Bayside Height Control Study

Prepared for ***Bayside City Council***

bayside height control study

by

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&

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Summary of Recommendations

Following is a summary of the main recommendations from this report. Section 8 of the report should be referred to for an explanation of the recommendations and an understanding of the context in which they are made.

General recommendations about building height in Bayside

R1 Policies regarding building height in Bayside should respond to the existing urban form and character of the municipality rather than seek to substantially alter it.

R2 Urban character and residential amenity should be the main determinants of building height throughout the municipality.

R3 Increased building height in locations likely to experience considerable pressures (i.e. along the Bay and around commercial centres) should only be accommodated by planning policy where the established character and amenity of those areas will not be unreasonably affected.

R4 In those locations where there is the opportunity for buildings of more than two storeys, the maximum height of buildings should remain limited to a 'reasonable height' in view of the overall 'low level' scale of development in Bayside.

R5 A preferred maximum building height of 2 storeys should be established in residential areas, with the ability for a planning permit to be sought for taller buildings, but only in exceptional circumstances.

R6 A mandatory two storey height control should be established along the Foreshore, with a limited number of exceptions for development of up to three storeys (mandatory maximum) where sites are separated from residential properties at the rear, and for three to four storeys in key activity nodes fronting the Bay.

R7 A marginally higher built form may be achieved in commercial centres than in surrounding residential areas, with the potential for three and possibly four storey buildings in appropriate locations according to established design parameters.

Recommendations regarding mandatory or discretionary controls

R8 A mandatory height control be imposed over foreshore areas.

R9 A discretionary control be imposed over inland areas.

Recommendations regarding height along the Bay

R10 The existing two storey building mandatory height limit should be retained around the Bay, except in the limited number of situations referred to below.

R11 A maximum mandatory height of 3 storeys should be permitted in a limited number of locations, where properties fronting the Bay do not abut residential properties at the rear. These include:

- In Brighton, to the north of Wellington Street.
- In Hampton, to the north of Orlando Street.

- In Beaumaris, west of Reserve Road.

R12 Opportunity for higher buildings at key nodes or focal points should exist along the Bay, these include:

- Green Point – A 4 storey maximum as per the current permit.
- Hampton – Small Street – A mandatory maximum of 3 storeys.
- Sandringham – Up to 3 and 4 storeys as identified in the Sandringham Urban Village Study

- Black Rock – Subject to preparation of an urban village study.

R13 The extent of the foreshore height control inland should be reduced to better relate to areas likely to experience pressures for increased height to gain Bay views. A distance of 400- 500 metres, adjusted to relate to boundaries, is proposed.

R14 The wording of the height control be amended to:

- require a planning permit for any building with a wall height over 8m or a maximum height of more than 12m
- change the meaning of building height to the distance between the natural ground level and the height of the building above that point.

Recommendations regarding height in inland residential areas

R15 Adopt a maximum two storey building height throughout all inland residential areas in Bayside. This height would be discretionary and the ability would exist to apply for a planning permit to exceed that height. Any application would be advertised and would be subject to detailed scrutiny by Council.

R16 Establish generic design guidelines that seek to manage height and encourage development that:

- achieves high standards in architecture and urban design that is responsive to the neighbourhood architectural character
- maintains the prevailing streetscape rhythym and building scale and height of the neighbourhood.
- does not dominate the streetscape or cause any adverse amenity impacts to adjacent dwellings or land, and
- provides opportunities for established gardens within front, rear or side setbacks.

R17 Require a planning permit for a two storey house in minimal change areas, in order to minimise the impact of two storey houses on predominately single storey streets of valued character in those areas.

R18 Require a planning permit for two storey houses in managed change areas, but only in those streets which are determined to have a predominantly single storey streetscape following the application of a simple test.

R19 Require a planning permit for any house with a wall height greater than 8 metres or an overall height greater than 12 metres.

Recommendation regarding amenity impacts on rear yards

R20 Introduce a planning scheme control and a variation to the Good Design Guide that requires an increased setback between the wall of a building and useable open space to the rear of adjacent properties. That setback should be twice that required under Element T6.T4 of the GDG (applies to multi-dwellings only).

R21 Adjacent to the useable part of open space on neighbouring properties all buildings should be setback a minimum of 2m to provide for landscape screening on the site of the development (applies to multi-dwellings only).

R22 These guidelines should be discretionary. Accordingly they can be reduced to the standard guidelines contained in the GDG if an applicant can demonstrated that no adverse amenity impacts will be caused (applies to multi-dwellings only).

Recommendations regarding commercial centres

R23 Urban village studies should be undertaken of all key commercial centres in Bayside. Those studies should examine the opportunities for increased height in and around each centre.

R24 Commercial areas in Bayside are essentially of a local nature and have a strong village feel. This limits the height of buildings and the intensity of development that is appropriate.

R25 In principle commercial centres have the potential to be developed to a greater intensity and to have a greater building height than surrounding residential areas.

R26 Until detailed studies are undertaken of individual centres Council should apply a series key principles in assessing planning permits to construct buildings in commercial areas. The objectives are to achieve commercial development that will:

- ensure that the prevailing scale and rhythm of the commercial streetscape is maintained;
- ensure that individual buildings do not dominate the commercial centres or impact on the intimate scale of strip centres;
- not detrimentally impact on the accessibility to or enjoyment of the public domain (including footpaths and public spaces) within commercial centres or adjacent private property;
- create opportunities for upper level activity (commercial or residential) without compromising the scale and image of the commercial centre.

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PART A – INTRODUCTION AND BACKGROUND

LIST OF FIGURES ***Figures 1 to 14 (are located at the end of this report)***

LIST OF ATTACHMENTS

PART A

INTRODUCTION AND BACKGROUND

1 INTRODUCTION

1.1 Purpose of this Study

The purpose and background to this study was identified by Bayside Council in its brief to consultants as follows:

> *"The pressure for new development in the Bayside area in recent years is resulting in proposals for higher and denser urban development (particularly in areas closer to the coast). Building height, mass, bulk and change in the built fabric are of concern to Council and the community who value the local Bayside character and charm.*
>
> *A foreshore height control of two storeys for the length of the Bayside coastline covering up to a kilometre inland was introduced in the mid 1980s and is part of the current planning scheme. Areas inland are not currently covered by height control provisions. There is a misconception within the community that the foreshore height control of two storeys apply to the whole municipality. The current height controls are not cognisant of topography, development patterns, existing built form or activity nodes.*
>
> *The Bayside City Council therefore requires a municipal wide approach, strategically exploring the need for height controls to guide built form and changes to or preservation of the built environment.*
> *Council has commissioned a number of strategic studies in the past two years that specifically consider urban character and are relevant to this study. Such projects include:*
>
> - *Bayside Streetscape and Urban Character Study*
> - *Bayside Draft Design and Development Guidelines*
> - *Bayside Coastal Strategy*
> - *Sandringham Village Strategy*
> - *Municipal Strategic Statement*
> - *Bayside Heritage Review Study*
> - *Development Control Review Study*
>
> *This project will form part of a larger planning amendment package and will incorporate the findings and recommendations of the Development Control Review Study. The outputs of this project will include new local policies, overlays and guidelines for including in the Bayside Planning Scheme."*

1.2 Background to the Study

Specifically this study arose from the need to review the mandatory height controls that were imposed by the State Government around the foreshore of Port Phillip Bay in the late 1980s.

Council's new format planning scheme, which was exhibited early in 1999, proposed the continuation of those controls. The Ministerial Panel which assessed the new format planning scheme recommended the controls be reviewed to better respond to the philosophy towards a more '*performance based'* approach to planning controls that is incorporated in the Victorian Planning Provisions (VPPs).

In order for height controls to be justified in any part of the municipality a strategic review is required which examines Bayside in its metropolitan context and which addresses the issues of building height throughout the whole municipality, not just along the Bay.

1.3 Focus on Height

This study focuses on building height, with the height of buildings above the ground as measured in either storeys, metres or both.

Height is one characteristic of built form that has the potential to have a major impact on the urban character and residential amenity of a neighbourhood. Height cannot however be considered in isolation to other critical aspects of built form such as building setbacks, mass, form, bulk and the landscape setting in which they occur. Whilst the study focuses on height, it is not possible to do so without at least some consideration of these other aspects.

The consultants for this project have worked closely with other consultants appointed by Council to undertake other components of Council's overall Development Control Review Project which addresses other built form issues. The Residential Strategy and the Urban Character Study prepared by Ratio Consultants are particularly relevant to this study.

1.4 Methodology

Considerable work regarding the character and amenity of the City of Bayside has been undertaken as part of other studies managed by Council in recent years. The brief for this study required relevant policies and background information from those studies to be incorporated into this project, rather than to replicate previous work.

Accordingly this project has focused on strategic outcomes rather than background research. Original research undertaken by other consultants has involved those aspects specifically relevant to building height. This has largely involved familiarisation with the existing character elements of the municipality and understanding the metropolitan context in which Bayside is located.

Considerable community consultation has also been undertaken in earlier studies and has not been replicated for this project. The focus of the consultation program for this study has been to inform the community about the project, provide the opportunity for comment and involvement, and to provide the consultants with direct exposure to the views and attitudes of various groups within the Bayside community.

1.5 The Process from Here

This report presents the consultants' recommendations for consideration by Council. It sets out the findings of the study and recommendations for amendments to Council's new format planning scheme and policy framework.

The study, along with a proposed planning scheme amendment, will be placed on public exhibition for formal comment by the community. Comments will be considered by Council and submissions to the amendment will be referred to an independent Ministerial Panel for review prior to the amendments to the scheme being finally approved.

Any amendment recommended by the study will be integrated with the Residential Neighbourhood Amendment resulting from the Residential Strategy and Urban Character Study which has already been drafted by Council.

2 EXISTING HEIGHT CONTROLS

Figure 1 identifies the study area and the existing height controls within Bayside. The controls are as follows.

2.1 Bayside Height Controls

The area currently covered by Height Control 77 is also shown in Figure 1.

The main features of that control are as follows:

- It applies to the whole of the foreshore area of the City of Bayside, extending inland for a distance of about 1km in places.
- It applies to all buildings, regardless of whether they are residential or commercial, detached houses or medium density residential.
- It specifies an absolute maximum building height of 6m or two (2) storeys (excluding a basement).
- No discretion exists to consider a planning permit for buildings of three storeys or more in height. An amendment to the planning scheme is required to exceed two storeys
- A permit is required if any storey is to be more than 3.5 metres in height.

HC77 is proposed to be replaced by a design and development overlay (DDO1) in the new format Bayside Planning Scheme. That overlay will continue the existing controls.

2.2 Inland Parts of the Municipality

The study brief identifies that the community of Bayside is under the “misconception” that HC77 applies across the whole municipality. Outside the area covered by Height Control 77:

- There are no mandatory height controls. Any controls that exist are discretionary or take the form of guidelines contained in planning documents. Such height limits can be varied by the issue of a planning permit.
- The height of ***detached houses*** is controlled via the Building Control Act and the Victorian Code for Residential Development (VicCode 1):
    - No mandatory or absolute height limits apply to houses and no planning permit is required for a detached house, other than a house within the area along the Bay covered by HC77 that exceeds the as-of-right height.
    - The height and setback of walls of houses must comply with Element 2 of VicCode 1. That element specifies a building envelope that sets out the required setback for wall heights of up to 12m (see Figure 2). Higher buildings or lesser setbacks are possible subject to a dispensation from requirements of VicCode 1.
    - Because a planning permit is not required for a detached house no opportunity exists for Council to assess the impact of higher buildings on either the character of a street or the amenity of surrounding residential properties. For example a detached house of up to 12 metres (4 storeys) could be established without any planning control provided that the necessary side setbacks are provided.
    - An exception to the above applies to single houses constructed on small lots of 300m^2 or less, for which a planning permit is required and the Good Design Guide applies.
- The height of ***medium density housing*** or houses on lots of less than 300m^2 is controlled by the Bayside Planning Scheme and the Good Design Guide:

- No mandatory or absolute height limits apply but a planning permit is required for all medium density housing (i.e. units, flats, dual occupancies etc) and for all dwellings on small lots of less than 300m^2).
- In assessing an application for a planning permit the Good Design Guide must be taken into account. Element 6 of the Guide establishes the same building envelope requirements (i.e. height to setback) as VicCode 1(refer to Figure 2).
- Because a planning permit is required Council can take into account the impact of the height of a building on the character of the street and on the amenity of surrounding residential properties.

➢ The height of ***commercial and industrial buildings*** is controlled by the Bayside Planning Scheme in the provisions of the relevant business or industrial zones in which land is located. The existing planning scheme includes specific controls over building height in a number of cases, for example:

- Brighton Peripheral Business Zone, Brighton Restricted Business Zone and Foreshore Commercial and Residential Zone – permit required for any building over 2 storeys (excluding basement)
- Highway Commercial and Office Zone – Sets out height and setback requirements for buildings of up to 2 storeys.
- Sandringham Light and General Industrial Zone – Mandatory requirement that no buildings exceed the height of a 30 degree plane from the boundaries of the site.
- Moorabbin Light and General Industrial Zones and Brighton Light Industrial Zone – permit required for any building over 7m high.

Existing planning scheme controls will be rationalised by the new format Bayside planning scheme. A planning permit will be required for all buildings and works in business and industrial zones. Whilst building heights will not generally be specified in the new zones, the requirement for a planning permit does provide the opportunity for Council to take into account policies for building height and the impact of height on streetscape and amenity when assessing an application.
The new Bayside Planning Scheme proposes to include a design and development overlay over the Sandringham Shopping Centre. The purpose of that overlay is to facilitate the implementation of the Sandringham Urban Village Project. That study provides for building heights of up to three and four storeys in parts of the Sandringham Shopping Centre.

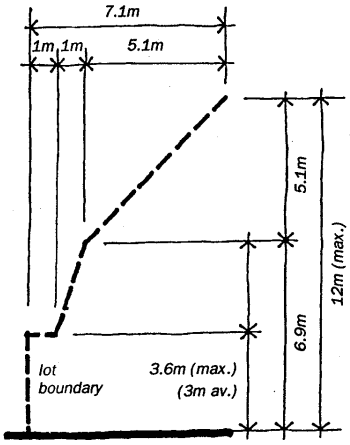
HEIGHTS AND SIDE AND REAR SETBACKS

E6.T4 Buildings comply with the following heights and side and rear setbacks:

- a maximum building height of 12m outside a 7km radius of the Melbourne GPO, except where a lower height is specified in a local section of the planning scheme;
- the maximum height of a wall built on the boundary does not exceed an average of 3m with no part higher than 3.6m unless:
  - abutting a higher existing or simultaneously constructed wall; or
  - in accord with an approved building envelope on a plan of subdivision; or
  - abutting a side or rear lane within a 7km radius of the Melbourne GPO; or
  - abutting a side or rear boundary of a residential property within a 7km radius of the Melbourne GPO and the maximum height of the wall is less than 60 per cent of the width of adjacent principal private open space;
- if not on the boundary, the setback of any wall is 1m minimum plus 0.3m for every 1m of height over 3.6m up to a height of 6.9m; and, for that part of the wall over 6.9m in height, a minimum setback of 1m for every 1m of height. For example:
  - where a wall height is 6.3m, the formula is
    1m+[0.3m(6.3m–3.6m)]
    = required setback (1.81m).
  - where wall height is greater than 6.9m, the formula is
    1m+[0.3m(6.9m–3.6m)]+[1m(wall height–6.9m)]
    = required setback.

This technique does not apply in Urban Conservation Areas.

E6.T4: HEIGHT AND SETBACK



As a building increases in height, the setback increases. The height of a wall is measured from the natural ground level to the point where the external plane of the wall intersects the roof (see Wall height in the Glossary).

E6-T: 4 of 6

Source: E6.T4:of THE GOOD DESIGN GUIDE for Medium Density Houing (rev 2: April 1998) and THE VICTORIAN CODE for Residential Development.

BAYSIDE COUNCIL:

HEIGHT CONTROL STUDY

Prepared by Hansen Partnership & ContextCMI: January 2000

FIGURE No.2: Height, Side & Rear Setbacks: VicCode 1 & GDG

PART B
INFLUENCES ON BUILDING HEIGHT

Planning is the process of balancing often conflicting development pressures and identifying a desired direction that maximises the benefits to the community.

The consultants consider that the following matters will have an influence on building height in Bayside in the future.

- *Development pressures and market forces.*
- *The State, metropolitan and local planning policy.*
- *Physical characteristics of the municipality.*
- *The metropolitan context within which Bayside sits.*
- *Community attitudes.*

How these often competing influences are balanced to derive an appropriate stance on building height in Bayside is the question that this study must answer.

Each of the above influences are discussed in this part of the report.

3 PRESSURES FOR INCREASED BUILDING HEIGHT IN BAYSIDE

Pressures for increased building height in Bayside are varied and numerous, and apply to different parts of the municipality to differing degrees.

An understanding of these pressures is necessary in order for appropriate policy responses to be prepared.

Strategic planning in Bayside must respond to development pressures but should not be driven by those pressures. The policy outcome of this study must balance the full range of matters that influence building height, of which development pressures are only one.

3.1 Age of the housing stock

Much original housing stock in Bayside was developed in the late 19th Century and early 20th Century and is now 50 or more years old.

As the dwelling stock ages and property values increase, unless older houses are upgraded or modernised, properties generally become undercapitalised and the viability of demolition and redevelopment for new dwellings increases.

The rapid increase in property prices that has occurred during the later parts of the 1990s has lead to considerable pressures for redevelopment of the existing housing stock in Bayside. This has resulted not only in the refurbishment of many existing houses, but also their demolition for new houses and units.

Redevelopment, whether it involves multi-dwelling units, new detached housing or an extension to existing houses invariably involves buildings with a higher site coverage, less garden space, and typically multi-storey construction (most commonly two storey and sometimes more). Hence the built form of the municipality has gradually become more intense and taller over time. This process has already impacted on key parts of Bayside and has the potential to significantly change the character of the whole municipality and also the amenity of established residential areas.

3.2 Economic forces combined with planning policy

The strong economic situation that has continued throughout the later parts of the 1990s also coincided for the first time with State government policies that strongly support urban consolidation and increased residential densities in established urban areas such as Bayside.

These policies were introduced during the late 1980s and early 1990s at a time when the property market was depressed and the traditionally conservative population of Melbourne was reluctant to embrace the concept of medium density housing.

Considerable initiatives were required to encourage what were seen at the time, as new and necessary forms of housing. The Good Design Guide evolved from earlier planning guidelines that were introduced specifically to encourage dual occupancy and medium density housing. This guide deliberately introduced a more lenient and flexible assessment framework.

The development boom that Bayside is presently experiencing is a response to the combination of favourable economic circumstances and supportive planning policies. The increase in the acceptance of medium density housing in the 1990s by the development industry resulted in increased community demand for alternative forms of housing (which is only now beginning to be satisfied). As the population ages, as households become smaller and as lifestyles change, there is a strong demand for units, townhouses, apartments, smaller low maintenance dwellings with small areas of open space. Attractive, well serviced middle ring municipalities such as Bayside, which has the added attraction of proximity to Port Phillip Bay, are highly desirable locations for households seeking this form of accommodation.

These pressures for redevelopment generally, lead to pressures for increased building height. Throughout most of the inland areas of Bayside the pressure for increased height is driven by the desire of owner residents to maximise the value of their land through the construction of a two storey (or higher) houses, or by developers seeking to maximise the development potential of sites. This generally leads to pressures for two storey buildings (and sometimes more) in the place of existing single storey houses.

3.3 Location of pressures

Areas experiencing pressures for more than two storey development are generally those that have additional attributes to the typical residential areas throughout the municipality. The Bay is the attribute that generates the greatest pressure for increased building height, due to the desirability of Bay views. This not only applies to those properties with direct frontage to The Esplanade and Beach Road, but also to properties much further inland with topographical elevation which may have the opportunity for restricted views over or through intervening buildings and trees.

Commercial centres also experience pressure for height above two storeys. This pressure is due to the desire to maximise proximity and hence accessibility to the services and facilities available in those centres. Residential as well as business uses benefit from this proximity. Sites in commercial centres traditionally have a high site coverage and the only available redevelopment option is to go up.

Commercial centres on or near the Bay have particular potential. Their Bayside location makes them relatively unique to metropolitan Melbourne in that they offer coastal views with service convenience. This attribute provides an opportunity to strengthen the traditional neighbourhood shopping role of these centres with additional residential, business and tourist roles. Green Point, Hampton Street (where Small Street intersects with Beach Road) and Sandringham Village have already realised this potential to varying degrees.

3.4 Advantages and disadvantages of taller buildings

There are advantages of increased building height in suburban areas such as Bayside:

- Taller buildings can provide for a higher level of activity, of business residential or other uses. This helps to support local businesses, commercial and community facilities; generate local employment; and can add to creating more active, busy and interesting places.
- Taller buildings can provide opportunity for panoramic or corridor views to the coast or city skyline, which are highly sought after.
- Taller buildings can provide an alternative type of housing that meets the needs of certain groups within the housing market.

- Taller buildings can provide character and interest to the built form of a municipality. They can provide local landmarks and focal points that can help identify key centres of activity or focal points and establish visual interest within the municipality.

However, the advantages or taller buildings can easily become disadvantages if inappropriately located or designed. Many of the potential problems emerge when located near lower rise residential areas such as those that predominate throughout Bayside. If inappropriately located and designed, taller buildings can lead to:

- a loss of residential amenity due to overshadowing, overlooking and loss of privacy, visual dominance and loss of vegetation;
- an inappropriate change to the established character of valued residential areas and commercial centres; and
- increased levels of traffic, activity and congestion.

Overshadowing and overlooking by single storey buildings can generally be contained within lots and generally do not present any real issues.

Two storey buildings extend above fences and can have amenity impacts on neighbours in typical suburban areas. Traditionally, amenity impacts of two storey houses have been minimised as they have been located centrally on lots. However, with more than one dwelling on a lot, two storey buildings abutting adjacent rear yards or close to neighbour's main habitable room windows have the potential to cause considerable adverse amenity impacts. Two storey buildings can also have adverse impacts on the streetscape if unsympathetically designed and constructed in essentially single storey areas of valued character.

Three storey buildings and higher have increased potential for both amenity and character impacts. Most single residential lots throughout Bayside would have inadequate size and dimensions to readily accommodate the setbacks necessary to enable three storey buildings to be built in a way that minimises impacts on neighbouring properties. Whilst consolidated or larger lots may have greater potential to accommodate buildings of this height, with the tendency being to maximise the development potential of land, regardless of lot size, building height and setback issues along boundaries are likely to remain.

3.5 Resident concerns

Residents who participated in consultations undertaken throughout the study expressed particular concern about the impact of the current 'development boom' on the residential amenity and urban character of Bayside. Whilst these concerns related to wider issues than just the height of buildings, concerns relating to height and proximity of buildings to boundaries featured prominently.

Comments from consultations are summarised in Section 7.

4 STRATEGIC PLANNING CONTEXT

Building height in Bayside must be addressed from a strategic planning perspective if the built form, character and amenity of Bayside in 10 to 20 years is to reflect the needs, desires and aspirations of the community.

Strategic planning is the process of managing social, economic and environmental change in a desired direction. Without strategic planning, change in urban areas will occur over time in an ad hoc manner that may not achieve longer term community goals.

Strategic planning involves identifying a future vision or direction towards which the community desires change to occur, and establishing policies and controls to influence the development to occur in that direction.

Community goals relate to those of the 'wider community'. This may include local, metropolitan and state communities. This is especially the situation in a municipality such as Bayside that has the metropolitan and State asset of Port Phillip Bay.

The purpose of this study is to identify a future vision regarding the height of the built form of Bayside, and establish policies and controls designed to achieve that vision.

Numerous strategic policies presently exist that will influence the outcome of the height of buildings in Bayside in the future. Relevant policies are reviewed in this section.

4.1 Metropolitan Planning Policies

Metropolitan planning policies are contained in Clause 14.02 of the Victorian Planning Provisions.

Overriding objectives for metropolitan Melbourne are to achieve a metropolis that has:

- a business environment conducive to long-term economic growth;
- enhanced environmental quality and liveability for the metropolitan population; &
- improved functioning through best practice management of its infrastructure and urban development.

For the past decade strategic planning in Melbourne has been largely driven by the policy of urban consolidation. That policy is expressed in Clause 14.02-2 of the VPPs, and includes statements such as:

- *"Consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas.*
- *Higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes."*

The policy seeks to encourage more intensive land use in existing as well as developing urban areas, in order to achieve better use of existing infrastructure and to reduce the rate of urban growth into rural areas on the fringe of Melbourne. The policy originated due to the traditionally low density of development in Melbourne, rapid urban growth on the fringe, the high cost of providing and maintaining infrastructure, changing population characteristics that result in a significant decline of the population of established urban areas, and the need for alternatives to the 'detached house' to accommodate the continuing trend towards smaller households.

Clause 16 provides policies specifically for housing that reinforce these wide metropolitan objectives. They encourage:

> *"opportunities for increased residential densities to help consolidate urban areas." (Cl 16.01-1)*
>
> *the development of well-designed medium-density housing to improve housing choice, make better use of existing infrastructure and improve energy efficiency of housing (16.02-1")*

To further facilitate higher density housing in support of urban consolidation the State Government introduced the Good Design Guide (for medium density housing) and VicCode 1 (for detached houses and subdivision) to assist in achieving these objectives. These policies have deliberately introduced more flexible standards to encourage more dense housing and urban consolidation.

Metropolitan policies for urban consolidation arose in the late 1970s and 1980s in response to rapid expansion on the urban fringe; declining populations in established suburbs; and low levels of residential redevelopment in established suburbs. Quite 'extreme' policy initiatives were required to encourage redevelopment in established areas. With the benefit of hindsight, it may be possible to argue that such policy initiatives occurred with little regard to the potential impact of such redevelopment on the urban character and residential amenity of those areas.

This situation has now changed with the "development boom" of the 1990s. Residential redevelopment is occurring in established areas at a high level and strong community concern is rising about the impact on the character and amenity of highly valued suburbs such as Bayside.

Accordingly whilst urban consolidation remains a valid metropolitan planning policy, it must be balanced against the ability of municipalities to accommodate new development and the level of change communities are willing to experience.

4.2 Good Design Guide and VicCode 1

These two documents provide a performance based approach to controlling new housing development throughout Melbourne (and Victoria). They are applicable to the whole metropolitan area and aim to provide consistent objectives and standards for development across the metropolitan area.

Generally local Council's have little opportunity to vary the provisions contained in the documents. Whilst there is a process whereby "local variations" can be approved by the Minister, no Council has yet been successful in having local variations approved. This report, in conjunction with the Residential Strategy and Urban Character Study being prepared by Council, is an attempt to provide the strategic background necessary to enable local variations to the GDG to be introduced in Bayside.

The basis of the documents is that new development should be well designed and should respond to the characteristics of the neighbourhood in which it is located. Requirements for an analysis of the site and surrounding area, and a statement as to how a design responds to those features, must be provided with any development proposal. Design elements specifically relate to Neighbourhood Character and contain objectives such as to "*achieve medium-density development which is respectful of its neighbourhood"* (E3.01). Criteria exists which requires new developments to provide for the *"retention or planting of trees with spreading crowns"*, that *"significant change of building height between existing dwellings and new development should be graduated"* and that *"medium density development should respect the character of the neighbourhood in terms of built form, mass and proportions"* etc.

The objectives are valid and if achieved should result in well designed developments that respond to the existing character of neighbourhoods. Yet often this is not the case. Developments are all to often assessed against the techniques of the GDG, which apply a basic minimum standard, and the wider objectives of the Guide are overlooked.

The metropolitan policy of urban consolidation has the potential to substantially change the character and amenity of existing municipalities such as Bayside. This change can occur through a combination of changes in land use, greater building coverage leading to less gardens and open space, or to higher buildings which lead to more visually dominating forms in what were once low level, green, leafy suburbs.

What metropolitan planning policies do not do is provide limits to the level of consolidation to be achieved. When is enough enough? What level of change to the character and amenity of suburbs is reasonable? It is these issues that the City of Bayside is now attempting to address through its current review of development controls.

4.3 Bayside Municipal Strategic Statement

The new format VPPs place greater emphasis on strategic planning policy than has previously been the case. They provide the opportunity for each Council to prepare a Municipal Strategic Statement (MSS) and local planning policies that set out Council's visions for its area.

Bayside's MSS continues to recognises the need for urban consolidation in Bayside in order to stabilise population loss and accommodate changing household characteristics. It identifies the need for an additional 2,140 new dwellings by the year 2011. Subsequent work by Ratio Consultants and the release of population projections by The Department of Infrastructure, indicates Bayside's population may grow to 99,000 by 2016 generating further housing stock in the municipality.

However the MSS also recognises that there is a growing concern in the community that poorly designed development is eroding the character and quality of some residential areas (page 16).

The MSS identifies the following key issues confronting the municipality in terms of residential development (page 16/17):

- *"Development pressures in the City of Bayside are eroding the urban character and quality of some residential areas.*
- *Changes in the nature of residential areas through medium density housing policies may reduce and further fragment the significant habitat that is currently provided by established trees and gardens.*
- *Recent community consultation has indicated the high value placed on residential character and environment (particularly vegetation) and on the need for appropriate planning controls, which maintain character and environment"*

From consultations undertaken as part of this study it is apparent that these concern exist not only in relation to poorly designed medium density housing, but also in relation to new detached housing, which in most cases is not currently controlled by the requirement for a planning permit.

In relation to housing the MSS includes objectives and strategies such as:

- encouraging higher density housing within and around commercial and community facilities, particularly those with good public transport networks. (page 17)
- planning for new housing within and close to the Sandringham Urban Village. (page 17)

- facilitating the conversion of redundant industrial land to residential land use where appropriate. (page 17)
- facilitating quality design outcomes which make a positive contribution to the character of residential areas. (page 18)
- ensuring that new medium density housing is designed to be site responsive and respectful of its surroundings rather than simply meet the minimum requirements under the Good Design Guide. (page 18)

The issue of the impact of new development on the character and amenity of the municipality is addressed in one of the seven 'overarching goals' contained in Council's MSS - under the heading *"Design and Image"* (page 13). Those goals begin to provide a framework within which the issue of the level of consolidation that is appropriate to occur in Bayside, can be addressed. It identifies objectives that seek to achieve a high quality design and to continuously improve the image of land use and development in Bayside. The objectives include design that (page 13):

- contributes to a sense of place appropriate to Bayside's character;
- respects valued elements of the arts, character and heritage of the municipality; and
- maintains, strengthens and enhances local character.

In the context of this study of building height, these objectives provide a framework for addressing the issue of built form and height in Bayside in the future. It suggests that a balance is required where new development and intensification of activities can occur, but to a level that does not fundamentally change the existing character and amenity of Bayside or of localities within the municipality.

4.4 Bayside Residential Strategy

Council is in the process of completing a Residential Strategy for the municipality. The Residential Strategy provides a strategic response as to how Council might meet the housing needs of Bayside over the period 1999 to 2016.

The strategy goes further than Council's MSS and seeks to set out how Council's obligation to pursue metropolitan goals of urban consolidation can be achieved, without prejudicing the character and amenity that residents of Bayside value.

The prime purpose of the strategy is to provide a balanced strategic approach to accommodate residential development pressures in a way that provides for community housing needs, whilst protecting the valued heritage, character and amenity features that make the municipality such a desirable residential location.

The strategy seeks to achieve this by identifying the potential of different locations within the municipality for the accommodation of new development. The Residential Strategy presents a Residential and Environmental Management Strategy Plan that identifies "management areas" in which various degrees of change are considered appropriate. The management areas relevant to this study include (page 15) (see Figure 3):

- Heritage overlay and demolition control areas.
- Areas of ***minimal development change*** – These areas have been identified as being least able to sustain residential development change in the future.
- Areas of ***managed development change*** – These areas are capable of sustaining managed development change generally consistent with the requirements of the Good Design Guide.
- Areas for ***environmental enhancement*** – These areas are identified as being suitable for the consolidation of sites and amenity improvements to facilitate new housing.

- ***Activity centres*** – These areas are seen as providing an opportunity for increased housing density.

This framework provides a basis for managing new development. They also provide a basis for managing building height in association with of this study.

4.5 Bayside Urban Character Study

The Urban Character Study provides the basis of the 'management areas' identified in the Residential Strategy. That study aims to (page 4):

- identify community values and perceptions;
- identify urban character areas (i.e. areas displaying homogenous or similar characteristics);
- assess the relative value or contribution of areas;
- define the preferred future character of identified areas; and
- identify design guidelines to assist in achieving the preferred future character.

Considerable community consultation was undertaken as part of the Urban Character Study (Chapter 3). That consultation has been utilised as input to this study. Some of the key findings of the consultation that are relevant to this project include:

- The amenity of Bayside and the beach were the most important physical qualities of the municipality and the qualities that were identified as differentiating Bayside from other surrounding municipalities.
- The "village feel" of the municipality, particularly at its local shopping centres, was identified as a key attribute.
- The existing vegetation and trees were seen as an extremely significant element within the streetscape.
- The following insights were reported in terms of respondent's values and perceptions regarding medium density housing:
    - They are prepared to accept an increase in residential densities of a low scale i.e. single storey and where appropriate higher developments.
    - They were not opposed to, but did not strongly embrace, modern architecture. They rejected stark designs that were considered to be 'out of character' with the streetscape in terms of scale and design.
    - A prime consideration for medium density housing is the perceived "appropriate" distance for landscaped setbacks from the street and softening the hard surfaces along property boundaries with trees.
    - The overall scale of residential development in Bayside is perceived as being overwhelmingly low scale and based on a range of one and two storey detached dwellings in garden settings, and with street based shopping centres.
    - Resident perceptions of architectural character are strongly linked to landscape character across the municipality.
    - The Beaumaris area, with its combination of golf course reserves, native tree planting and unstructured roads, is a visual 'icon' for many residents.

The Urban Character Study identified 8 urban character areas (see Figure 4). It included for each area:

- an urban character summary statement;
- an urban character assessment;
- a description of the dominant contributory elements;

- a list of threats to the valued character of the area;
- a desired future character statement;
- Council policy regarding new development; and
- a list of design and development guidelines.

Guidelines for new development are also provided in the Study. In relation to building height, the guidelines are framed as follows:

- Objectives:
  - "Ensure that the prevailing street rhythm of building scale and height are maintained.
  - Ensure that individual buildings do not dominate the streetscape".
- Techniques include:
  - "New development or extensions should not exceed the height prescribed in the Design and Development Overlay.
  - Within the overall height restriction, limit the height of an infill development or building addition to the same height, or no more than one storey higher than adjoining dwellings.
  - In streetscapes of varying heights, new buildings should be no more than one storey above the height of the lower adjacent building.
  - An upper storey addition to an existing dwelling should generally be setback to conceal the change from street view and to maintain the appearance and character of the streetscape."
- Matters to avoid include:
  - "Two storey 'box' shaped dwellings with unarticulated roof forms, wall surfaces and bulk that sharply contrasts with the character of neighbouring properties.
  - Second storey additions that visually dominate the front façade of the dwelling.
  - Roof forms that are flat or at inappropriate angles in relation to valued architectural forms.
  - Sharp visual contrasts in building bulk and form between new and existing buildings."

4.6 Change of Government

Planning has received considerable public interest in recent years. Much of this has focussed on the scale and scope of change in established suburbs and growing community concern about the adverse impacts of new development on the existing character and amenity of established suburbs.

Criticisms raised have included matters such as deficiencies with the Good Design Guide, inadequate control over detached houses, concern with the performance based approach inherent in the new VPPs and the mandatory controls, particularly for keys areas such as along the Bay.

The new State Labor Government has introduced a new agenda for planning in Victoria (State Planning Agenda – A Sensible Balance 13th December 1999) which suggests that the new government is likely to address many of these issues. Key issues raised include:

- A greater emphasis on neighbourhood character and residential amenity.

- A new integrated code for all forms of housing, combining and reviewing VicCode 1 and the Good Design Guide.
- Introducing a 500m^2 threshold for dwellings on lots that require a planning permit (an interim measure).
- Limited high rise development around the Bay, with reconsideration of the potential for mandatory height limits.

The details of the new State Labor Government's initiatives are not yet available. However it is likely that it will result in greater flexibility for the City of Bayside to be involved in influencing the type of development that occurs in the municipality, having regards to what the community views as valued features of the urban environment.

4.7 Issues and Options Paper on the GDG and VicCode 1

Before the change of Government, the former State Liberal Government initiated a review of VicCode 1 and the Good Design Guide. That review was undertaken by a panel chaired by Helen Gibson and resulted in the report *"Issues and Options Paper – Overlooking, Overshadowing and Visual Bulk: Techniques and Performance Measures in The Good Design Guide and VicCode 1"*.

The new Labor Government released that report and invited comment on its recommendations.

Some of the main findings relevant to this study are as follows:

- Generally single houses (rather than medium density development), which are not subject to planning control or the Good Design Guide, provided the worst examples of inappropriate development. (page ii, page 67)
- Recommendation that all housing should be subject to a single control regarding siting and design. (page ii)
- Acceptance that Medium density developments built using the objectives and techniques of the Good Design Guide is generally of a high quality, and there is nothing inherently unreasonable in the techniques and performance measures in the Guide. Rather it is a question of the way in which they are used (page ii).
- Support for the categorisation of areas of substantial change, incremental change and minimal change, as derived from the Monash report that dealt with variations to the Good Design Guide (pages 48-52).
- Acknowledgment of the need to control detached houses, but accepts the impracticality of requiring a permit for all detached houses. Suggests applying an overlay to those areas which Council consider single dwellings are likely to cause the greatest problems (page 78 to 81).
- Acknowledgment of problems associated with visual bulk and suggested greater horizontal building articulation as a solution (page 136-137).
- Limited support for increased side and rear setbacks to reduce the building setback near rear yards etc, and suggestion that it may be appropriate to allow additional height as compensation for increased setbacks. (page 138 – 139).
- Acknowledgment of the problems associated with the height of buildings but concludes the relevance of height largely depends on the relationship to adjoining buildings and the context of the locality, and should be assessed on a site-by-site basis by way of a planning permit. (page 141-143).

5 EXISTING FEATURES OF BAYSIDE

Building height in Bayside and the pressure for increased building heights may also be interpreted through an appreciation of the existing physical fabric of the municipality and its salient form, structure and sense of place.

These geographical factors have a critical bearing on the nature and scale of development and may be considered in the evaluation and assessment of development proposals. Within this context, it is considered important to encourage development controls and built outcomes (building heights and configurations) that are site specific and tailored according to particular geographic and site conditions.

5.1 The 'Bayside Experience'

The unique character of Bayside has evolved according to the particular social, economic and geographic conditions of the suburbs within Bayside over time. These circumstances have shaped a predominantly low level garden suburban residential setting with a complex overlay of commercial villages, linear coastal belts and green swathes.

Within this suburban context the key physical, natural and cultural factors that define Bayside and the 'Bayside experience' are as follows:

Natural Setting & Environment

- The generally subtle, undulating topographical condition of the municipality.
- The local coastal and introduced landscape character of residential precincts.
- The general proximity to the Bay, the coastal condition and excellent sea and city skyline view opportunities.

Urban Form & Structure

- The diversity of single and double storey residential 19th and 20th century building stock.
- The distinctive geometric block configurations and street alignments within the municipality.
- The linear residential consolidation along the coast and primary traffic and rail lines.

Land Uses & Ambience

- The diversity of land use and synergy within each of the consolidated 'village' precincts.
- The presence of individual urban hubs within the overall municipal suburban setting.
- The 'neighbourhood' feel of residential areas and the strong sense of the 'suburban community'.

These existing physical features each have an impact on the nature of built form (and building height) in the municipality. The degree to which these factors influence future building height, compared to other influences such as planning policy, Council and resident attitudes regarding preservation of the existing amenity and character of the City of Bayside etc, are addressed later in this report.

5.2 Bayside: Physical Attributes

The following analyses and associated diagrams (Figures 5 to 10) outline the key physical characteristics of the municipality and the key factors that may influence building height. This analysis provides a basis upon which to understand the nature and location of development pressure within Bayside. Key attributes include:

- Coastal Condition
- Heritage Precincts
- Visual Framework
- Open Spaces
- Retail And Commercial Centres
- Public Infrastructure
- Accessibility

5.2.1 Coastal Condition

The Bayside municipality is defined by its association with the Bay and its relationship to a coastline length in excess of 17 kilometres. The configuration of the coast, its relationship to the adjacent urban form and the key view opportunities that are available from the coastline are key determinants in understanding urban development pressure for increased 'height'. The key factors that define Bayside's coastal condition are (refer to Figure 5):

- The balance between the 'open beach' (Elwood to Hampton) and 'cliff edge' (Sandringham to Beaumaris) coastal condition, divided by prominent vegetated points providing for significant water viewing opportunities.
- The predominant residential 'frontage' to the beachfront, with primary traffic routes such as The Esplanade and Beach Road acting as continuous dividing elements between the suburban form and the Bay.
- The presence of a significant public recreation resource and a continuous corridor of open space to the western edge of the municipality that is easily accessible and 'local' in its feel.
- The visual prominence and 'openess' of the points along the coast which act as important recreational hubs and which are closely intertwined with local commercial hubs and villages.

The coastal condition has a considerable bearing on the nature and form of suburban development in Bayside. Clearly the pursuit of increased building height to achieve Bay views has been a consistent factor in the evolution of The Esplanade and Beach Road. The visual openness of the points, and the 'local' feel of the beachfronts are important attributes to protect, and as such the careful management of built form and height in these areas is to be considered.

The built form response along the coast should also be considered in light of the visual impact from the Bay itself, with greater opportunity for higher built form in areas with a flat dune condition, where vegetation and suitable setback can reduce the visual prominence of the buildings from the streetscape and the Bay.

5.2.2 Heritage Precincts

As an established middle ring suburban municipality, Bayside has a vast resource of heritage places that strongly define the sense of place and ambience of parts of the City. There are presently 27 individual heritage overlay precincts and 508 individual heritage sites that have been identified in the City of Bayside Heritage Review Study (1999). Council is yet to determine its position in relation to this study.

The older portions of the municipality are generally in close proximity to commercial centres, public transport and the coast, and have been under considerable redevelopment pressure. This is equally evident in Brighton, Hampton and in Sandringham, where the notion of the 'urban village' has been explored and implemented (in part). The concentration of heritage places are key determinants in understanding redevelopment pressure and demand for 'height'. The key factors that define Bayside's heritage are (refer to Figure 6):

- The diversity and mix of heritage places within Bayside, comprising residential, commercial and civic buildings and places (including parks and landscapes).
- The concentration of heritage sites in the north half of Bayside around key commercial areas of Sandringham, Hampton and Brighton, in association with the Sandringham railway line.
- The local nature of Bayside's heritage (typically one and two storey houses, municipal offices, churches etc) as meaningful and valued icons of coastal 'suburbia'.

The form and structure of the historic precincts and the individual characteristics of the heritage sites should have a considerable bearing on the height of new development in Bayside. Clearly, the protection of existing heritage precincts and sites in Bayside is key strategy and considerable emphasis should be placed on protecting heritage place's contribution to the public domain.

There are also a number of instances where heritage buildings are located on landmark sites, on key axes and on vistas in the northern parts of the municipality. New development within the vicinity of these sites should be sensitive to these important visual relationships and reinforce or support Bayside's key visual frameworks.

5.2.3 Visual Framework

An understanding of the three-dimensional structure and 'visual framework' of Bayside provides a representation of the evolution of the municipality and an insight into current development pressures. The topographical condition of the municipality, including the arrangement of high and low points (ridges and troughs) in conjunction with its east- west / north-south street system provides for a robust visual structure that accommodates long vistas, and sea and city views. These factors have a considerable bearing on the demand for 'height' within Bayside. The key factors that define Bayside's visual framework are (refer to Figure 7):

- The position and alignment of the former dune system and the subtle sense of the long ridges and valleys that run parallel to the coastline in a north-westerly direction.
- The highest parts of Bayside (at approximately 50 metres above sea level) located to the east of the Cheltenham Golf Club well away from the coast, offering views in all directions.

- The low lying and relatively flat areas of Elwood and Brighton (0-15 metres above sea level) with a relatively intimate relationship to the coast.

The management of development and building height in keeping with the existing visual framework and topographical condition is an important factor in maintaining the existing 'coastal' character of Bayside. The demand for development to take advantage of high ground and sloping land to attain views to the coast or the CBD is a critical challenge that may be managed through the application of sensitive design guidelines. Conversely, the visual framework may provide the opportunity to permit higher built forms in troughs or steeply sloping land where an increase in height may have less impact on surrounding neighbourhood amenity. The importance of the 'skyline' or silhouette effect of new development on ridges should also be considered.

5.2.4 Open Spaces

Bayside contains a vast resource of open space in the form of parklands, reserves, golf courses and coastal belts. It also enjoys the openess of the Bay to its western edge as a significant 'borrowed' resource with considerable impact on the sense of open space and recreation in the municipality. The size, nature and form of Bayside's open spaces have a significant impact on the form of development. There are increasing and strong cases for greater building height adjacent to open spaces for purposes of greater surveillance and safety. The arrangement of open spaces and relationship to streets are also increasingly important issues in the consideration of urban consolidation. These factors may have an impact on understanding the pressures for 'height' within Bayside. The key factors that define Bayside's public open spaces are (refer to Figure 8):

- The extended coastal open space to the western municipal boundary forming a continuous ‘strip’ of open space that is highly valued by the Bayside community and metropolitan visitors.

- The world renowned sand belt golf courses such as Royal Melbourne and Victoria, which occupy large tracts of land in the Black Rock and Cheltenham areas.
- The large portions of open space of Brighton Public Golf Course, Sandringham Golf Course, Dendy Park and Elsternwick Park, which are major areas of open space in the northern Bayside.
- The array of regional, neighbourhood and local parks typical of a suburban condition relatively evenly distributed through Bayside.

Open spaces provide an important focal point in suburban settings and can often act as stimuli for more intense surrounding development. The degree to which additional height can be accommodated adjacent to parks and open spaces however is dependant on the established residential character of each area, its sensitivity to change and potential for amenity impact to public open space and/or private property.

5.2.5 Retail and Commercial Centres

Bayside does not contain a regional retail centre, but relies on a series of 13 individual strip retail centres of various size and configuration. These centres serve a distinctly 'local' retail function, in keeping with the predominantly suburban character of Bayside. Some centres, including Church, Bay and Hampton Streets have increased in size to the extent where they draw from a broader catchment. These retail centres are critical commercial, community, civic and recreational foci and major hubs for urban consolidation and new forms of mixed use development. The form of the centres varies greatly, from traditional Victorian two storey retail strips to the single storey concourse format. The size and configuration of the centres are critical to the viability and presence of the local community. The key factors that define Bayside's retail facilities are (refer to Figure 9):

- location in proximity to transport routes such as Nepean Hwy, Beach Rd or the Sandringham rail line (Black Rock and Beaumaris serviced by bus).
- Configuration in the traditional one and two storey retail strips with cantilevered awnings, on-street parking and outdoor dining.
- Integration of mixed and residential uses within the urban village cores (such as Sandringham) to a third and fourth storey adjacent to major recreation hubs (the Bay) and public transport nodes (Sandringham Line termination).
- The major showroom and peripheral sales style facilities provided along Nepean Highway (although primarily located in Kingston).
- The numerous small local pocket retail areas within Bayside containing corner stores and / or three or four businesses

The nature and configuration of retail centres will have a considerable bearing on the nature of built form intensity and urban consolidation in Bayside. Opportunities exist for increased height in and around existing retail centres in ways that may complement the structure, scale and proportion of existing 'traditional' centres. There are also equally valid demands for those properties at the entrances to retail cores, including key junctions and corners where a reinforcement of gateways to commercial precincts may be seen to be beneficial. Significant opportunities also exist for additional mixed uses and the integration of upper level development over existing shops through the use of set-backs upper level or 'secondary transition levels'.

5.2.6 Public Infrastructure

The relatively even distribution of community facilities, civic services and public institutions in the municipality will have a limited bearing on the patterns of urban consolidation within Bayside. There are currently between 60 and 70 sites within Bayside that contain public facilities such as schools, libraries and hospitals. The key factors that define Bayside's public infrastructure are (refer to Figure 10):

- Arts, cultural, educational, health, aged care and community services are provided across the entire municipality, with particular focus on the local community hubs located at the retail core or adjacent municipal nodes.

- The current expansion of private health and community service provision in the areas of Brighton and Sandringham may alter the emphasis of service provision within the municipality, and provide greater incentives for urban consolidation.

The most significant factors influencing public infrastructure and development in Bayside relate to the potential for consolidation of private health and community services and the potential for alternative use and development of such sites. This form of land transition in proximity to retail centres, the coast and public transport highlights a need for special design and development models for all public infrastructure sites as they become available.

5.2.7 Accessibility

The accessibility and movement framework of Bayside is strongly defined by two significant north-south arterials (Beach Road and the Nepean Highway) and a series of key east-west linkages (in North, South and Bay Road). The accessibility structure of Bayside is also influenced by the historic Sandringham Railway passing through the northern portion of the municipality. Major suburban development on large lots has evolved along the rail line and its associated commercial hubs and also along the grand boulevards of North and South Road, with very little major development establishing along the remaining key north-south routes. In recent years the consolidation of the coastal fringe of Beach Road and St Kilda Street has altered the western face of Bayside and such transitions are likely to continue to considerably alter these major passageways through the City. The key factors that define Bayside's accessibility framework are (refer to Figure 11):

- The well serviced public transport system with comprehensive bus and rail services.
- The 7 stations of the Sandringham train line that serve the suburbs of Brighton through Sandringham. Three (3) stations of the Frankston line are also located to the eastern boundary of the municipality. Stations are typically surrounded by shopping / commercial precincts.
- The single tram service, beginning at the corner of Hawthorn Road and the Nepean Highway with a 1 kilometre portion of its route lying within Bayside.
- The Nepean Highway being the major arterial route through Bayside with several important east-west streets and roads (North and South Roads; Dendy Street; Bay Road etc.)

- Linear pedestrian and cycle access is available along the coastline.

The relationship between major access routes and development has historically served an important role in Bayside. This is relevant in considering the role of both public and private transport as a key determinant in identifying sites and precincts for further non-residential building consolidation. It must be acknowledged however, that the suburban nature of Bayside and the significant expectations for high levels of residential amenity often render the major transport routes, road or rail system an undesirable residential adjacency.

5.3 Bayside Built Form

The built form of Bayside may be described generally as low scale development characterised by a high degree of architectural diversity. The City of Bayside Urban Character Report (Draft Final 12/99) has examined and defined the built form composition of the municipality in detail and its findings (in particular the urban character precincts) have considerable influence on height control issues.

Importantly, Bayside's built form (and the relatively consistent distribution of mixed one and two storey development) is not the primary or defining character attribute of the municipality. As outlined within the Urban Character Study, Bayside's varied built form is a background upon which the distinctive attributes such as vegetation, topography and subdivision pattern are overlaid (as discussed in section 5.2 of this study). For example, the built form in parts of Hampton and Sandringham may be relatively similar contemporary single and double storey dwellings on large lots, however the character of these places is distinctive in their unique layout and vegetative effect.

Bayside comprises the spectrum of suburban architectural styles and built form typologies, including historic Victorian and Edwardian cottages, grand mansions and estates, Federation and Inter War bungalow style dwellings, 1950-70s brick veneer one and two storey housing, and cement sheet cottages. There is also a growing accumulation of large double storey dwellings. In addition to individual buildings, there are also a number of precincts where concentrations of higher built form are occurring, these are primarily oriented towards the coastal edge and are expressive of the general Bayside transition and pressure occurring along the foreshore (refer to Figure 12).

The Urban Character Study has identified eight (8) Urban Character Precincts in the municipality. The salient built form characteristics of each precinct have been defined as follows (See Figure 4);

- ***Character Area A:***
  - Small single storey Victorian and Edwardian detached timber cottages.
- ***Character Area B:***
  - Single/ Double storey Victorian to Post War detached cottages and bungalows.
- ***Character Area C:***
  - Large scale Victorian to Modern dwellings on large allotments.
- ***Character Area D:***
  - Mixed single storey Edwardian and interwar detached dwellings on large lots.
- ***Character Area E:***
  - Mixed single storey (renovated) timber, brick or rendered Inter War housing.

- ***Character Area F:***
  - Mixed timber and brick Federation and Inter War bungalows on larger lots
- ***Character Area G:***
  - Simple uniform red/ cream brick 1950-60s detached cottage style housing.
- ***Character Area H:***
  - Mixed 1960-70s single and double storey brick detached housing on large lots.

The primary transitions in built form, and those areas that are currently facing considerable 'height' pressure are typically the large lot or consolidated lot parcels within the broad coastal corridor (St Kilda Street and Beach Road) and along the primary 'boulevards' of North Road and South Road. These are typically experiencing a progression from older 1 and 2 storey buildings on large lots to 2 and 3 storey contemporary developments with considerable site coverage. Other forms of urban consolidation, such as the current Urban Village programme at Sandringham, and the evolving intensification of the strip centres of Martin, Bay, Church and Hampton Streets are collectively shifting the municipality from a consistently 'low scale' form towards a suburb with isolated pockets and corridors of denser built form presence.

Importantly, the potential for change (and height) must also be acknowledged in the Residential Strategy's declared 'environmental enhancement' portions of Highett and Cheltenham. The transitions in large lot uses (such as major commercial or industrial parcels) and the potential erosion of large tracts of community title residential land in these precincts may present particularly unique opportunities for major site redevelopment and raised 'height' thresholds.

6 METROPOLITAN CONTEXT

Potential for development and building height in Bayside must be seen in a metropolitan context.

Metropolitan Melbourne is a low density, sprawling, centrally focussed area. It has relatively higher densities in central and inner areas, that reduce through the middle suburbs towards the urban fringe.

The pattern of activity centres and the historical radial movement corridors affect this general pattern of urbanisation and result in local concentrations of higher intensity (both commercial and residential) throughout the suburbs.

Port Phillip Bay is a major environmental attraction in the Port Phillip region and has skewed Melbourne's development to the south. High density corridors such as St Kilda Road, link the CBD to the foreshore at St Kilda, and inner Bayside localities such as Port Melbourne and St Kilda are amongst the highest density residential areas in Melbourne.

Bayside is a middle ring coastal suburb. Its development density and general height of buildings is less than the more densely developed areas of Port Phillip to the north, yet more than the lower density, more recently established suburban areas of Kingston to the south.

Bayside is highly accessible to the CBD due to its relative proximity, good public transport provided by the Sandringham Railway and Frankston Railway lines, and abuttal to main roads such as the Nepean Highway and Beach Road. It is also somewhat of a quiet residential pocket, as it is located to the west of the busy Nepean Highway corridor with the Beaumaris 'peninsula' provides for a relatively quiet residential enclave at its southern end.

Bayside has no major activity centres that act as focal points for development and activity. Whilst the activity centres of Southland and Moorabbin abut the municipality to the east, they have little impact on the urban form of Bayside, given their location on the other side of the 'barrier' presented by the Nepean Highway and the Frankston Railway Line. The shopping centres in Bayside are essentially local street based centres with a low building height (one to three storeys) and a strong 'village' atmosphere.

Properties along the foreshore are considerably less developed than those in Port Phillip to the north. Buildings are essentially one to two storeys, with isolated three storey buildings, and nodes of three storey development near activity centres. A five storey building at Green Point has the greatest number of storeys of any building along the foreshore in the municipality.

The inland residential areas of Bayside are also considerably less dense than those of Port Phillip. Bayside is traditionally a low density garden suburb with a predominance of detached houses on suburban lots. Whilst some areas in the northern parts of the municipality have a small lot subdivision pattern characteristic of 'inner city areas', the balance of the municipality was subdivided into conventional to large residential lots for separate detached houses, with generous opportunities for gardens and landscaping. Houses are originally single storey with some two storey, although much new development has been two storey.

Bayside's relative 'position' within the wider metropolitan area is important to retain in the future in order to preserve its critical 'sense of place' and character and amenity that makes it such an attractive municipality for residents and others alike.

Whilst Bayside will change over time, as will neighbouring Port Phillip and Kingston, it is important that the relative differences between these municipalities remain in terms of built form and building height if they are to retain their individual identity and character.

In order to retain Bayside's 'place' within a wider metropolitan context its residential areas should not develop to the same density and height as those of Port Phillip. Port Phillip in 2000 should not reflect what Bayside might be in 2019. Its coastline should not develop to the same density and height as that of Port Phillip.

As Beach Road provides the primary window to Bayside for those driving through the area, the form and height of development along Beach Road should be representative of the adjacent 'suburban' residential areas and reflect the underlying character, amenity and sense of place that is Bayside.

7 CONSULTATION

Following preliminary contextual analysis, a public forum was held in October, 1999, in which to introduce and discuss the concepts and principles associated with the study and gain public feedback on issues relating to the municipality and their perceptions of building height. Advertisements were placed in local papers and letters were sent to key interest groups by the City of Bayside inviting all property owners, businesses and residents to attend the community forum. Thirty-seven people not including the consultant team, Councillors and Council Officers attended the forum.

The forum discussion focused on the impact of new development on the amenity and character of Bayside. It was considered that the impacts of height of new developments, both single and multi-dwelling, were significant due to inappropriate siting, removal of vegetation and location of walls on boundaries. Issues of overlooking, overshadowing, visual bulk and privacy. Further, the perception of height from adjoining properties and the streetscape were greatened due to minimal or zero setback and lack of articulation of developments.

There was general consensus amongst all participants that a two storey height limit should be applied across all residential land within the municipality. The land use and physical context of commercial and industrial sites could be assessed individually and on design merit however could not exceed a three storey limit.

In addition to the community forum, a consultation day, questionnaire and meeting with members of 'Save our Suburbs' and 'Brighton Residents for Urban Protection' were held.

The consultation day was held at the Bayside City Council offices with members of the consultant team. The day was advertised in local papers and fifteen minute appointments scheduled with fourteen individual and groups. The issues raised reinforced concerns expressed at the public meeting. In particular, the key issued were:

- inappropriateness of new development and the subsequent impacts on the amenity and character of Bayside, and
- retention of the predominant building height of an area (single or double storey) to be enforced by new statutory control.

Questionnaires were made available at the community forum, consultation day and distributed at Council offices and public libraries. The questionnaire sought to identify what people like about Bayside, their experience and observation of change, what the issues are in relation to height and a recommendation for height control within the municipality. Fifty-five questionnaires were received with the following key points raised by the community:

Likes & Dislikes

- Excellent amenity;
- Beach & bay;
- Low scale development along coast;
- Trees, gardens, 'leafiness', open spaces;
- Sense of community;
- That new development is changing garden & urban character of Bayside;
- Demolition of older housing stock;

Change:

- Dual/triple occupancy on standard single blocks;
- Architectural style of new development out of character with area;
- Removal of significant amounts of vegetation with new development - eroding of garden suburb character
- Upgrade of shopping centres;
- Increased heights along Beach Road;
- Too much poor quality design;
- Reduction in front, side and rear setbacks.

Height Issues:

- Inappropriate height of new development causes loss of amenity to adjoining properties and streetscapes (overlooking, overshadowing, visual bulk);
- Buildings along Beach Road exceeding allowable height limits with deck areas;
- Character of area is low scale development of one and two storeys. New development changing character of area through increase in building heights.

Recommendations:

- Height should be considered with regard to its impact upon amenity – no overlooking/overshadowing/visual bulk;
- Two storey height limit;
- Areas that are currently single storey should remain so as should areas of two storey;
- Industrial and commercial areas no higher than existing height levels;
- Higher buildings should be encouraged around the beach area;
- Beach Road no higher than foreshore vegetation;
- Roof top terraces should not be permitted along Beach Road;
- Permit up to a maximum of three storey in cluster areas, around facility centres
- Two storeys might be okay near shopping centres, railway stations etc subject to Council approval;
- Site specific height controls eg corner sites, commercial sites etc
- Avoid fence to fence buildings;

A meeting was held with representatives of Save our Suburbs (SOS) and Brighton Residents for Urban Protection (BRUP). The groups informed the consultant team of their dispositions and strategic objectives for height control and development within Bayside.

PART C
A STRATEGIC APPROACH TO BUILDING HEIGHT

8 TOWARDS A STRATEGY FOR BUILDING HEIGHT IN BAYSIDE

8.1 Introduction

This section discusses and resolves the key issues that have been identified throughout the course of this study. It presents the framework for a strategy on building height in Bayside.

8.2 What Height is Appropriate in Bayside?

As has been described in Parts A and B of this study, there are a series of local and contextual factors (both physical and policy based) that will have some considerable influence what is 'appropriate' building height in Bayside. These are summarised below:

- Bayside is a middle ring suburban municipality. It is essentially residential, with predominately single storey detached housing, but with a considerable mix of two storey housing in parts. Only isolated taller buildings exist. Bayside's shopping centres are of a similarly low scale, being predominately two storeys or less, with only occasional taller buildings.
- Development along the Bay retains a general low rise scale, with predominately one and two storey buildings. A few nodes of higher development exist along the Bay at locations such as Green Point, Sandringham and Hampton.
- Council policies support the continuation of redevelopment in the municipality in order to stabilise population loss; to contribute to metropolitan policies for consolidation; and to accommodate changing housing need. However, Council's current policy review program also identifies limits to potential, and identifies the sensitivity of different parts of the municipality to change.
- That policy direction is largely in response to community concern about the adverse impacts of 'inappropriate' development on the valued urban character of Bayside, and the amenity of its residential areas. Council's present policy review program seeks to respond to these concerns in a balanced and strategic manner which takes into account the wide range of matters that influence development in the municipality.
- Bayside's metropolitan context is also an important influence on the evolving built form of the municipality. Bayside has no major metropolitan activity centres that might be expected to attract development at a considerably greater intensity or height. All centres are 'local' or 'sub-regional' and provide a highly valued "village" feel. Whilst there are opportunities for consolidation within and around those centres, it is limited by the "local role" they perform and their proximity to residential areas.

Within the context of the above it is the consultant's view that policies regarding building height in Bayside should seek to respond to the existing urban form and character of the municipality rather than seek to substantially alter it. <u>Urban character and residential amenity should be the main determinants of building height throughout the municipality</u>. Increased building height in those locations likely to experience pressures (i.e. along the Bay and around commercial centres and on larger lots) should only be accommodated by planning policy where the established character and amenity of those areas will not be unreasonably affected.

As identified in the following section there are opportunities for buildings of more than two storeys in Bayside. However, even in the locations with such potential, the maximum height of buildings should be limited to a 'reasonable height' in view of the overall 'low level' of development in Bayside.

The building heights recommended for different parts of the municipality are discussed in following sections. Generally they are based on the following:

- A preferred maximum building height of 2 storeys in residential areas, with the ability for a planning permit to be sought for taller buildings, but only in exceptional circumstances.
- A mandatory two storey height control along the Bay, with a limited number of exceptions for up to three storeys (mandatory maximum) where separated from residential properties at the rear, and for up to four storeys in activity nodes fronting the Bay.
- A marginally higher built form in commercial centres than in surrounding residential areas, with the potential for three and possibly four storey buildings in appropriate locations.

Recommendations

R1 Policies regarding building height in Bayside should respond to the existing urban form and character of the municipality rather than seek to substantially alter it.

R2 Urban character and residential amenity should be the main determinants of building height throughout the municipality.

R3 Increased building height in locations likely to experience considerable pressures (i.e. along the Bay and around commercial centres) should only be accommodated by planning policy where the established character and amenity of those areas will not be unreasonably affected.

R4 In those locations where there is the opportunity for buildings of more than two storeys, the maximum height of buildings should remain limited to a 'reasonable height' in view of the overall 'low level' scale of development in Bayside.

R5 A preferred maximum building height of 2 storeys should be established in residential areas, with the ability for a planning permit to be sought for taller buildings, but only in exceptional circumstances.

R6 A mandatory two storey height control should be established along the Foreshore, with a limited number of exceptions for development of up to three storeys (mandatory maximum) where sites are separated from residential properties at the rear, and for three to four storeys in key activity nodes fronting the Bay.

R7 A marginally higher built form may be achieved in commercial centres than in surrounding residential areas, with the potential for three and possibly four storey buildings in appropriate locations according to established design parameters.

8.3 Is there a need for Height Controls?

Most residential and local commercial areas throughout Melbourne are not covered by height controls and yet development is generally no more than two storeys.

The only areas in Bayside presently covered by height controls in the planning scheme are those areas close to the Bay. Inland residential areas are not covered by height controls as such, although the height and setback of buildings is regulated by building envelopes contained in VicCode 1 and the Good Design Guide.

This raises the question whether height controls are in fact necessary in Bayside, and if so, what type of controls might be appropriate.

There are generally two ways to control building height:

- ***Mandatory control*** – Such as the Design & Development Overlay (DDO) in the planning scheme that state an absolute maximum height that cannot be varied, except by an amendment to the planning scheme. This is the type of control that presently exists around the Bay in Height Control Area 77.
- ***Discretion control (planning permit)*** – A discretionary control whereby a planning permit is required for development. This may or may not specify building height as a consideration in assessing an application. This form of controls allows Council to assess the implications of taller buildings via the planning permit process. It introduces a mechanism whereby Council policies on building height can be taken into account in assessing planning permit applications. This is the type of 'de facto' control over height that currently applies to all unit developments as all unit developments require a planning permit.

Generally, mandatory height controls are not imposed throughout residential or commercial areas within Melbourne. The exception is where there are particular pressures for taller buildings that are likely to raise ongoing planning issues, if the flexibility to exceed stated heights is provided by the planning permit process. An example are the height controls that have existing along the Bay in the past.

The advantages of a mandatory control are that they provide certainty as to what height is allowed. There is no opportunity to apply for a planning permit to exceed the specified height and no opportunity to appeal to VCAT against a decision by Council. Exemptions can only be made by an amendment to the planning scheme which is a process requiring full community consultation and a transparent outcome.

Their disadvantage is that they are inflexible and restrict innovation and creativity in design. Also, in a municipality as diverse as Bayside there will invariably be properties where higher buildings might occur without adverse impacts. Mandatory controls do not allow the flexibility for such situations to be accommodated.

The planning reform process that has resulted in the Victorian Planning Provisions places emphasis on a performance based approach to development control. It seeks to make the planning permit process the prime means by which planning decisions are made and to reduce the need for planning scheme amendments. It discourages the imposition of mandatory controls in favour of performance based controls that are exercised by the consideration of planning permit applications. To add certainty to this process new format planning schemes give greater weight to strategic policies, and the opportunity is provided for Council's to include policy statements in planning schemes to guide their assessment of planning permit applications. Policies regarding building height could be included into Council planning scheme as a consequence of this study.

The existing VPPs reflect the philosophy of the former State Government. The present State Government has issued a policy direction indicating it is likely to accept mandatory height controls, especially in areas under considerable pressure for higher buildings, like the Bay side.

For the purpose of this study, the consultants recommend a mandatory height control be imposed over foreshore areas only, but that a discretionary control be imposed over inland areas.

It is considered that the pressures for increased building height along the Bay warrant the higher level of control inherent with a mandatory control. A real likelihood exists that the flexibility of a discretionary control would lead to a gradual increase in building height along the Bay, above that identified as appropriate in Council policies.

Despite the lack of height controls over residential areas in Melbourne generally, it is considered appropriate to impose policies regarding height across the inland residential areas of Bayside. The reasons for this approach are discussed below.
Whilst the recommendations of this study are that residential development should generally occur within a two storey envelope, the opportunity should remain for a third storey or part third storey to be considered by Council in 'appropriate circumstances' throughout the inland parts of the municipality. The imposition of a mandatory control across such a large residential area would invariably lead to situations of marginal non-compliance; as well as legitimate cases where taller buildings might be appropriate. A mandatory control is likely to necessitate repeated requests for minor planning scheme amendments. Unlike foreshore areas, it is not considered that the pressures for higher development warrant a mandatory control across the inland residential areas within the municipality.

Recommendations

R8 A mandatory height control be imposed over foreshore areas.
R9 A discretionary control be imposed over inland areas.

8.4 Height Around the Bay

8.4.1 What Height?

Properties along Port Phillip Bay will continue to attract pressures for higher buildings due to the desirability of a seaside location and the opportunity for open coastal and city skyline views. The Esplanade and Beach Road also provide an important metropolitan "driving experience" and provide a context by which to see the pattern of suburban development of Melbourne evolve from inner areas such as Port Melbourne to lower density areas such as Bayside and beyond.

The consultants consider that it is important that these properties retain a scale that reflects the residential (and suburban) areas in which they are located. In most cases, properties fronting these roads have direct residential abuttals at the rear which raises potential amenity considerations if buildings exceed two storeys.

For these reasons the existing two storey building height should generally be retained along the Bay (refer to Figure 13).

- As an exception to this general policy, it is considered that buildings of up to a mandatory maximum of three storeys may be permitted (subject to a permit application) situations where properties fronting Beach Road and the Esplanade are separated from residential properties to the rear by non-residential uses such as a road, railway line, business zone etc. Locations where this occurs are limited to the following areas:
    - In Brighton, to the north of Wellington Street.
    - In Hampton, to the north of Orlando Street.
    - In Beaumaris, west of Reserve Road.
- Additional height may also be accommodated at key nodes or focal points along the Bay (refer to Figure 13). These include:
    - Green Point – This location is presently occupied by a 5 storey residential building, hotel and a number of small scale commercial activities. The land currently holds a permit for a 4 storey building. It is relatively isolated from residential properties by the railway to the rear. Development up to a maximum of 4 storeys is considered appropriate in this location subject to sensitive treatment of urban design and heritage issues. This is consistent with Bayside's new format planning scheme consent for buildings of up to 12m on the site. The hotel site (identified in the Bayside Heritage Review as the former Royal Terminus Hotel) is an important part of this coastal activity node and it is possible that this site also achieve some additional height (up to a maximum of 4 storeys) in the future. Any redevelopment to this site

would require a site specific amendment and need to meet rigorous design and heritage guidelines.

- Hampton – Small Street provides the potential to link the Hampton Street Shopping Centre to the Bay. Significant three storey residential redevelopment has already occurred on the rear of the site of the former Hampton Hotel whilst the refurbished hotel building is two storeys. An appropriately designed third floor on top of the former hotel building (current development proposal with Council), and a three storey building on the adjacent vacant site (responsively designed having regard to neighbouring properties) would reinforce this nodal point.
- Sandringham – The Urban Village Study identifies the potential for building heights of up to 3 to 4 storeys in this centre.
- Black Rock – Building heights of three or possibly four storeys may be appropriate in this centre, subject to the preparation of an urban village study similar to that prepared for Sandringham.

A slightly higher built form they the surrounding residential development is supported at the above nodal points. It is considered that subject to good design higher built form can occur without adverse impact on the amenity of residential properties. A higher built form can reinforce the urban form of Bay side along Beach Road. These points are traditional features of the urban context of Bayside and provide landmarks and reference points to people travelling along the foreshore.

8.4.2 How Far Inland?

HC77 presently extends back from the Bay up to 1 kilometre in places. The current boundaries of the overlay area bear little relationship to the purpose of the control.

It is considered appropriate to redefine the boundary to relate more closely to the purpose of the control – that is to prevent building of more than two storeys, in those areas where pressure for increased building height is likely to exist due to the ability for Bay views.

The proposed boundary reflects a 400 to 500 metres distance, adjusted to run along roads as these provide distinct boundaries. Whilst any boundary remains inherently arbitrary, it is considered that this distance better reflects the intent of the control (refer Figure 13).

Changing the boundary will remove a mandatory control from a large part of inland Bayside. However, the introduction of new discretionary controls over one and two storey buildings across the balance of the municipality will ensure an appropriate level control in those areas.

8.4.3 The Wording of the Control

The appropriateness of the wording of the existing height control around the Bay was questioned during the consultation.

The clause allows a maximum height of two storeys or 6 metres. A planning permit is required if any storey exceeds 3.5 metres, however no maximum height is required for a two storey building. In essence the maximum height allowed without a planning permit equates to:

- a two storey building comprising two floors with a maximum of 3.5m (i.e. up to 7m); plus
- a basement protruding a maximum of 1.7m above ground level.

This enables a maximum ‘eave’ height of 9.7m. A roof structure or roof deck may be constructed above that level. A permit may be granted to allow a higher building.

Representatives of resident groups suggested this control was too flexible in that with a basement and a roof top deck, a building with an effective height of three storeys could be constructed.

A representative of the building industry suggested that given the existing controls allow a building height of up to 9.7m to be constructed (to eave level), the control should be relaxed to allow three storey building within the same or a similar height.

The following comments are made regarding the wording of the height control along the Bay:

- A mandatory maximum height of two storeys be retained.
- The wording be modified to require a planning permit for any building with a wall height over 8m or a maximum height of more than 12m. This will make it consistent with the proposed wording of the height control that will apply across the balance of the municipality. It will not affect the maximum height to which a building can be constructed, merely the height at which planning permission is required.
- Building height refers to the distance between the natural ground level and the height of the building above that point.
- It is acknowledged that the clause allows a higher building form than might normally be considered to be two storey. This is considered reasonable along the foreshore given the pressure that exists for increased height to obtain views.
- Roof top decks are considered an appropriate feature of housing along the foreshore, subject to design and overlooking issues being addressed Planning controls to prevent roof top decks are not supported.
- An amendment to allow three storeys within a similar envelope is not supported. The intention is to limit buildings along the foreshore to a maximum of two storeys. The proposed wording allows flexibility for different storey heights with a mandatory two storey maximum. This provides the opportunity for variety and interest in the design of two storey houses. To design three storey houses to fit within what is essentially a two storey building envelope would compromise floor to ceiling heights and internal amenity. Additionally, it is likely to lead to pressure to increase the permissible height to allow more flexibility for three storey buildings. This may lead to a gradual undermining of the two storey height limited contained in Council's policy.

Recommendations

R10 The existing two storey building mandatory height limit should be retained around the Bay, except in the limited number of situations referred to below.

R11 A maximum mandatory height of 3 storeys should be permitted in a limited number of locations, where properties fronting the Bay do not abut residential properties at the rear. These include:

- In Brighton, to the north of Wellington Street.
- In Hampton, to the north of Orlando Street.
- In Beaumaris, west of Reserve Road.

R12 Opportunity for higher buildings at key nodes or focal points should exist along the Bay, these include:

- Green Point – A 4 storey maximum as per the current permit.
- Hampton –Small Street – A mandatory maximum of 3 storeys.
- Sandringham – Up to 3 and 4 storeys as identified in the Sandringham Urban Village Study
- Black Rock – Subject to preparation of an urban village study.

R13 The extent of the foreshore height control inland should be reduced to better relate to areas likely to experience pressures for increased height to gain Bay views. A distance of 400- 500 metres, adjusted to relate to boundaries, is proposed.

R14 The wording of the height control be amended to:

- require a planning permit for any building with a wall height over 8m or a maximum height of more than 12m
- change the meaning of building height to the distance between the natural ground level and the height of the building above that point.

8.5 Building Height in Residential Areas

8.5.1 What height is appropriate?

Residential areas throughout Bayside are essentially single storey, with varying degrees of two storey buildings depending on the locality. The urban character of the area is essentially suburban with a strong landscape or garden character, which again varies throughout the municipality.

As identified in section 4 of this study, preservation of the high levels of residential amenity and of the valued character of the municipality are key principles of Council planning policy framework. These principles also strongly determine the consultants' position on building height within general residential areas of Bayside.

A general two storey building height is considered appropriate throughout Bayside in order to achieve these goals. Buildings of more than two storeys in suburban areas with typical lot sizes have the potential to significantly impact on both amenity and character.

Whilst Council's policy will be for a maximum height of two storeys throughout the residential areas, this will be a discretionary rather than a mandatory control. Hence the opportunity for taller buildings will exist, subject to the grant of a permit (and the satisfactory compliance with design and development guidelines). However this discretion is provided to create flexibility for marginally higher buildings, interesting or responsive design solutions, or for three storey buildings in exceptional circumstances. It is not to enable three storey buildings in normal situations.

In those cases where three storey buildings may be permitted within the general residential areas of Bayside, compliance with rigorous design guidelines will encourage more sensitive and appropriate development that is in keeping with the prevailing scale and form of the neighbourhood. For example, guidelines that will ensure that no individual new development should be greater than one (1) storey above adjoining buildings will unavoidably halt the interruption of intact one or two storey streetscapes.

The relevant objectives relating to height in residential areas are:

- To ensure new development that achieves the highest standards in architecture and urban design that responds to the architectural character of the area
- To ensure that new development maintains the prevailing streetscape rhythym and building scale and height of the area.
- To ensure that new buildings do not dominate the streetscape.
- To ensure that new development does not cause any adverse amenity impacts to adjacent dwellings or land, and
- To provide opportunities for established gardens within front, rear or side setbacks.

Within this context, situations in which Council might support three storey buildings would be:

- on large sites where substantial setbacks could be achieved to avoid adverse amenity impacts on neighbours;
- adjacent to existing taller buildings.
- adjacent or close to commercial centres and activity nodes or other non-residential uses. Such situations would need to be assessed on a site by site basis.
- only where no unreasonable amenity or character impacts result.

No circumstances are envisaged where Council would support buildings of four storeys or more in established residential areas.

8.5.2 Control Over Detached Houses

Discussion

From undertaken as part of this study it is apparent that the construction of new detached houses and extensions can adversely impact on the character and amenity of established residential areas. Statistics provided in the Residential Strategy indicate the rate of new house construction would affect more lots than multi-dwelling construction (874 new houses affect 874 lots, compared with 934 dual occupancy units and 797 units, which would affect a lesser number of lots assuming an average of more than 2 units per lot) (p18).

Unlike multi-dwellings, there is currently no requirement for a planning permit for detached houses and hence no opportunity to control either the amenity or streetscape impacts.

Two areas of potential concern exist:

- New, two storey houses and second storey extensions may occur in areas of 'valued character', especially those that have an intact single storey building height; and
- houses of more than two storeys generally may occur, due to the increased potential for amenity and streetscape impacts.

Two storey houses

The impact of two storey houses can be managed by requiring a planning permit for two storey buildings and extensions.

The aim of this control would not be to prevent two storey houses from being constructed, but to ensure that where they do occur in predominantly single storey streets of valued character, the second storey and roof treatments respond in a sympathetic way to the form of other buildings in the streets. This may, for instance, require it to be a recessive and subsidiary element compared to the ground floor of the building.

The introduction of a requirement for a planning permit for new two storey houses and two storey house extensions is onerous. It will place a burden on developers and property owners wishing to redevelop. It will also impose a burden on Council in assessing planning permit applications. In addition, it will provide the opportunity for third party objections and planning appeals, with the potential for significant time delays and monetary costs for all parties.

A feature of the urban character of Bayside is the diversity of housing styles. Whilst many streets within the municipality do have a predominant single storey building height, this characteristic varies greatly in different parts of the municipality. To impose a requirement for a planning permit for two storey buildings across wide areas of the municipality would be unacceptably onerous.

Council's Residential Strategy and Urban Character Study have identified the main character elements of different parts of the municipality. The Residential Strategy generally identifies three categories of residential areas in Bayside. These areas are based on the ability of the areas to accommodate change and include:

- minimal change areas;
- managed change areas; and
- environmental enhancement areas.

This categorisation relates to the existing character of the areas and the perceived importance of those areas to the community, with those areas having a perceived higher value character having less potential to change (refer to Section 4.4 of this report).

The consultants propose that these categories also provide a basis for control over building height, with those areas most sensitive warranting a higher level of control and those areas less sensitive warranting a lesser level of control.

The identified **minimal change** classification applies to two areas;

- Brighton – The Golden Mile; and
- Beaumaris.

The Brighton area (to the west of New Street), whilst being identified as sensitive to change, contains a considerably different built form to Beaumaris. It contains a substantially higher proportion of large two storey houses and the mix of architectural styles and building heights that exist means that few streets possess a predominately single storey character. It is considered onerous to apply a control requiring a planning permit for all two storey houses in this area.

Beaumaris is the second area identified as having a valued character worthy of designation as an area of minimal change. This area has a greater proportion of single storey housing and is distinguishable in its substantially vegetated setting. It is considered appropriate to require a planning permit for any two storey house.

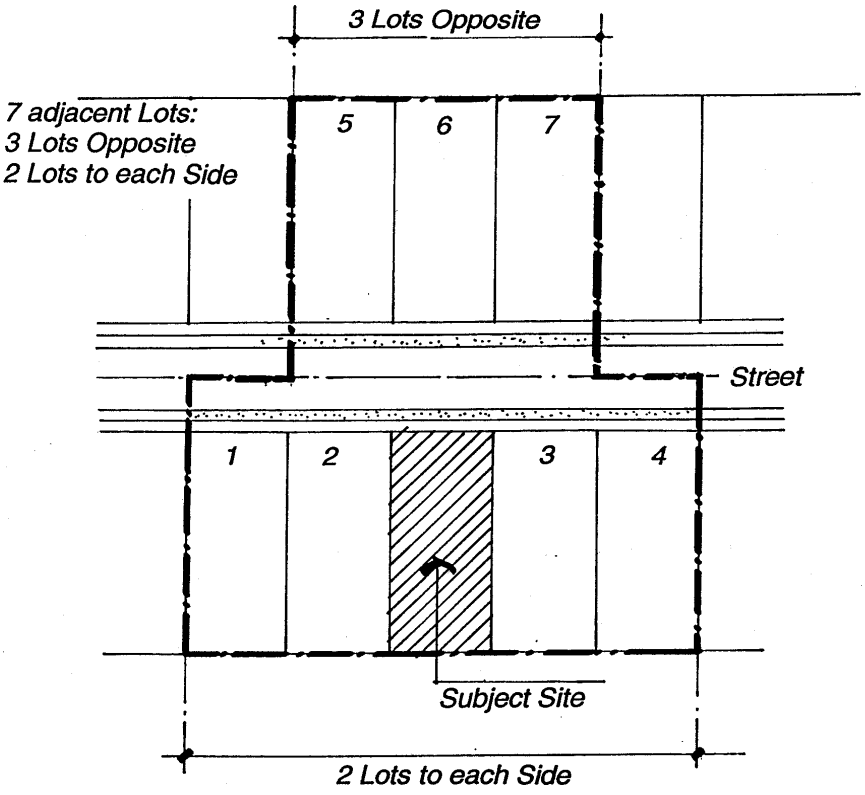
The **managed change** areas apply to extensive parts of the municipality. Whilst these areas do not have as highly valued character as the minimal change areas (as defined in the Bayside Urban Character Report prepared by Ratio consultants), there are numerous examples of intact single storey streetscapes. It is not appropriate to require a planning permit for all two storey houses throughout this area. However a more limited form of control is appropriate in those streets where a predominance of detached houses remains. The control can be limited to the following areas:

- A permit is only required in those streets that are predominately single storey.
- The requirement for a planning permit for a two storey house is only required in managed change areas in the following situations:
    - Where 5 of 7 adjacent lots are occupied by a single storey house (refer to Figure 14).

The identified **environmental enhancement** areas apply to the portion of the municipality occupied by Highett and Cheltenham. These areas do not have a highly valued character as the minimal or managed change areas (as defined in the Bayside Urban Character Report prepared by Ratio consultants). These areas have been identified for environmental enhancement for the provision of opportunities for new housing. It is not appropriate to require a planning permit for all two storey houses throughout this area as there may be considerable redevelopment of this precinct over time. The control of height within these areas should be maintained at 2 storeys, and managed through the guidance of VicCode 1 or GDG.

Houses Greater than Two Storeys

Residents who attended a reference group meeting argued strongly for a mandatory two storey height limit through all residential areas in Bayside. Reasons presented to justify this level of control were the potential adverse amenity and streetscape impacts of buildings of more than three storeys. An advantage cited was that mandatory controls provide certainty for both the development industry and residents.



Single Storey Streetscape Test:
In Managed Change Areas,
If 5 of 7 adjacent lots are
occupied by single storey
development,a planning permit is
required for a two storey house.

BAYSIDE COUNCIL:

HEIGHT CONTROL STUDY

Prepared by Hansen Partnership & ContextCMI: January 2000

FIGURE No.14: Single Storey Streetscape Test

Whilst a mandatory two storey height controls is not supported, concerns over the impact of houses of more than two storeys is justified.

Prior to 1995 an interim control required a planning permit for any building with a wall height over 8m or a total height of more than 12m in residential zones throughout Melbourne. That control is no longer in force.

Reintroduction of such a provision would provide the opportunity to control excessively high houses that do not presently require a planning permit. This is considered valid for the Bayside municipality. Whilst providing a lesser level of control to the mandatory control preferred by residents, it provides the opportunity for assessment and resident input in cases where buildings are more than two storeys high.

Recommendations

R15 Adopt a maximum two storey building height throughout all inland residential areas in Bayside. This height would be discretionary and the ability would exist to apply for a planning permit to exceed that height. Any application would be advertised and would be subject to detailed scrutiny by Council.

R16 Establish generic design guidelines that seek to manage height and encourage development that:

- achieves high standards in architecture and urban design that is responsive to the neighbourhood architectural character
- maintains the prevailing streetscape rhythym and building scale and height of the neighbourhood.
- does not dominate the streetscape or cause any adverse amenity impacts to adjacent dwellings or land, and
- provides opportunities for established gardens within front, rear or side setbacks.

R17 Require a planning permit for a two storey house in minimal change areas, in order to minimise the impact of two storey houses on predominantly single storey streets of valued character in those areas.

R18 Require a planning permit for two storey houses in managed change areas, but only in those streets which are determined to have a predominantly single storey streetscape following the application of a simple test.

R19 Require a planning permit for any house with a wall height greater than 8 metres or an overall height greater than 12 metres.

8.6 Amenity of Backyards - Side and Rear Setbacks

The garden suburb 'feel' of Bayside is one of its primary attractions. This important attribute has evolved through exceptional landscape development over time in rear and font gardens and in the sometimes narrow spaces between buildings. This key landscape attribute has been identified as being of importance to local residents and is considered to contribute significantly to the both the streetscape and neighbourhood character.

Consultations carried out as part of this study identified substantial concern about the adverse impacts of new residential development on the existing suburban and garden character of residential areas throughout the municipality. This concern related equally to detached houses and multi-dwellings – suggesting the guidelines contained in the Good Design Guide which apply to multi-dwelling development, do not adequately respond to the suburban character elements of Bayside.

Three particular issues were raised:

- the visual bulk of buildings of two storeys or more;
- the impact of building on backyards; and
- inadequate setbacks between buildings and boundaries to allow for landscaping to screen buildings

The amenity of rear yards in a garden suburb such as Bayside was identified in consultation as being fundamental to the municipal character. Under existing planning controls and guidelines, buildings can be constructed on the common boundary (in part) and one and two storey dwellings can be constructed one to two metres from side and rear boundaries, with no intervening landscaping.

The consultants consider that resident's concerns are valid, and that guidelines for building height and boundary setbacks should respond in a more appropriate way to areas of useable open space on adjoining properties – i.e. to back yards. The objective of any guidelines should be to achieve setbacks that will:

- provide adequate daylight to all habitable rooms on sites and adjoining properties;
- ensure useable and attractive private open spaces within a site and on adjoining properties
- ensure greater sense of physical separation of buildings from the useable parts of rear yards of adjoining properties; and
- opportunity for on-site landscaping between new buildings and boundaries where it abuts a rear yard on an adjoining property.

It is considered that a variation to the GDG that sets out a technique requiring a greater setback is necessary. The setback should be twice that required under Element T6.T4 of the GDG (with no opportunity to construct a building on the boundary).

Accordingly, adjacent to areas of useable open space, the minimum setback would be:

- for a single storey dwelling (with a wall height of 2.7m) - 2 metres rather than 1 metre; and
- for a two storey dwelling (with a wall height of 5.8m) - 3.32m rather than 1.66m.

This would provide sufficient space for on-site planting to eave height, for both single and double storey buildings.

The opportunity for landscaping between a building and a boundary fence is often lost when first and second floor levels are staggered to more closely align to the building envelop contained in the GDG. For example, the ground floor may be setback 1 metre from the boundary and the upper level may be setback 2 metres. Adjacent to the useable part of open space on neighbouring properties all buildings (with the exception of garden sheds and garages) should be setback a minimum of 2m to provide adequate width for landscape screening.

These guidelines would be discretionary. Accordingly they can be reduced to the standard guidelines contained in the GDG if an applicant can demonstrate to Council that no adverse amenity impacts will be caused.

At this time it is considered that the above controls only apply to multi-dwelling development and not to single houses. A single house does not generally impact on rear yards to the same degree. To include the control on single houses would necessitate an amendment to the planning scheme, in addition to a variation to the Good Design Guide. If Council considers a similar control is appropriate for single houses it should make a submission to the State Government when it reviews the Good Design Guide and VicCode 1.

Recommendation

R20 Introduce a planning scheme control and a variation to the Good Design Guide that requires an increased setback between the wall of a building and useable open space to the rear of adjacent properties. That setback should be twice that required under Element T6.T4 of the GDG (applies to multi-dwellings only).

R21 Adjacent to the useable part of open space on neighbouring properties all buildings should be setback a minimum of 2m to provide for landscape screening on the site of the development (applies to multi-dwellings only).

R22 These guidelines should be discretionary. Accordingly they can be reduced to the standard guidelines contained in the GDG if an applicant can demonstrated that no adverse amenity impacts will be caused (applies to multi-dwellings only).

8.7 A Permit for Houses on lots of less than 500m^2

Presently a planning permit is required to construct or extend a dwelling on lots of 300m^2 or less. This provides the opportunity to assess the streetscape and amenity implications of dwellings on small lots and to control the resubdivision of lots of more than 600m^2.

The new Minister for Planning has indicated his intention to support the extension of that control to require planning approval for development on, or subdivision of, lots of 500m^2 or less.

The City of Bayside supports this control and has requested the Minister introduce it in the municipality.

The consultants do not consider that the introduction of this control will avoid the additional controls recommended by this study. Many of the issues that have lead to recommendations for controls over building height in this study apply regardless of lot size.

The issue of building height primarily relates to the proximity of buildings to boundaries and the visibility of walls outside a site. Excessively high or inappropriately located walls have the potential for adverse impacts regardless of the size of a lot.

8.8 Commercial Areas

The intensity of development and the height of buildings in commercial areas is traditionally greater than that of surrounding residential areas. Buildings are frequently constructed to front and rear boundaries and are often more than one storey, with limited setbacks from rear boundaries. This more intense building fabric enables commercial activities to co-exist in a highly concentrated manner and to provide a focal point that is convenient and accessible to the local community.

Commercial areas in Bayside are essentially of a local nature and have a strong village feel. This limits the height of building and the intensity of development that is appropriate. Nevertheless the centres do have potential for taller buildings and a greater intensity of development than surrounding residential areas, allowing for greater activity reinforcing the 'village' feel of the centre.

Each centre has its own characteristics and the most appropriate way in which to identify development potential is through the preparation of an urban village study. The urban village study prepared for the Sandringham centres identifies opportunities for buildings of up to 3 and 4 storeys in parts of the centres. Council's new format planning scheme incorporates the recommendations of the study.

A permit is required for all buildings and works in commercial zones. This provides the opportunity for Council to consider the impact of all proposals.

Commercial streetscapes generally involve a mixture of:

- Single fronted commercial buildings – i.e. a different building on each lot fronting the street.
- Multi-fronted buildings – i.e. one building incorporating a number of tenancies that front the street. Multi-fronted buildings are generally more sensitive to change, as an increase in the height of one part of the building affects the integrity of the overall design of the building.

The following height guideline objectives and techniques should be applied by Council in considering permit applications in the absence of an urban village study for a centre:

The primary objective of the guidelines should be to achieve commercial development that will:

- ensure that the prevailing scale and rhythm of the commercial streetscape is maintained;
- ensure that individual buildings do not dominate the commercial centres or impact on the intimate scale of strip centres;
- not detrimentally impact on the accessibility to or enjoyment of the public domain (including footpaths and public spaces) within commercial centres or adjacent private property;
- create opportunities for upper level activity (commercial or residential) without compromising the scale and image of the commercial centre.

Key guidelines are:

- The height of new development in commercial streets should not exceed 3 storeys, however a height of 4 storeys may be accommodated in higher parts of traditional Victorian strip centres subject to design articulation and setback upper levels.
- New commercial development should generally be no greater than one (1) storey higher than adjoining buildings.
- Additional storeys on any one part of a multi-fronted buildings is generally not appropriate unless designed sensitively to complement the design integrity of all of the host building.
- A two storey building height (to the frontage) will generally be appropriate throughout most commercial areas, except where an intact single storey streetscape of value will be adversely affected.
- In essentially two storey, or in mixed and two storey streetscapes, a third storey should be setback from the street frontage.
- In mixed streetscapes with existing three storey buildings (or higher) a third storey may be constructed to the frontage, where it will not detract from the streetscape.
- Corner sites generally have greater potential to accommodate taller buildings than sites located mid-block in streets with a relatively consistent building height.
- The height of new development should generally match the parapet line of adjacent buildings with any taller elements setback from the streetscape.
- The impacts of buildings on the amenity of residential properties must be taken into account in all cases.

Further detailed guidelines are provided in Attachment 4.

Recommendations

R23 Urban village studies should be undertaken of all key commercial centres in Bayside. Those studies should examine the opportunities for increased height in and around each centre.

R24 Commercial areas in Bayside are essentially of a local nature and have a strong village feel. This limits the height of building and the intensity of development that is appropriate.

R25 In principle commercial centres have the potential to be developed to a greater intensity and to have a greater building height than surrounding residential areas.

R26 Until detailed studies are undertaken of individual centres Council should apply a series key principles in assessing planning permits to construct buildings in commercial areas. The objectives are to achieve commercial development that will:

- ensure that the prevailing scale and rhythm of the commercial streetscape is maintained;
- ensure that individual buildings do not dominate the commercial centres or impact on the intimate scale of strip centres;
- not detrimentally impact on the accessibility to or enjoyment of the public domain (including footpaths and public spaces) within commercial centres or adjacent private property;
- create opportunities for upper level activity (commercial or residential) without compromising the scale and image of the commercial centre.

8.9 Exceptions

Proposals for buildings which do not comply with Council's policies and controls will continue to emerge regardless of the policies adopted by Council. Council's planning strategies must provide a means by which the planning merits of such proposals can be assessed on valid planning grounds. Failure to do so provides the risk for ad hoc decisions to be made as has occurred along the Bay in the past.

Throughout the inland parts of the municipality all development is discretionary. A proposal for buildings higher than that provided for by Council's policies can be dealt with by the normal planning permit and appeal process.

In the foreshore areas, which are covered by a mandatory height control, a planning scheme amendment will be required to vary the permitted height.

8.10 Industrial Areas

Industrial areas in Bayside were covered by a number of different industrial zones prior to the introduction of the new format planning scheme. In many of those zones there was no general requirement for a planning permit to construct a building. Different zones had different provisions regarding building height as summarised in Section 2.2 of this report.

In the new format planning scheme all buildings in industrial zones require a permit. This provides the opportunity for Council to control the height of buildings.

No particular recommendations are considered necessary regarding the height of buildings in industrial areas, other than that Council should assess applications in accordance with its local policy on Building Height.

9 PLANNING POLICIES AND CONTROLS

Included in Attachment 1 of this report is a summary of the controls discussed at reference group meetings with residents. Those controls have been modified since the reference group meetings on the basis of comments made by the community, Councillors and Council officers.

A summary of the revised policies and controls now recommended is included in Attachment 2.

The Bayside Planning Scheme is the vehicle by which the recommendations of this study will be implemented. The new format planning scheme provides the opportunity for policies and controls to be included in a number of ways:

- Within the Municipal Strategic Statement – Section 21.5.6 includes a number of goals regarding "design and image" which set the broad framework within which policies regarding can be framed. Other sections reinforce Council policies to retain the valued character and amenity of the municipality. Policies specific to height reinforce these more general policy directions. It is not considered necessary to introduce a specific heading regarding building height in the MSS
- Local Policies – A local policy regarding building height is required. This will assist in clearly setting out Council's attitude towards building height and will provide statutory status to the policies that Council will use to guide its decisions on permit applications and requests for amendments.
- Design and Development Overlays – Are the means by which new requirements for planning permits can be introduced. Decision making guidelines can be included and freestanding guidelines can be referred to.
- Variations to the Good Design Guide – A variation to the GDG is required to introduce the changes to the setback of buildings from boundaries.
- Separate guidelines – Separate guidelines are required to provide assistance to Council, applicants and the community on relevant issues to take into account in relation to building height.

The wording of the amendment is included in Attachment 3.

LIST OF FIGURES

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Context CMI

IMPORTANT NOTE:

(From hereon please refer to the hard copy of MASTER DOCUMENT and ensure all attachments are inserted manually after each section marked, *"Attachment 1, 2 etc)"*

thanks

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Attachment 1

PRELIMINARY CONTROL SCHEDULE

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Attachment 2

PROPOSED CONTROL SCHEDULE

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Attachment 3

PROPOSED AMENDMENT

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Attachment 4

PROPOSED HEIGHT CONTROL GUIDELINES

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Attachment 5

PROPOSED LOCAL VARIATION TO E6.T4 OF THE GOOD DESIGN GUIDE

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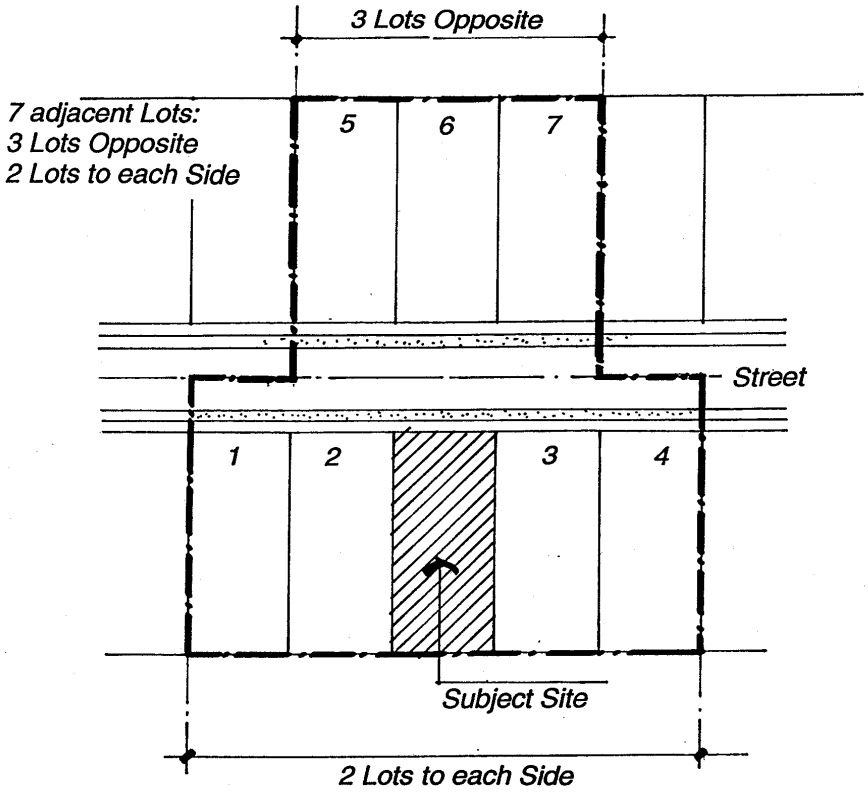

Single Storey Streetscape Test:
In Managed Change Areas,
If 5 of 7 adjacent lots are
occupied by single storey
development,a planning permit is
required for a two storey house.

BAYSIDE COUNCIL:

HEIGHT CONTROL STUDY

Prepared by Hansen Partnership & ContextCMI: January 2000

FIGURE No.14: Single Storey Streetscape Test