

Permit Review Number P27895

Road reserve abutting 66 Wimbledon Avenue, Mount Eliza (within Ranelagh Estate H1605)

Permit Number P27421

**Heritage Council Registrations and Reviews Committee
Hearing – Wednesday 14 February 2018**

DECISION OF THE HERITAGE COUNCIL

After considering the submissions received in relation to the permit review, and after conducting a hearing, pursuant to Section 108(4)(a) of the *Heritage Act 2017*, the Heritage Council has determined to confirm the Executive Director's decision to refuse to allow the use of Castlemaine stone paving within the registered extent of the Place, and to vary Condition 1 of Permit Number P27421 to specify the allowed increase of the crossover at Wimbledon Avenue, Mount Eliza, to a width of up to 3500mm and require the submission of revised plans to this effect to the Executive Director for endorsement.

Heritage Council Registrations and Reviews Committee:

Jenny Moles (Chair)

Penelope Smith

Christine Phillips

Decision Date: 29 March 2018

APPEARANCES / SUBMISSIONS

Executive Director, Heritage Victoria ('the Executive Director')

Mr John Hawker, Heritage Officer (Horticulture) of Heritage Victoria appeared and made verbal submissions on behalf of the Executive Director. Mr Geoff Austin, Manager Heritage Register and Permits of Heritage Victoria was also present and available to answer questions.

The owner of the property at 66 Wimbledon Avenue, Mount Eliza ('Requestors for Review')

The Requestors for Review, Mr David Patching and Mrs Jo-Anne Patching, appeared in person and made verbal submissions.

INTRODUCTION/BACKGROUND

The Place

1. Ranelagh Estate is an early 20th century residential subdivision bordered by Canadian Bay Road and Mount Eliza Way in Mount Eliza, Victoria. The registered place ('the Place') comprises the complex of streets, roadways, road reserves, gardens, easements, and parkland in the estate. Private residential lots including that at 66 Wimbledon Avenue are not included in the Place. The road reserve in front of 66 Wimbledon Avenue ('the subject site') is the subject of this review.
2. The Place was included in the Victorian Heritage Register ('the Register') on 12 May 2005 (H1605).
3. The Place is included in the Register as a heritage place of historic and aesthetic significance to the State of Victoria. The following is taken from the Statement of Cultural Heritage Significance ('Statement of Significance') for the Place:

What is Significant?

In 1922 John E Taylor, a timber merchant trading under the name Sequoia, bought the Mount Eliza property Nyora which had been owned by politician JT Smith in 1854 and later by the notable advocate James Liddell Purves. Taylor set about developing a residential subdivision called the Ranelagh Estate based on a country club concept with the homestead retained as the guest house. Walter Burley Griffin and surveyors Tuxen and Miller were engaged to prepare a subdivision plan. Saxil Tuxen, town planner and surveyor, was a founding member of the Victorian Town Planning Association. The Ranelagh Estate was envisaged as a place where professional people would build their holiday houses with recreational facilities, parks and internal reserves provided. Each purchaser was automatically a member of the Ranelagh Club which was the custodian for the reserves and parks. Purchasers were encouraged to buy double blocks and the total number of purchasers was envisaged to be about 400. Sale of allotments started in February 1926, but land sales were slow and in 1928 the Club extended its membership to non-landholders. The estate developed slowly until the 1960s when Mount Eliza became increasingly suburban.

The estate comprises 795 blocks and originally had 13 reserves. Of these reserves, Lot N was sold for private development, while Lot A has been subdivided. Lot A, comprising part of the cliff top overlooking Port Phillip Bay, was sold by the Ranelagh Club in 1996 and a 9 lot subdivision created, consolidating them with the existing lots they abut in Rosserdale Crescent with the condition that no buildings or developments are permitted. Ownership of Lots C, F, G, H, J, K, and L is now with the Mornington Peninsula Shire. Lots C, H, J and K abut Earimil Creek. Lot F includes the Mount Eliza Community Centre, a Senior Citizens Centre, a playground, a recreational oval and pavilion, tennis courts, netball court, bowling greens and a caretaker's cottage. Lot G, formerly the polo ground, contains the John Butler Reserve and part of it has been subdivided to include car parking. The Ranelagh Club retains ownership of Lots B, E, and M. Lots E and M remain as internal reserves. Lot B includes the Ranelagh clubhouse, tennis courts and boating facilities on the coast, as well as part of the Earimil Creek reserve. Following a threat of subdivision in 1988 the ownership of Lot D was transferred to a consortium of neighbours, the Lot D Preservation Group, and remains as an internal reserve.

An association of residents was formed in the 1950s which liaised with the council and fought against development proposals. The Ranelagh Residents Association became

active again in the 1980s with the emergence of further threats of development to Lots M and D.

Why is it Significant?

Ranelagh Estate is of historical significance for its associations with Chicago-born architects Walter Burley Griffin (1876-1937) and Marion Mahony Griffin (1871-1961), leading figures in twentieth century architectural history. Their works were infused with progressive environmental and philosophical ideals, evident in such town planning projects as Canberra, Leeton in New South Wales, Castlecrag in Sydney and the Ranelagh Estate. The estate also has associations with Saxil Tuxen (1885-1975), an important town planning figure in Melbourne during the Interwar period whose subdivision designs reflected the influence of garden suburb planning.

Ranelagh Estate is of aesthetic and historical significance as an essentially intact example of garden suburb planning by Walter Burley Griffin, in association with his wife Marion Mahony Griffin and town planner-surveyor Saxil Tuxen. The estate with its distinctive long curved roads, recreation reserves, internal reserves, communal facilities and spacious triangular traffic islands, is a fine example of a residential subdivision designed to harmonise with the topography and indigenous vegetation of the area. The environmental concerns and principles evident in the design were ahead of their time. The design of the estate, through its layout, vistas, and planting, responds to the natural beauty of the area and to its preservation, in particular the cliffs, the bay and Earimil Creek. The internal reserves, providing both a haven for indigenous vegetation and wildlife as well as safe and natural playgrounds for children, embody the principles espoused by the Griffins.

*Ranelagh Estate is of aesthetic significance for its important landscape planting in the rare alternate avenue of Monterey Cypress (*Cupressus macrocarpa*) and Tuart (*Eucalyptus gomphocephala*) along Wimbledon Avenue from Blue Ridge Lane to Ravenscourt Crescent. The trees have grown to enclose the avenue creating an impressive evergreen 'tunnel'. A row of Tuart trees also grows along the south side of Rosserdale Crescent and a stand grows in the Crescent triangle. The Rannoch Avenue traffic island features a stand of Monterey pines and a Golden Cypress, while on the nature strip are three fine *Cupressus glabra*, a cultivar selected by Hodgins of Hodgins Nursery, Essendon in about 1936.*

Ranelagh Estate is of historical significance for its role in the history of town planning and the garden suburb movement in Victoria. Ranelagh Estate is a rare example of a fully realised Griffin-designed residential estate in Victoria and the most intact with surviving community parklands and coastal reserve. Other examples in Victoria of Griffin's garden suburb design include the two Eaglemont subdivisions, Summit/Mount Eagle of 143 lots, 1914 and Glenard of 120 lots, 1915, Croydon Hills, 1921, and City View and Milleara estates, Avondale Heights, 1927-28. Of these, the Eaglemont examples are on a smaller scale, the Croydon example was only partially realised and the Avondale Heights examples have been partly subdivided. The Ranelagh Estate represents a more developed example of the Griffins' garden suburb ideals incorporating communal facilities such as commercial, social and recreational venues so that it becomes almost a self-contained garden suburb.

4. The registered Place is also subject to Heritage Overlay 213 of the Mornington Peninsula Planning Scheme. No planning permission is required under Heritage Overlay 213, because the land is included in a registered place. A number of the individual private properties, not including 66 Wimbledon Avenue, are included in other Heritage Overlays.

5. Further, the Ranelagh Estate (including private properties and the road reserve areas) is included in Vegetation Protection Overlay Schedule 1 of the Planning Scheme. The Overlay requires approval for vegetation removal with specified exceptions, one exception being for the formation of a driveway on private land (not on a roadway) of less than 3700mm in width.
6. The estate as a whole is included in Design and Development Overlay Schedule 2 (DDO2) of the Planning Scheme which includes as an objective:

To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Ranelagh Estate in Mt Eliza and the Sorrento Heritage Precinct.
7. The controls and considerations of DDO2 support a low density, generally two-storey scale of development with cladding and finishes in muted tones to the satisfaction of the Council. Buildings and works for single dwellings do not require approval, and it seems that driveways on road reserves may be exempted from planning permission by Clause 62 of the Planning Scheme.

Permit Application

8. On 8 August 2017 the Requestors for Review applied to the Executive Director, Heritage Victoria for a permit for the following works at the subject site ('the application'):

'New paved driveway and variation to crossover Standard Plan MP310'.
9. Standard Plan MP310 is a plan developed by Mornington Peninsula Shire Council (Mornington) for vehicle crossings in the Ranelagh Estate showing the preferred driveway dimensions and formation for residential driveways. It was developed in consultation with the Executive Director. A maximum driveway width of 3000mm is adopted in that plan. It also specifies the use of aggregate concrete of '*Golden Beach Blend*' (or approved brown granitic aggregate equivalent)'.

'Golden Beach Blend' (or approved brown granitic aggregate equivalent)'.
10. MP310 is used by Mornington when applications are made for approval of new driveways on Council-owned roads under a local law made under the *Local Government Act 1989*.
11. The maximum dimensions of 3000mm in width for driveways on MP310 and light-coloured surfacing coincide with those for permit-exempted driveways which apply in the registered Place and its administration under the *Heritage Act 2017*. The permit exemption for driveways under the registration specifies those under 3000mm in width. It also provides that the driveways must be '*unformed gravel in a light colour, or concrete with an exposed aggregate finish in a light sandy colour*'.
12. Decisions by the Executive Director concerning driveways in the estate generally are assessed against and support the requirements of Standard Plan MP310.
13. A variation to Standard Plan MP310 at 66 Wimbledon Avenue, Mount Eliza was sought by the Requestors for Review to construct a new driveway to align with the new garage that has been constructed. The driveway, both on the private lot and on the road reserve, is proposed to be reconstructed using Castlemaine stone paving and wider than the width of 3000mm provided for in Standard Plan MP310.
14. In response to a request from the Executive Director, a sketch plan showing the proposed driveway location and dimensions was supplied by the Requestors for Review on 11 October 2017. The widening of the driveway shown on the road reserve was as 4270mm at the front fence of the private land and 3500mm at the road gutter.

15. The Requestors for Review are the owners of 66 Wimbledon Avenue, but are not the owners of the subject site. The site subject of this review is a road reserve owned and managed by Mornington.
16. The *Heritage Act 2017* provides at s93(3) that where a permit applicant is not the owner of a registered place, the applicant must obtain the written consent of the owner of the place prior to the determination of the application.
17. On 10 October 2017, Mornington consented to the application for works to the road reserve outside 66 Wimbledon Avenue, Mount Eliza. A signed owner's consent form was provided to the Executive Director by the Requestors for Review on the same day.
18. A copy of Mornington Peninsula Shire Permit Number A7230838 for works to the road reserve outside 66 Wimbledon Avenue, issued in accordance with Mornington Peninsula General Purposes Local Law 2012 Part 2 Division 9 Works on Council Land or Roads was also provided on that day. It allowed the works in accordance with Standard Plan MP310.
19. Mornington was not represented at the subsequent Heritage Council hearing in relation to this matter.

Determination of the Executive Director

20. On 8 November 2017 the Executive Director determined to issue a permit for the proposed works ('the permit').
21. The permit was issued with seven conditions and allowed:

New paved driveway and variation to crossover Standard Plan MP310 at 66 Wimbledon Avenue, Mount Eliza.
22. Condition 1 of the permit stated:

The use of Castlemaine slate paving on the road reserve is not approved. The existing exposed aggregate concrete driveway is to be extended to the property line and the width increased to 3500 at 66 Wimbledon Avenue.

Review of the Executive Director's determination

23. A request for a review of the Executive Director's determination was lodged with the Heritage Council on 13 November 2017 ('the review'). The Requestors for Review stated that their reasons for seeking a review were "*the permit not allowing Castlemaine stone (not slate) is illogical...we are trying to achieve a tasteful, colour compliant, heritage appearance*".
24. Participants were notified that a review was to be conducted, and a hearing was scheduled for 14 February 2018 ('the hearing').

Site inspection

25. Members of the Heritage Council Registrations and Reviews Committee ('the Committee') conducted a site inspection of the Place and the subject site on Monday 22 January 2018. The Executive Officer and Business Support Officer of the Heritage Council Secretariat accompanied the Committee. No submissions were sought or received at the time of the site inspection.

Procedural and other matters

Decision making context

26. The Committee has made this decision within the context of the mandatory and discretionary considerations set out in s101 of the Act (see **Attachment 1**).

Previous works completed at the Place

27. The Committee notes that submissions referred to works that have been completed at other addresses within the Place that do not comply with Standard Plan MP310 and for which permits under the Act may not have been issued. These works include the construction of asphalt, 'crazy paving' and brick driveways, and the construction of crossovers measuring greater than 3000mm. The Executive Director indicated that some driveways and crossovers may have been altered prior to the registration of the Place on 12 May 2005. The Executive Director also advised that an investigation was commenced in late 2017 into potentially unauthorised works at the Place. The Committee views the undertaking of unauthorised works as a regrettable situation, but notes that the Executive Director, not the Committee, is the enforcement and compliance authority with respect to the Place.

CONSIDERATION OF THE ISSUES

Summary of submissions by participants

28. The following section identifies the position taken by participants in relation to key issues at the Hearing Further detail of their submissions is included in the subsequent section of the report.
29. The principal issue before the Committee is the extent to which the proposed works, namely the reconstruction of the driveway at 66 Wimbledon Avenue using Castlemaine stone paving and the widening of the original crossover to 3500-4270mm, would affect the cultural heritage significance of the Place. Participants disagreed on the question of the extent to which the proposed works, if approved, would affect the cultural heritage significance of the Place.
30. The Executive Director submitted that the use of Castlemaine stone paving within the road reserve outside 66 Wimbledon Avenue would adversely impact on the aesthetic and historical significance of the Place and its cultural heritage significance. It was said that permit applications for the Place are assessed to ensure alterations to crossovers and driveways remained subordinate to the natural park-like atmosphere of the Place. The Executive Director submitted that the use of Castlemaine stone paving would go against the intentions of Standard Plan MP310, which strives to minimise the visual disruption of the road verges within the Place. The Executive Director also did not support the full extent of the proposed widening above the standard 3000mm.
31. The Requestors for Review submitted that a permit should be issued for the works as proposed, arguing that the works would not diminish the cultural heritage significance of the Place, while providing better access to their property. The Requestors for Review submitted that the use of Castlemaine stone paving would adhere to the light, sandy colour referred to in the Permit Exemption Policy for the Place and was a more sustainable option than the concrete aggregate or crushed rock surfaces referred to in the Permit Exemption Policy and Standard Plan MP310.

Mandatory considerations included in s101 of the Act.

The issues raised at the Hearing are discussed in more detail below in the context of s101 and the Committee's response follows.

S101(2)(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place

Submissions and evidence

32. The Executive Director submitted that reconstructing the driveway at 66 Wimbledon Avenue using Castlemaine stone paving would diminish the ‘low key informal landscape’ characteristic of road reserves in the Place and would have an adverse impact on the cultural heritage significance of the Place. The Executive Director submitted that changes at the Place, such as those represented by the proposed use of Castlemaine stone paving, would result in a negative impact on the values referenced in the Statement of Significance and the Permit Policy for the Place, and would diverge from Walter Burley Griffin's 'garden suburb' vision for the Place. It was said that Castlemaine stone paving would draw attention to the driveway, rather than provide a natural, uniform finish subordinate to the natural surroundings of the estate. It was said that the proposed Castlemaine paving was too ‘busy’ and its ‘zig zag’ pattern would be distracting within the landscape. The Executive Director also noted that the driveway on the adjoining property to the south, which is situated only about 3 metres from the driveway for 66 Wimbledon Avenue, was constructed of exposed aggregate to the front fence and crazy paving was used only within the private property. The Executive Director considered that the two driveways should be visually consistent. It was noted that the existing permit exemptions for driveways within the registered extent of the Place allow the use of unformed gravel in a light color, or light sandy concrete with an exposed aggregate finish.
33. The Executive Director submitted that departures from Standard Plan MP310, which requires crossovers to be no wider than 3000mm, are generally considered inappropriate unless there is a safety or other requirement. At the Hearing, the Executive Director submitted that although the endorsed drawings for the works note the width of the crossover at the property boundary as 4270mm, Condition 1 of the issued Permit only allowed for the increase of the width of the crossover to 3500mm. An increase to the latter width was considered reasonable without affecting the significance of the Place. The Executive Director submitted, however, that increasing the width of the crossover at 66 Wimbledon Avenue to greater than 3500mm was not supported.
34. The Requestors for Review submitted that the use of Castlemaine stone paving within the road reserve would enhance the aesthetic and historical values of the Place far more than many other driveway surfaces currently evident at the Place, being a natural product that adheres to the colours of the Permit Exemption Policy for the Place. The Requestors for Review further submitted that Castlemaine stone paving would be a more economical and sustainable material than exposed concrete aggregate or crushed rock which is often washed away during heavy rain. The Requestors for Review referred to the Context Pty Ltd report *Ranelagh Estate Mount Eliza – Road Verges and the Management of the Public Landscape Final Draft April 2013* (‘the Road Verges report’), which recommends that driveways within the road reserve be “*historically appropriate (unformed gravel) or visually recessive (concrete aggregate, bricks or pavers)*”, and submitted that the use of Castlemaine stone paving is consistent with this recommendation.
35. The Requestors for Review also submitted that an increase to the width of the crossover was required for ease of vehicle access to the property at 66 Wimbledon Avenue. It was submitted that the 3000mm crossover previously installed by Mornington within the road reserve was angled towards the southern extent of the property at 66 Wimbledon Avenue and that an increase in the width of the crossover to 3500mm at the road gutter and 4270mm at the property boundary was required for safe vehicle access to the garage. Again, the Requestors for Review referred to the Road Verges report which

recommends the standard width of crossovers be 4000mm, with flexibility up to 4500mm.

36. In response to the Requestors for Review's reliance on the Road Verges report, the Executive Director submitted that although referenced by the Executive Director in written submissions, the report is not endorsed by the Executive Director, and the use of materials, and the widening of crossovers to widths other than those stipulated in the Permit Exemption Policy for the Place are not supported.

Discussion and conclusion

37. The Committee's assessment must consider the entire registered extent of the Place. The distinctive garden character of the Place and the harmony of the residential subdivisions with the topography and indigenous vegetation of the area are identified as crucial elements of the design of the Place and of its significance to the State of Victoria. The Committee notes the Permit Policy for the Place states that *'Important features of the estate include the subdivision pattern, street layout, internal network of reserves, vegetated traffic islands and the landscape character.'*
38. Walter Burley Griffin is recognised as a pivotal figure in the history of architecture, planning and design in Australia and elsewhere. Marion Mahony Griffin was also a leading figure in twentieth century architecture and design. The Place is an outstanding example of Walter Burley Griffin's visionary approach to town planning and design and incorporates his progressive environmental and philosophical design principles. The Place is registered as being of aesthetic and historical significance as an intact example of garden suburb planning and its distinctive long curved roads and vegetated road reserves contribute to its significance to the State of Victoria.
39. The Committee acknowledges that some road reserves within the Place that abut private residences have been altered by works which are not consistent with the conservation of the qualities of the Place, some potentially carried out after the registration of the Place in May 2012. These works also depart from Standard Plan MP310. Alterations include extensive and/or dark-coloured paving, and crossovers measuring wider than 3000mm. That such works have taken place should not, however, be used to justify other similar works detrimental to the cultural heritage significance of the Place.

The use of Castlemaine stone at the Place

40. The Committee understands the Requestors for Review's submission that the use of natural Castlemaine stone paving is intended to adhere to the light sandy colour of driveways referred to in the Permit Exemption Policy for the Place and Standard Plan MP310, whereas other driveways across the estate have been constructed from a range of materials including dark concrete aggregate, bricks and pavers.
41. The Committee is of the view, however, that the use of Castlemaine stone paving within the registered extent of the Place would detract from the aesthetic and historical values of the Place. The Committee considers that the Permit Exemption Policy for the Place, which stipulates the use of uniform, subdued and light-coloured materials intended to minimise visual impact, to be appropriate. The use of Castlemaine stone paving would set a poor precedent in departing from the intents of the Policy and would not be a proper response to the State-level cultural heritage values of the Place, detracting from the design principles of the Place. The Committee also considers that Castlemaine stone paving would be detrimental to the aesthetic values ascribed to the Place, being a visual distraction in its setting, rather than uniformly blending into the unformed garden-like landscape.

42. The Committee agrees with the Executive Director that changes to driveways within the registered extent of the Place should adhere to the Permit Exemption Policy for the Place and Standard Plan MP310. The Committee further notes that the permit exemptions for the Place and Standard Plan MP310 have both been consistently applied to permits and permit exemptions issued by the Executive Director pursuant to s92(3) and s101 of the Act. The Committee therefore determines to refuse to allow the use of Castlemaine stone paving within the road reserve at 66 Wimbledon Avenue, Mount Eliza.

Variation to the width of the crossover at 66 Wimbledon Avenue

43. The Committee agrees with the submission of the Requestors for Review that the width of the crossover at 66 Wimbledon Avenue should be increased to provide safe vehicle access to the property.
44. The Committee also agrees with the Executive Director, however, that increases to the width of crossovers at the Place should closely adhere to the width prescribed by the Permit Exemption Policy for the Place, being 3000mm, unless there is a safety or other requirement. The Committee notes that no submissions were received detailing whether or not safe vehicle access to the property could be obtained if the increased width of the of the crossover at 66 Wimbledon Avenue was limited to 3500mm throughout its length.
45. The Committee however notes Condition 7 of Permit Number P27421 which states, *'the development approved by this permit is to be carried out in accordance with the endorsed drawings, unless otherwise agreed in writing by the Executive Director, Heritage Victoria'*.
46. The Committee understands that the drawings submitted with the application and to be endorsed by the Executive Director under Condition 7 of Permit Number P27421, show the increased width of the crossover at the property boundary to be 4270mm. The Committee considers Condition 7 of Permit Number P27421 to be inconsistent with Condition 1 of the Permit, which allowed for the increase of the width of the crossover at 66 Wimbledon Avenue to a maximum of 3500mm.
47. The Committee therefore determines to vary Condition 1 of Permit Number P27421, pursuant to s108(7)(a) of the Act, to ensure consistency between the permitted width of the crossover and the endorsed drawings for the works. The Committee attaches revised Condition 1 of Permit Number P27421 with this determination (**Attachment 2**). Conditions 2–7 of Permit Number P27421 remain as issued on 8 November 2017.

S101(2)(f) other matters considered relevant to the conservation of the place

48. The following comments from the Committee respond to matters which arose in the Hearing. They are not determinative matters in this case but are intended to assist with future heritage management of the Ranelagh Estate.
49. The Committee considers that the division of responsibility for planning and heritage management of Ranelagh Estate between State and local authorities appears to have led to unfortunate situations of uncertainty for property owners in relation to applications for works on the estate. In this case, the Requestors for Review were initially given incorrect information as to which types of approvals were required, and to which authority they should make an application.
50. Owners of properties abutting the registered extent of the Place should be made aware by both Mornington and the Executive Director from which authority approvals are to be sought for proposed works. The Committee notes reference within the Road Verges report to a Fact File for residents of the estate, which outlines the approvals process for

driveway construction. The Committee recommends that circulation of this document to owners of properties abutting the Place be undertaken regularly by Mornington. This should include clarifying that approval is required from both Mornington and the Executive Director in relation to works to road reserves within the Place.

51. The Committee further notes that the Road Verges report makes recommendations for additional materials that should be permit-exempt for use within the road reserve. The Committee is of the opinion that the Permit Exemption Policy for the Place requires greater clarity around materials and works that are permit-exempt at the Place. The Committee recommends that the Executive Director considers updating the Permit Exemption Policy for the Place to ensure that any permit-exempt material is adequately described, with reference to colour, size and dimension, bond and any other required specifications.
52. Finally, the Committee recommends that Mornington consider updating existing DDO2 to modify the exemption for single dwellings and associated works so that driveways on private lots are not exempt from planning permission where they connect with driveway works on the registered extent of the Place, thus ensuring appropriate management of the flow between private properties and the road reserve within the registered extent of the Place.

CONCLUSION

53. The Heritage Council has determined, pursuant to s108(4)(a) of the *Heritage Act 2017*, to confirm the Executive Director's decision to refuse to allow the use of Castlemaine stone paving within the registered extent of the Place, and to vary Condition 1 of Permit Number P27421 to specify the allowed increase in width of the crossover at Wimbledon Avenue, Mount Eliza, of up to 3500mm and require the submission of revised plans to this effect to the Executive Director for endorsement.

ATTACHMENT 1

101. Determination of permit applications

1. After considering an application the Executive Director may—
 - a. approve the application and—
 - i. issue the permit for the proposed works or activities; or
 - ii. issue the permit for some of the proposed works or activities specified in the application; or
 - b. refuse the application.
2. In determining whether to approve an application for a permit, the Executive Director must consider the following—
 - a. the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;
 - b. the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;
 - c. any submissions made under section 95 or 100;
 - d. if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;
 - e. if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—
 - i. the world heritage values of the listed place; or
 - ii. any relevant Approved World Heritage Strategy Plan;
 - f. any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.
3. In determining whether to approve an application for a permit, the Executive Director may consider—
 - a. the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—
 - i. included in the Heritage Register; or
 - ii. subject to a heritage requirement or control in the relevant planning scheme; or
 - b. any other relevant matter.

ATTACHMENT 2

Variation to Permit Number P27421

PERMIT NUMBER:	P27421
NAME OF PLACE/OBJECT:	Ranelagh Estate
HERITAGE REGISTER NUMBER:	H1605
LOCATION OF PLACE/OBJECT:	MOUNT ELIZA

THE PERMIT ALLOWS: Variation to crossover Standard Plan MP310 at 66 Wimbledon Avenue, Mount Eliza.

CONDITION 1:

- a) The width of the vehicle crossover for 66 Wimbledon Avenue, Mount Eliza may be increased to no more than 3500mm throughout its length.
- b) Before the development starts, plans, generally in accordance to the plans submitted with the permit application and to the satisfaction of the Executive Director, Heritage Victoria must be submitted for approval. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show:
 - i. The maximum width of the crossover to be 3500mm throughout its length;
 - ii. The location and dimensions of the property boundary, fence, road and driveway at 66 Wimbledon Avenue, Mount Eliza;
 - iii. The extension of the existing exposed aggregate concrete driveway to the property boundary, or use of other permit exempt material within the road reserve from the gutter line to the property boundary.