



6.2 343-345 BEACONSFIELD PARADE, ST KILDA WEST

LOCATION/ADDRESS: 343-345 BEACONSFIELD PARADE, ST KILDA WEST

EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, DEVELOPMENT,
TRANSPORT AND CITY AMENITY

PREPARED BY: PHILLIP BEARD, PRINCIPAL PLANNER

1. PURPOSE

- 1.1 To assess the impacts of a proposal for alterations and additions to three existing, double storey units in an existing apartment complex.

2. EXECUTIVE SUMMARY

WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	327/2020
APPLICANT:	Hansen Partnership
EXISTING USE:	Apartments (residential)
ABUTTING USES:	Residential
ZONING:	Residential Growth Zone 1
OVERLAYS:	DDO 6-10, Part SBO 2
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The proposal comprises relatively minor alterations and additions to three existing, two bedroom, double storey units within a large apartment complex. The additions involve new rendered external cladding, new front facing Juliet balconies, an additional study floor space at first floor and a new living/retreat space and front facing roof decks at the level above.
- 2.2 The existing three, double storey, two bedroom units, which are subject of this application, each have two car spaces allocated to them.
- 2.3 The proposal would comply with zone and DDO provisions by way of height (it would be beneath both the zone and DDO heights) and would have minimal impacts on the immediate and wider areas by way of character and amenity impacts. The site is not within a Heritage Overlay and the complex is a non-graded development. The additional DDO measures relating to character and overshadowing of the foreshore would also be complied with and in summary, it is considered that many of the concerns raised in the objections are matters best addressed through Owners' Corporation processes.
- 2.4 Subject to the recommended conditions, it is considered that the proposal is supportable.



3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for the construction and carrying out of buildings and works including a rear addition, front balconies, additional living space and roof terraces to units 1-3 at 343-345 Beaconsfield Parade, St Kilda West.
- 3.3 That the decision be issued as follows.

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans forming part of the application but modified to show the following:
 - (a) The matters referred to in the revised ESD documentation referred to in condition 6 of this permit.
 - (b) The Juliet balconies setback at least 3m from the front boundary.
 - (c) Screening to the new study windows of unit 1 so as to prevent direct or downwards overlooking on the nearest windows and balconies of the existing south wing within the site.

No Layout Change

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

External Colours and Finishes

3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

Equipment and Services Above Roof Level

4. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Plant and Equipment

5. No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

Incorporation of water sensitive design and Sustainable Design Initiatives

6. Before the occupation of the development approved under this permit, the project must incorporate appropriate water sensitive urban design initiatives and sustainable design initiatives listed as listed in the submitted ESD memo to the satisfaction of the Responsible Authority, but as revised so as to include partial WSUD compliance, a commitment to use of low VOC materials, a commitment that at least 70% of any



demolition material will be re-used and a commitment to the use of E1 to E10 engineered wood products.

Site Management Water Sensitive Urban Design

7. The developer must ensure that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Walls on or facing a boundary

8. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Time Limits

9. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.

4. RELEVANT BACKGROUND

There is no relevant history or background for this application.

5. PROPOSAL

- 5.1 It is proposed to construct additions to the front facing, three double storey, two bedroom units directly facing Beaconsfield Parade. The additions would comprise changes above ground level, affecting only the top two levels of the building (first floor and roof level). More specifically, the proposal is described as follows:

First Floor:

- 5.2 It is proposed to construct three front facing balconies (one per apartment) arranged identically per apartment. That is, each balcony would be located at the south-east



corner of each apartment and each balcony would be identical, measuring 4.1m x 1.5m. Each balcony would be clad with 1m high cement sheet balustrading. The top of the balustrading would be approximately 5m above ground level. The balconies would project beyond the current front wall of the building resulting in front setbacks of just under 3m.

- 5.3 At the rear of each dwelling at first floor level, the currently open spaces adjacent to the bedrooms are proposed to be infilled with new study space. Each study would measure 2.9m x 3.8m. Each would have three horizontal windowpanes with the new surrounding walls clad in rendered cement board. The roof height to each study space would be approximately 6m above ground level.

Roof Level:

- 5.4 It is proposed to replace the existing roofs to each of the three front dwellings with a front facing but open roof deck with each being identical. They would measure 4m x approximately 7m and would each have a small planter bed along their respective north boundaries. They would sit in line with the front of each building and would therefore maintain the same 4.5m front setback as the building's front wall.
- 5.5 Behind these decks are proposed to be three 'retreat' (living) spaces. They would each measure 3.8m x 4.2m and would be setback 8.5m from the front boundary, or some 4m further back from the west wing's front wall as compared to the proposed roof decks. Essentially, they would be centrally located on each apartment's footprint.
- 5.6 The roof decks would be flat roofed and would reach a height of 9.8m above natural ground level or approximately 8m above the height of the common courtyard/plaza in the centre of the site. They would be about 9.3m above the natural ground level of the footpath at the front of the site and would be approximately 2.4m high but approximately 1.5m higher than the existing parapet of the three units in question.

Elevations:

- 5.7 It is also proposed to re-clad/re-surface the west wing's existing external walls with mid to light tan render (known as 'Paperbark').

6. SUBJECT SITE AND SURROUNDS

Site area	Whole site approximately 4340m ²
Existing buildings and site conditions	<p>The subject site, that these units reside in, is large and comprises four separate apartment 'wings'. Assuming that the site is aligned north-south, three of these can be described as east, north and south. The east and north wings are each four storeys high and respectively contain 17 and 14 apartments each. The south wing is 9 storeys high and contains 28 apartments. It has an at grade, partly open, partly garage car parking area adjacent to it at ground level separating it from the neighbouring site to the south.</p> <p>It is only the west wing at the front of the site that is the subject of this application. which is two storeys high and contains three, two bedroom dwellings (each with two car spaces allocated to them) in a terrace format. All four wings surround a central common courtyard that is mostly hard (brick) paved and has a central pool and a paved open space area with some planter style landscaping.</p>



	<p>All four buildings and the courtyard/pool are located above a basement car park which is accessed from Beaconsfield Parade.</p> <p>The existing buildings date from the early to mid 1970s and have a relatively strong 'post modern' appearance with asymmetrical pitched metal roofs, some projecting geometric features, some rooms arranged in projecting 'pods' and regular spaced windows and balconies.</p> <p>Cladding is typical 1970s mid-brown brick.</p> <p>The direct (yet internal only interfaces) between the west or subject wing and the other wings comprise the basement driveway access to the north, portion of the front landscape strip and portion of the central paved courtyard to the south and entirely the central courtyard and pool area to the east. Respectively, the front wing is separated from the abovementioned wings by about 6.5m, 10m and 17m.</p>
<p>Surrounds/neighbourhood character</p>	<p>The surrounding area contains a variety of building characteristics. Again assuming that the site runs north-south, the building to the north at No. 342 comprises a quite substantial federation style two storey complex surrounded by well established vegetation. The front portion of that building is generously setback from the boundary (approximately 10m to 11m) but a central portion directly abuts the boundary. The remainder of the interface with No. 342 comprises a somewhat utilitarian wing setback about 2.5m to 3m from the boundary. This site does not directly interface the subject west wing.</p> <p>The site to the south (no. 347) comprises a relatively recent four storey apartment building. The building itself abuts the common boundary but is separated from the south wing by about 11.5m within which is the previously mentioned at grade parking area for the subject site. The neighbouring building to the south has windows and recessed balconies facing the south wing, but it does not directly interface the subject west wing.</p> <p>Behind the subject site as a whole are the rear yards of properties fronting Park Street. As with all other external interfaces, these properties do not directly interface the subject west wing. In any event, the abutting Park Street properties comprise some single storey cottages and some 1970s three storey flats. The cottages have rear yards generally 6m to 8m deep.</p> <p>Opposite the subject site – and the subject west wing – is Beaconsfield Parade with its wide median reserve and the foreshore further opposite.</p>

7. PERMIT TRIGGERS

The site is partly included in the Special Building Overlay (SBO), but this is not a permit trigger as works above ground level are exempt from planning permission. The new rendered cladding does not constitute buildings and works in the context of the SBO.



Zone or Overlay	Why is a permit required?
Clause 32.07-5 Residential Growth Zone 1	A permit is required to construct or extend two or more dwellings on a lot. The use 'dwelling' is as-of-right. There is no garden area provision in the zone. The zone includes a discretionary maximum height requirement of 13.5m.
Clause 43.02 Design and Development Overlay	A permit is required for all buildings and works. This overlay has a 16.5m mandatory maximum height (excluding roof plant, services and architectural features) along with a 3m front setback and a requirement that the foreshore not be overshadowed on 21 June.

7.1 Relevant Planning Policy Framework

Clause 15: Built Environment and Heritage, including Clauses:

15.01-1: Built Environment

15.01-1S: Urban Design

15.01-1R: Urban design - Metropolitan Melbourne

15.01-2S: Building Design

15.01-5S: Neighbourhood character

15.02-1: Sustainable development

Clause 21.04 Land Use including Clauses:

21.04-1 Housing and Accommodation

Clause 21.05: Built Form, including Clauses:

21.05-2 Urban Structure and Character

Clause 21.06-6 Neighbourhoods (St. Kilda)

Clause 22.12 WSUD

7.2 Other relevant provisions

Clause 43.02: Design and Development Overlay

Clause 55: Construction or extension of two or more dwellings on a lot

Clause 65: Decision Guidelines

7.3 Relevant Planning Scheme Amendments:

There are none relevant to assessing this proposal.

8. REFERRALS

8.1 Internal referrals

Council's Urban Designer

- *The building height is appropriate. No amenity impacts to the streetscape have been observed. The DDO indicates that buildings should be set back 3m from Beaconsfield*



Parade however the proposed balconies do not (2960mm). The encroachment is minor and would not affect the visual streetscape or appearance and therefore, is acceptable.

- *It is recommended that the proposed render be also applied to the front fence brickwork to demonstrate continuity in appearance and to articulate the subject site from the adjacent developments. This is important given the extensive material change proposed and in response to the highly visible location that requires development to present a high degree of facade articulation and architectural features.*
- *The proposed development generally meets the design objectives outlined in DDO6-10 and therefore, it is supported. The recommendation above may improve the building's presentation to the street and should be considered in the scope of works.*

Planner Comment:

It is considered that amended plans should be required showing the front facing balconies no closer than 3m to the boundary. It is acknowledged that this would only require an additional 40mm, however, the DDO requirement should be met as per schedule 6-10. (Refer recommended condition 1 (b)).

As for also applying the proposed new render to the front fence, this is not considered reasonable and is beyond the scope of the application. No changes are proposed to the front fence and whilst some visual benefit might be derived from this change (but only very moderately) it is considered that permit conditions, should one be issued, can only relate to the actual scope of the works. It is also noted that the new external colour proposed for the west wing (paperbark) would be very similar to the external colours of the other wings and the front fence.

Therefore, the revised colour to the west wing would still 'tie in' quite comfortably with the rest of the existing development.

Council's ESD Officer:

The proposal has twice been referred to Council's ESD section with the latest response being below.

Outcome:

- The application demonstrates an acceptable outcome for ESD*
- The application does not demonstrate best practice for ESD*

Suggested Action:

- ESD improvements required prior to decision > Re-Refer to Sustainable Design*
- Approve subject to conditions as listed below*

ESD improvements required prior to decision:

The following key ESD matters must be improved/addressed prior to approval. Please re-refer to Sustainable Design Advisor:

- *No stormwater management response.*

Full Assessment Comments by Category:



As the extensions are part of a multi-unit development and they adds up to more than 50m², therefore WSUD (LPP 22.12) policy applies. Understand that there are constraints to this extension, we will accept a partial WSUD compliance together with other ESD commitments.

IEQ:

Many materials used in the fit-out and construction of buildings contain Volatile Organic Compounds (VOC) and formaldehyde which pose serious health risks to building occupants. The report should include a commitment to the use of low VOC paints, sealants and adhesives and E1 or E0-grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring).

Energy:

No on-site renewable energy generation is proposed. Considering the roof space and solar access available, a solar PV system to each unit is recommended to reduce energy use and costs. This will significantly improve the environmental performance of the development.

Water: no issues

Stormwater:

Refer to <http://www.portphillip.vic.gov.au/sustainable-design-guidelines-stormwater-management.pdf> on how to provide an appropriate response.

Transport: no issues

Waste: no issues

Urban Ecology: no issues

Building Management & Construction:

At least 70% of construction and demolition waste to be reused or recycled

Materials: no issues

Innovation: no issues

Planner Comment:

The applicants have expressed some concern that the additions are of such a relatively minor scope and perhaps should not be subject to the various requirements. They additionally note that adding solar panels to the revised roof would only add mass and height which, in the context of the objections, would not be desirable.

The latter is agreed with and it is considered that the ESD performance of the building – whilst able to be improved via solar panels – would only add height and visual intrusion to the building. This may be a relatively minor matter in most circumstances, but in this specific instance, it is not considered desirable to add new height to the proposal in the context of the objections.

As for the absence of a stormwater management response, a partial WSUD response and an undertaking to require low volatility construction materials, these are addressed via recommended conditions 1 (a) and 6.



8.2 External referrals

The application was not required to be externally referred.

9. PUBLIC NOTIFICATION/OBJECTIONS

9.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (297 letters sent).

9.2 The application has received 70 objections. The key concerns raised are summarised below.

- Loss of bay views, loss of light
- Decreased property values
- Additional floorspace as bedroom (not retreat) leading to insufficient parking
- Design would not integrate with existing other wings creating a new, different and disjointed appearance
- Excessive bulk creating feeling of enclosure
- Increased shadow to common pool and BBQ area
- Structural concerns to car park beneath and overall construction concerns/impacts
- Internal overlooking
- Conflicts with DDO in terms of maintaining key views, vistas and preserving space between buildings, conflicts with zone as it does not provide for residential growth
- Wind tunnel effects
- Increased reverberation of traffic noise (new side walls) and future occupant noise

9.3 It is considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

9.4 The objections are assessed in the following section of this report.

10. OFFICER'S ASSESSMENT

10.1 Key Issues:

It is considered that this proposal raises the following key matters.

- Would the height, setbacks and mass of the proposal be appropriate in terms of the DDO and the relevant character and policy settings?
- Would the proposal be acceptable in overall streetscape character terms?
- Would there be unreasonable amenity impacts to private property particularly through loss of outlook/view, shadowing, occupant (roof terrace) noise and loss of light to nearby dwellings?
- Would there be adequate car parking?



An assessment of these matters follows using the local policy provisions together with the relevant Planning Scheme provisions. In terms of local policy, assessment of many of the above matters are guided by Clauses, 21.05-2 and 21.06-6. The Planning Scheme provisions further used in the following assessment are Clauses 43.02 and 55 (being the DDO provisions and Rescode/more than one dwelling on a lot provisions).

10.2 Would the height, setbacks and mass of the proposal be appropriate in terms of the DDO and the relevant character and policy settings?

Clause 21.05-2: Urban Structure and Character.

Objectives

- 1. To reinforce key elements of the City's overall urban Structure.*
- 2. To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip.*

The character of Beaconsfield Parade is clearly varied and in this immediate area, dominated by two to three (or higher) storey buildings. This aspect of policy, as with many others as outlined later in this report, is mainly focused on public realm impacts. It is acknowledged that the subject site's three dwellings are part of a larger complex, but the proposal must be assessed on its merits in the context of public realm impacts which in this instance, seek to reinforce key elements of urban structure and to have any valued characteristics of neighborhoods protected and enhanced.

As noted previously, this part of the neighbourhood is dominated by varied buildings fronting Beaconsfield Parade. The proposal would not diminish that variation but could in fact be argued to partly add to it. The fact that the proposal would result in the subject three units looking slightly different from the other buildings on the same site is not something in and of itself that would necessarily lead to a detrimental character response to the public realm.

That is, the fact that the front three units would change in appearance is not so much assessed by way of that change in relation to the other buildings on the site, but in relation to what that changed appearance would mean to the public realm.

In this instance, it is considered that the new rendered cladding would be of a colour that would be very similar to the rest of the complex and would not be out of keeping with other buildings in this stretch of the street. It is worth noting that the site is not covered by a Heritage Overlay, which would provide a permit trigger/assessment tool in relation to materials and colours.

The proposed front Juliet balconies are considered to provide a very modest streetscape character addition and their 3m front setback would align with DDO provisions. Similarly, whilst the roof form as viewed from the street would change to some extent, it is not considered that it would result in the building being out of keeping with this section of the street. It would be well under the DDO and zone height provisions and even if compared to the other buildings on the same site, whilst different, it would not be out of keeping.

It is essentially considered that the streetscape of this section of Beaconsfield Parade is robust enough to cater for a slightly different roof and upper level form



even if that form would now read differently from what the other buildings on the same site display.

There is no planning or policy control that enshrines in this specific instance, that all buildings on this site have to maintain their current form and appearance. All that is assessed in character terms is whether the proposal would be out of keeping or detrimental and as noted above, it is not considered that this would be the case.

The height impacts in a planning scheme/DDO sense are assessed later in this report.

Clause 21.06-6: Neighbourhoods (St. Kilda)

The site is in St Kilda West and therefore, Clause 21.06-6 as it relates to the St Kilda neighbourhood is relevant. It has numerous stated objectives and strategies for the various precincts in that neighbourhood. The site is zoned residential and in those areas, the local strategies are as follows:

6.6.6 Retain the residential role of existing residential properties fronting the St Kilda foreshore.

6.6.7 Encourage development to respond to the following character elements:

- *The diverse architectural styles and forms that include an excellent collection of single and multi-dwelling developments dating from the nineteenth and early to mid-twentieth centuries up to the present.*
- *The higher scale of development (predominantly 2-3 storey and sometimes 4 storey buildings) in streets such as Alma Road, Barkly Street, **Beaconsfield Parade**, Chapel Street to the north of Argyle Street and to the south of Carlisle Street, Grey Street, Inkerman Street, Marine Parade, Mitford Street, Princes Street and Robe Street.*
- *N/A*
- *N/A*
- *N/A*

It is considered that the proposal would appropriately relate to the immediate and wider varied characteristics of this section of Beaconsfield Parade. As previously noted, there is a predominance of large buildings in this area and the proposal would only add marginally to existing scale, but would remain well below the DDO and zone height provisions and would also remain below (in one instance very substantially being the 9 storey south wing) the heights of the other buildings on this site.

It is also again noted that the concept of diverse architecture is raised in this policy and the proposal could be argued to enhance that variation through its different and slightly distinguishing appearance from the other buildings on the same site.

It is considered to appropriately and clearly relate to other buildings further afield whereby two to four storeys is a relatively common scale along this street.

As outlined previously, the site is not covered by a Heritage Overlay and therefore the subject buildings on this site, in a planning scheme and policy sense, do not have any identified significance. In any case, the change in architectural style from what currently exists at these three buildings (and in the other buildings on this site) is



considered a modest one in that external colour would remain very similar and in a public realm/streetscape character standpoint, the style by way of proportion and overall composition, would only change very marginally. Some front facing windows and the Juliet balconies would be added together with the front leading edge being raised by about 1.5m (from about 6.2m to about 7.5m high), again, well below the 13.5m (zone) and 16.5m (DDO) height provisions.

Design and Development Overlay

The Decision Guidelines that apply to the Design and Development Overlay (DDO) as a whole are as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

As previously assessed, it is considered that these outcomes would be met. The bulk, form, appearance and character of the three units in question would modestly change, especially in the context of such a varied streetscape and a non-heritage building. Only one neighbour is included in the heritage overlay (to the north-west) but this is isolated from the subject building by one of the existing wings on the subject site. None of the other matters above would be conflicted with.

There are also Design Objectives for DDO area 6, which (as relevant to this proposal) are as follows:

- *To protect sunlight access to public places and open space areas, in particular the foreshore and significant streets including Fitzroy Street, Acland Street, the Esplanade, Beaconsfield Parade and Marine Parade.*
- *To protect and enhance the visual amenity and environment of the St Kilda foreshore as an important natural, recreational and tourism asset of metropolitan Melbourne by ensuring development complements the foreshore and hinterland.*



These two objectives would be met as the proposed visual change in a foreshore setting context, would be very moderate and would not – in either an immediate or wider sense – detract from existing visual character of the foreshore. Nor would the proposal have any daylighting impacts or effects on the foreshore.

- *To encourage retention of the streetscape elements and features that enhance the appearance of the identity and image of the St Kilda foreshore and adjacent areas as an attractive seaside residential, entertainment and leisure area.*
- *To ensure the built form and building siting respects the dominant street patterns.*

These two objectives would be met. No streetscape items of any significance or that currently have any material effect on the visual significance of the foreshore, would be lost or damaged. Similarly, the proposal would not have any impact on local street patterns.

- *To encourage high quality, well-designed new buildings, works, renovations and additions that are compatible with the existing diverse architectural and streetscape character of St Kilda and reinforce its distinctive built form.*
- *To create articulated, attractive and detailed facades on all visible elevations, including exposed boundary walls.*
- *To ensure that the facade design of new development is compatible with, and respects the character of, neighbouring buildings within the same streetscape.*

It is considered that these three objectives would be met, as previously assessed. The additions would be very modest in a streetscape sense and would be well isolated from the closest heritage neighbouring buildings. This separation also leads to the conclusion that the proposed additions would be respectful of the character of neighbouring buildings or more importantly, would have no visual connection and consequent negative effects on them.

- *N/A*
- *N/A*
- *N/A*
- *N/A*
- *N/A*
- *To protect and enhance key views to and from the St Kilda foreshore.*

This provision was highlighted by several objections who raised the concern that the proposal would diminish their internal/private realm views of the foreshore. By way of information, it is not considered that this would be a substantial consequence of the additions in any case, but even so, this DDO objective relates to the public realm. That is, the objective is seeking to ensure that a person on the footpath would not have any public realm views or vistas interrupted by a new building in their immediate viewline. Similarly, a person on the foreshore looking back towards Beaconsfield Parade should not have that view interrupted by an incompatible or out of scale/character building.

It is also considered that perhaps the most important word in the objective is 'key'. This again reinforces the public realm nature of the objective in that views from private apartments and dwellings towards the foreshore are not considered to be 'key' in a DDO sense.



In any event, the very modest nature of the additions/alterations would not result in a building (when viewed from the foreshore) that would be out of character or out of scale. It would continue to integrate with its wider vista. Similarly, no views from the Beaconsfield Parade footpath towards the foreshore would be negatively affected by the proposal.

- *To ensure building height and form reflects the topography of the foreshore and surrounding area.*

This objective would be met. The change in height would only amount to approximately 1.5m to a maximum of 9.8m, being a height that is consistent with the wider DDO 6-10 foreshore character.

- *To ensure that new development on sites containing or adjacent to a heritage place is of a form and scale that is respectful of the heritage place.*

As previously assessed. The proposal is very well isolated from any nearby heritage buildings.

- *N/A.*

This site is located in sub area 10 of DDO 6 whereby the relevant matters to consider are as follows:

Preferred Character

- *Reinforce the eclectic mix of heritage and contemporary buildings to create a distinctive built form edge along this part of the foreshore.*

As previously noted, this would either not appreciably change in the wider sense or in fact, be enhanced in the immediate sense.

Design Objectives

- *To encourage innovative design that responds to the foreshore setting and vistas.*
- *To create a landscaped transition between buildings and the street environment.*
- *To encourage the provision of space between individual buildings on adjoining sites.*

None of these objectives would be conflicted with. The buildings on this site – including the subject three units – are a good example of 1970s architecture but are not considered innovative in the best understanding of the term. Similarly, the proposal is not overly innovative but it's modest appearance (and extent of change) is one of its key positive aspects in that it would not result in a dramatic change of character from the current appearance. Encouragement of innovative design is considered most relevant to new buildings.

Some of the objections raised the matter that the 'flow' of the subject site would be altered and that the feeling of space would be diminished. However, again in a public realm and streetscape sense, the spacing between the subject three units and the other buildings on the same site would not change. That is, the footprint of the subject three units would not change.

Requirements

- *Buildings must not exceed 16.5 metres in height.*



- *Buildings should be setback a minimum of 3 metres from the Beaconsfield Parade frontage.*

In terms of height, this would be comfortably complied with as the new additions would have a maximum height of just under 10m, well below the 16.5m requirement. The new front Juliet balconies would be setback just under 3m, but recommended condition 1 (b) requires them to be setback at least that distance.

- *Front setbacks should be landscaped.*
- *Buildings should be orientated towards the foreshore.*

Neither of these aspects is proposed to change.

- *Buildings should respond to their highly visible location by incorporating a high degree of facade articulation and architectural features.*
- *Buildings should be free standing.*

Neither of these aspects is proposed to change. The extent of façade articulation would be moderately increased through the Juliet balconies.

- *Front fences should be a maximum of 1.8 metres high and a minimum of 50 percent transparent.*
- *Buildings should not overshadow the foreshore reserve after 10.00am on 21 June.*

There are no proposed changes to the front fence and submitted shadow diagrams show that the foreshore would not be overshadowed at the above times.

10.3 Would the proposal be acceptable in overall streetscape character terms?

As previously assessed, the streetscape impacts would be very moderate. Some increase in height is proposed but in the context of the other buildings (wings) on this site and buildings on other sites further afield, the height increase is not considered to be out of keeping. Additionally, as previously noted, the new render cladding would be of a colour that would be in keeping with the other buildings on this site and the fact that the site is not covered by a heritage overlay (where colour controls derive) adds weight to the fact that this change would be acceptable.

The change in roof shape is also considered moderate noting the varied roof shapes found in this area and in any event, whilst the revised roof would be more flat/horizontal than the existing one of the subject building, it is considered that this section of Beaconsfield Parade could accommodate a flatter roof form.

The other streetscape changes comprise some new and small additional front facing windows and the Juliet balconies, neither of which raise streetscape concerns subject to a slight increase in the balconies' front setbacks.

10.4 Would there be unreasonable amenity impacts to private property particularly through loss of outlook/view, shadowing, occupant (roof terrace) noise and loss of light?

In terms of occupant and standard domestic noise impacts, this is not normally a planning matter and would normally be dealt with through other authorities, including local laws and the Police. But even so, it is not considered that the proposed additions (most notably the addition of one room and a roof terrace for three dwellings) is likely to



lead to substantial occupant noise increases. The subject buildings are part of a wider complex with many dwellings already featuring balconies and terraces with the complex also having a well used ground level courtyard. That is, there are already some existing potential occupant noise sources in the subject site.

It is acknowledged that the proposed terraces would be of a size that could cater for several occupants (approximately 25m² each terrace) but the terraces would face the front (Beaconsfield Parade) and would be largely isolated from the rest of the complex. Some noise impact could occur from the sides of the terraces to the north and south wings, but mostly only to the front dwellings in those wings which are to some extent also affected by traffic noise.

On balance, again noting that occupant noise is not a matter controlled by planning, it is considered that potential and future occupant noise impacts from the proposal would be acceptable in this specific context.

In terms of impacts on views and outlook, it is considered that impacts would be acceptable. It is noted that the majority of the objections raised a concern that their views and outlook – especially of the bay – would be diminished or lost as a result of the proposal.

In response, firstly it is noted that the planning system does not enshrine any protection of views. Loss of views per se is not generally considered as being part of the planning process.

Secondly, impacts on outlook as opposed to views can be assessed but are normally confined to assessment of impacts either on neighbouring properties (not those within the same site) and/or where the impacts are severe, such as a dwelling with only one key habitable room window being the subject of a neighbouring proposal to place a large wall in very close proximity to that window.

Neither would be the case in this instance. The proposal would not have any negative outlook impacts of the bay or otherwise on properties outside the subject site. Their outlooks would remain essentially unchanged.

Finally, whilst the proposal would add 2.4m in height to parts of the three front units, this would amount in fact to only approximately 1.5m of additional height above the parapet of the front units. Dwellings in the nearby wings at the lower levels (for example, level 2) would still have vision of the bay and part of the foreshore reserve. Dwellings within the subject site above level 2 for example would have their outlooks largely unaffected.

Additionally, the new upper levels additions would be at a distance/separation of approximately 10m to the north and south wings (at right angles to the front three units) within the subject site. This is not considered to be in close proximity.

Given that views cannot be assessed and that outlook in the vast majority of cases would be either only moderately affected or essentially unaffected, it is considered that these impacts would be acceptable.

In terms of other amenity impacts, they are best assessed through the Clause 55 (Rescode) assessment. Such assessment in this instance, is perhaps somewhat unusual in that the subject building is part of a wider complex. Many Rescode amenity tests relate to impacts on immediately neighbouring properties. In this case, the actual site boundaries and therefore, the nearest neighbouring properties are well separated from the proposed works with potential impacts being internal only which Rescode in



many instances does not assess. However, some tests (such as shadowing and internal privacy/overlooking) remain relevant.

In any case, a full Clause 55 assessment has been undertaken and the areas of non-compliance are outlined below.

Clause 55.03-1 – Street Setback Objective... To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6 (Can be varied)

Walls of buildings should be setback from streets the distance specified in Table A1 as follows:

- *Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser.*

Assessment

The proposal would not change the front setbacks of the existing building other than by way of the new Juliet balconies, the setbacks of which are more closely controlled by the DDO which requires a 3m front setback. Recommended condition 1 (b) requires this setback to be met.

By way of information, the Juliet balconies at the required 3m would be setback further from the street than the building at No. 342 and generally the same setback as the building at no. 347.

Clause 55.04-6: Overlooking Objective... To limit views into existing secluded private open space and habitable room windows

Standard B22 (Can be varied)

Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45-degree arc from the window, balcony etc.

Assessment

The Juliet balconies would only overlook the public realm (Beaconsfield Parade) at the front of the site and provide some informal surveillance of the street, which is a positive element of this addition. The rear elevations of the retreat spaces would be solid and no windows are proposed that would internally overlook.

The new study windows would face rearwards. Those in unit 3 would be approximately 17m at an oblique angle to the nearest windows and balconies in the existing north wing. No screening is needed at that distance. The new study windows for unit 1 would be approximately 13m from the nearest windows in the existing south wing. Whilst over the recommended 9m, it is considered that some oblique overlooking could occur. Recommended condition 1 (c) therefore requires these windows to be screened to prevent overlooking into the windows and balconies of the existing south wing.

Views from any of the study windows into the courtyard plaza would be possible, but this is not 'secluded' private open space in the common understanding of the term, noting that many existing windows and balconies in the subject site overlook that area.



10.5 Would there be adequate car parking?

The proposal does not add any new bedrooms but even if the new rooms were considered as such, the three dwellings in question already each have two car spaces allocated to them. Thus, sufficient parking would be provided.

10.6 Other matters not previously assessed.

- Decreased property values
- Structural concerns to car park beneath and overall construction concerns/impacts.

These are not planning matters.

- Wind tunnel effects

It is considered that the scope of additional building especially height, would be very moderate in the site's existing physical context to the extent that any additional wind tunnel effects would not be readily discernible.

- Increased reverberation of traffic noise (new side walls) and future occupant noise.

Future occupant noise is not a planning matter and – as with the matter of wind tunnelling – it is considered that changes to traffic noise impacts would be extremely difficult if not impossible to discern from the existing situation. It could be argued that the moderate additional height might decrease traffic noise impacts but even if it did, it would again be very difficult to discern from the current situation.

10.7 Potentially Contaminated Land

No works would occur at ground level and thus, there would be no impacts in this regard.

11. COVENANTS

11.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lots 1, 2 & 3 on strata plan 012172 [Parent Title Volume 09279 Folio 160].

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

13. OPTIONS

- 13.1 Approve as recommended
- 13.2 Approve with changed or additional conditions
- 13.3 Refuse - on key issues

14. CONCLUSION

14.1 The subject site is in an area where already high density development exists and the proposal would not add to that density. The proposal would be well within the height limits of both the DDO and the zone and aside from some additional privacy protection, it is considered that many of the concerns raised are matters of perceived design and visual impacts at an Owners' Corporation level rather than a Council/public realm level.



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- 14.2 Overall it is considered that the revised appearance of the three dwellings in question would continue to integrate with both the wider context and the appearance of the existing development on the site, despite the latter matter not generally being within the scope of Council to assess in detail. A change in appearance does not automatically mean that a building would be inappropriate in a character sense and in this instance, the streetscape character changes are considered moderate and acceptable.
- 14.3 Subject to the recommended conditions, it is considered that the proposal is supportable.

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ATTACHMENTS

1. Advertised plans July 2020
2. Objector Map