



# Ordinary Meeting of Council Attachments

**29 March 2011**

## **Attachments**

10.2 Highett Neighbourhood Character Review

# **Ordinary Meeting of Council Attachments**

**29 March 2011**

## **Item 10.2**

Highett Neighbourhood Character Review



plān|ī'sphēre



City of Bayside  
**Highett Neighbourhood Character Review**

**MARCH 2011**



# CONTENTS

Introduction.....	1
Existing Policy and Controls.....	2
Recent Applications and VCAT Determination.....	3
Study Area .....	5
Surrounding Areas.....	7
Analysis and Recommendations.....	8
Preferred Character and Guidelines for the Study Area .....	9
Preferred Future Character Statement .....	11
Planning Scheme Implementation .....	13

## **Appendices**

Appendix 1: Map of 6m street setback requirement.....	14
Appendix 2: Draft Precinct G3 Insertion in Cl. 22.07.....	15
Appendix 3: Draft NCO Schedule.....	17



## Introduction

Planisphere has been engaged by the City of Bayside to undertake a review of two former industrial areas in Highett to ascertain the appropriate neighbourhood character controls or policy. It is envisaged that these two areas, recently rezoned from industrial to Residential 1, will be redeveloped for residential purposes. The Council is concerned to ensure the appropriate neighbourhood character policy is applied to advise landowners and developers, and to assess the proposed redevelopments.

The purpose of this review is to ascertain whether the neighbourhood character policy to apply to the former industrial areas should be the existing policy/guidelines applying to the surrounding residential area, or an alternative set of guidelines or policy specific to these sites. It was anticipated at commencement that a modified set of guidelines, reflecting certain elements of those in the surrounding residential precinct, would need to be prepared given the variation in the built form between the subject sites and the surrounding area.

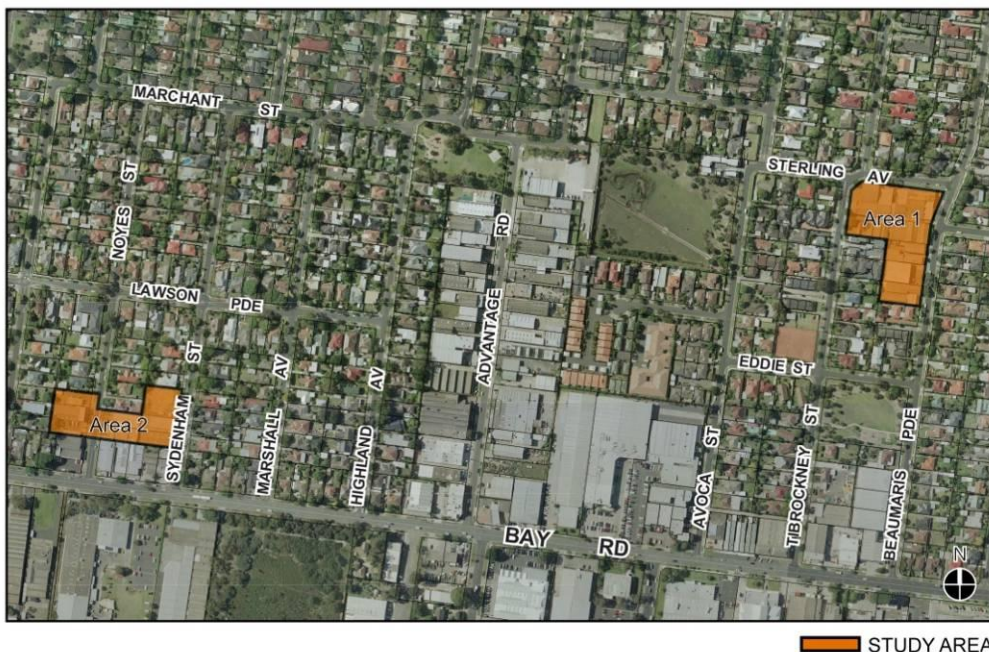
### Process

The following tasks were undertaken in the preparation of this review:

- Review of background material including existing planning applications and the neighbourhood character guidelines applicable to the surrounding residential precinct;
- Site inspection, including a review of the immediate surrounding area;
- Preparation of neighbourhood character guidelines for the subject areas;
- Preparation of planning scheme implementation recommendations.

### Study Area

The two areas below are referred to as the Study Area for this review.



## Existing Policy and Controls

---

### State Planning Policy Framework

#### Clause 19.03 Design and Built Form

Clause 19.03, Design and Built Form, seeks to achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community;
- Enhances liveability, diversity, amenity and safety of the public realm; and
- Promotes attractiveness of towns and cities within broader strategic contexts.

Clause 19.03 recommends that these objectives are implemented through the requirement of a site analysis accompanying any application for residential or non-residential development requiring a permit. The site analysis should explain how the proposed development responds to the site and its context. Clause 19.03 also requires that development must take into account the natural, cultural and strategic context of its location, and advises that the public realm (including main pedestrian spaces, streets, squares, parks and walkways) should be protected and enhanced.

### Municipal Strategic Statement

#### Clause 21.05 Housing

The Housing Policy highlights increasing demand for a greater variety of housing types and the need for the municipality to provide these. The policy states that new medium density housing will be primarily directed towards areas in and around activity centres.

### Local Planning Policies

#### Clause 22.07 Neighbourhood Character Policy

At the time the Neighbourhood Character Study and subsequent Neighbourhood Character Policy were prepared, the subject area was included in an industrial zone and therefore excluded from the Study Area. The residential area surrounding the subject sites was included in a precinct called G1.

### General Provisions

#### Clause 65: Decision Guidelines

Clause 65 sets out decision guidelines for the approval of an application or plan as well as the approval of an application to subdivide land. Before deciding on an application, the responsible authority must consider the guidelines set out in the clause and must decide whether the proposal will produce acceptable outcomes in the context of the guidelines.

### Zones

The provisions of the Residential 1 Zone (R1Z) apply to the entire area.

The purposes of the R1Z, among other things, are to:

- provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households;
- Encourage residential development that respects the neighbourhood character;

Dependent on the application, the R1Z requires the consideration of relevant provisions of the State Planning Policy Framework and the Local Planning Policy Framework as well as clauses 54, 55 and 56 (ResCode).

The schedule to the R1Z in Bayside varies the minimum street setback, site coverage, side and rear setback and front fence height ResCode standards.

### Overlays

#### Schedule 2 to the Design and Development Overlay: Building Height Control – Inland Areas

DDO2 applies to inland areas of the municipality, including all properties in the subject area. The objectives of DDO2 are 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;
- Preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character;
- Maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods;
- Maintain a strong landscape character with buildings set within vegetated surrounds.

A permit is required to construct any building with a height of more than 2 storeys, or above:

- 9 metres; or
- 10 metres where the slope of the natural ground level at any cross section of the site of the building wider than 8 metres is 2.5 degrees or more.

#### Environmental Audit Overlay

The EAO applies to all of the properties within the Study Area. The purpose of the overlay is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. Before a sensitive use commences, or before buildings are constructed, the land must be certified for use.

#### Special Building Overlay

The SBO applies to part of Noyes Street only. The purposes of the SBO, among other things, are to identify land in urban areas liable to inundation and ensure that development maintains the free passage and temporary storage of floodwaters and minimises flood damage.

## Recent Applications and VCAT Determination

In 2009 Council received an application for the construction of two and three storey apartment style buildings containing 26 dwellings at 29-33 Beaumaris Parade and 34 Tibrockney Street, Highett. The redevelopment proposal was conditionally supported by Council officers, but refused by Council on the grounds of, among other things, non-compliance with DDO2 objectives, visual bulk to the streetscape, lack of respect for existing residential character and inadequate landscaping opportunities.

The application was submitted for review at VCAT in February 2010. At the time of the review, the subject site had been rezoned to Residential 1, but no specific neighbourhood character direction had been established for the two former industrial areas of Highett. Council's decision to refuse the application was affirmed by VCAT due to several reasons including two that are particularly relevant to this Review. Firstly, it was found that there was a lack of justification for the intensity of development. Clause 16.01-3 sets out a list of criteria aimed at identifying strategic redevelopment sites. Given the site's lack of proximity to a principal or major activity centre and access to the Principal Public Transport Network, it could not be identified as a strategic redevelopment site and therefore should not be redeveloped at such a level of intensity. Secondly, it was found that the proposal did not achieve an acceptable response to its site context. VCAT concluded that too much

attention had been paid to the industrial context, and not enough attention to the more suburban residential interfaces. Given the lack of neighbourhood character policy applying the site, the decision took into account the neighbourhood character of Precinct G1 (the surrounding neighbourhood character precinct) and it was found that greater street setbacks and landscaping would assist the development.

In preparing the guidelines in this Review, the decision of VCAT in this case has been taken into account. It is acknowledged that the sites have greater opportunities for intensive redevelopment due to their characteristics; however, there is an opportunity for the redevelopment of sites to provide an improved interface to the traditional suburban surrounds. This can be achieved through measures such as the provision of greater setbacks and improved landscaping.

## Study Area

The Study Area comprises two separate areas in Highett that have been rezoned from industrial to Residential 1.

### Area 1: bounded by Tibrockney Street, Sterling Avenue and Beaumaris Parade



34 Tibrockney St



31-33 Beaumaris Pde  
(Sterling Ave frontage)



29 Beaumaris Pde



27 Beaumaris Pde



25 Beaumaris Pde



23 Beaumaris Pde



This area contains a number of individual warehouse buildings with the following characteristics:

Building height	The height of buildings ranges between one and two storeys (equivalent to one-2.5 residential storeys)
Building Era	Most of the warehouse buildings date back to the Interwar or Post-war era. There is also some 1970s infill.
Building form	There are some common characteristics in the form of buildings including flat or occasional saw-tooth roof forms and large warehouse windows.
Materials	Generally constructed of red or yellow brick, some with painted or rendered exteriors. Roofs are predominantly corrugated asbestos.
Setbacks	Setbacks are varied: some buildings abut front and/or side boundaries while others are set back from the front, and occasionally from the side.
Landscaping	Vegetation is minimal in setbacks, as setbacks are generally used for car parking.

**Area 2: Properties along Noyes Street and Sydenham Street**



**1 Noyes St**



**2 Noyes St**



**3 Noyes St**



**4 Noyes St**



**5 Noyes St**



**1 Sydenham St**



**3 Sydenham St**



This area contains a number of individual buildings with the following characteristics:

**Building height** The height of buildings ranges between one and two storeys (equivalent to one-2.5 residential storeys).

**Building Era** Buildings generally date to the Post-war era, with several from the 1960s, as well as some recent construction.

**Building form** Warehouse style construction with parapets at the front of some buildings, and flat or single pitch roofs. Some large warehouse windows are present on building frontages.

**Materials** Brick or render with corrugated asbestos roofs.

**Setbacks** Setbacks are varied: some buildings abut front and/or side boundaries while others are set back from the front and occasionally from the side.

**Landscaping** Vegetation is minimal in setbacks. Setbacks are generally used for car parking.

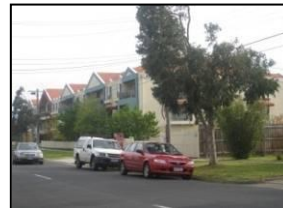
## Surrounding Areas

### Description

Dwellings in the surrounding areas of both locations reflect the description provided by the Neighbourhood Character Study for the precinct they are located in, G1:

*This area contains a variety of single storey, predominantly Post-War dwellings with low pitched roof forms. They are often double or triple fronted and comprising cream and red brick, weatherboard or fibro materials. There are some pockets of more recent development often of reproduction styles and two storey. Front setbacks vary across the area from 6 to 8m and dwellings are usually setback from both boundaries with garages sometimes built to the boundary. Gardens are predominantly low lying, with exotic shrubs and lawn, with occasional large trees allowing views to the dwellings and providing a backdrop of vegetation. Front fences are mixed with some streets where fences are predominantly low or open style, and others where high fences are more common. Street tree planting is mixed and sporadic.*

### Examples of the Surrounding Built Form



### Preferred Future Character

The preferred future character of Precinct G1 is described in the following statement which is included in the Neighbourhood Character Policy at Clause 22.07:

*The well-articulated dwellings sit within landscaped gardens, some with established trees. New buildings are frequent and are designed to respond to the site, and include a pitched roof form to reflect the dominant forms in the area. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within garden settings due to the regular front setbacks, well vegetated front yards and additional street tree planting in the area.*

## Analysis and Recommendations

---

There is an obvious distinction between the built form in the Study Area and the surrounding areas. Although there are other examples of buildings across the municipality that are inconsistent with the character of their precinct, these two locations are distinctive in that they were previously zoned for industrial uses, are contained within discrete clusters and are located between commercial and traditional residential areas. Many of the buildings in the Study Area appear to have been constructed over 50 years ago, and may pre-date the housing surrounding it.

Analysis of the existing character of the Study Area and the surrounding residential areas reveals the distinctions and similarities.

### Height and scale

With occasional exceptions where new development has occurred, the buildings are low-scale at 1-2 storeys. This is compatible with the scale of the surrounding residential area that is predominantly single storey and recent two storey development.

### Form

Building form is considerably different between the areas, with the Study Area containing buildings with little articulation and flat, single pitch or saw tooth roof forms. The residential building forms, while simple, are heavily articulated by comparison, in form and design.

### Siting

Existing buildings in the Study Area have little in common with the surrounding area in terms of siting. Buildings in the Study Area are often built to the boundaries (either front or side and sometimes to all boundaries) whereas buildings in the surrounding residential areas have consistent front setbacks, and side and rear setbacks.

### Materials

The materials used in the Study area are typical of commercial buildings of the era, and include brick, tilt slab concrete and render. The residential buildings are typically brick, weatherboard or fibro cement.

### Conclusions

It is clear that the general height and scale of buildings in the Study Area is compatible with the existing character of the surrounding precinct, G1, while the building siting and form within the Study Area is not consistent.

Having regard to the inclusion of the Study Area in the residential zone, and the likely change of use and building stock that is already commencing within these areas to conform with the new zoning, it is desirable to integrate the new residential development with the existing development in surrounding areas. A perpetuation of the existing building siting and forms in new development would appear to be artificially reconstructing the former industrial character, whereas requiring new development to conform more to the siting and forms of the surrounding residential development would appear to better reflect the intended use of the area.

The redevelopment and/or re-use of the existing commercial and industrial buildings in the Study Area will provide the opportunity to achieve a greater level of amenity and, in some cases, consistency with nearby residential areas, and improve the interface between the Study Area and the surrounding areas. Therefore redevelopment and/or re-use for residential purposes should be encouraged through the planning controls and guidelines.

In proposals that involve substantial re-use of the existing buildings cosmetic improvements including landscaping to soften the appearance of the buildings, reducing crossover widths to domestic scale, and alterations to reflect a residential use will assist in creating improved visual linkages between the Study Area and surrounding areas.

The total redevelopment of sites provides the opportunity to achieve a built form that relates more closely to the traditional suburban surrounds. As the existing industrial buildings in the area have been a part of the area's character for some time, it is not considered reasonable to require new development to conform to the exact setback requirements of the preferred character and guidelines of Precinct G1. However improvements to the appearance of buildings, provision of a front setback area and side and rear setback areas where appropriate, to better reflect the nearby development, can be achieved through the tools recommended in the Planning Scheme Implementation section of this report.

In both cases therefore, a preferred character statement and guidelines are required to facilitate the transition of these former industrial areas to a residential form consistent with the current zone. The accompanying guidelines need to provide for residential proposals that involve substantial re-use of the existing building (bearing in mind that significant changes to the buildings will be required regardless) and those that involve predominant or complete replacement of the buildings with new residential development.

### Recommendation

It is therefore recommended that both areas be included in a new Neighbourhood Character Precinct, and that the guidelines in the following section be applied to new development.

The recently constructed dwellings at 5 and 7 Sydenham Street are an exception to this as the buildings on these sites are consistent with the character of the surrounding precinct, G1, and should therefore be added to that Precinct.

## Proposed Preferred Character and Guidelines for the Study Area

It is proposed that a new Precinct be created that encompasses both areas included within the Study Area. To continue the numbering system established in the Neighbourhood Character Study, it is recommended that the new Precinct be known as G3.

The Preferred Character Statement for G3 recognises the history of the area, and aims to ensure a transition to a residential area that is compatible with the surrounding residential area. It encourages redevelopment and replacement with well designed contemporary development that incorporates many of the key elements of the surrounding area.

The Preferred Character Statement and Guidelines for the G3 Precinct differ from the Guidelines that apply to other residential areas of Bayside as a result of the existing building form, siting and site coverage. Many of the Guidelines for G3 do not conform with the standards of ResCode, nor the varied standards included in the Residential 1 Schedule in the Bayside Planning Scheme that currently applies to all residential areas of the City. Therefore the implementation of the Guidelines through the Planning Scheme will require a mechanism that enables different standards to apply to G3.

The guidelines prepared for this precinct seek to implement a balanced approach to the future character of the Study Area. It is not expected that new development will or should re-use existing buildings however this should not be discouraged. Guidance is therefore provided for situations in which buildings are proposed for re-use and situations where demolition and re-building is proposed. Submissions from residents to the draft August Review 2010 report and NCO, indicated that residents would like all buildings, including existing buildings proposed for reuse, to be setback from street boundaries.

It is considered that a 6 metre ground level street setback for all residential development (whether using existing or new buildings) is an appropriate way to improve the interface between Precincts G1 and G3, and at the same time encourage redevelopment. The setback will allow for a visual transition between the larger residential setbacks in the surrounding areas, and the often small or non-existent street setbacks in the former industrial area. The setback will also assist in the integration of the former industrial area with the

residential area by providing the opportunity for landscaping to further soften the appearance of the streetscapes. It is considered that due to the typical building forms and construction materials, as well as the frequent use of asbestos roofs which will require removal prior to residential use, a 6m street setback is not an unreasonable requirement.

The application of the 6m front setback requirement represents an incentive for redevelopment given it is slightly less than that required in the adjoining residential Precincts (6-8m). In addition, allowing redevelopment to utilise existing side and rear setbacks, rather than conform with ResCode or the Schedule requirements, also assists in encouraging the transition, with minimal visual or amenity impacts on the surrounding areas. (The attached maps in Appendix 1 show the buildings that are affected by a 6 metre setback, illustrated by the red hatching.)

Where demolition and re-development is proposed the guidelines promote a built form that reflects key elements of the surrounding residential area, including building and roof form, design and articulation, material and vehicular access. New development can be encouraged by allowing construction to the existing side and rear setbacks, and allowing the retention of the existing site coverage that may not conform to the usual standards in Bayside.

Where buildings are proposed for modification and re-use for residential purposes, the guidelines require that the façade design, vehicle access and materials reflect the surrounding residential areas and require the provision of landscaping to soften the built form. The condition of buildings and their surroundings will thereby be improved to enhance the character of the area and provide an improved interface with Precinct G1.

It is noted that the particular open space, height and front fence standards that apply in Bayside through the Residential 1 schedule are not altered for Precinct G3, and that in these respects any development in G3 must comply with these standards, in addition to all the other ResCode standards relating to amenity, overlooking, overshadowing, access, parking etc, that apply to all residential development.

## Preferred Future Character Statement

*These former industrial areas are in transition to a residential use and form that complements the surrounding residential character. The mix of building styles are gradually transforming, through redevelopment and reuse, to well-designed and contemporary residential buildings that sit comfortably in the traditional residential streetscape. All buildings incorporate a substantial, landscaped front setback and garden areas within the development that provide a visual link and buffer between the new and established residential areas. Comprehensive redevelopment of sites is encouraged and where this has occurred, the building design is closely aligned with key elements of form, style, vehicular access and materials in the surrounding residential areas. Adapted buildings also reflect key elements of the surrounding residential areas in the façade design, vehicular access and building forms. The former built form and use of the areas is acknowledged through subtle elements of siting, while the high architectural and amenity standards of the surrounding area are reflected and maintained.*

## Guidelines

CHARACTER ELEMENT/RESCODE STANDARD	OBJECTIVE	DESIGN RESPONSE	AVOID
<b>Street setback</b>	To provide space for landscaping in front setbacks.	<ul style="list-style-type: none"> <li>&gt; Walls of buildings should be set back a minimum of 6 metres from any street frontage or sideage.</li> </ul>	<p>New buildings without front setbacks.</p> <p>Car parking in front setbacks.</p>
<b>Site coverage</b>	To recognise the historically greater site coverage in the Precinct while achieving a reduction where possible.	<ul style="list-style-type: none"> <li>&gt; Where existing buildings are to be re-used, increase the permeable area available on-site for landscaping, and do not increase the building site coverage if over 60%.</li> <li>&gt; In a new development, the building site coverage should not exceed 60%.</li> </ul>	Developments that do not increase the permeable site area.
<b>Landscaping</b>	To strengthen the landscape character of the area and provide an improved interface with surrounding residential areas.	<ul style="list-style-type: none"> <li>&gt; Provide garden areas and include substantial vegetation within the street setback area.</li> <li>&gt; Consider the use of more innovative landscaping options such as planter boxes, climbers, creepers and vertical gardens in locations with no or small side or rear boundary setbacks.</li> <li>&gt; Provide balconies and outdoor courtyards with space for vegetation that may be visible from the street.</li> </ul>	<p>Lack of landscaping and vegetation.</p> <p>Use of impervious surfaces in front, side and rear setbacks other than driveways.</p>
<b>Side and rear setbacks</b>	To ensure that the height and setback of a building from a boundary respects the preferred neighbourhood character.	<ul style="list-style-type: none"> <li>&gt; Where there are no abutting buildings, a new building not on or within 150mm of a boundary should be set back from side and rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul>	
<b>Walls on boundaries</b>	To ensure that the location, length and height of a wall on a boundary respects the preferred neighbourhood character.	<ul style="list-style-type: none"> <li>&gt; Where there are no existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than 10 metres plus 25 per cent</li> </ul>	Buildings that appear to exceed by more than one storey the predominant building height in the street.

		<p>of the remaining length of the boundary of an adjoining lot.</p> <ul style="list-style-type: none"> <li>&gt; Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary more than: <ul style="list-style-type: none"> <li>- The length of the existing or simultaneously constructed walls or carports, or</li> <li>- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, whichever is the greater, and</li> <li>- The height of the existing building abutting the boundary.</li> </ul> </li> </ul>	
<b>Access</b>	To minimise the dominance of car parking, garages and paved areas.	<ul style="list-style-type: none"> <li>&gt; Remove existing excessive width vehicular crossings and provide standard residential crossover widths.</li> <li>&gt; Provide no more than one vehicular crossover per typical residential site width street frontage or sideage.</li> </ul>	
<b>Parking location</b>	To minimise the dominance of car parking, garages and paved areas.	<ul style="list-style-type: none"> <li>&gt; Minimise hard paving in front and side setbacks, and remove existing car parking in front setback areas.</li> <li>&gt; Locate car parking spaces, garages and car ports to the rear or side of the building.</li> </ul>	<p>Car parking structures that dominate the facade or view of the dwelling.</p> <p>Front and side setbacks dominated by impervious surfaces.</p>
<b>Design detail</b>	To create building facades and roof forms that complement the nearby residential area.	<ul style="list-style-type: none"> <li>&gt; Provide: <ul style="list-style-type: none"> <li>- façade articulation and detailing;</li> <li>- materials, finishes and colours;</li> <li>- a pitched roof form,</li> </ul> that respect the preferred neighbourhood character of the surrounding residential area </li> <li>&gt; Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.</li> </ul>	Poorly articulated front and side wall surfaces.
	To ensure that car parking structures do not dominate the streetscape.	<ul style="list-style-type: none"> <li>&gt; Design garage doors and car parking structures to integrate with the building colours and materials.</li> </ul>	
<b>Front fences</b>	To maintain the openness of streetscapes and views to buildings.	<ul style="list-style-type: none"> <li>&gt; Provide a visually permeable residential style front fence (up to 1.2 metres) or no front fence, or vegetation as an alternative to fencing.</li> </ul>	High, solid front fencing.

## Planning Scheme Implementation

---

The following actions are recommended to implement neighbourhood character controls for the Study Area:

### Boundary Changes

- Include the properties at 5 and 7 Sydenham Street in the existing Precinct G1.
- Designate the remaining Study Area (Parts 1 and 2) as a new Precinct G3.

The boundary changes listed above should be adjusted on the map that appears in Clause 22.07 of the Planning Scheme, as well as in Council's GIS system.

### Implementation of the new Precinct G3

- Referencing this Review in Clause 21.05 (MSS)
- Include the Preferred Character Statement and Guidelines in the Neighbourhood Character Policy at Clause 22.07 of the Planning Scheme and amend the map. The guidelines presented on the previous pages are amended to exclude items that repeat ResCode standards, and to conform with the form and structure of the other Guidelines in the Policy. (Appendix 2)
- Introduce a new Neighbourhood Character Overlay (NCO) to apply to Precinct G3, including the Street setback, Site Coverage, Landscaping, Side and Rear Setbacks, Walls on boundaries, Access, Parking location, and Design detail guidelines as alternate ResCode standards. (Appendix 3)

One of the challenges in the implementation of the Precinct is the application of the variations included in Bayside's schedule to the R1Z. The variations in the schedule, including minimum street setback, site coverage and side and rear setbacks, are not considered appropriate in Precinct G3 given the existing pattern of development and the preferred future character. The provisions applying to the new Precinct G3 need to override the R1Z schedule as some are more restrictive and inappropriate for the new Precinct.

While the Design and Development Overlay provides the opportunity to include new design guidelines it does not allow for the replacement/modification of ResCode standards, and therefore the ResCode standards in the Schedule to the R1Z would also apply. It is therefore considered clearer to replace the Schedule standards by utilising the Neighbourhood Character Overlay.

### Neighbourhood Character Overlay Provisions

In order to further reinforce the preferred future character that is sought in Precinct G3 and provide a planning permit trigger, it is recommended that Council introduces a NCO that would provide alternate ResCode standards for Street setback (Standards A3 and B6), Site Coverage (Standards A5 and B8), Landscaping (Standards A8 and B13), Side and Rear Setbacks (Standards A10 and B17), Walls on boundaries (Standards A11 and B18), Access (Standard B14), Parking location (Standard B15) and Design detail (Standards A19 and B31) to replace and augment those found in the Residential 1 Zone schedule applying to the remainder of Bayside. This is intended to provide the ability to manage the transition of the area to align with the preferred future character.

Given that the existing buildings are not of neighbourhood character significance and demolition is not discouraged, the Neighbourhood Character Overlay Schedule should not require a permit for demolition. A draft Neighbourhood Character Overlay schedule for this Highett Neighbourhood Character Precinct is included in Appendix 3.

Appendix 1: Map of 6m street setback requirement

The maps below illustrate how the proposed 6 metre street setback would affect existing buildings in the Study Area.

Area 1:



6 metre Street Setback

Area 2:



6 metre Street Setback

## Appendix 2: Proposed Insertion in Clause 22.07 for Precinct G3

### Precinct G3

#### Preferred Future Character Statement

These former industrial areas are in transition to a residential use and form that complements the surrounding residential character. The mix of building styles are gradually transforming, through redevelopment and reuse, to well-designed and contemporary residential buildings that sit comfortably in the traditional residential streetscape. All buildings incorporate a substantial, landscaped front setback and garden areas within the development that provide a visual link and buffer between the new and established residential areas. Comprehensive redevelopment of sites is encouraged and where this has occurred, the building design is closely aligned with key elements of form, style, vehicular access and materials in the surrounding residential areas. Adapted buildings also reflect key elements of the surrounding residential areas in the façade design, vehicular access and building forms. The former built form and use of the areas is acknowledged through subtle elements of siting, while the high architectural and amenity standards of the surrounding area are reflected and maintained.

#### Guidelines

CHARACTER ELEMENT/RESCODE STANDARD	OBJECTIVE	DESIGN RESPONSE	AVOID
<b>Street setback</b>	To provide space for landscaping in front setbacks.	<ul style="list-style-type: none"> <li>&gt; Walls of buildings should be set back a minimum of 6 metres from any street frontage or sideage.</li> </ul>	<p>New buildings without front setbacks.</p> <p>Car parking in front setbacks.</p>
<b>Site coverage</b>	To recognise the historically greater site coverage in the Precinct while achieving a reduction where possible.	<ul style="list-style-type: none"> <li>&gt; Where existing buildings are to be re-used, increase the permeable area available on-site for landscaping, and do not increase the building site coverage if over 60%.</li> <li>&gt; In a new development, the building site coverage should not exceed 60%.</li> </ul>	Developments that do not increase the permeable site area.
<b>Landscaping</b>	To strengthen the landscape character of the area and provide an improved interface with surrounding residential areas.	<ul style="list-style-type: none"> <li>&gt; Provide garden areas and include substantial vegetation within the street setback area.</li> <li>&gt; Consider the use of more innovative landscaping options such as planter boxes, climbers, creepers and vertical gardens in locations with no or small side or rear boundary setbacks.</li> <li>&gt; Provide balconies and outdoor courtyards with space for vegetation that may be visible from the street.</li> </ul>	<p>Lack of landscaping and vegetation.</p> <p>Use of impervious surfaces in front, side and rear setbacks other than driveways.</p>
<b>Side and rear setbacks</b>	To ensure that the location, length and height of a wall	<ul style="list-style-type: none"> <li>&gt; Where existing buildings on the subject or adjoining site are built to the boundary, allow new buildings to be built on the boundary for the</li> </ul>	Buildings that appear to exceed by more than one

	on a boundary respects the preferred neighbourhood character.	same length.	storey the predominant building height in the street.
<b>Access and parking</b>	To minimise the loss of front garden space and the dominance of car parking, garages and paved areas.	<ul style="list-style-type: none"> <li>&gt; Remove existing excessive width vehicular crossings and provide standard residential crossover widths.</li> <li>&gt; Provide no more than one vehicular crossover per typical residential site width street frontage or sideage.</li> <li>&gt; Minimise hard paving in front and side setbacks, and remove existing car parking in front setback areas.</li> <li>&gt; Locate car parking spaces, garages and car ports to the rear or side of the building.</li> <li>&gt; Design garage doors and car parking structures to integrate with the building colours and materials.</li> </ul>	<p>Car parking structures that dominate the facade or view of the dwelling.</p> <p>Front and side setbacks dominated by impervious surfaces.</p>
<b>Design detail</b>	To create building facades and roof forms that complement the nearby residential area.	<ul style="list-style-type: none"> <li>&gt; Provide:                             <ul style="list-style-type: none"> <li>- façade articulation and detailing;</li> <li>- materials, finishes and colours;</li> <li>- a pitched roof form, that respect the preferred neighbourhood character of the surrounding residential area</li> </ul> </li> <li>&gt; Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.</li> </ul>	Poorly articulated front and side wall surfaces.
<b>Front fences</b>	To maintain the openness of streetscapes and views to buildings.	<ul style="list-style-type: none"> <li>&gt; Provide a permeable residential style front fence (up to 1.2 metres) or no front fence, or vegetation as an alternative to fencing.</li> </ul>	High, solid front fencing.

## Appendix 3: Draft NCO Schedule

--/20--

### **SCHEDULE 8 TO THE NEIGHBOURHOOD CHARACTER OVERLAY**

Shown on the planning scheme map as **NCO8**.

#### **HIGHETT NEIGHBOURHOOD CHARACTER PRECINCT**

##### **1.0 Statement of preferred neighbourhood character**

--/20--

These former industrial areas are in transition to a residential use and form that complements the surrounding residential character. The mix of building styles will gradually transform, through redevelopment and reuse, to well-designed and contemporary residential buildings that sit comfortably in the traditional residential streetscape. All buildings will incorporate a substantial, landscaped front setback and garden areas within the development that provide a visual link and buffer between the new and established residential areas. Comprehensive redevelopment of sites is encouraged and where this occurs, the building design will be closely aligned with key elements of form, style, vehicular access and materials in the surrounding residential areas. Adapted buildings will also reflect key elements of the surrounding residential areas in the façade design, vehicular access and building forms. The former built form and use will be acknowledged through subtle elements of siting, while ensuring that the high architectural and amenity standards of the surrounding area are reflected and maintained.

##### **2.0 Neighbourhood character objectives**

--/20--

To improve the interface between former industrial areas and the surrounding traditional residential areas.

To encourage the transition of the area to residential use.

To create more consistent and attractive streetscapes through improvements to existing setbacks and building facades.

To encourage a building form and style more closely aligned with the character of the traditional suburban surrounds.

To encourage townhouse style medium density housing development that reflects the surrounding character through building form, street setbacks and the use of materials.

To allow setbacks from side and rear boundaries that reflect the existing pattern of setbacks, where appropriate.

To ensure that all setbacks are well landscaped.

##### **3.0 Permit requirement**

--/20--

A permit is required to construct or extend an outbuilding normal to a dwelling.

##### **4.0 Modification to Clause 54 and Clause 55 standards**

--/20--

<b>STANDARD</b>	<b>MODIFIED REQUIREMENT</b>
<b>Street setback A3 and B6</b>	Walls of buildings should be set back a minimum of 6 metres from any street frontage.
<b>Site coverage</b>	Where existing buildings are to be re-used, increase the permeable

STANDARD	MODIFIED REQUIREMENT
<b>A5 and B8</b>	<p>area available on-site for landscaping, and do not increase the building site coverage if over 60%.</p> <p>In a new development, the building site coverage should not exceed 60%.</p>
<b>Landscaping A8 and B13</b>	<p>Provide garden areas and include substantial vegetation within the street setback area.</p> <p>Consider the use of more innovative landscaping options such as planter boxes, climbers, creepers and vertical gardens in locations with no or small side or rear boundary setbacks.</p> <p>Provide balconies and outdoor courtyards with space for vegetation that may be visible from the street.</p>
<b>Side and rear setbacks A10 and B17</b>	<p>Where there are no abutting buildings, a new building not on or within 150mm of a boundary should be set back from side and rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>
<b>Walls on boundaries A11 and B18</b>	<p>Where there are no existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot.</p> <p>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary more than:</p> <ul style="list-style-type: none"> <li>• The length of the existing or simultaneously constructed walls or carports, or</li> <li>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, whichever is the greater, and</li> <li>• The height of the existing building abutting the boundary.</li> </ul>
<b>Access B14</b>	<p>Remove existing excessive width vehicular crossings and provide standard residential crossover widths.</p> <p>Provide no more than one vehicular crossover per typical residential site width street frontage or sideage.</p>
<b>Parking location B15</b>	<p>Minimise hard paving in front and side setbacks, and remove existing car parking in front setback areas.</p> <p>Locate car parking spaces, garages and car ports to the rear or side of the building.</p>
<b>Design detail</b>	<p>Provide:</p>

STANDARD	MODIFIED REQUIREMENT
A19 and B31	<ul style="list-style-type: none"> <li>• Façade articulation and detailing;</li> <li>• Materials, finishes and colours;</li> <li>• Pitched roof form,</li> </ul> <p>that respect the preferred neighbourhood character of the surrounding residential area.</p> <ul style="list-style-type: none"> <li>• Design garage doors and car parking structures to integrate with the building colours and materials.</li> </ul>

**5.0 Decision guidelines**

--/20--

Before deciding on an application, the Responsible Authority must consider as appropriate:

- The extent to which any buildings or works assist in reflecting and protecting the preferred neighbourhood character of the area.
- The extent to which any buildings and works assist in integrating the area with the surrounding residential area.
- Whether any new building or alterations to an existing building provide adequate street frontage setbacks to reflect the predominant pattern in nearby residential areas.
- Whether the proposal includes sufficient landscaping.

**6.0 Reference**

--/20--

Bayside Highett Neighbourhood Character Review, March 2011

# Highett Neighbourhood Character Review

---

## Summary of Key Issues raised through submissions and Consultant responses

There is no basis for allowing a higher density in Precinct G3. This will result in reduced amenity for the surrounding area.

The guidelines recognise that medium density development is likely in these areas due to land values and the cost of altering and rehabilitating these sites for residential use. The preferred character statement and guidelines primarily seek to improve the interface between the existing built form in Precinct G3 and the character of Precinct G1. The guidelines acknowledge the history and existing built form and are designed to encourage redevelopment. The allowance for a higher density may also encourage the redevelopment of sites and the demolition of any poor quality buildings that may be present. It is important to note that the sites could be developed for single dwellings, and no density provisions are included in the guidelines or NCO.

The area is enveloped by G1 and should be included in this precinct.

Preferred neighbourhood character is at least partly derived from the existing built form and history of an area, and where the character is to change, it seeks to manage a transition that retains any valued elements and provide guidelines for the new elements. In the case of these areas, their history as industrial and commercial areas is quite evident and will be for some time. In some cases the industrial buildings pre-date surrounding residential areas. The Council cannot compel existing buildings to be removed and some commercial/industrial use is allowable.

The NCO and guidelines seeks to encourage a future character that recognises that the existing buildings can and may be retained in a redevelopment. However, it encourages redevelopment by allowing some small reductions in the normal standards, while requiring that the most important interface – the street boundaries – are managed to require substantial setbacks and landscaping. The future character that is defined by the NCO is designed to achieve a future character that better integrates the existing industrial/commercial built form with the surrounding residential development, while providing incentives to redevelop rather than retain the existing uses and buildings.

The existing industrial buildings are of no significance and Council should not be encouraging their retention. The buildings are 'outdated', 'derelict monstrosities' with 'ugly warehouse walls'

The report and NCO acknowledge that the buildings are not of residential neighbourhood or historical significance and as such, do not actively encourage the retention of buildings. The proposed controls seek to encourage redevelopment while ensuring that redevelopment of the existing buildings, where it is proposed, will integrate better with the surrounding residential character.

In their current form the buildings may not appear to be capable of contributing to neighbourhood character, however, where retention is proposed, the guidelines seek to enhance building appearance through cosmetic improvements, setbacks from the street and additional landscaping.

The guidelines and Neighbourhood Character Overlay (NCO) undermine the VCAT decision for permit application 2009/0099/1 and have the potential to undo the efforts of Council and residents in opposing this development.

The revised guidelines and NCO are considered to be consistent with the conclusions made during the VCAT case P2471/2099, during which the Tribunal concluded that “the review site has the potential to accommodate a considerable number of dwellings in a different, apartment style building(s)”, but also that any redesign of the proposal would need to “reduce the intensity of built form by providing greater street setbacks and more landscaping along those boundaries”. The

guidelines recognise that medium density development is likely on the sites, than the while promoting an improved interface through landscaping, and increased setbacks. The report and NCO have been revised to more closely reflect the decision in relation to street setbacks through the requirement of a 6 metre landscaped street setback in all cases.

Buildings currently have no or minimal setbacks which constrains opportunities for landscaping.

The guidelines encourage the use of innovative landscaping options such as planter boxes, climbers, creepers and vertical gardens in locations with small front, side or rear boundary setbacks. In addition, the report and NCO have been revised to require a 6 metre street setback in all cases. This will allow additional opportunities to provide landscaping within the front setback.

Many buildings contain asbestos and should be carefully demolished to protect residents in the surrounding area.

Asbestos is a building-related issue and is not dealt with by the planning system. There are strict building regulations about the removal of asbestos and reuse of buildings containing asbestos. It is outside the scope of the Neighbourhood Character Review to consider the health and safety issues related to materials. Neighbourhood character addresses the physical appearance of the components that make up a neighbourhood.

The proposed NCO for Precinct G3 will be applied to other parts of the municipality, allowing more high density areas.

The NCO has been specifically drafted to address the unique neighbourhood character issues of this precinct resulting from their change in land use. As two island areas of former industrial land use surrounded by typical suburban neighbourhoods, Precinct G3 presents an unusual neighbourhood character scenario. As such, the NCO will not be applied elsewhere in the municipality.

The NCO provisions are ambiguous – terms such as ‘substantial vegetation’ or ‘per typical frontage’ are not clear.

The NCO as drafted includes clear and prescriptive controls where possible. The above terms mentioned require a site specific design response and prescriptive controls therefore cannot be applied. The NCO provides examples of how ‘substantial vegetation’ can be achieved within the context of a constrained site area and requires that for larger sites vegetation be of adequate scale to be visible from the street. The ‘typical’ site frontage, in terms of the allowable number of crossovers, will need to be gauged from the specific streetscape context.

## Highett Neighbourhood Character Review Consultation - Summary of Submissions and Response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
1	31 Tibroekney St, Highett		✓	✓		✓	<p>Wants study areas considered as part of G1 because:</p> <ul style="list-style-type: none"> <li>• against development of areas into medium / high density industrialised flats</li> <li>• areas are completely enveloped by G1</li> <li>• lots in areas are already subdivided into the normal G1 sized lots</li> <li>• sees buildings in G1 as “non-conforming asbestos saturated derelict monstrosities”</li> <li>• asbestos buildings are health hazard to community and should be demolished</li> </ul> <p>Asks questions about access, parking and open space</p>	<p><i>Noted.</i></p> <p><i>The type of development that would be allowed in Precinct G3 is not considered to be high-density.</i></p> <p><i>The revised preferred character statement, guidelines and NCO intend to encourage a transition to a built form that more closely reflects the surrounding area while recognising the history of the area, The revised NCO seeks to improve the interface with G1 through the requirements for landscaping, increased front setbacks, the removal of existing excessive crossovers, minimised hard paving and the use of low residential style fencing or vegetation as a front boundary treatment.</i></p> <p><i>The guidelines also contain some incentives to encourage the</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
1								<p><i>redevelopment of the existing buildings, and where this occurs the character of the surrounding residential area is to be considered in the use of materials, landscaping and form.</i></p> <p><i>The revised guidelines require a large setback from the street boundaries for all redevelopment to improve the interface with residential properties opposite.</i></p> <p><i>Asbestos is a building-related issue and is dealt with by the building approvals system. It is outside the scope of the Neighbourhood Character Review to consider the health and safety issues related to materials. Most provisions of ResCode are not altered by the proposed NCO and guidelines, and therefore requirements related to open space, car parking and access remain as</i></p>	

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
1								<i>for all residential areas of Bayside.</i>	
2	2/70 Beaumaris Pde, Highett		✓	✓		✓	<p>Alarmed that proposal “waters down the protections afforded by RES1 and DDO2”</p> <p>Concerned that Highett is “shabby and run down enough”</p> <p>Asks if there will be restrictions on building heights</p>	<p><i>See Comments for Submission 1.</i></p> <p><i>The revised guidelines and NCO intend to recognise the history of the area, while encouraging a transition to a built form that more closely reflects the surrounding area.</i></p> <p><i>The building height restrictions are to remain the same as for the surrounding residential areas.</i></p>	Support consultant response
3	26 Tibroekney St, Highett		✓			✓	<p>Argues new precinct is not required because:</p> <ul style="list-style-type: none"> <li>• area is surrounded by G1 and thinks more attention to site context needs to be made</li> <li>• goes against hard work at VCAT</li> <li>• residents assumed these buildings would be demolished and see them as undesirable (ugly flat walls, no setbacks)</li> <li>• aesthetic differences not acceptable now area is zoned residential</li> </ul> <p>Suggests new precinct is designed to allow a set of buildings onto the sites that G1 would not</p>	<p><i>See Comments for Submission 1.</i></p> <p><i>The revised guidelines and NCO intend to recognise the history of the area, while encouraging a transition to a built form that more closely reflects the surrounding area.</i></p> <p><i>The NCO has now been reviewed to more closely align with the VCAT decision through a</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
3								<p>requirement for a 6 metre street setback in all development.</p> <p>Council cannot require landowners to demolish buildings, however the guidelines seek to require a front setback for all redeveloped buildings as well as new development.</p>	
4	11 Peterson St, Highett (formerly 35 Beaumaris Pde, Highett)		✓	✓		✓	<p>Suggests review/Planisphere is biased towards developers who want to reuse existing buildings</p> <p>Against new precinct, especially reuse of existing buildings, because:</p> <ul style="list-style-type: none"> <li>• reuse of existing buildings will not provide a greater level of amenity and consistency with nearby residential areas</li> <li>• it is not unreasonable to require new developments to conform with setbacks in G1 (reduced setbacks should not be allowed)</li> <li>• it is unreasonable to “give exemptions to developers” that disregard character</li> </ul> <p>Argues the VCAT ruling is in opposition to new precinct</p> <p>Against “weaker” NCO and ResCode standards / overriding of RZ1 Schedule</p> <p>Supports statement about total redevelopment occurring in character of existing residential (p.16)</p>	<p>See Comments for Submission 1.</p> <p>The report and proposed controls encourage redevelopment of the buildings by applying the same front setback requirements in both cases, while allowing for some flexibility with other setbacks.</p> <p>The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
5	58A Tibroekney St, Highett		✓	✓		✓	<p>Against proposal because:</p> <ul style="list-style-type: none"> <li>• NCO will override existing R1Z guidelines</li> <li>• industrial buildings are reaching end of their useful lives and it is unrealistic to attempt to reuse them (more expensive, carbon emissions and safety issues)</li> <li>• medium density can still be achieved in more sympathetic way</li> <li>• “seems to be no recognition” of VCAT ruling in document</li> </ul>	<p><i>Only certain elements of the R1Z and ResCode will be replaced through the NCO. The revised guidelines and NCO intend to recognise the history of the area, while encouraging a transition to a built form that more closely reflects the surrounding area.</i></p> <p><i>Whether or not part or whole of the buildings can be retained based on quality would need to be determined on a site-by-site basis. In some instances part of a building may be proposed to be retained, in others the whole building may be proposed to be demolished. It is important to encourage redevelopment through the guidelines.</i></p> <p><i>The VCAT decision has been summarised and considered in the report. The revised guidelines and NCO have been prepared based on the</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
5								<i>decision and advice in relation to the proposal that was the subject of the case. The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</i>	
6			✓	✓		✓	<p>Against proposal because retention / reuse of industrial buildings:</p> <ul style="list-style-type: none"> <li>• was fundamental issue in VCAT case</li> <li>• is key factor in determining size, intensity and ability of development to respect existing neighbourhood character</li> <li>• is encouraged through “significant site coverage and setback concessions” (“at odds” with objective of improving interfaces)</li> <li>• buildings are not of historical/ neighbourhood character significance (emphasis should not be placed on what a property was used for in past unless it has significance)</li> <li>• has no maximum site coverage standard</li> </ul> <p>It is reasonable to expect planning policies will support built form that “at the very least” respects surrounding neighbourhood where significant change</p>	<p><i>The Tribunal did not state that the re-use of buildings was inappropriate, rather that the way in which it was proposed in that instance was inappropriate. The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</i></p> <p><i>The revised NCO seeks to improve the interface to G1 through the use of landscaping, increased setbacks in new development, the removal of existing excessive crossovers,</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibrockney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
6							<p>of use occurs</p> <p>Review provides limited opportunity to improve interface with surrounding residential areas (esp. absence of setback from street and needs more emphasis on encouraging "soft" landscaping / vegetation on sites)</p> <p>Proposal encourages more intensive development on a site that is not in a MAC, NAC or major transport hub</p> <ul style="list-style-type: none"> <li>Why should the reuse / retention of existing buildings be encouraged even though they are not of neighbourhood character significance?</li> </ul>	<p><i>minimised hard paving and the use of low residential style fencing or vegetation as a front boundary treatment.</i></p> <p><i>The revised NCO does not specifically encourage the retention of buildings or imply that they are significant.</i></p> <p><i>Rather, it allows for the retention of all or part of buildings as an option, while requiring that the front setback be provided regardless</i></p>	
7	1 Sydenham St, Highett		✓	✓		✓ (certain elements only)	<ul style="list-style-type: none"> <li>Argues site details / descriptions that are out of date (e.g. SBO does not apply at all on Sydenham St, 5 and 7 Sydenham St construction complete)</li> <li>Against modified street setback requirement (A3 and B6), and suggests &gt;7m upper level setback from street boundary is more appropriate given houses in Sydenham St</li> <li>Against modified access requirement (B14), concerned it will conflict with existing residential properties with double crossover widths</li> </ul>	<p><i>References to the SBO have been updated and the report now notes that construction is complete at 5 and 7 Sydenham St.</i></p> <p><i>The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</i></p> <p><i>6 metre setbacks represent a compromise between the existing building siting and the character of the</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
7								<p>surrounding area.</p> <p>The access requirements seek to reduce the existing crossovers to be more consistent with the surrounding G1 character (i.e. through a reduction to no more than one vehicular crossover per typical residential site width street frontage or sideage).</p>	
8	40 Beaumaris Pde, Highett		✓	(possibly)		✓	<p>Supports NCO over 2 areas but wants it to be similar to G1</p> <p>Believes there are some “serious inconsistencies” in review because:</p> <ul style="list-style-type: none"> <li>allowing reuse of buildings means adequate setbacks may not be provided (VCAT conclusion was that “any revised proposal needs to reduce the intensity of built form by providing greater street setbacks and more landscaping”)</li> <li>of inadequate detail regarding facades and roof forms, particularly for existing buildings to conform with that objective</li> <li>Design detail objectives: “To create building facades and roof forms that complement the nearby residential area.” and “To encourage the retention of features that add</li> </ul>	<p>The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</p> <p>Our interpretation of the VCAT decision is that the revised proposal needed to reduce the intensity of built form from that proposed in the plans and provide additional street setbacks and landscaping. This is consistent with what is stated in the revised guidelines and NCO.</p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
8							<p>interest to the streetscape” contradict - more than finishes and colours are needed to “simply dress up” existing industrial structures</p> <p>Suggests requirement that existing buildings be demolished (as buildings in area 1 are in poor condition with crumbling asbestos roofs and brickwork)</p>	<p><i>Previous guidelines relating to retention of facades and roof forms has been deleted.</i></p> <p><i>The design detail objectives relating to roof forms encourage new buildings to consider the pitched form of those in Precinct G1s.</i></p> <p><i>Council cannot require existing buildings to be demolished.</i></p>	
9	3/30 Tibroekney St, Highett		✓	✓		✓	<p>Main concern is disagreement that “it is unreasonable to require new developments to conform to existing setback requirements of G1”</p> <p>Against proposal because:</p> <ul style="list-style-type: none"> <li>• overrides existing R1Z standards, does not uphold current neighbourhood character</li> <li>• pro-developers, sites will be overdeveloped</li> <li>• includes reuse of commercial / industrial buildings</li> </ul> <p>Concerned that Council appears to have changed their stance / ulterior motive behind change (esp. setback)</p>	<p><i>The guidelines and NCO are considered to be consistent with the VCAT decision, which stated that an apartment style development may be acceptable. The NCO has now been reviewed to more closely align with the VCAT decision through a requirement for a 6 metre street setback in all development.</i></p> <p><i>The type of development that would be allowed under the guidelines and NCO is not considered to be an</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
9								<i>overdevelopment of sites.</i>	
10	7 Sterling Ave, Hightett		✓			✓	<p>Objects to proposal because:</p> <ul style="list-style-type: none"> <li>• effects on Sterling Ave have not been given thorough consideration</li> <li>• retention of existing buildings and “consequent lack of setbacks and landscaping” – buildings have no historical /aesthetic / architectural merit and some very poor standard (i.e. concrete block building Beaumaris Ave)</li> <li>• “no evidence given” that planning scheme changes will improve integration if buildings remain</li> <li>• disregards residents’ responses to proposal that went to VCAT, against VCAT decision and Councillor’s recommendations</li> </ul>	<p><i>The report does not contend that the buildings are of architectural significance, but recognises that Council cannot require buildings to be demolished.</i></p> <p><i>We have amended the guidelines and NCO to reflect the VCAT decision more closely. Our interpretation of the VCAT decision is that the proposed development needed to reduce the intensity of built form and provide additional street setbacks and landscaping. This is consistent with what is stated in the revised guidelines and NCO.</i></p>	Support consultant response
11	10 Graceburn Ave, Carnegie (co-owner of 7 Sterling Ave)		✓			✓	Same argument as Sub. 10	<i>See response to Sub.10</i>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
12	8 Sterling Ave, Highett		✓	✓		✓	Same as Sub. 4	See response to Sub.4	Support consultant response
13	8 Sterling Ave, Highett		✓	✓		✓	Same as Sub. 4 and 12	See response to Sub.4	Support consultant response
14	16 Beaumaris Pde, Highett		✓	✓		✓	<p>Objects to proposal because G3:</p> <ul style="list-style-type: none"> <li>• endangers residents' efforts at VCAT</li> <li>• its designation is "wishy washy", fabricated and unnecessary</li> <li>• is an invitation / loophole for developers to "retain outdated and ugly warehouse walls" disregarding surrounding character</li> <li>• is illogical as it is surrounded by G1</li> <li>• is confusing (asks questions such as 'Will rates be the same?')</li> </ul>	<p><i>We have amended the guidelines and NCO to reflect the VCAT decision more closely. Our interpretation of the VCAT decision is that the proposed development needed to reduce the intensity of built form and provide additional street setbacks and landscaping. This is consistent with what is stated in the revised guidelines and NCO.</i></p> <p><i>There is no mechanism for Council to require buildings to be demolished and therefore the buildings could remain as they are if not changed to residential use. The revised guidelines and NCO encourage redevelopment which will provide an</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
14								<p><i>opportunity to improve the interface with Precinct G1.</i></p> <p><i>While the precinct is surrounded by G1, it has a different character that has been present in the area for some time. The revised guidelines and NCO intend to recognise the history of the area, while encouraging a transition to a built form that more closely reflects the surrounding area.</i></p>	
15	16 Beaumaris Pde, Highett		✓	✓		✓	<p>Objects to proposal because G3:</p> <ul style="list-style-type: none"> <li>• the area is surrounded by G1</li> <li>• allows reuse of existing structures which is health and safety hazard (asbestos, toxins etc.)</li> <li>• is “watered down, confusing version” of G1 which allows loopholes for developers</li> </ul> <p>Argues main reason for VCAT decision was the problem of reuse of existing bulky structures, out of character with surrounds</p>	<p><i>The guidelines and NCO encourage redevelopment which will provide an opportunity to improve the interface to Precinct G1.</i></p> <p><i>Asbestos is a building-related issue and is not dealt with by the planning system. It is outside the scope of the Neighbourhood Character Review to consider the health and safety issues related to materials.</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
15								<i>The VCAT decision recognised the opportunity to recycle parts of existing buildings, but was concerned with the intensity of development related to that particular proposal and the lack of street setbacks / landscaping. We have amended the guidelines and NCO to reflect the VCAT decision more closely through a requirement for 6 metre street setbacks.</i>	
16	2/18 Tibroekney St, Highett		✓			✓	Wants areas to be classified G1 due to: <ul style="list-style-type: none"> <li>• opposition to any recommendations that will change neighbourhood character and housing density</li> <li>• concern about overdevelopment, no setbacks and increased noise</li> </ul>	<i>While the precinct is surrounded by G1, it has a different character that has been present in the area for some time.</i>  <i>We have amended the guidelines and NCO to reflect the VCAT decision more closely through a requirement for 6 metre street setbacks. Landscaping and other standard requirements of ResCode will apply to manage amenity</i>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
16								<i>requirements.</i>	
17	8 Eddie St, Highett		✓			✓	<ul style="list-style-type: none"> <li>• Wants VCAT proposal site to be G1 (obvious choice because surrounding area is G1)</li> <li>• Concerned developer will now be able to return to VCAT and have very similar proposal accepted</li> </ul>	<p><i>Noted.</i></p> <p><i>The NCO seeks to improve the character of the precinct and its interface with G1 through, by among other things, increased setbacks and substantial landscaping.</i></p> <p><i>The same proposal would not be acceptable under the revised NCO, which has been updated to require a 6 metre street setback, even in instances where existing buildings are located within this setback.</i></p>	Support consultant response
18							<ul style="list-style-type: none"> <li>• Wants area to remain in G1 so same protection of neighbourhood character afforded to all residential land in Bayside</li> <li>• Concerned by potential for inappropriate development</li> <li>• Argues Council is “trying to take away our security” of R1Z and G1, after good judgment declining permit</li> </ul>	<p><i>Noted.</i></p> <p><i>The revised guidelines and NCO intend to recognise the history of the area, while encouraging a transition to a built form that more closely reflects the surrounding area.</i></p>	Support consultant response
19	11A Peterson St and 29 Tibroekney		✓	✓		✓	Same as Submission 1	<i>See response to Sub.1.</i>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
19	St, Highett								
20			✓			✓ (certain elements)	<p>Concerned by review because:</p> <ul style="list-style-type: none"> <li>of bulk of main warehouse facing onto Tibroekney St and inability for setback (northern wall)</li> <li>buildings and sawtooth roofs are only of minor interest - there's no benefit in retaining them (so no need to allow for existing walls on boundaries, CL54and55 should apply)</li> <li>against 6m setback on all sides, 3m may be more viable and allow higher density</li> <li>setbacks should apply to all sides, with min. 3m on northern boundary</li> <li>all proposals should have courtyard/ open balcony as landscaping and substantial vegetation is critical</li> <li>any development should have: <ul style="list-style-type: none"> <li>&gt;1 standard crossover with onsite parking</li> <li>pitched roof design</li> <li>low fence with vegetation borders</li> </ul> </li> </ul> <p>Suggests max. 7m / 2 storey height limit in G3</p> <p>Argues VCAT sites can be developed in sympathetic way while increasing density in municipality</p> <p>Offers assistance with any future proposals for VCAT sites</p>	<p><i>The warehouse fronting Tibroekney St could technically be retained as is without a planning permit if the use does not change. The NCO has now been revised, however, to require a 6 metre street setback, even in instances where existing buildings are located within this setback.</i></p> <p><i>The NCO has been revised to delete the provision encouraging the retention of roof forms and encouraging pitched roofs..</i></p> <p><i>Low fences and vegetation are encouraged through the NCO.</i></p> <p><i>The guidelines and NCO have been designed to encourage redevelopment. 6 metre setbacks are considered to be a compromise</i></p>	Support consultant response

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
20								<p><i>between the existing building siting and that of the surrounding Precinct G1. Similarly the side and rear boundary setbacks provide recognition of the existing building siting and thereby encourage development without further increasing site coverage beyond ResCode standards.</i></p> <p><i>Building heights will continue to be applied through the Residential 1 Zone and ResCode.</i></p> <p><i>Agree that the site that was the subject of the VCAT case could be developed in a sympathetic way, however there is no basis for increasing density beyond what could be yielded through existing floor space due to the location of the precinct outside an activity centre and away from the Principal Public Transport Network,</i></p>	

Sub No.	Address	Organisation	Area 1 Tibroekney, Sterling and Beaumaris	Area 2 Noyes and Sydenham	Support G3 Precinct	Object To G3 Precinct	Submission Summary	Consultant Response	Council Position
20								<i>shops and services.</i>	
21	21 Desmond Ave, Highett		✓	✓		✓	<p>Objects to proposal because:</p> <ul style="list-style-type: none"> <li>• G3 does not reflect what the Council and community consider appropriate for the area, based on recent permit decisions</li> <li>• G3 guidelines ambiguous – ‘substantial vegetation’, ‘per typical frontage’ not clear</li> <li>• Concerned that the G3 proposal will be applied to other parts of the municipality</li> <li>• Retention of industrial character not suitable for Highett – the buildings are unattractive</li> <li>• Concern over increased density and loss of amenity such as space, trees, car parking</li> </ul>	<p><i>See Comments for Submissions 1, 2 and 3, re: neighbourhood character, density and consistency with VCAT decision.</i></p> <p><i>The NCO as drafted includes clear and prescriptive controls where possible. The points raised in the submission require site specific design response. The NCO gives examples of how ‘substantial vegetation’ can be achieved within this context.</i></p> <p><i>The NCO has been specifically drafted to address the unique neighbourhood character issues of this precinct resulting from a change in land use. It will not be applied elsewhere in the municipality.</i></p>	Support consultant response