen Eira's suburbs*

*Protect and enhance the natural environment – the combination of parks, gardens, trees and street trees which give Glen Eira a valued garden city atmosphere*

*Maintain high quality residential image, with an emphasis on character of local areas and heritage areas*

**Following the implementation of Amendment C25 to the Glen Eira Planning Scheme, the MSS differentiates 'Housing Diversity Areas' from 'Minimal Change Areas'. Clause 21.03-5 Framework Plan notes:**

*... in minimal change areas, Council seeks to maintain the character of residential areas. New single dwellings and multi dwelling developments will be catered for provided development is consistent with surrounding use, character and scale.*

**Clause 21.04-1 Housing and Residential Development – Overview establishes the significance of maintaining neighbourhood character within the City:**

*...the City of Glen Eira is committed to protecting the amenity and neighbourhood character of the municipality. Glen Eira residents place a high importance on maintaining the quality of their environment.*

**Clause 21.04-2 includes an objective 'To improve and protect the liveability, neighbourhood character and amenity of Glen Eira', and a strategy to 'Ensure new residential development enhances the character of the neighbourhood'. Under 'Further Strategic Work', Clause 21.04-2 includes:**

*Undertaking a comprehensive character study of Glen Eira. The Character Study will identify character areas and their contributory elements, develop preferred future character, identify areas with significant neighbourhood character and develop urban design guidelines to achieve the desired future character.*

**The Character Study proposed by this clause forms the basis of Amendment C87.**

### **Local Planning Policy**

**Clause 22.08 Minimal Change Area Policy aims to guide the intensity, scale and form of housing outside the Housing Diversity Areas. The policy outlines character elements which must be taken into account when considering residential development, and identifies 15**

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areas that had been identified as having a particularly consistent or distinct neighbourhood character (SCAs).

**Clause 22.08-3.5 Significant Character Areas states:**

*It is policy to:*

- *Identify areas of significant character for future study;*
- *Ensure that the significant neighbourhood character elements identified for significant character areas are respected and taken into account in any new residential development;*
- *Ensure that alterations or additions to dwellings in a significant character area are sympathetic to the building and the street;*
- *Ensure that new dwellings in significant character areas sympathetically integrate with the streetscape by incorporating the identified contributory elements but do not merely mimic or replicate existing architectural styles.*

### **(iii) Other planning strategies**

The amendment has a direct relationship with Glen Eira's *Housing and Residential Strategy 2002*, which was based on an analysis of future population and housing demand in the municipality.

### **(iv) Planning Scheme Provisions**

#### **Zones**

**The areas of significant neighbourhood character addressed in Amendment C87 are zoned Residential 1, the Purposes of which include:**

*...To encourage residential development that respects the neighbourhood character.*

**A Schedule is attached to the Residential 1 zone for Glen Eira, applying to Minimal Change Areas. The Schedule varies ResCode standards under Clauses 54 and 55 of the Glen Eira Planning Scheme, including additional requirements relating to site coverage, private open space and rear setbacks.**

#### **Overlays**

**The Heritage Overlay applies to 18 heritage areas and 130 individually significant properties within Glen Eira, including several sites or areas adjoining proposed NCO areas in Amendment C87. The Overlay is based on the *Glen Eira Heritage Management Plan*, which was completed in 1996.**

**A Significant Landscape Overlay (SLO) applies to 21 Omama Road, Murrumbeena, adjacent to the Springthorpe Gardens and within the Boyd Park Area SCA.**

**A Vegetation Protection Overlay applies to part of the reserve within the Boyd Park area.**

**There are no other overlays affecting the 17 NCO areas in Amendment C87.**

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(v) Practice Notes

The General Practice Note *Understanding Neighbourhood Character* (DPCD December 2001) is relevant to this Amendment. The Practice Note provides guidance about the nature of neighbourhood character, and the requirements to consider neighbourhood character in proposed residential developments.

The General Practice Note differentiates neighbourhood character from heritage and amenity, and describes the techniques for identifying the features and characteristics of neighbourhoods.

The VPP Practice Note *Using the Neighbourhood Character Provisions in Planning Schemes* (DPCD July 2004) provides further direction relating to Amendment C87. It provides guidance about how to apply neighbourhood character provisions when preparing amendments to planning schemes. In particular, it describes the criteria to be applied if a NCO is proposed:

- *the proposed area exhibits specific characteristics that need to be protected or changed to achieve a preferred character*
- *the area, relative to the rest of the municipality, requires a specific approach to neighbourhood character*
- *the application of local policy, the standard provisions of Clause 54 and Clause 55 or the residential schedule will not satisfy the neighbourhood character objectives identified in the local planning policy framework (LPPF) for that particular area*
- *a rigorous character study has been undertaken that accurately shows the physical aspects of character in the area that need to be translated into the provisions of the NCO*
- *The proposal is supported by appropriate community consultation.*

*An NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where the application of the residential development standards consistently fails to meet the objectives for neighbourhood character for a particular area.*

The issue of “*appropriate community consultation*” is being tested by this Amendment. The Panel notes that notices of the amendment were sent to all property owners and occupiers (2,600 notices in all). A Planning Conference was held post-exhibition to which all those notified were invited, and was attended by 72 residents. All submitters (66) were given the opportunity to appear before the Panel. Both the 2006 and 2011 Planisphere review documents were available to residents. It should also be noted that the concept of areas of significant neighbourhood character had already been the subject of significant community consultation through Amendment C25.

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## 1.4 Issues arising from Amendment C87

### (i) Issues raised in submissions

Written submissions fell into the following broad categories:

1. Lack of strategic justification for the amendment;
2. Selective nature of areas nominated for NCO protection;
3. Controls too restrictive;
4. Controls not restrictive enough;
5. Objections to exclusion of existing SCAs from the amendment;
6. Proposals to extend the exhibited NCO areas.

Issues 1-4 are addressed in Section 2 of this report (Strategic Justification).

Issues 5 and 6 deal with individual NCO areas, and are addressed in Sections 3 and 4 under the relevant NCO or SCA heading.

### (ii) Issues raised by the Panel

Prior to and in the course of the hearing, the Panel raised the following additional issues:

- Boundary justifications and proposed variations;
- Need for further heritage assessment of some areas; and
- Structure of Clause 22.08.

The first two issues are discussed in Sections 3 and 4 of this report in relation to the relevant NCOs. The issue relating to Clause 22.08 is addressed separately in Section 5.

## 1.5 Structure of this report

The remainder of this report follows the following structure:

- Section 2 addresses the strategic justification for the amendment.
- Section 3 addresses each of the 17 exhibited NCOs under the following headings:
  - Area and proposed controls;
  - Submissions;
  - Discussion;
  - Recommendations (if required).
- Section 4 addresses each of 4 existing SCAs that are not proposed for inclusion in an NCO, using the same headings as those above.
- Section 5 addresses the structure and terminology of Clause 22.08.
- Section 6 sets out the Panel's overall conclusions on the amendment.
- Section 7 sets out the Panel's recommendations.

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## 2 Strategic Issues

### 2.1 Consistency with SPPF and LPPF

Section 1.3 (i) of this report set out the clauses of the SPPF that are directly relevant to this amendment. Clause 15 (*Built environment and heritage*) generally places significant emphasis on ‘*contributing to local urban character*’, while Clause 15.01-5 (*Cultural identity and neighbourhood character*) explicitly aims to “... ensure development responds to its context and reinforces special characteristics of local environment and place...”

The LPPF also strongly supports the concepts in the SPPF and commits Council to protecting neighbourhood character. It also commits Council to undertaking a comprehensive character study of the municipality. The study has since been undertaken, and the current amendment is the outcome of Council’s commitment.

The Panel considers that Amendment C87 is fully consistent with, and implements, the relevant objectives and strategies of the both the SPPF and the LPPF.

### 2.2 Quality of supporting study

#### (i) Methodology

The final Planisphere report (March 2011) describes the methodology used to assess areas of particular neighbourhood character in Glen Eira. Neighbourhood character attributes of Minimal Change Areas were determined, SCAs identified, then the candidate areas were assessed against the following criteria:

*For each nominated area of neighbourhood character significance, it was necessary to demonstrate that the area:*

- *Is exemplary, rare or atypical within the context of surrounding residential neighbourhoods;*
- *Strongly retains the character of the original or early era(s) of development;*
- *Shows particular consistency in terms of building siting and design or landscape quality;*
- *Is under threat from future development.*

The Panel has assessed whether Planisphere’s criteria for assessment of neighbourhood character are consistent with those outlined in the VPP Practice Note (see Section 1.3 (v) of this report). It concludes that the concepts of “*exemplary, rare or atypical*”, “*retains the character of the original*” and “*particular consistency*” are appropriate in identifying the characteristics that need to be protected within Glen Eira, and that the candidate areas have been clearly differentiated from other parts of the municipality.



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## (ii) Rigour of assessments

The Panel also assessed whether Planisphere's Final Report and the studies leading to it provided sufficient rigour to justify Amendment C87. In particular, the Panel assessed the work in the context of the VPP Practice Note's section on *Developing a neighbourhood character study*.

The VPP Practice Note requires a neighbourhood character study to identify the comparative significance of each neighbourhood character area, identify why differences are important, and demonstrate that additional or locally varied neighbourhood character provisions are necessary.

Despite minor queries about some specific boundaries (discussed in Section 3), the Panel concludes that the Planisphere report does meet these criteria. The 2006 Neighbourhood Character Review provided an assessment of all residential areas within the City of Glen Eira, and provided the basis of identification of SCAs. The 2011 final report provided a rigorous analysis of each of the existing SCAs and established candidate areas for Amendment C87, which were then subject to the exhibition process. It should be noted that the Panel assessing Amendment C56 had also concluded that the 2006 Planisphere study had been rigorous in identifying areas of significant neighbourhood character that need to be protected.

The Panel notes that the proposed NCOs covered around 1,530 of a total of over 55,000 dwellings within the municipality. The NCO has not been proposed as a 'blanket' control across the municipality, but has been applied to areas that have been subject to analysis and review over the years since the Urban Character Study of 1996.

## 2.3 Potential impact on housing strategy

The VPP Practice Note notes that:

*...any amendment to introduce a neighbourhood character provision must be assessed in the context of how it will impact on meeting the housing needs of the municipality identified in the MSS.*

The Glen Eira City Council's submission to the Panel argued that it had assessed the impact of the amendment against its *Housing and Residential Strategy*, reaching the conclusion that the net impact of the Amendment on housing availability would be negligible.

Council's analysis shows that:

- A total of 87 properties currently within Housing Diversity Areas will have their development potential limited by the NCO; and
- A total of 64 properties currently within Minimal Change Areas will have their development potential increased by conversion to Housing Diversity Areas and the removal of their SCA status.

This means there is a potential net reduction in housing capacity of 23 properties as a result of introduction of the NCOs. The Panel agrees that, as a proportion of the total properties in

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the municipality (some 55,000), the potential net reduction in housing capacity is insignificant.

## **2.4 General issues raised by submitters**

### **(i) Selection of areas proposed for NCO**

Several submissions queried the selective nature of the proposed controls, arguing that they should cover a much more extensive area of the municipality. An example is the written submission made by Mr Dowd (Submission 6 and two supplementary submissions):

*We do not believe any property should be selected for any special treatment including heritage or shops for high rise. All to be treated equal...*

The Panel considered that the extent of the municipality covered by the proposed controls is consistent with the VPP Practice Note, which clearly precludes a blanket control over a municipality. The analysis culminating in the March 2011 Planisphere report differentiated Housing Diversity Areas from Minimal Change Areas, identified SCAs within the Minimal Change Areas, and then refined the SCAs as described in the 2011 report.

The Panel supports the methodology and criteria which led to identification of the specific NCO areas.

### **(ii) Restrictions imposed by NCO**

Several submitters stated that the proposed controls were too onerous and restrictive on landowners, while one submitter considered that the amendment would constrain economic development. Others suggested that the controls were not restrictive enough, and should also limit opportunities for multi-unit developments or second storeys.

Council's submission to the Panel proposed that the correct balance between being too restrictive or not restrictive enough was achieved by the amendment:

*The NCO does not prevent developers or owners from modifying, improving or redeveloping their properties. It seeks to ensure that any modifications respect the preferred neighbourhood character for the area.*

*The NCO cannot prevent units from being built. Rather, it will require such developments to respect the preferred neighbourhood character and provide additional guidance to assist in achieving an acceptable design outcome of multi-unit proposals.*

*Regarding the economic impacts of the Amendment, we are unable to speculate on how it might affect property values or the economic status of individual property owners.*

The Panel agrees that the amendment achieves a satisfactory balance in terms of its restrictiveness. It provides a stronger capacity to maintain neighbourhood character than the current controls, but continues to allow redevelopment to occur.

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## 2.5 Inadequacy of current controls

It is important to note that concurrently with introduction of NCO areas, the amendment deletes all references within the existing LPPF to 'Significant Character Areas' (SCAs).

**The designation SCA is included as a policy in Clause 22.08-3.5. The areas are mapped and a brief statement of significance and a list of 'contributory elements' is included. However, the areas identified have no statutory protection via zones or overlays. There is therefore no requirement for a permit for a single dwelling or for demolition, or for items such as front fences under the existing planning scheme.**

**Council advised the Panel that the effectiveness of Clause 22.08-3.5 in protecting areas designated as SCAs has been evaluated, and that approval statistics show that there is little proportional difference in approvals granted within SCAs and Minimal Change areas. Council also stated that the policy has generally been accorded little weight at VCAT.**

The very limited protection afforded by the policy has been replaced in Amendment C87 by the NCO and DDO for those areas assessed as meeting the criteria.

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## 3 Exhibited NCO Areas

### 3.1 The Highway, Bentleigh

#### (i) Area and proposed controls

The Planisphere report describes this street as follows:

*The Highway is an intact street of Interwar – early Modern clinker brick and rendered dwellings, set in manicured gardens. The Highway has a highly significant neighbourhood character due to the intactness of the original dwellings and the consistency of its key character elements. This includes the predominant single storey scale and the form, siting and materials of the buildings, the styles and height of front fences and the well landscaped surrounds.*

This street was exhibited with NCO Schedule 1 and DDO Schedule 2.

#### (ii) Submissions

Six submissions were received from residents in this street. Three submissions (12, 33 and 55) supported the NCO. Three submissions (25, 60 and 64) opposed the NCO.

The views of those supporting the amendment were similar to those expressed in Submission 55: *‘The Highway has a special character of its own unique style, dating back to the original estate planned in the 1930s.’* Two of the supporting submissions sought an additional prohibition: one on multi-dwelling developments and the other on new two-storey developments.

Those opposing the amendment expressed the following concerns:

- Inappropriate development over the past five years has already led to the loss of *“integrity and beauty of this once lovely street”* (Submission 60).
- The imposition of controls to protect neighbourhood character can be achieved without the economic impact that Amendment C87 will have on property owners (Submission 64). This submitter also suggested that *“...the proposed Design and Development Overlay which will limit fence heights is a concern as it may force my grandmother into lowering her fence which she needs for her own security and peace of mind as she lives on her own. I have advised her she would be forced to lower her fence if there was a development proposal for the site”*.
- The restrictions imposed on property owners who wished to update their homes are unreasonable (Submission 25).

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### **(iii) Discussion**

The Panel has inspected The Highway and noted that with the exception of one new dwelling, the street has a very high level of consistency and integrity of character.

In relation to the opposing submissions, the Panel notes that the purpose of the NCO is not to prevent development per se, but to prevent unsympathetic development. While ‘updating’ of existing dwellings will require a permit, there is still considerable scope for extensions. Existing front fences can remain until a permit is sought that includes replacement of the existing fence.

The Panel concludes that The Highway well meets the criteria for the NCO and should be approved as exhibited.

## **3.2 Chestnut Street, Carnegie**

### **(i) Area and proposed controls**

Chestnut Street is one of four Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Edwardian era dwellings, set in established landscape surrounds. The character of these areas is defined by the consistency of the single storey building scale, use of timber construction and pitched roof forms. The streets have a strong landscape character due to mature street planting and well established gardens. In some streets the Edwardian era character is complemented by later Californian Bungalow style dwellings that retain the sense of dwelling form and spacing of earlier development.*

This street was exhibited with NCO Schedule 2 and DDO Schedule 3.

### **(ii) Submissions**

No submissions were received in relation to this area.

### **(iii) Discussion**

The Panel has inspected Chestnut Street, Carnegie, and concludes that this area meets the criteria for protection through the NCO and should be approved as exhibited.

### 3.3 McPherson Avenue Area, Carnegie

#### (i) Area and proposed controls

The McPherson Avenue area is one of four Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Edwardian era dwellings, set in established landscape surrounds. The character of these areas is defined by the consistency of the single storey building scale, use of timber construction and pitched roof forms. The streets have a strong landscape character due to mature street planting and well established gardens. In some streets the Edwardian era character is complemented by later Californian Bungalow style dwellings that retain the sense of dwelling form and spacing of earlier development.*

This area was exhibited with NCO Schedule 2 and DDO Schedule 4.

The area covers most of the existing SCA, and includes McPherson Avenue, Munster Avenue, and the west side of Cosy Gum Road. The area, and its relationship to the adjacent Hollywood Grove (the subject of a submission), are shown in Figure 1.

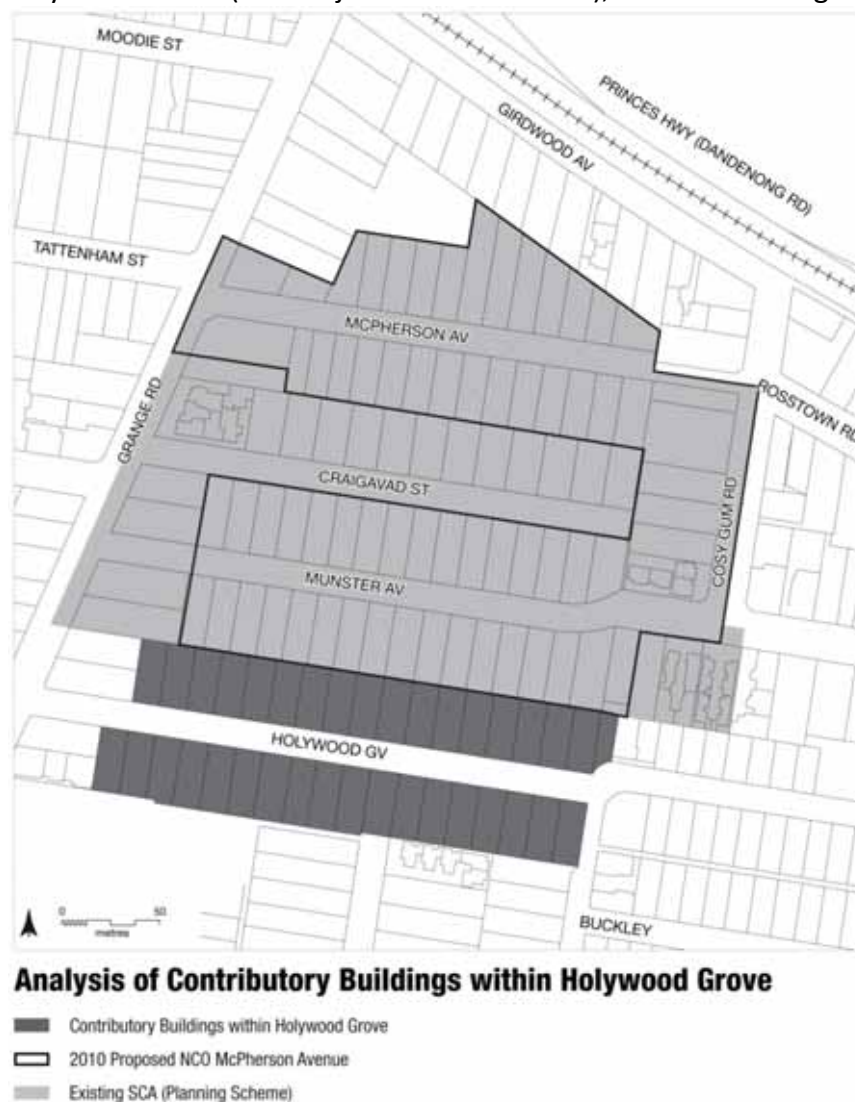


Figure 1 McPherson Avenue Area, Carnegie

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## **(ii) Submissions**

One submission was received in relation to this area. The submission (14) supported the amendment and sought inclusion of 1/2 Hollywood Grove to 35/36 Hollywood Grove within the McPherson Avenue area *“on the basis of its similarity to McPherson Avenue and Munster Avenue. Hollywood Grove is dominated by Edwardian houses and fence styles”*.

At the Panel hearing, Ms Latimer argued that Hollywood Grove was under threat from inappropriately sited and designed single dwellings, and provided a statistical analysis that indicated a more consistent architectural style within Hollywood Grove than McPherson and Munster Avenues.

In its submission to the Panel, Glen Eira City Council stated that it had conducted a survey of Hollywood Grove, and supported its inclusion in the McPherson Avenue precinct in a future amendment.

Ms Latimer also noted that the Design Guidelines set out in Planisphere report for Edwardian dwellings specify materials and colours which are not necessarily consistent with the original Edwardian dwellings in McPherson Avenue.

## **(iii) Discussion**

The Panel has inspected this area and concludes that the McPherson Avenue area, as exhibited, meets all the criteria for the NCO, and should be approved as exhibited.

It also considers that the submission to include Hollywood Grove in this NCO has merit, although it notes that the same schedules (NCO2 and DDO4) may not be appropriate for Hollywood Grove. A future amendment process will provide an opportunity to test the merit and details of controls aimed at protecting Hollywood Grove’s character. The Design Guidelines would also need to be reviewed.

## **(iv) Recommendation**

The Panel recommends that:

- The McPherson Avenue area NCO and DDO be extended to include Hollywood Grove, as part of a future amendment;
- An assessment be made to determine the most appropriate NCO and DDO schedules for Hollywood Grove; and
- The Design Guidelines be reviewed to ensure the type of housing in Hollywood Grove is addressed.

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### 3.4 Queens Avenue, Caulfield East

#### (i) Area and proposed controls

This street is described in the Planisphere report as follows:

*Queens Avenue is significant as an intact streetscape of substantial Edwardian and Interwar era villas along the eastern edge of the Caulfield Racecourse. Many of the buildings are of an exemplary design quality with a high standard of architectural detailing. An overall consistency is created through the grand scale of the buildings, the high quality of architectural design and the established garden setting which combine to form a highly distinctive avenue along the edge of the Racecourse.*

**The exhibited Queens Avenue and Derby Crescent Areas are currently included in a single SCA (Queens Avenue Precinct, Caulfield East) in Clause 22.08-3.5. The two exhibited areas are shown in Figure 2:**

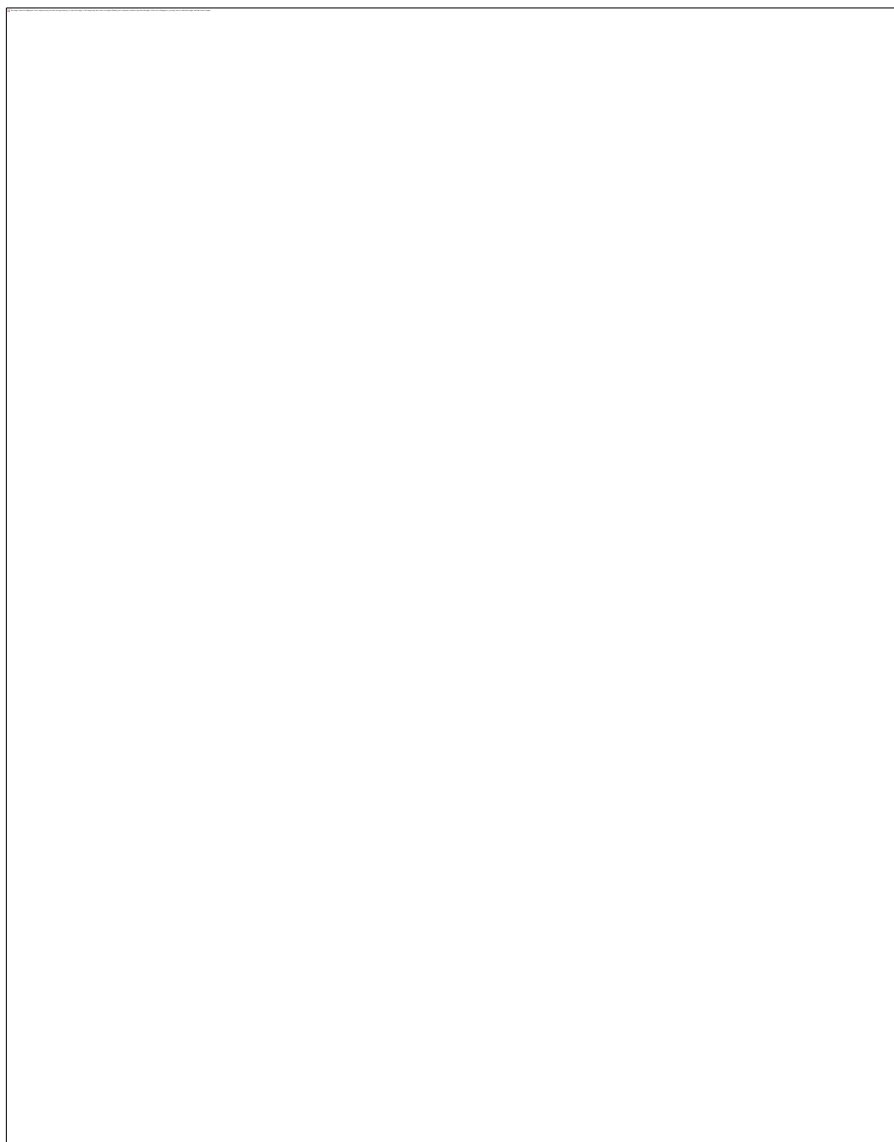


Figure 2: Queens Avenue/Derby Crescent Area (Glen Eira Submission to Panel, p52)

Queens Avenue was exhibited with NCO Schedule 5 and DDO Schedule 3.



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## **(ii) Submissions**

Two submissions were received in relation to this area, one (29) supporting the application of the amendment to “*Queens Avenue and the designated properties in Derby Crescent*”. The second (26) also supported the amendment, but expressed concern about the failure “*to include the connecting residential streets between Queens Avenue and Derby Crescent, as we would hate to see inappropriate development facing our back yards*”.

## **(iii) Discussion**

The Panel’s inspection of Queens Avenue showed that while it is of mixed character along the length of the street, it has sufficient character and integrity to meet the criteria for the NCO.

However, the Panel queried the inclusion of two commercial/industrial properties at the southern end (2 and 4 Queens Avenue) and requested a response from Planisphere on the merit of redefining the boundary to exclude them. Planisphere agreed that the properties should be excluded:

*We agree that given 2 and 4 Queens Avenue are at the very end of the SCA, are not residential in nature and do not contribute to the SCA’s character, they should be removed from the SCA.*

## **(iv) Recommendation**

The Panel recommends that the Queens Avenue NCO and DDO area be approved subject to deletion of the properties at 2 and 4 Queens Avenue.

## **3.5 Derby Crescent, Caulfield East**

### **(i) Area and proposed controls**

Derby Crescent is one of four Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Edwardian era dwellings, set in established landscape surrounds. The character of these areas is defined by the consistency of the single storey building scale, use of timber construction and pitched roof forms. The streets have a strong landscape character due to mature street planting and well established gardens. In some streets the Edwardian era character is complemented by later Californian Bungalow style dwellings that retain the sense of dwelling form and spacing of earlier development.*

This street was exhibited with NCO Schedule 2 and DDO Schedule 3.

### **(ii) Submissions**

The only submission (26) received in relation to this area is referred to in Section 3.4 above, which sought inclusion of the connecting residential streets between Queens Avenue and Derby Crescent.

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In its submission to the Panel, Glen Eira City Council noted that:

*Queens Avenue, Derby Crescent and the interconnecting streets are currently included within a single SCA in the Clause 22.08 Policy. The Study has recommended that Queens Avenue and Derby Crescent be split into two separate NCOs due to their different character, and that the interconnecting streets be excluded from the NCO due to a lack of consistency in character.*

*However, upon review, it is recommended that the boundary of the Derby Crescent Area be revised to include Moodie Street, which contains a high number of timber Edwardian era cottages that are strongly consistent with the character of Derby Crescent. This, however, would require a further amendment to ensure natural justice is served.*

### **(iii) Discussion**

Derby Crescent has a different character to that of Queens Avenue, while the connecting streets between the two areas also display their own qualities.

Based on its inspections, the Panel agrees with the Council's assessment that Moodie Street warrants consideration for inclusion in the Derby Crescent area in a future amendment.

The Panel concludes that the character of Derby Crescent is of reasonably consistent character that meets the criteria for the NCO, and should be approved as exhibited.

### **(iv) Recommendation**

The Panel recommends that:

- The Derby Crescent NCO and DDO be extended to include Moodie Street, as part of a future amendment;
- An assessment be made to determine the most appropriate NCO and DDO schedules for Moodie Street; and
- The Design Guidelines be reviewed to ensure the type of housing in Moodie Street is addressed.

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## 3.6 Clarinda Street, Caulfield South

### (i) Area and proposed controls

Clarinda Street is one of three Victorian and Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*... distinct streetscapes representing this era of Glen Eira's development. The neighbourhood character of these areas is formed by the groups of Edwardian and Victorian homes set in leafy streetscapes. While later infill development is evident, it is generally respectful of the form and setbacks of original buildings and the streets retain a strong neighbourhood character as a result.*

This street was exhibited with NCO Schedule 4 and DDO Schedule 3.

### (ii) Submissions

One submission (4) was received strongly supporting the amendment.

### (iii) Discussion

The Panel's inspection of the area reinforced the descriptions in the Planisphere report and the submission that Clarinda Street included a range of architectural styles. There are some modern intrusions in a street characterised by a mix of heritage periods. Consequently, the description of 'specific characteristics' that need to be protected, and the identification of a set of controls that achieve this protection, is not straight-forward.

Despite this, the Panel concludes that there area has a sufficiently defined neighbourhood character to meet the criteria for the NCO, and should be approved as exhibited. The proposed NCO and DDO schedules are appropriate for the area.

## 3.7 Downshire Road Area, Elsternwick

### (i) Area and proposed controls

The Downshire Road area is one of three Victorian and Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*"...distinct streetscapes representing this era of Glen Eira's development. The neighbourhood character of these areas is formed by the groups of Edwardian and Victorian homes set in leafy streetscapes. While later infill development is evident, it is generally respectful of the form and setbacks of original buildings and the streets retain a strong neighbourhood character as a result."*

This area was exhibited with NCO Schedule 4 and DDO Schedule 4.

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## (ii) Submissions

Four submissions were received in relation to this area. One submission (no 8) supported the amendment. The remaining three supported its intent and the inclusion of the Downshire Road Area, but questioned aspects of it:

- Submission 5 proposed inclusion of the eastern side of Shoobra Road, “*because there are eight surviving Victorian homes and five inter-war buildings that fit the general streetscape...*”
- Submission 17 expressed concern about the overlap of the northern boundary of the Downshire Road Area with Elsternwick Urban Village, and proposed that the boundary should be adjusted to run along Rowan Street.
- Submission 62 focused on the character of fences, and queried the reason for not including elements such as building colour and materials, carports and hard paving.

Council submitted that it does not support the proposed changes in boundaries for the following reasons:

*While the eastern side of Shoobra Road has a number of C19th and early C20th dwellings, its original character is not considered to be adequately intact to be included in the NCO boundary.*

*Application of an NCO should be based upon an identified consistency of streetscape character. It should not be used to control development within a ‘buffer zone’ between other heritage or neighbourhood character areas.*

*The Downshire Road area was extended north to Stanley Street and Rowan Street because it was considered that the streets exhibit a high degree of neighbourhood character consistency as an Edwardian era streetscape.*

*In relation to the overlap of the NCO with the Urban Village boundary, it is agreed that an NCO in a Housing Diversity Area is a mixed (“stop and go”) town planning message. It is considered that the protection of character should take precedence over development opportunities. A similar situation exists where heritage overlays exist in a Housing Diversity Area, such as in Elsternwick Urban Village. In this instance, the heritage controls take precedence. The application of a NCO will not prevent development; rather will require that it reflects the key character elements of the streetscape.*

## (iii) Discussion

The Panel’s inspections showed that the Downshire Road precinct is a large area, and definition of its boundaries is not as clear-cut as other proposed NCO areas. While there is some redevelopment within the area, it is not particularly intrusive, and the character remains reasonably consistent.

The case to extend the boundary to include the eastern side of Shoobra Road, or contract it to exclude sections north of Rowan Street, is not clear-cut. The Panel concludes that there is insufficient evidence to support either change in the exhibited boundaries.

The detail of new construction, such as fences, materials and finishes, carports and hard paving are all covered in the NCO and DDO schedules and the Design Guidelines.

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The Panel concludes that the Downshire Road Area meets the criteria for the NCO and should be approved as exhibited.

### **3.8 St James Parade Area, Elsternwick**

#### **(i) Area and proposed controls**

The St James Parade Area is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This area was exhibited with NCO Schedule 3 and DDO Schedule 4.

#### **(ii) Submissions**

Five submissions were received from residents in this area:

- Two submissions (45 and 59) supported the amendment.
- One submission (58) supported the amendment but wanted the adjacent Leibler Yavnah College to be included in the NCO.
- One submission (63) supported the amendment but thought the proposed controls are too restrictive, and that their impact on costs and the condition of existing buildings had not been taken into account.
- One submission (22) opposed the inclusion of Riddell Parade in the NCO on the basis that fences and streetscapes along Riddell Parade are inconsistent with the proposed controls. At the Panel hearing, Ms Noble reinforced her submission by describing the need for high fences along Riddell Street because it is a designated bus route.

Council's response to Submission 63 argued that the controls are necessary to protect neighbourhood character and, further, that:

*...they are only applied selectively to areas with 'high character significance', however, it is important to note they are not mandatory and council will refer to the objectives of the controls when making a decision.*

With regard to the Submission 22 addressing Riddell Parade, Council submitted that:

*The southern side of Riddell Parade comprises buildings of the Interwar era. It has been included within the St James Parade NCO area, which has a strong Interwar era character. The northern side of Riddell Parade includes a greater mix of buildings of earlier eras and reflects more closely the character of the Downshire Road area as a result.*

*It is agreed that Riddell Parade is unusual and distinctive within its context, given the high fences, curvilinear subdivision pattern and the orientation of blocks on*

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*the southern side (lengthways to the street frontage). Despite these aspects of the street's character, it nevertheless has a strong connection with both the St James Parade and Downshire Road NCO areas, due to the high number of contributory buildings...*

### **(iii) Discussion**

The Panel has inspected this NCO area twice. Overall, the area has a high degree of consistency and integrity, which is well supported by significant street plantings.

A possible exception to these observations is the south side of Riddell Parade between Shoobra and Orrong Roads, which was the subject of Submission 22. This part of the road has been widened to accommodate a bus route including a bus stop, resulting in the removal of the nature strip and street trees. Another difference is that the lots fronting this part of the street are wide but very shallow, with little opportunity for rear gardens. Most of the houses have high front fences to protect the privacy of their front gardens from overlooking by bus passengers as they pass.

At the conclusion of the hearing, the Panel made a request to Council that Planisphere review the inclusion a number of properties within the boundaries of four of the proposed NCOs, including the properties on the south side of Riddell Parade. The Panel was subsequently provided with a copy of Planisphere's review, which acknowledges that:

*...the longitudinal siting of the buildings with smaller frontage setbacks, high fencing and lack of nature strips and street trees creates a point of difference in this street.*

On the other hand, it stated that:

*The south side of Riddell Parade has the same type of housing stock to the remainder of the St James precinct, which is the reason for its inclusion in the area. ... it has a high number of contributory buildings... The curvilinear street layout of Riddell Parade is also seen in Denver Crescent.*

The review concluded that:

*... this is not considered to diminish its degree of significance. In fact, the street and property layout is a point of interest in this area.*

*It should be noted that the properties on the northern side are included within the Downshire Road NCO.*

*Originally, these two areas were part of a single SCA. It was determined to create two areas due to their different eras of development.*

*Most properties on Riddell Parade are contributory and add to the significance of the St James Parade or Downshire Road areas.*

The review also conceded that Council was likely to approve applications for fences over the height limit specified in the DDO.

The review proposed that the St James Park Area retain the exhibited NCO boundary, but that the DDO be removed from properties with frontages to the south side of Riddell Parade.

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The Panel notes the outcomes of the review, and agrees that an appropriate resolution would be to exclude the DDO (which controls fence heights) from properties on the south side of Riddell Parade. However, this should only occur for properties that are directly affected by the bus route, i.e. those properties between Shoobra Road and Orrong Road.

In relation to the inclusions of Leibler Yavnah College, the Panel was advised by Council that the school site is already protected by a Heritage Overlay and it would not be appropriate to include it in the NCO. The Panel concurs.

The Panel concludes that the St James Parade Area as exhibited meets the criteria for the NCO. However, the DDO controlling fence heights should be removed from the properties fronting the south side of Riddell Parade that are directly affected by the bus route, in recognition of the amenity impacts of the bus route.

#### **(iv) Recommendation**

**The Panel recommends that the St James Parade Area NCO and DDO be approved subject to deletion of the DDO over properties fronting the south side of Riddell Parade between Shoobra Road and Orrong Road.**

### **3.9 Exhibition Street, McKinnon**

#### **(i) Area and proposed controls**

Exhibition Street is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This street was exhibited with NCO Schedule 3 and DDO Schedule 4.

#### **(ii) Submissions**

Seven submissions were received in relation to this area:

- Four submissions (2, 15, 40 and 42) supported the amendment (Two of these referred to the local distribution of leaflets opposing the amendment.) Submission 15 also expressed concern about second storey additions to the backs of houses in Exhibition Street.
- Three submissions (35, 47 and 48) opposed the amendment. Submission 35 expressed the view that existing controls were adequate, while the small block sizes in Exhibition Street limited the potential for development. Submissions 47 and 48 did not provide reasons for their opposition.

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Council's submission to the Panel did not support any change to the exhibited amendment in this area:

*Exhibition Street is a streetscape of Interwar timber dwellings which display highly consistent neighbourhood character attributes, including a high presence of original dwellings, front and side setbacks, frequent use of timber materials and pitched roof forms. The high degree of consistency in the streetscape makes it distinct from surrounding residential areas.*

*Exhibition Street was found to have a high degree of consistency of building styles, siting, scale and detailed design. ResCode does not provide for detailed consideration of these design elements to ensure that the highly consistent streetscape character of Exhibition Street is maintained in the future.*

### **(iii) Discussion**

The Panel inspected this street, and at the conclusion of the hearing, requested that Planisphere review the inclusion of non-contributory properties at the western end of Exhibition Street within the NCO. Planisphere responded as follows:

*Upon review, we agree that these properties could be removed from the area as they do not contribute to the SCA and its significance and it is unlikely that they would be redeveloped in the near future.*

Planisphere proposed that the boundary be adjusted to exclude 64 and 70 Wheatley Road and 1-3, 5 and 7 Exhibition Street, but retain 2-8 Exhibition Street.

The Panel supports the revised boundary, and concludes that the remainder of Exhibition Street well meets the criteria for the NCO and should be approved.

### **(iv) Recommendation**

**The Panel recommends that the Exhibition Street NCO and DDO be approved subject to deletion of the properties at 64 and 70 Wheatley Road and 1-3, 5 and 7 Exhibition Street.**

## **3.10 Field Street, McKinnon**

### **(i) Area and proposed controls**

Field Street is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This street was exhibited with NCO Schedule 3 and DDO Schedule 4.



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## **(ii) Submissions**

One submission (3) was received in relation to this street, strongly supporting the amendment.

## **(iii) Discussion**

The Panel has inspected Field Street, McKinnon, and concludes that it meets the criteria for the NCO and should be approved as exhibited.

### **3.11 Lindsay Avenue, Murrumbreena**

#### **(i) Area and proposed controls**

Lindsay Avenue is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This street was exhibited with NCO Schedule 3 and DDO Schedule 4.

## **(ii) Submissions**

One submission (56) in support of the amendment was received in relation to this area.

## **(iii) Discussion**

The Panel has inspected this street. It concludes that it meets the criteria for the NCO and should be approved as exhibited.

### **3.12 Oakdene Crescent Area, Murrumbreena**

#### **(i) Area and proposed controls**

The Oakdene Crescent Area is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This area was exhibited with NCO Schedule 3 and DDO Schedule 4.

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## (ii) Submissions

Six submissions were received in relation to this area:

- Three submitters (19, 27 and 23) opposed the amendment on the grounds that the controls are too restrictive. Submission 19 also argued that their property at 21 Blackwood Street is not an inter-war building. Submission 23 also argued that the property has been renovated and extended since the 2006 Planisphere survey, and should be incorporated into the adjoining Housing Diversity Area in Murrumbeena Road. It was also submitted that the image of the property in the Planisphere 2011 report is out of date.
- Three submitters in the eastern end of Blackwood Street (13, 20 and 54) whose properties are outside the exhibited NCO requested that the boundary be extended to include their properties.

Council's submission to the Panel supported retention of the Oakdene Crescent Area as exhibited. However, the Council noted that the eastern boundary of the Oakdene Crescent Area was difficult to define clearly. The properties east of Acacia Street display differing characteristics, while the Murrumbeena Bowls Club also detracts from the consistency of the neighbourhood character. It sought the Panel's advice on the matter.

Irrespective of the boundary, Council advised the Panel that several properties on the south side of Blackwood Street date from the Edwardian era:

*While these properties display slight differences in their detailed design through the use of timber and Edwardian era detailing, rather than the predominant brick and render finishes of the Interwar era buildings, they make an important contribution to the character of the area for their consistency of scale, roof form and siting. It is recommended to the Panel that the Schedule of NCO3 and the Glen Eira Neighbourhood Character Review (2011 Update) are amended to reflect the presence of the Edwardian era dwellings in this streetscape.*

With regard to the image of the property at 2 Oakdene Crescent, the Council supported a change to the photo within the Planisphere report.

## (iii) Discussion

The Panel has inspected this area and concludes that it meets the criteria for the NCO and should be approved as exhibited.

In relation to the request by submitters to extend the area to the eastern end Blackwood Street, the Panel has reviewed this area and supports Council's view that, while there are some houses of the same era in this part of the street, there are other intrusions, including the bowling club, that detract from its consistency, especially when compared with the exhibited areas. For these reasons, the Panel does not consider that the eastern end of Blackwood Street would meet the criteria for the NCO.

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#### (iv) Recommendation

The Panel recommends that:

- The Oakdene Crescent Area NCO and DDO be approved subject to the amendment of the NCO Schedule 3 to reflect the presence of the Edwardian era dwellings in Blackwood Street.
- The *Glen Eira Neighbourhood Character Review 2011* be amended to reflect the presence of the Edwardian era dwellings in this streetscape, and to include a contemporary photo of the property at 2 Oakdene Crescent.

### 3.13 Boyd Park Area, Murrumbeena

#### (i) Area and proposed controls

The Boyd Park Area is described in the Planisphere report as follows:

*The Boyd Park Area is significant for its distinctive landscape quality, which is derived from its setting around the public reserves of Boyd Park, the Springthorpe Gardens and Riley Reserve, and from the strong garden suburban character in surrounding streets. The Boyd Park Area is also significant for its many Interwar period buildings, set in streetscapes that show a consistency in front and side setbacks that provide space for substantial planting, pitched roof forms and low front fences.*

The area was exhibited with NCO Schedule 6 and DDO Schedule 4.

#### (ii) Submissions

Six submissions were received in relation to this area:

- Three submissions (1, 65 and 66) supported the amendment.
- Submission 37 argued that the properties at 49 and 51 Poath Road should be excluded from the NCO area, on the basis that they have no relationship to the broader Boyd Park area.
- Submission 39 supported retaining the character of the Boyd Park area ‘as close as reasonably possible to the history of the area’, but expresses concern about additional costs imposed on those requiring a planning permit.
- Submission 61 objected to a range of issues, including the economic impact of the amendment, the restrictive nature of controls on vegetation removal, their preference for permit requirements for solar panels and rainwater storage tanks, and concern about the cost of applications under the DDO. This submission also proposed extending the NCO to include several properties with frontages to Weeroona and Dandenong Roads north-east of the exhibited area.

Council’s submission to the Panel supported the removal of 49 and 51 Poath Road from the area, and also proposed removal of the adjoining site at 47 Poath Road, which it described as “a modern building which has a limited relationship to the NCO area in terms of its character and siting”. This reflects Council’s decision on 1 May 2012 to support the amendment subject to removal of 47 to 51 Poath Road.

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With regard to the boundary of the Boyd Park area at Weeroona Road, the Council submitted that:

*These properties were excluded from the proposed NCO area due to the mixed nature of dwellings, as well as the school grounds, which result in a less consistent streetscape character than the nominated Boyd Park area.*

The Council submission also argued that protection of the character of the NCO areas may have economic advantages, and that the issue of permit application fees under the DDO is beyond Council's control.

### **(iii) Discussion**

The Panel has inspected the Boyd Park area, and at the conclusion of the hearing requested that Planisphere review the inclusion of potentially non-contributory properties at 5, 6 and 7 Wilson Road and 2 Narbethong Road within the exhibited NCO.

Planisphere responded as follows:

*On further investigation of these properties, we agree that these properties, along with 34 Gilsland Road, could be removed from the SCA because they are at the edge of the SCA and do not contribute to the SCA's character and significance.*

The Panel agrees with the above outcomes of the review. It also supports Council's recommendation to remove the properties at 47-51 Poath Road, and to oppose extending the NCO northward along Weeroona Road. In all three cases, the properties do not contribute positively to the character of the area and their inclusion would tend to dilute its overall integrity.

It is clear that the Boyd Park area satisfies the criteria for the NCO, and should be approved subject to the removal of properties identified in the Planisphere post-hearing review and the properties recommended for removal by Council.

### **(iv) Recommendation**

The Panel recommends that:

**The Boyd Park Area NCO and DDO be approved, subject to deletion of the properties at 47, 49 and 51 Poath Road, 5, 6 and 7 Wilson Road, 2 Narbethong Road and 34 Gilsland Road.**

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### 3.14 Lydson Street, Murrumbena

#### (i) Area and proposed controls

Lydson Street is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This street was exhibited with NCO Schedule 3 and DDO Schedule 4.

#### (ii) Submissions

Two submissions were received in relation to this area:

- Submission 21 supported the amendment but expressed concern about an approved development in neighbouring Poath Road.
- Submission 44 supported the amendment and commented on the traffic impacts of increased residential density, but preferred that all fences (not just front fences) should require a permit.

Glen Eira City Council submitted that the application of the NCO will assist in achieving outcomes more consistent with existing neighbourhood character. Also, it considered that the amendment achieves the correct degree of restriction on development.

#### (iii) Discussion

The Panel has inspected this area and concludes that it meets the criteria for the NCO and should be approved as exhibited.

It notes that under the DDO, a permit is required for front and side fences within the front setback.

### 3.15 Murray Street, Elsternwick

#### (i) Area and proposed controls

Murray Street is one of three Victorian and Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*... distinct streetscapes representing this era of Glen Eira's development. The neighbourhood character of these areas is formed by the groups of Edwardian and Victorian homes set in leafy streetscapes. While later infill development is evident, it is generally respectful of the form and setbacks of original buildings and the streets retain a strong neighbourhood character as a result.*

This street was exhibited with NCO Schedule 4 and DDO Schedule 4.

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## **(ii) Submissions**

Two submissions were received in relation to this area:

- Submission 57 supported the amendment.
- Submitted 43 objected to the inclusion of the house at 62 Murray Street on the grounds that it does not reflect the other houses in the street.

In its submission to the Panel, Council supported the retention of 62 Murray Street in the NCO area:

*The building at 62 Murray Street appears to be an older building (probably Edwardian era) that has been modified. The building reflects the scale, form and siting of other buildings in the street which form the key character elements of this streetscape. It is not possible to excise a single site from a NCO area, as all buildings will contribute to the future character of the area.*

## **(iii) Discussion**

The Panel has inspected Murray Street. It considers that, while Murray Street may not be as homogeneous as other NCO areas, it has a sufficiently defined character compared with other areas of the municipality to justify its inclusion in the amendment.

The residence at 62 Murray Street is close to the Kooyong Road end of Murray Street, but its removal from the amendment would diminish the capacity of the proposed controls to protect the character of the Murray Street precinct as a whole, especially if the present dwelling is altered or replaced in the future. The Panel supports its inclusion.

The Panel concludes that Murray Street meets the criteria for the NCO and should be approved as exhibited.

## **3.16 Prentice Street, Elsternwick**

### **(i) Area and proposed controls**

Prentice Street is one of four Edwardian era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Edwardian era dwellings, set in established landscape surrounds. The character of these areas is defined by the consistency of the single storey building scale, use of timber construction and pitched roof forms. The streets have a strong landscape character due to mature street planting and well established gardens. In some streets the Edwardian era character is complemented by later Californian Bungalow style dwellings that retain the sense of dwelling form and spacing of earlier development.*

This street was exhibited with NCO Schedule 2 and DDO Schedule 3.

### **(ii) Submissions**

No submissions were received in relation to this area.

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### **(iii) Discussion**

The Panel has inspected this street and concludes that this area meets the criteria for NCO and DDO controls, and should be approved as exhibited.

## **3.17 Kambea Grove, Caulfield North**

### **(i) Area and proposed controls**

Kambea Grove is one of seven Interwar era significant character areas in the municipality. These areas are described in the Planisphere report as:

*...distinct streetscapes of Interwar era dwellings set in established landscape surrounds. Interwar era dwelling styles include Californian Bungalows, Spanish Mission, Moderne and Arts and Crafts. While the appearance of these styles may differ, they present an overall consistency of neighbourhood character in terms of their level of design detail, articulation of building and roof form and dwelling spacing.*

This street was exhibited with NCO Schedule 3 and DDO Schedule 2.

### **(ii) Submissions**

Three submissions were received in relation to this area:

- Submission 53 supported the amendment.
- Submission 34 opposed the amendment on the grounds that Kambea Grove does not have significant neighbourhood character to warrant the proposed restrictions, because of the varying styles of houses in the street. It was also argued that added permit requirements would act as a disincentive to owners to improve their properties.
- Submission 46 also queried whether Kambea Grove had significant neighbourhood character, and that *“we are not opposed to modern architecture in the street, if it replaces the dilapidated houses which now exist”*.

In its submission to the Panel, Council submitted that it supports retention of Kambea Grove within the amendment:

*While there are a range of building styles from the Interwar era, and single and double storey scales, it retains an overall sense of consistency due to the Interwar character and strong garden setting.*

### **(iii) Discussion**

The Panel notes that Kambea Grove is not included as an SCA in the current local policy, but was identified in the 2006 study. The 2011 study notes that *“minor changes have occurred since 2006”* but that the streetscape is largely intact. The review also notes that several buildings in Kambea Grove have been identified as potentially having heritage significance.

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The 2011 study also recommended extending the NCO area east to Otira Road, and it was exhibited with this extension.

The Panel has inspected this street. It is largely intact and includes a range of architectural styles, some examples of which are of high quality. The dwellings, combined with the distinctive street planting and front gardens, contribute significantly to its character.

The Panel also notes that the NCO does not prohibit demolition if it is warranted, and that there is no evidence that the requirement for a permit acts as a disincentive to home improvements.

The Panel concludes that Kambea Grove well meets the criteria for the NCO and should be approved as exhibited.



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## 4 Areas Omitted from C87

The following four areas are identified in the current planning scheme as 'Significant Character Areas', the same designation as those areas now proposed for the Neighbourhood Character Overlay in C87. The Panel was advised that the reviews of these areas by Planisphere in 2006 and 2011 both recommended that these four areas do not meet the criteria for the NCO. Nevertheless, a number of submissions were received seeking inclusion in the NCO, mainly from residents in the Normanby Road/Park Crescent Area.

### 4.1 Normanby Road/Park Crescent Area, Caulfield North

#### (i) Nature of the area

This area is described in the Planisphere report as follows:

*This area is defined by the street alignment which follows the eastern edge of Caulfield Park and the raised edge of the railway embankment. They have a mix of building styles dating from the Victorian era to the present and a varied subdivision pattern. Normanby Road includes a number of small Victorian era terraces which represent an inner urban character type, which is uncommon in Glen Eira. Park Crescent and Kambrook Road have a high number of modern buildings. Normanby Road and Park Crescent both have significant planting, with avenues of exotic trees.*

The report includes the following recommendation relating to the area:

*The range of development, with its mixed base and extensive overbuilding leave a neighbourhood character that is not consistent or distinct from surrounding areas. In addition, several sites along the park interface have highly inappropriate development in terms of visual bulk, poor design detail and lack of landscaping.*

*The area of significant neighbourhood character is not considered to be of adequate significance to warrant policy or particular overlay controls. While the interface with the park is important, owing to the existing range of development along Park Crescent which includes unsympathetic, larger scale buildings, it is not considered that additional controls or policy are required.*

*The loss of period buildings is regrettable, however the building types are most likely represented in other Heritage Overlay areas in the municipality. Further heritage investigation could ascertain whether any buildings in this area warrant specific heritage controls.*

*Redevelopment options for the sites on Normanby Road adjoining Inkerman Street could be controlled via a Design and Development Overlay...*

Council's submission to the Council included the map below showing the existing SCA, the adjoining Heritage Overlay areas, and the diversity of housing styles in the area:



## Analysis of Existing Normanby Road SCA

Existing Normanby Road SCA (Planning Scheme) recommended for removal in 2010

Heritage Overlay

description Changed since the aerial photo was taken

### HOUSING STYLES

- Victorian
- Edwardian
- Interwar
- 1940s-1950s orange brick
- 1940-1970s flats
- 1970s Modern / 1980s units / Contemporary

Figure 3 Normanby Road / Park Crescent Area

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## (ii) Submissions

The Normanby Road/Park Crescent area generated more submissions than any other, with 16 submissions.

Submission 7 supported the amendment, on the basis that the proposed changes are “*sensible*”, and will support responsible development.

All other submissions opposed the proposed loss of SCA status of the area, and supported controls that would protect its character. The submissions were reinforced by several who appeared at the panel hearing. Submitters who presented their case to the Panel were:

- Submission 10: Ms McCarthy described the “*significant historical and local character:*” of the Victorian dwellings in Normanby, Kambrook and Balaclava Roads, and stressed the breadth of community support for protection of their character.
- Submission 38: Mr Hoey stressed the historical significance of the predominantly Victorian houses from 15 Kambrook Road, along Normanby Road, to the hardware store in Inkerman Street. Further, he opposed any change in status of Balaclava Road east and west of Kambrook Road to a Housing Diversity Area. He submitted that “*our prime objective is to see all the fine Victorian houses in the area protected, even those needing some TLC. Our strongest wish is to ensure that the splendid contiguous rows of terraces are not disrupted – even with sympathetic ‘new’ development*”.
- Submission 30: Ms Cramphorn supported the intent of the amendment, but strongly opposed the removal of the area’s SCA status. Focusing on the western section of ‘Area 6’ in the current SCA, she argued that the proximity of the area to residential areas within Heritage Overlays and the threat of inappropriate development justified additional planning protection. Her submissions concluded as follows:

*...I believe that Area 6 should not be viewed as a whole, but that instead, it should be divided into two, with the significant westerly portion... being afforded the same level of planning protection as being given to other areas under the proposed Amendment C87.*

Council’s submission to the Panel noted the mix of character types within the area:

*Normanby Road/Park Crescent has a number of buildings from the Victorian, Edwardian and Interwar eras. However, collectively, these do not form a highly consistent streetscape character. Buildings display a range of character elements, including varying approaches to front/side setbacks, detailed design, roof form, colours and materials. The diverse range of front fencing heights and styles also create visual inconsistency in the streetscape.*

*In addition, the public realm elements of the area contribute significantly to its existing character, such as the interface of Park Crescent with Caulfield Park and the avenue planting along the railway embankment of Normanby Road. These elements would not be protected by the NCO.*

*Application of the NCO will not prevent the loss of the original buildings; only a Heritage Overlay can prevent demolition of buildings with identified heritage significance. Rather, the NCO is used to ensure that new buildings within a streetscape respect its particular identified and valued consistency of character...*

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*The NCO cannot be solely applied to provide a 'buffer' for development adjoining heritage areas; it must be applied to areas that have, in their own right, a demonstrably consistent character.*

At the Council meeting that considered the amendment on 1 May 2012, it was resolved to support the exclusion of the area from the NCO at the Panel hearing, subject to retaining the SCA for this area in Clause 22.08.

At the hearing, the Council requested that the Panel assess the possibility of retaining the area's SCA status, on the basis of the view expressed by the Council that the area "was afforded some protection via the existing policy and that Council felt this was justified".

In response to questioning by the Panel, Council conceded that the current policy appears to be ineffective in protecting neighbourhood character, and that the intention embodied in Amendment C87 is to delete the category of SCA entirely from the planning scheme and replace it the NCO in appropriate areas.

Council also proposed that, in line with a recommendation in the by Planisphere study, redevelopment options for large sites on the corner of Normanby Road and Inkerman Road (currently occupied by a service station and hardware store) could be controlled through a DDO with the objective of ensuring any new development is complementary to the character of the area.

### **(iii) Discussion**

The Panel has inspected this area several times, and has noted the considerable variety of housing eras and styles, of which the majority are examples of the Victorian, Edwardian and Interwar eras. While some of these are fine examples of their type, many are of average quality and/or have been significantly altered. There are also a number of later dwellings, flats and contemporary units that are quite intrusive where they occur.

The Panel also agrees with Council that much of the character of this area is dependent on adjoining spaces and vegetation in the public realm.

The Panel has some sympathy with the view expressed by the many objectors in this area, that the area does possess 'character' as demonstrated by the current SCA designation. Nevertheless, it is necessary for the area to meet the criteria for the NCO in order for it to be applied. The criteria used by Planisphere, and endorsed by the Panel in Section 2 of this report as consistent with the VPP Practice Note *Using the Neighbourhood Character Provisions in Planning Schemes* (DPCD July 2004), are repeated below:

*For each nominated area of neighbourhood character significance, it was necessary to demonstrate that the area:*

- *Is exemplary, rare or atypical within the context of surrounding residential neighbourhoods;*
- *Strongly retains the character of the original or early era(s) of development;*
- *Shows particular consistency in terms of building siting and design or landscape quality;*
- *Is under threat from future development.*

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In response to these criteria, the Panel's conclusions are:

- While there some individual '*exemplary, rare or atypical*' dwellings and small groups of dwellings in the area (for example, the Victorian terraces in Normanby Road), it could not be said to be a consistent characteristic across the whole area;
- Again, while the '*character of the original or early era(s) of development*' is evident in some parts of the area, there is little consistency across the whole;
- Lot frontages generally range from 10-20 metres for dwellings, with some larger sites occupied by 1970s flats, contemporary units, 1980s public housing, a service station and a hardware store. The latter three developments are all on prominent corners. Dwelling setbacks vary from 4 metres to 7 metres. There is a mixture of single and double storey dwellings. Building designs range from Victorian terraces to contemporary multi-storey units. Landscape treatments vary from street to street. These factors all contribute to the area's failure to demonstrate '*particular consistency in terms of building siting and design or landscape quality*'; and
- It is agreed that the area is under threat from future development, and this has been demonstrated by some of the more recent, unsympathetic developments in the area.

On the basis of the above responses, the Panel concludes that the Normanby Road/Park Crescent area does not meet the criteria for the NCO. Being "*under threat from future development*" does not justify the NCO if the other criteria are not met.

Submitters' requests to retain the SCA designation received some support from Council, apparently on the basis that "*any protection is better than none*". The Panel is concerned that this argument fails to recognise the ineffectiveness of the current policy. Section 2.5 of this report ('Adequacy of current controls') addresses this issue as follows:

*... the areas identified (SCAs) have no statutory protection via zones or overlays. There is therefore no requirement for a permit for a single dwelling or for demolition, or for items such as front fences under the existing planning scheme.*

*... Council also advised the Panel that the policy has generally been accorded little weight at VCAT.*

The Panel is also concerned that retention of the SCA designation is contrary to the intent of the amendment, and would introduce considerable complexity into the planning scheme and its administration. It would also be both confusing and contradictory to have two different levels of 'neighbourhood character' protection operating within the scheme, one with statutory controls and one without. It would also be contrary to the thrust of the VPP system.

For the above reasons, the Panel considers that it would be both inappropriate and ineffectual to retain the SCA designation for the Normanby Road/Park Crescent area.

However, the Panel notes that the amendment also divides the municipality into 16 'Character Areas', and lists the main elements of each character area. The purpose of identifying the Character Areas is expressed in the overarching policy at Clause 22.08-3.4 (*Preferred neighbourhood character*) states that it is policy to:

*Ensure that all developments respect and, where possible, enhance the prevailing character elements identified for each suburb which contributes to its character.*



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The Normanby Road/Park Crescent area is included in ‘*Character Area 1 – Caulfield North (north of Alma Road) – Victorian Edwardian Garden Suburban Base with modern overbuilding*’. The elements listed for the area are:

- *The area has a Victorian and Edwardian base, with many buildings of this era present. There is also a large amount of interwar development.*
- *A lot of post 1960s over-building has occurred, including multi-storey walk up flats, and the area has a mixed character as a result. Apartment buildings particularly evident around Hotham Street.*
- *Cantala Avenue, Findon Avenue and Waiora Road have a number of Moderne style flats.*
- *There is a range of lot sizes throughout. Some streets are distinguished by an ‘inner urban’ character type comprising smaller lots, tighter street spaces and compact dwelling types of cottages, terraces or flats.*
- *Elsewhere, buildings are detached dwellings with front and side setbacks.*
- *Buildings are often constructed of brick; however timber buildings are also evident.*
- *Pitched tiled roofs predominate.*
- *The area generally has a leafy quality with well-established gardens (despite small areas for planting in some) and regular planting of street trees. Some private gardens include substantial trees and several streets are defined by their avenue planting.*

Like the SCAs, the policy would only apply in instances where a planning permit is required under the relevant zone, and has no statutory force. The policy would provide the same level of protection as the rest of the municipality.

Nevertheless, the Panel appreciates that residents value the qualities of the area highly, and are seeking some form of particular protection. Although the Panel has concluded that the area does not meet the criteria for NCO, it recognises that there are some individual dwellings and groups of dwellings that are of good quality and/or rarity in Glen Eira, and are part of its character. The question then becomes, what type of protection is most appropriate, and what parts of the area would meet the relevant criteria.

The Panel considers that the area, including individual dwellings and groups of dwellings, merit investigation for application of the Heritage Overlay. The Panel believes this overlay is more appropriate due to the nature, history, quality and rarity of a number of dwellings in the local context.

The Panel notes that the *City of Caulfield Urban Conservation Study*, commissioned as a preliminary study in 1990 and undertaken by Andrew Ward, included a field survey, assessment of identified historic areas and assessment of individual buildings and places. Glen Eira’s 1996 *Heritage Management Plan* (also prepared by Andrew Ward) extended the study to the newly formed City of Glen Eira. The outcomes of the 1990 survey of the current SCA area are included in the later *Heritage Management Plan*. A plan of the area (Sheet No. 3) shows that 23% of properties in the area were given a ‘C’ rating (*‘of local significance’* and

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a further 19% were given a 'D' or 'E' rating (*'of local interest'*). By way of comparison, in the adjoining area, which is under a Heritage Overlay, over 75% of properties have been rated 'C', 'D' or 'E'. In plain percentage terms, there was clearly justification for not applying heritage controls over the whole area at that time.

However, it is now over 20 years since the field survey was undertaken, and in the meantime new heritage policies, controls, guidelines and criteria have been introduced. The concept of 'heritage precincts' is more targeted than the former 'urban conservation' controls, and is often applied to quite small areas or groups of buildings. In the Panel's view, there should be a new heritage assessment of the Normanby Road/Queens Avenue area to determine whether any individual houses or groups of houses meet the criteria for heritage protection.

In the interim, the Panel does not support the retention of the SCA designation for this area on the following grounds:

- It would significantly undermine the rationale and purpose of the amendment;
- It would introduce an entirely unnecessary complication to the planning scheme and its administration; and
- It has proved to be ineffectual in providing protection.

The Panel supports Council's proposal that future redevelopment of the two sites on the corner of Normanby Road and Inkerman Road be controlled through a DDO. This would need to be applied as part of a future amendment.

In relation to Mr Hoey's submission seeking retention of the area on the north side of Balaclava Road between Park Crescent and Normanby Road in a Minimal Change Area, the Panel considers it would not be appropriate to re-designate these sites as a Housing Diversity Area until the outcomes of the recommended heritage assessment are known.

#### **(iv) Recommendation**

**The Panel recommends that:**

- The properties on the north side of Balaclava Road, between Park Crescent and Normanby Road, be deleted from Clause 22.07 Housing Diversity Areas;
- The designation 'SCA' not be retained in the planning scheme for the Normanby Road/Park Crescent area, as proposed by Council at the hearing.
- The Normanby Road/Park Crescent area be assessed by a qualified heritage consultant to determine whether it contains any individual houses or groups of houses that meet the criteria for protection under the Heritage Overlay;
- Council consider introduction of a DDO over the two large properties on the corner of Normanby Road and Inkerman Road as part of a future amendment.

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## 4.2 Tramways Estate, Caulfield South

### (i) Nature of the area

The Tramways Estate is one of the current Interwar era SCAs in the municipality. It is described in the Planisphere report as follows:

*The Tramways Estate features a highly unusual subdivision pattern, developed around 1920. However, due to a lack of recognition through landscaping and pavement design, this feature is not a distinct part of the area's character when viewed 'on the ground'. ... While many fine examples of Interwar era dwellings remain, modern overbuilding has seen substantial change to its architectural styles and building forms'.*

### (ii) Submissions

One submission was made seeking inclusion of the area in the NCO.

### (iii) Discussion

The Panel has inspected this area and agrees with Planisphere's assessment that it does not meet the criteria for the NCO. The Panel notes that the distinctive features of the area are the unusual subdivision pattern and the history of the estate. Unfortunately, neither of these characteristics is readily observable within the estate, and therefore do not contribute to the area's character. The subdivision pattern is readily recognisable on maps but far less so on the ground.

While there is a level of consistency in streetscape and period, it differs little from the surrounding area, and does not meet the criteria for the NCO. As a consequence, the properties in the estate with frontages to Hawthorn Road will be included in the Housing Density Area which runs along this main road.

The Panel supports the exclusion of this estate from NCO and the re-designation of properties fronting Hawthorn Road as part of the adjoining Housing Diversity Area.

## 4.3 Ulupna Road, Ormond

### (i) Nature of the area

Ulupna Road is one of the current Interwar era SCAs in the municipality. It is described in the Planisphere report as follows:

*The northern end of Ulupna Road, immediately south of Oakleigh Road, has a number of and early Modern era dwellings and distinctive landscape environment due to the substantial street trees and aspect to the Oakleigh Road Reserve.*

### (ii) Submissions

One submission (6) received from outside this area stated that it should have been included in the NCO like Murray Road and Prentice Street.



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### **(iii) Discussion**

The Planisphere 2006 report and the 2011 Review both recommended that Ulupna Road be omitted from the NCO on the basis that *“...the range of development, with its mixed base and extensive overbuilding leave a neighbourhood character that is not consistent or distinct from surrounding areas. Ulupna Road is not considered to be of adequate neighbourhood character significance to warrant augmented policy or particular overlay controls”*.

The Panel has assessed this street and concurs with Planisphere’s assessment that it does not meet the criteria for the NCO. The Panel supports its exclusion from the amendment.

## **4.4 Urandaline Grove, Caulfield**

### **(i) Nature of the area**

Urandaline Grove is one of the Interwar era SCAs in the municipality. It is described in the Planisphere report as follows:

*Urandaline Grove is a short curving street with a number of interwar homes, including several fine examples of Spanish Mission villas, adjoining the Glen Eira Road heritage area. The street has seen significant changes to its original dwelling stock, which includes substantial additions to a number of buildings or new dwellings that are of a different style and scale to the Interwar base. There is no significant planting in the street. As a result, Urandaline Grove does not retain a cohesive neighbourhood character.*

### **(ii) Submissions**

No submissions were received in relation to this area.

### **(iii) Discussion**

The Planisphere 2011 Review recommended that Urandaline Grove be omitted from the NCO on the basis that it *“is not considered to display a sufficiently distinctive or consistent neighbourhood character to warrant augmented policy or particular overlay controls”*.

However, the Review goes on to state that *“the intact interwar dwellings have been identified as having potential heritage significance for their C20th architectural heritage (as Moderne buildings)”*.

The Panel has inspected this street, and considers that a number of the houses in this street are potentially significant examples of the Moderne style. In the Panel’s view, there should be a proper heritage assessment of Urandaline Grove to determine whether any individual houses or group of houses meet the criteria for heritage protection.

### **(iv) Recommendation**

The Panel recommends that Urandaline Grove be assessed by a qualified heritage consultant to determine whether it contains any individual houses or group of houses that meet the criteria for protection under the Heritage Overlay.

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## 5 Structure of Clause 22.08

### 5.1 Comments on exhibited version

The Policy Basis for Clause 22.08 (*Minimal Change Area Policy*) is set out as follows:

*Council's Housing and Residential Development Strategy identifies the areas where housing diversity should be encouraged (housing diversity areas) and areas where the existing low intensity, low-rise character should be protected and enhanced (minimal change areas).*

*Development outcomes that contribute positively to local neighbourhood character while minimising adverse impacts on neighbouring properties are fundamental objectives for residential development.*

The Panel discussed the structure of Clause 22.08 with Council at the hearing. The Panel's concerns about the exhibited policy are that it is unnecessarily complicated due to the following factors:

1. It confuses through the inconsistent use of terms relating to 'character';
2. It places the rationale for the policy near the end of the document, not at the beginning as would be expected;
3. It places the policy objectives and general policies after the character area descriptions;
4. The clause 'Where does this policy apply' as written would include NCO areas;
5. It omits any mention of the NCO or that it is used elsewhere in the scheme as part of Council's implementation of 'neighbourhood character' policy;
6. It quotes multiple layers and definitions of 'character types';
7. It includes a number of unnecessarily repetitious elements.

#### Issue 1 – Terminology

Terms such as 'neighbourhood character', 'local neighbourhood character', 'local character', 'character area', 'residential character' and 'character' are used inconsistently and sometimes interchangeably. The Panel takes the view that the use of these terms should be consistent wherever possible, unless it is direct quotation from another document such as the SPPF. It should also clearly differentiate between the levels of statutory protection provided in the scheme for different areas.

For example, the term 'Neighbourhood Character Areas' should be used only when referring to the NCOs. The term 'Local Character Areas' should be applied to the rest of the municipality. Thus the map at 22.08-1 would be headed 'Local Character Areas', and the legend would refer to 'Local Character Types'. To be consistent, the subheadings in the section following should be headed 'Local Character Area' (e.g. *Local Character Area 1: Caulfield North*).

There are many examples throughout the policy where such terminology should be reviewed to ensure that the terms 'neighbourhood character' and 'local character' are used consistently and appropriately.

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**The Panel recommends that the wording of the policy be reviewed to consistently apply the term ‘neighbourhood character’ only to those areas covered by the NCO, and to apply the term ‘local character’ to all other areas of the municipality.**

## **Issue 2 – Rationale**

The rationale for the policy (under the heading Development pressure) is found at the end of the descriptions of the 16 Local Character Areas. It explains that the community is concerned about the adverse impacts of development and the erosion of neighbourhood character, and lists the main elements of unsympathetic development.

It goes on say that the policy “*identifies desirable character outcomes*” and that it provides further detail on “*prevailing neighbourhood character at a suburb level*”.

In the Panel’s view, the rationale should be placed before the Local Character Area descriptions.

**The Panel recommends that the rationale for the policy should be relocated to precede the map and descriptions of the 16 Local Character Areas.**

## **Issue 3 – Policy objectives**

The Policy objectives are listed at Clause 22.08-2. In the Panel’s view, they should come before the policies, and preferably after the Policy basis.

**The Panel recommends that:**

- **Clause 22.08-2 be relocated immediately after the Policy basis;**

## **Issue 4 - Where the policy applies**

Clause 22.08 states that the policy applies to “*all residential development requiring a planning permit on land in a Residential 1 Zone which is located in the minimal change areas identified in the Policy Framework Plan below and the Suburb Framework Plans included in Clause 22.07*”.

It is not clear whether Council intended the policy to apply to the NCO/DDO areas, but this appears to be the effect. The Panel suggests that there is little purpose in applying the policy to NCO/DDO areas when the relevant schedules provide a much greater level of detail, backed by statutory permit requirements.

However, given that the exclusion of the NCO/DDO areas from the application of Clause 22.08 would give rise to other complications in the scheme, it would be preferable to adopt the approach suggested under Issue 5 below.

## **Issue 5 – No reference to NCO areas in policy**

The Panel considers that the policy, which is entirely focused on ‘character’ issues, should contain a reference to the existence of the NCO areas in the planning scheme.

At a minimum, the Neighbourhood Character Overlay should be listed in Clause 22.08-3.2 (Sites also affected by an overlay), even if it is followed by a policy that the provisions of the NCO take precedence over the policy.

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Preferably, the NCO would also be mentioned in the rationale for the policy as an important element of the response to community concerns.

**The Panel recommends that the existence of the NCO areas be referenced in the rationale for the policy and listed in Clause 22.08-3 under the heading ‘Sites also affected by an overlay’.**

#### **Issue 6 – Multiple definitions of character ‘types’**

Clause 22.08-1 (Policy Basis) includes following the three ‘layers’ of character types with separate definitions:

- Definitions of two of the four broad ‘neighbourhood character types’ identified in the *Metropolitan Strategy: Technical Report 12*;
- Brief definitions of six principal ‘character types’ in the municipality identified in the Glen Eira study (see map legend); and
- Definitions of each of the sixteen Local Character Areas.

While recognising the usefulness of an ‘overview’ of the municipality leading to more localised definitions, the Panel believes it is unnecessarily complex to include the three levels of definitions in the policy. The Panel believes that the detailed definitions from the *Metropolitan Strategy Technical Report* should be omitted from the policy. The character elements listed are largely repeated in the individual Character Areas. The definitions from the *Metropolitan Strategy Technical Report* will still be included in the study, which becomes a reference document.

**The Panel recommends that the detailed definitions of ‘Garden Suburban Neighbourhood Character Type’ and ‘Inner Urban Neighbourhood Character Type’ taken from the *Metropolitan Strategy Technical Report 12* be deleted from the policy.**

#### **Issue 7 – Repetitious elements**

There are a number of examples where unnecessary duplication occurs. For example, there are two sets of ‘Preferred neighbourhood character’ policies or objectives (Clause 22.08-2.2 and Clause 22.08-3.4).

Similarly, there are cases where there is little appreciable difference in meaning or effect between Specific Objectives (22.08-2.2) and Policy (22.08-3). For example the Specific Objectives for Site coverage are:

- To ensure that site coverage reflects the differences in character between housing diversity areas and minimal change areas.
- To ensure that ground space around dwellings is maintained.

The Policy for Site Coverage is:

- Ensure that site coverage is low to reflect the garden character of Glen Eira’s residential areas.

The same comment could be made about each of the Specific Objectives and their counterpart Policies. Now that the ‘local character’ of the whole municipality has been described, there should be scope to consider whether a simple objective/policy requirement

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for all siting, setback and building design elements to be ‘consistent with the local character for the area’ could replace many of the multiple elements under ‘Specific Objectives’ and ‘Policies’.

The Panel also notes that the contents of Clauses 22.08-2.2 and 22.08-3 have been adopted unmodified from the existing policy, although other significant changes to Clause 22.08 have been made. The Panel considers that these sections should be reviewed to:

- Ensure that each element is still relevant;
- Identify and eliminate inconsistencies and repetitions; and
- Seek opportunities for consolidation to reduce their current length.

**The Panel recommends that, prior to approval, and in recognition of other substantial changes to Clause 22.08 introduced through Amendment C87, Council review the detailed elements of Clauses 22.08-2.2 and 22.08-3 for relevance, consistency, repetition and opportunities for consolidation into a simpler form.**

## 5.2 Suggested revised structure

On the basis of the recommendations made in the previous section, the Panel considers that an appropriate structure for Clause 22.08 could be as follows:

### 22.08 Minimal change area policy

#### 22.08-1 Policy basis

*After the existing text, insert the section headed ‘Development pressures’ from the end of 22.08-1.*

#### 22.08-2 Objectives

##### 22.08-2.1 General objectives

##### 22.08-2.2 Specific objectives

#### 22.08-3 Policy

##### 22.08-3.1 Minimal change areas

##### 22.08-3.2 Sites also affected by an overlay

22.08-3.3 Character elements *(It would be more readable if the subheadings ‘Decision guidelines’ under each element was in a smaller font.)*

##### 22.08-3.4 Preferred local character

*(Includes the Local Character Area map and area descriptions currently in 22.08-1.)*

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## 6 Conclusions

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions and verbal presentations, as well as the Panel's inspections of the affected areas.

**Amendment C87 is the culmination of a long process initiated by Council over 15 years ago, and involving a number of steps comprising an initial *Urban Character Study* (Cunningham and Keddle, 1996, preparation of a *Housing and Residential Strategy* and its implementation through Amendment C25, the *Neighbourhood Character Review* (Planisphere, 2006) and its 2011 update.**

**Council is to be commended for its long commitment to addressing local 'character' issues, which are clearly of significant concern to many in the Glen Eira community. It may have taken a long time, but this amendment finally puts appropriate statutory controls in place to replace relatively ineffective policies. This will give Council the tools it needs to protect areas that have been properly assessed as meeting the criteria for the Neighbourhood Character Overlay.**

In relation to the remainder of the municipality, Council has recognised that, although they do not meet the criteria for statutory protection, its suburbs nevertheless have an identifiable character which is described in Clause 22.08, and the accompanying policies are aimed at maintaining and enhancing that character in cases where a planning permit is required.

Although the use of multiple NCO and DDO schedules in varying combinations is complex, the Panel is satisfied that it is the most appropriate use of the available planning tools to achieve the desired result. The NCO triggers the requirement for a permit for demolition and for construction of a single dwelling, and the schedules specify variations to the ResCode Standards in Clause 54. The DDO triggers a permit requirement for front fences and the schedules specify the appropriate height, form and materials. In its submission to the Panel, Council outlined the alternative tools and mechanisms that had been considered, and the reasons they were rejected. The Panel also notes that the overlays and schedules were prepared in consultation with DPCD.

While the Panel has made recommendations for minor alterations to the boundaries of some of the NCO/DDO areas, it has largely supported the assessments made of each area in the Planisphere study.

The Panel has expressed a number of concerns about the structure and wording of Clause 22.08 as exhibited, and has made recommendations for modifications and proposed a new structure for the policy.

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## 7 Recommendations

### 7.1 Recommendations on Amendment C87

Therefore, for the reasons outlined in this report, the Panel recommends that Amendment C87 to the Glen Eira Planning Scheme should be adopted subject to the following recommendations:

#### (i) Recommendations on NCO and DDO areas

- The Queens Avenue NCO and DDO Area to be approved subject to deletion of the properties at 2 and 4 Queens Avenue.
- The St James Parade Area NCO and DDO to be approved subject to deletion of the DDO over properties fronting the south side of Riddell Parade between Shoobra Road and Orrong Road.
- The Exhibition Street NCO and DDO to be approved subject to deletion of the properties at 64 and 70 Wheatley Road and 1-3, 5 and 7 Exhibition Street.
- The Oakdene Crescent Area NCO and DDO to be approved subject to amendment of the NCO Schedule 3 to reflect the presence of the Edwardian era dwellings in Blackwood Street.
- The Glen Eira Neighbourhood Character Review 2011 to be amended to reflect the presence of the Edwardian era dwellings in Blackwood Street (part of the Oakdene Crescent area), and to include a contemporary photo of the property at 2 Oakdene Crescent.
- The Boyd Park Area NCO and DDO be approved, subject to deletion of the properties at 47, 49 and 51 Poath Road, 5, 6 and 7 Wilson Road, 2 Narbethong Road and 34 Gilsland Road.
- The designation 'SCA' not to be retained in the planning scheme for the Normanby Road/Park Crescent area, as proposed by Council at the hearing.

#### (ii) Recommendations on Clause 22.07

- Clause 22.07 Housing Diversity Areas to be amended to delete the properties on the north side of Balaclava Road, between Park Crescent and Normanby Road.

#### (iii) Recommendation on Clause 22.08

- The wording of Clause 22.08 to be reviewed to consistently apply the term 'neighbourhood character' only to those areas covered by the NCO, and to apply the term 'local character' to all other areas of the municipality.
- The rationale for the policy (currently under the heading 'Development pressure' at the end of Clause 22.08-1) to be relocated to precede the map and descriptions of the 16 Local Character Areas.

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- Clause 22.08-2 ('Objectives') to be relocated immediately after the Policy basis.
  - The NCO areas to be referenced in the rationale for the policy and listed in Clause 22.08-3 under the heading 'Sites also affected by an overlay'.
  - The definitions of '*Garden Suburban Neighbourhood Character Type*' and '*Inner Urban Neighbourhood Character Type*' taken from the *Metropolitan Strategy Technical Report 12* to be deleted from the policy.
  - Prior to approval, and in recognition of other substantial changes to Clause 22.08 introduced through Amendment C87, Council review the detailed elements of Clauses 22.08-2.2 and 22.08-3 for relevance, consistency, repetition and opportunities for consolidation into a simpler form.

## **7.2 Other recommendations**

The Panel also makes the following recommendations to Council for matters to be considered for a future amendment:

### **(i) McPherson Avenue Area**

- The McPherson Avenue Area NCO and DDO be extended to include Hollywood Grove;
- An assessment be made to determine the most appropriate NCO and DDO schedules for Hollywood Grove; and
- The Design Guidelines be reviewed to ensure the type of housing in Hollywood Grove is addressed.

### **(ii) Derby Crescent**

- The Derby Crescent NCO and DDO be extended to include Moodie Street;
- An assessment be made to determine the most appropriate NCO and DDO schedules for Moodie Street; and
- The Design Guidelines be reviewed to ensure the type of housing in Moodie Street is addressed.

### **(iii) Normanby Road/Park Crescent Area**

- The Normanby Road/Park Crescent Area be assessed by a qualified heritage consultant to determine whether it contains any individual houses or groups of houses that meet the criteria for protection under the Heritage Overlay;
- That Council consider introduction of a DDO over the two large properties on the corner of Normanby Road and Inkerman Road.

### **(iv) Urandaline Grove**

- The Panel recommends that Urandaline Grove be assessed by a qualified heritage consultant to determine whether it contains any individual houses or group of houses that meet the criteria for protection under the Heritage Overlay.



## Appendix A List of Submitters

No.	Submitter
1	L O'Brien
2	P Condcliff
3	M Dow and E Knappert
4	A Harrison and J Harrison
5	C F Haymes
6	K L and V Dowd
7	Dr R Kabillo
8	F and R Lowe
9	S Gabron and A Cooper
10	S McCarthy
11	J Simmons
12	L and A Grima
13	S and P Patniyot
14	E and A Latimer
15	W Henderson
16	S Koverdinsky
17	K Barnard
18	B and M Whetstone
19	A and P Whootton
20	C Farnan and P Aaron
21	K Schweitzer
22	S and P Noble
23	A.C.N
24	R Jagger
25	C and T Horvath
26	R and M Horwood
27	H Smith
28	L Blackmore
29	G Sherry
30	B Cramphorn
31	J Cavin & P Clearihan
32	A and C Gruner

33	L and J Mardjetko
34	B J Little
35	D Hanson
36	H Gwillim
37	L Wolfers
38	J Hoey and J Siede
39	B Rodgers
40	J Searle and C Peter
41	R Smith
42	B Coulson
43	H and B Williams
44	G and C Hassett
45	B Warman
46	R and A Greenberger
47	D Piper
48	J and C Veenendaal
49	D C Kirby
50	S and K Loyer
51	B Topalidis
52	K Buckingham
53	R Swansson
54	Y Zhou and F Chen
55	A Switzer
56	R MacNally
57	B Karantzas
58	J and H Weichmann
59	M E and K Cummins
60	J Bastone c/- M Bastone
61	M L and E G Nicoll
62	M and K Swan
63	R and S Hill
64	Cr P M Peulich (Nena Dosen)
65	N Kindos
66	D Banger