



# Bayside Neighbourhood Character Review - Stage 2 FINAL REPORT [ July 2008 ]



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## 1.0 Introduction and Overview

The Bayside Neighbourhood Character Review – Stage 2 was commenced in December, 2006. The aim of the Stage 2 Review is to investigate the need for additional planning policy or controls for areas that have been identified as having a significant neighbourhood character.

The Council completed Stage 1 of the Neighbourhood Character Review in August of 2004. For the Stage 1 Review, all residential areas of the municipality were surveyed and twenty-seven neighbourhood character precincts were identified. A Neighbourhood Character Policy was introduced to the Bayside Planning Scheme in March of 2006 which gave statutory effect to the findings of the Stage 1 Review.

A recommendation of the Stage 1 Review was that Stage 2 be undertaken to assess, in detail, areas that were identified as having a significant neighbourhood character in order to determine the scope of additional planning controls that may be required. Since the completion of the Stage 1 Review, other streets were identified for investigation by Council and community groups, and these have been included in this study.

The Stage 2 Review assesses the level of significance of each nominated area, relative to other residential areas in the municipality. Two street-by-street surveys were undertaken, followed by a comparative analysis of all areas, to determine their level of significance and the potential threats to their neighbourhood character. The options available to manage the future development of those areas found to be significant were examined, in view of the current level of planning controls in the Bayside Planning Scheme.

The initial recommendations of the Stage 2 Review were to apply the Neighbourhood Character Overlay to nine areas and the Significant Landscape Overlay to one area.

A further 22 areas were identified as having a moderate degree of significance. These areas were not recommended for additional planning controls. Rather, it was recommended that the results of the detailed surveys conducted for this project be included as a Reference Document to the Planning Scheme.

At Council's request consultation with property owners and residents in all areas, of both high and moderate significance, was conducted as the next stage in the project. This included an information package with feedback forms sent to all owners and occupiers and 'open house' drop-in information sessions.

Over 1,000 submissions were received, via feedback forms and individually drafted responses. The consultation provided vital input into the study in regard to the values placed by the local community on these areas and their response to the recommended planning controls. The submissions have been analysed in detail and recommendations for each area in view of the additional information received have been finalised. This has involved additional site survey work and in some instances adjustments to precinct boundaries or descriptions have been made.

The final recommendations of this study are to nominate 11 areas of high significance and 22 areas of moderate significance. This comprises the areas identified in the first stage of the study plus an additional area of high significance. Minor changes to the boundaries and descriptions of some areas have been made as a result of consultation feedback and further investigation.

Options for implementation are outlined in this report. These include statutory measures in the form of Planning Scheme Overlays and changes to policy, as well as non-statutory measures such as promotion and education.

In summary, it is recommended that:

1. The Neighbourhood Character Overlay be applied to ten areas and the Significant Landscape Overlay be applied to one area.
2. The 22 moderate significance areas not be subject to additional controls for Neighbourhood Character.
3. This Stage 2 Neighbourhood Character Report be incorporated into the Bayside Planning Scheme as a reference document.

## 2.0 Brief and Methodology

### 2.1 Study Brief

The brief for this project was to undertake the next step in Council's Neighbourhood Character Review. The purpose of the Stage 2 Review is to investigate the introduction of additional planning controls for areas identified as having a significant neighbourhood character requiring a greater level of statutory protection.

The Stage 1 Review identified twenty-seven neighbourhood character precincts, six of which were recommended for additional controls. In addition, Council and the community requested that a number of other areas be investigated as a part of the Stage 2 Review.

The brief for the project had the following main tasks:

- Develop neighbourhood character controls over strategically identified areas, including those identified by Planisphere in the Neighbourhood Character Review 2004 and other areas identified by Council or the community, as appropriate.
- Provide stakeholders - including developers, the community and Council - with a clear understanding of the issues related to neighbourhood character.
- Enable the appropriate assessment of development in accordance with neighbourhood character controls in the Bayside Planning Scheme.
- Illustrate how the recommendations of this study would be likely to impact upon the municipality's housing capacity.

#### Study area

The study area included areas that were identified in Stage 1 of the Review by Planisphere as well as those additional areas or streets that were subsequently identified by Councillors, planning staff or the community.

The area surveyed for Stage 2 of the Review amounted to approximately one half of the municipality's residential areas.

### 2.2 Methodology

The Stage 2 Review is being undertaken over a series of four stages, each with a series of tasks as outlined below.

#### Stage 1

##### Overview survey

The Stage 2 Review commenced with an overview survey of all streets or areas nominated for further investigation.

From this survey the key elements forming the character of each street were identified, as well as any other particular or unique characteristics, and detailed photographic records were taken.

Following the survey, streets with potential neighbourhood character significance and like characteristics were grouped as possible NCO areas.

## Background and planning context

The outcomes of Council's previous neighbourhood character studies and existing neighbourhood character policies and controls have been reviewed to inform the recommendations of the Draft Report for Consultation.

The recommendations of Council's Housing Strategy will supplement the study so that the potential impacts that a neighbourhood character amendment may have upon meeting housing objectives can be understood.

## Stage 2

### Detailed survey

Following the overview survey, areas with potential neighbourhood character significance were surveyed in detail. This included checking the initial list of significant neighbourhood character elements and noting the individual properties within every street that contributed to this character. Other detailed observations of significance to the character of the area were recorded.

An inventory of typical neighbourhood character elements was used as the basis for the survey, and is shown on the table below. For each street, the dominant expression of each characteristic within each street was recorded.

Character element	Dominant streetscape influence
Garden style	New and establishing / Low level of maintenance, open, lawn and some shrubs / Cottage garden / Established exotic garden & canopy trees / Established native garden & canopy trees / Mixed garden style
Building height	Single Storey / Attic style second storey / Two Storeys / Three Storeys / Split Level
Roofing	Skillion / Hipped / Gabled / Hipped and Gabled / Flat
Roof materials	Tile / Iron
Building materials	Brick / Timber – weatherboard or vertical board / Render / concrete slab / Concrete block / Pebbledash or stucco or roughcast render / Timber & roughcast combination
Orientation to the street	Parallel to the street / Set on an angle / Mixed
Front fences	High / Medium / Low / Open frontage
Front fence materials	Solid – masonry / Solid – timber / Permeable – timber picket / Permeable – iron palisade / Permeable – wire / Corrugated iron / Masonry and timber combination / Masonry and iron palisade combination / Vegetation as fence
Street trees	Exotic species – regular spacing and sizes / Exotic species – irregular spacing and sizes / Native species – regular spacing and sizes / Native species – irregular spacing and sizes / Mixed species, spacing and sizes / Exotic Avenue street trees / Native Avenue Street trees
Road and footpath treatment	Concrete roads / Upstanding kerbs – concrete / Kerbs – bluestone / Roll-over kerbs / Unsealed road
Footpaths and Nature strips	Footpath and nature strip present on both sides / Footpath and nature strip present on one side / Footpath and nature strip not present

### **Assessment of Significance**

The level of significance for each area was then determined through an exercise of comparative analysis. Each area was compared against:

- the broad neighbourhood character attributes of all other residential areas within the municipality.
- other areas of potential neighbourhood character significance.
- the type and era of development represented in Bayside's Heritage Overlay areas.
- the typical characteristics of residential neighbourhoods within the context of metropolitan Melbourne, based on Planisphere's knowledge from other character studies.

From this comparison, it was possible to determine the level of significance and hence the level of planning control required for each area. For those areas nominated as warranting additional planning policy or controls, it was necessary to demonstrate that the area:

- is exemplary, rare or atypical.
- shows particular consistency.
- is under threat from future development.

### **Stage 3: Community Consultation**

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In Stage 3 consultation on the initial recommendations was carried out, during October and November, 2007. The consultation was directed to the property owners and occupiers within areas of both high and medium significance.

The consultation commenced with an information package sent to each property owner/occupier within the nominated areas that included:

- A summary brochure for each area detailing the proposed boundary, a description of the existing character and the level of significance, a list of the potential threats to character and a draft Preferred Character Statement.
- A frequently asked questions booklet and glossary of terms.
- A feedback form asking specific questions about the introduction of additional controls.
- An invitation to four 'open house' information sessions that were held in Black Rock and Brighton. Planisphere and Council staff were available at these sessions to discuss the project and answer questions.

Over 1,000 submissions were received and these have been analysed in detail. The feedback from the community about the value of each area and the detailed information in the brochures informed the final stage of the study.

### **Stage 4: Final Report**

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Following the feedback received from the community during consultation, the initial recommendations of the study have been reviewed and this Final Report prepared.

Several areas have been resurveyed in response to community feedback and in some instances the precinct maps or brochures have been amended. An additional area of high significance, Trafford Avenue, Brighton, has also included in the final recommended areas.

Recommendations on the implementation of the study findings are made, for both statutory and non-statutory measures.

An analysis of the housing capacity within each of the eleven areas recommended for additional controls has been undertaken in this stage of the project. The aim of this exercise was to determine the potential effect of the final dwelling yield numbers reached in the *Bayside Dwelling Yield Analysis Report* if the recommended overlay controls were implemented.

## 3.0 Background

### 3.1 Relevant Strategies and Studies

#### **Bayside Neighbourhood Character Review – Stage 1**

Stage 1 of the Review comprised an assessment of the character of all of the City's residential areas. This was undertaken by way of a framework survey to identify broad neighbourhood character qualities across the municipality, followed by a detailed street-by-street survey. As a product of the Stage 1 Review, several neighbourhood character precincts and smaller areas were identified as requiring protection of their existing character.

The recommendations of Stage 1 were implemented as a part of Amendment C48 to the Bayside Planning Scheme. The Amendment included changes to the Municipal Strategic Statement, the introduction of a new Neighbourhood Character Policy and the inclusion of the Precinct Brochures as a Reference Document.

#### **Southern Regional Housing Statement and Bayside Housing Strategy**

The Southern Regional Housing Statement was published in June 2006. In the Statement, Bayside has identified an estimated 6,100 additional dwelling opportunities. Almost 2,600 of these will be provided in strategic redevelopment sites or activity centres. A further 3,500 dwellings will be provided in dispersed locations throughout the City's residential areas. A 30 year period has been identified to provide this additional housing.

The Bayside Housing Strategy is currently underway. This will provide detailed recommendations on how Council can meet the projected number of additional dwellings. Specifically, it will address the location and type of new housing.

The recommendations of the Stage 2 Neighbourhood Character Review will be fed into the dwelling yield calculations to be conducted for the Housing Strategy. In order to propose additional planning controls that may result in restriction of residential development opportunities it will be necessary to demonstrate that Council's ability to meet housing projections will not be diminished.

#### **Inter-war and Post-War Heritage Study**

Council has commissioned a study of its Inter-war and Post-War buildings. This is being undertaken by Heritage Alliance. Some of the areas under consideration for neighbourhood character controls that comprise intact groupings of Inter-war buildings have also been investigated as heritage areas.

#### **Bayside Major Activity Centres Project**

Council have recently adopted Structure Plans for the four Major Activity Centres in the municipality. These plans address how increased growth can be accommodated in and around the activity centres, in line with Melbourne 2030's requirements for urban consolidation within existing urban centres. The structure plans seek to manage this change by addressing in detail issues relating to buildings, open spaces, access and activities. Notably, the structure plans show how new housing can be accommodated within the activity centres.

In several instances the structure plans have nominated residential areas within their study boundaries that are of potential neighbourhood character significance. These areas were investigated as a part of the Stage 2 Neighbourhood Character Review.

The structure plans will assist in justifying the introduction of neighbourhood character controls in established residential areas by demonstrating how the Council will be able to provide additional dwellings within other appropriate locations. While it is proposed that areas recommended for further control become 'minimal change' areas, Structure Plans will help to demonstrate that this will not impede on the Council's commitment to accommodate additional dwellings.

### **Other relevant studies**

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The City of Bayside have undertaken a range of heritage, urban character, housing and streetscape studies. These have all informed the Stage 1 Review and some contain detailed information that has also assisted with the Stage 2 Review.

The following is a brief summary of key relevant studies.

#### **Bayside Vegetation Character Assessment (2000), John Patrick**

This study provides an overview of the vegetation character of the City and was the basis for the VPO3 approved as part of Amendment C2. The study enables the link between vegetation character and neighbourhood character to be understood, across the municipality.

#### **Bayside Height Control Study (2000), Hansen Partnership and Context CMI**

The Height Control Study examined the urban form and character of the municipality in relation to proposing new height controls, and formed the basis of Amendment C2 which introduced the DDO1 and DDO2 height areas. Through this study an understanding of the links between the proposed height controls and neighbourhood character was gained.

#### **Bayside Urban Character Report (1999), Ratio Consultants**

This study builds on the 1997 Bayside Urban Character and Streetscape Study and further refines the work to define urban character precincts and design guidelines.

#### **Bayside Residential Strategy (1999), Ratio Consultants**

The Residential Strategy provides a framework for meeting the City's housing needs over the period 1999-2016, consistent with the established urban character of the City, community values and needs and the significant heritage and landscape values of the municipality. The strategy provides a framework for future residential development within the city by mapping areas where different levels of change could be accommodated. It was also an important reference for Amendment C2.

#### **City of Bayside Heritage Review (1999), Allom Lovell**

This study updated the previous two studies and identified many precincts and sites for heritage protection. It includes an extensive thematic history of the municipality and examines heritage structures, precincts and landscapes. In some instances, background material for proposed neighbourhood character areas is provided, as these were initially considered for heritage protection.

#### **Bayside Street Tree Strategy (1998)**

The Strategy was developed to assist Council in prioritising street tree planting programs and detail suitable species for various character areas in the municipality.

It identifies significant streetscapes for further investigation of planning controls, and provided useful background information for the Stage 1 Review.

**Bayside Urban Character and Streetscape Study (1997), Urban Consulting Group**

This study identified the elements that contribute to Bayside’s urban character and streetscapes. The study outcomes in some instances provided a basis for the recommendations of the Stage 1 Review for the investigation of additional controls.

**City of Brighton Urban Character and Conservation Study (1986), Andrew Ward and City of Sandringham Heritage and Conservation Study, Volume 1 Built Environment (1989), Andrew Ward**

These studies identify those aspects, historical, architectural and environmental that contribute to the character of the former Cities of Brighton and Sandringham respectively. Extensive street by street surveys were undertaken and the studies provide reference material, much of it mapped, on the built form of the former municipal areas. While aspects of the study may be out of date, they still provide valuable general background material on the history of development of the municipality.

**Review of Heritage Precincts for the City of Bayside, Revised Draft, Bryce Raworth (March 2007)**

This review examines for heritage precincts within and surrounding commercial areas in Bayside. These include the Bay Street, Hampton Street, Martin Street and Sandringham Heritage Precincts. The review found that all four precincts continue to warrant the use of the Heritage Overlay, however it was recommended that a number of alterations be made to the boundaries of precincts. There is one street, Harston Street, in Sandringham that was recommended to be included in the new extent of the proposed Sandringham HO Precinct, which was also found to be of a moderate degree of neighbourhood character significance throughout the surveys for this Study. It is not recommended that the Council pursues the Neighbourhood Character Overlay for this area.

## 3.2 Policy Context

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### **Municipal Strategic Statement**

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Council’s Municipal Strategic Statement (MSS) was recently amended through Amendment C48, which implemented Stage 1 of the Neighbourhood Character Review.

The most relevant objective is at Clause 21.05-3, which states:

*To provide greater certainty to both residents and developers in relation to the preferred future character of residential areas and areas that require special treatment or greater protection.*

The strategies include:

*Identify areas of significant urban character and environmental sensitivity which have limited capacity for higher density development.*

The Bayside Neighbourhood Character Review, 2004, is included as a reference document.

## Local Policies

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The Neighbourhood Character Policy, at Clause 22.07, implements the findings of Stage 1 of the Review. It includes general neighbourhood character objectives for all residential areas followed by the detailed design considerations for each of the twenty-seven precincts.

## 3.3 Neighbourhood Character Amendments

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### Amendment C2

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Amendment C2 to the Bayside Planning Scheme introduced a range of neighbourhood character controls and policies. The Amendment was approved in two parts.

Part 1 introduced changes to the MSS in the 'Snapshot', 'Housing' and 'Streetscape Design' sections. The Vegetation Protection Overlay for Beaumaris and Black Rock was approved (VPO3), which requires a permit to remove, destroy or lop any native vegetation over a certain size. In addition, changes to the Design and Development Overlay that applies along the coast (DDO1) were approved to make the control permanent.

Part 2 introduced the schedule to the Residential 1 and Mixed Use zones which includes changes to the ResCode standards for front setback, site coverage, side and rear setbacks and front fence height. Part 2 also introduced DDO2 which requires a permit for all buildings over 2 storeys and 9 or 10 metres (depending on the slope of the site) across all residentially zoned land (except areas along the coast covered by DDO1). The proposed Urban Character Policy was not approved as the Neighbourhood Character Review – Stage 1 was underway and likely to recommend changes to the exhibited Policy.

Various background studies were undertaken as the basis for Amendment C2. These were:

*Bayside Height Control Study (2000), Hansen Partnership and Context CMI*

*Bayside Vegetation Character Assessment (2000), John Patrick*

*Bayside Residential Strategy (1999), Ratio Consultants*

*Bayside Urban Character Report (1991), Ratio Consultants*

### Amendment C48

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Amendment C48 introduced the Stage 1 Neighbourhood Character Review into the Planning Scheme. This included changes to the MSS to reference the Review and the introduction of a new Neighbourhood Character Policy at Clause 22.07.

## 4.0 Assessment of Neighbourhood Character

### 4.1 Field Surveys

The detailed street-by-street survey of the nominated streets and areas was conducted in order to establish the level of significance of each, relative to the rest of the municipality as well as the broader regional context, and to determine an appropriate strategy for management of future development.

Overall, ten areas have been identified as having a high degree of neighbourhood character significance and one area identified as having a high degree of landscape significance. Additional planning controls are recommended for these eleven areas.

Twenty-two other areas have been identified as having a moderate degree of neighbourhood character significance. These areas are not recommended for additional planning controls.

For each area, a brochure has been produced comprising a list of key neighbourhood characteristics, a map, example photographs and recommendations on the level of significance. A Statement of Neighbourhood Character has also been prepared, which would be included within the overlay schedule for those areas recommended for additional planning controls.

These brochures were used as consultation material (with the exception of the brochure for Trafford Avenue which has been produced after the consultation period) and were sent to each property owner and occupier within the area.

The final version of the brochures, some of which were amended following community feedback received during consultation, are included as Appendix A (areas of high significance) and Appendix B (areas of moderate significance). The map on the following pages 15 and 16 acts as a reference to the location of each of the thirty-three areas.

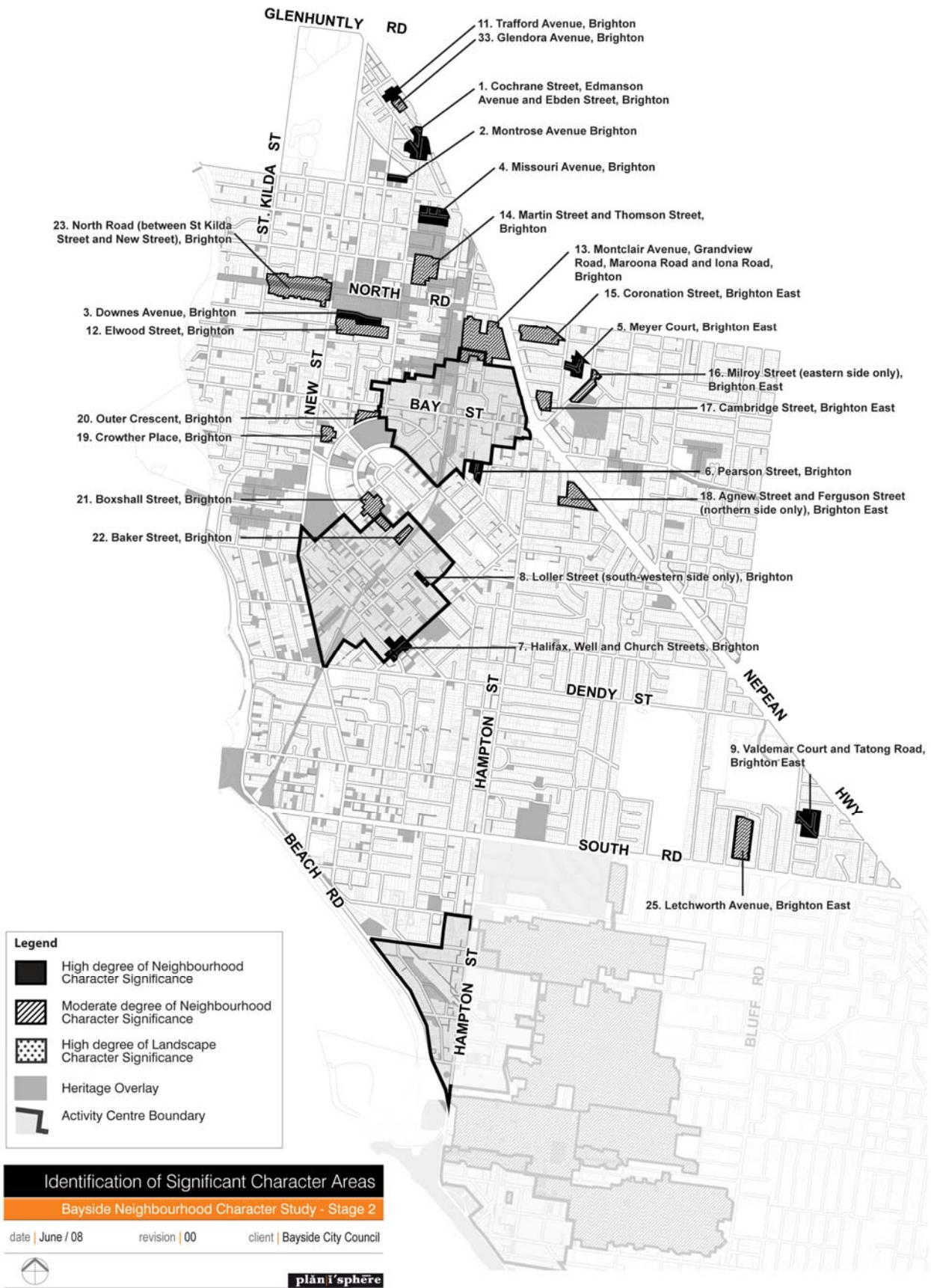
### 4.2 Community Consultation

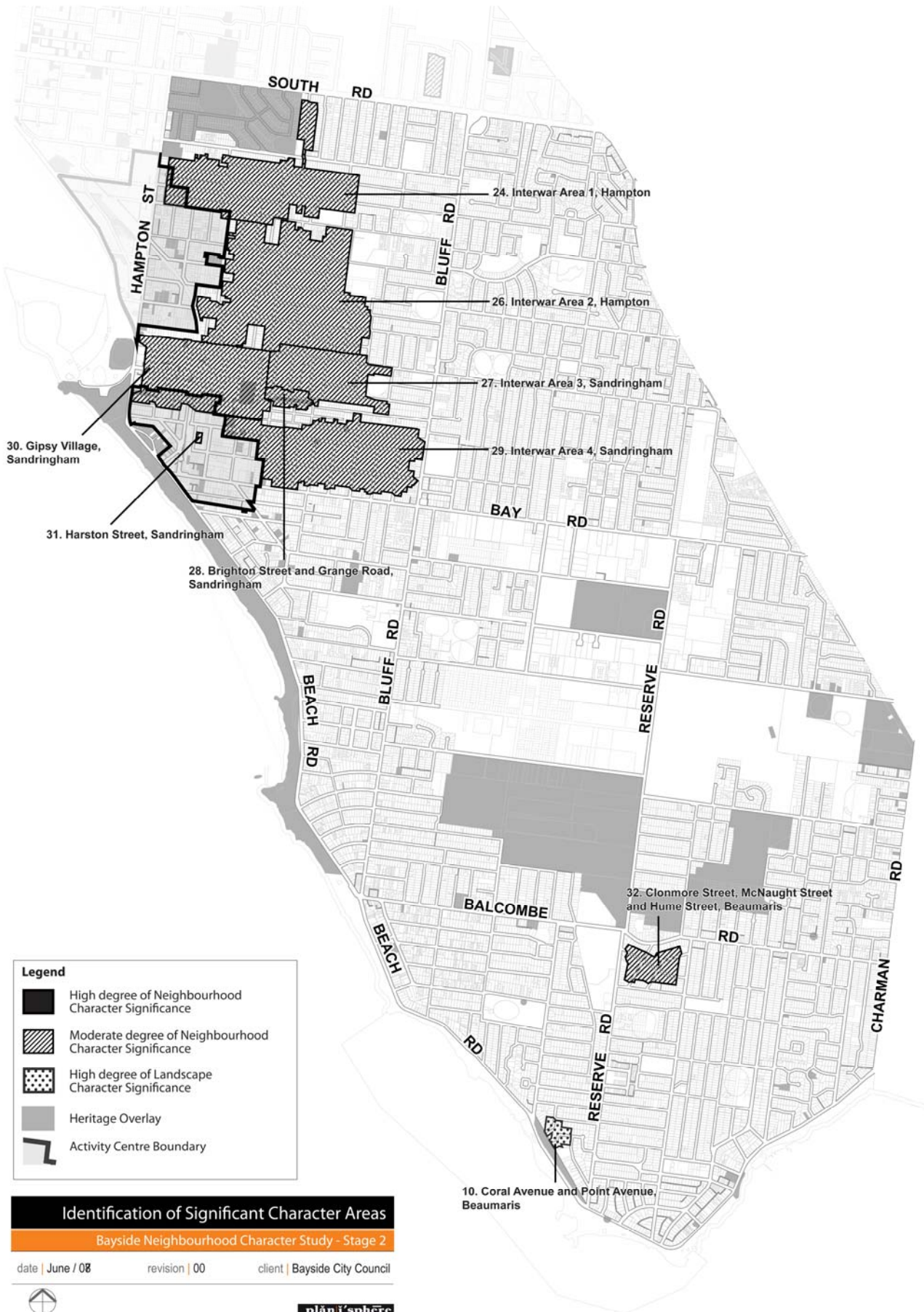
Over 1,000 submissions were received during the community consultation conducted in October-November, 2007, via the feedback forms or individually drafted responses.

All submissions have been analysed in detail. The consultation has provided vital input to the study in regard to the values placed by the local community on these areas and their response to the information prepared in each area brochure. As a result of the feedback from the community several changes to the area boundaries and descriptions have been made.

Many submissions raised similar issues, or issues that are not directly related to planning considerations. These have been responded to in the Standard Responses document which is included as Appendix C. A summary of the responses that relate directly to the proposed boundaries and neighbourhood character information for each area are provided as Appendix D, Area Summaries.

Overall there was a mixed response to the proposal, both in terms of submissions received and people who visited the open house sessions. Both support for and opposition to the prospect of additional planning controls have been strongly shown in the feedback. Several people or groups outside of identified character areas have made submissions requesting that the scope of additional controls be expanded to include their neighbourhood.





**Legend**

- High degree of Neighbourhood Character Significance
- Moderate degree of Neighbourhood Character Significance
- High degree of Landscape Character Significance
- Heritage Overlay
- Activity Centre Boundary

**Identification of Significant Character Areas**  
 Bayside Neighbourhood Character Study - Stage 2

date | June / 08      revision | 00      client | Bayside City Council



### 4.3 Areas of High Significance

As noted, eleven areas were found to be of a high level of neighbourhood character or landscape significance and are recommended for additional planning controls.

These eleven areas are considered to provide an intact glimpse of the original street layout or building stock, or offer a distinctive landscape quality that has evolved over the years. They have been selected as they are considered to be rare or exemplary, are particularly intact or have a distinctive and strong neighbourhood character that could potentially be under threat from unsympathetic development.

One area was found to be of a high degree of landscape character significance. This area comprises parts of Coral and Point Avenues, Beaumaris, and is considered to be significant for its landscape and vegetation, rather than the form or design of its original building stock.

In all of these areas, control over demolition and single dwelling development is recommended.

For the areas of high significance, a list of possible threats to neighbourhood character and an outline of statutory mechanisms to preserve this character are provided. The Statement of Neighbourhood Character describes the key existing characteristics of the area and outlines how new development should respond to these. Opportunities to improve the area via public works or planting have also been considered.

These findings are summarised below.

#### 1. Cochrane Street, Edmanson Avenue and Ebdon Street, Brighton

Summary of significance	<ul style="list-style-type: none"> <li>Consistent Federation streetscape with buildings that are consistent in form and articulation.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>The boundaries of this area have been altered to reflect comments during consultation which were confirmed through a re-survey. Two properties at the northern edge of the area have been excluded and additional properties have been added in Edmanson Avenue and Ebdon Street. These properties were found to display the same consistent characteristics as those in Cochrane Street.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

#### 2. Montrose Avenue, Brighton

Summary of significance	<ul style="list-style-type: none"> <li>Federation era streetscape with Queen Anne style buildings that are consistent in form and articulation.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

### 3. Downes Avenue, Brighton

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Summary of significance	<ul style="list-style-type: none"> <li>Interwar streetscape comprising a unique group of Spanish Mission and Streamline Moderne dwellings, with a consistent use of white, cream, grey or ivory painted stucco.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> <li>Design and Development Overlay to apply to fencing.</li> </ul>

### 4. Missouri Avenue, Brighton

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Summary of significance	<ul style="list-style-type: none"> <li>Unique and intact group of Interwar Californian Bungalows that are all consistent in position on site and building form.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

### 5. Meyer Court, Brighton East

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Summary of significance	<ul style="list-style-type: none"> <li>A rare example of a 1960s streetscape in a suburb that is generally defined by its Interwar character.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>The Existing Character Elements and Statement of Neighbourhood Character has been changed to reflect the correct era of the buildings (1960s).</li> <li>No changes are recommended to the Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay and Design and Development Overlay to apply to fencing OR Deferred implementation (see discussion on page 20).</li> </ul>

### 6. Pearson Street, Brighton

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Summary of significance	<ul style="list-style-type: none"> <li>Victorian and Federation era streetscape comprising small scale cottages with limited front and side setbacks.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

## 7. Halifax, Well and Church Streets Brighton

Summary of significance	<ul style="list-style-type: none"> <li>Interwar streetscape consisting of grand clinker brick dwellings of the English revival / Tudor style set within established exotic gardens.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>The boundaries of this area have been altered to exclude those properties south of Well Street that do not fit the character description. Some Properties in Well Street that were found to exhibit the same characteristics as those in Halifax Street have been added to the area.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

## 8. Loller Street (south-western side only), Brighton

Summary of significance	<ul style="list-style-type: none"> <li>A streetscape of low scale Victorian cottages and a limited number of Federation style dwellings.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>The Character Area boundary has been altered to: <ul style="list-style-type: none"> <li>Exclude Lawrence Street which has been recommended for Heritage Overlay controls;</li> <li>Exclude property numbers 22-30. These properties do not exhibit the characteristics of the area description.</li> </ul> </li> <li>The Existing Character Elements have been altered to accurately reflect the provision of car parking in Loller Street. The Information Sheet currently implies that all properties have access to on-site car parking via a rear laneway.</li> <li>The Information Sheet, including the Existing Character Elements, Statement of Neighbourhood Character and Potential Threats to Character, has been reviewed to ensure it only refers to Loller Street and does not include characteristics that apply only to Lawrence Street.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay to apply to the south-western side of Loller Street only, and a Heritage Overlay to apply to Lawrence Street.</li> </ul>

## 9. Valdemar Court and Tatong Road, Brighton East

Summary of significance	<ul style="list-style-type: none"> <li>Streetscapes comprising 1950s-60s era low scale dwellings consistently constructed of cream brick with matching low front fences.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay OR Deferred implementation (see discussion below).</li> </ul>

## 10. Coral Avenue and Point Avenue, Beaumaris

Summary of significance	<ul style="list-style-type: none"> <li>A unique landscape area containing unsealed roads lined with bushy native vegetation and contemporary dwellings that are set amongst extensive native garden settings.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>No changes are recommended to the character area boundary.</li> <li>No changes are recommended to the Existing Character Elements, Statement of Neighbourhood Character or Potential Threats to Character.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Significant Landscape Overlay.</li> </ul>

## 11. Trafford Avenue, Brighton

Summary of significance	<ul style="list-style-type: none"> <li>Consistent Federation streetscape of single storey timber cottages.</li> </ul>
Consultation outcome	<ul style="list-style-type: none"> <li>Include Trafford Avenue as an additional area of high significance.</li> </ul>
Recommended Overlay	<ul style="list-style-type: none"> <li>Neighbourhood Character Overlay.</li> </ul>

## Additional Considerations

### Meyer Court (Area 5) and Valdemar Court / Tatong Road (Area 9)

Meyer Court and Valdemar Court / Tatong Road both derive their significance as intact streetscapes of 1950s and 1960s dwellings. These areas are considered to be unique within the immediate and municipal context. Due to the consistency of their building design, siting, materials and fencing, additional planning controls are considered to be warranted.

Community feedback has shown that there is a low value placed on this era of development and that it is not considered that these streets are worthy of statutory protection. However, in the future these values may change, as community values have clearly changed in recent decades towards Victorian, Edwardian and Interwar architecture.

Council may consider as an option deferring pursuit of planning controls for these areas due to the lack of community support. However, this approach is not recommended as the value of these areas may be eroded if planning protection is delayed. The lack of community acceptance for planning controls is an indication that the threat to the value and integrity of these areas is particularly high.

### Loller and Lawrence Streets (Area 8)

Loller and Lawrence Streets were recommended for a Neighbourhood Character Overlay following the detailed surveys undertaken in stage 2 of this project.

The Bayside Review of Heritage Precincts (Bryce Raworth Conservation, March 2008) considered both Lawrence Street and the south-western side of Loller Street (from numbers 2 to 14) as being of potential heritage significance, within separate precincts. The Review concluded that only Lawrence Street warranted protection through the use of the Heritage Overlay (HO).

On the basis that the buildings strongly contribute to the character of Lawrence Street, the application of the HO, in place of the NCO, is supported in order to preserve its significant neighbourhood character. The HO would achieve the same

outcomes as those of the NCO but would also ensure the retention of significant buildings.

The recommendation of this study is that Loller Street (comprising the remainder of the area originally nominated for the NCO) is still worthy of neighbourhood character protection. The extent of the area that is now recommended for an NCO is shown in the brochure in Appendix A.

Several submissions during consultation have commented on the irregularity of including only one side of the street and also questioned the neighbourhood character value of the area.

Only one side of the street was included in the recommendations of the Study because of the lack of consistency and lower significance of properties on the opposite side of the road. While an NCO would normally comprise an entire streetscape with both sides of a street, the one side of Loller Street that is included is still considered to exhibit a high level of neighbourhood character significance and warrants investigation for controls.

Although there was some negative feedback towards the introduction of an NCO, the responses showed that there were a number of advantages of the overlay in terms of protecting and enhancing what residents and the wider community value about the area. The area's connection with the past, its consistency and the overall attractiveness of the streetscape are just some of the things that people value about the area.

#### **Trafford Avenue, Brighton (Area 11)**

Trafford Avenue is located adjacent to Glendora Avenue, Brighton, which has been identified as an area of moderate significance. One submitter suggested that the Glendora Ave area be extended to also include Trafford Avenue.

Further investigation of Trafford Avenue has revealed that it has a high degree of neighbourhood character significance and potentially heritage significance. The street is an intact collection of Edwardian single storey timber dwellings, with no substantial modifications to original buildings evident and no infill development. All buildings have either been renovated to an apparently high standard or are currently being renovated at the present time.

Due to the circumstances of the identification of Trafford Avenue as an area of high significance, property owners and occupiers have not been informed of this recommendation. A separate consultation exercise will therefore need to be conducted. This could be undertaken during the Planning Scheme Amendment exhibition period whereby Council may consider holding a focussed consultation session for Trafford Avenue residents and owners.

Trafford Avenue was not identified as a heritage precinct in the 1999 City of Bayside Heritage Review (Allom Lovell). However, it is possible that Trafford Avenue may warrant heritage controls due to its intact nature. It is therefore recommended that Council investigate the heritage significance of this area in future reviews.

#### **Gipsy Village, Sandringham (Area 30)**

Strong community support has been shown for inclusion of Gipsy Village within a Neighbourhood Character Overlay.

Currently Gipsy Village is classified as an area of moderate significance, and thereby not recommended for an overlay control, rather inclusion in local policy only.

### Character of Gipsy Village

It is agreed that Gipsy Village has a distinct neighbourhood character that makes it feel different from surrounding areas.

Predominantly, this is derived from the street layout, whereby Bridge and Bamfield Streets form a crescent leading out of Beach Road that contains and defines the Gipsy Village neighbourhood within the broader residential area. Queens Square in the centre of the subdivision creates a focal point within the internal street grid.

The name of 'Gipsy Village' is also a key contributor to the area's character, being highly evocative of its early settlement history and helping to create a strong 'sense of place'. Andrew Ward's *City of Sandringham Heritage and Conservation Study (1989)* describes the purchase and subdivision of the area by Josiah Holloway in 1852 and the development of a number of prominent public buildings. The name of Gipsy Village was given in reference to the fishing community that had previously occupied the coastline around Pic-Nic Point and erected simple, makeshift housing. Originally applying to the suburb of Sandringham, it now applies only to this small area.

The Sandringham Historical Society have been very proactive in preserving the history of Gipsy Village. A comprehensive submission was lodged as a part of this project. Historical markers have been placed around the area to inform and remind residents of its early settlement history and development.

Today Gipsy Village comprises a collection of buildings that demonstrate the history and evolution of the area. The original character of the area is derived from Victorian, Federation and Interwar bungalows. A range of infill development from the Interwar, Postwar and contemporary eras is also present.

Common design elements in the area's built form are:

- Pitched roofs constructed of iron or tile
- Landscaped setbacks of around 6-7m
- Mixed side setbacks, although most buildings are detached
- Predominantly light coloured timber weatherboard with occasional use of brick
- Generally asymmetrical plan form with projecting front room and porch
- Occasional double fronted dwellings with symmetrical plan form.

Many streets within Gipsy Village have mature native trees that are also an important part of the area's character.

In summary, it is considered that the distinct character of Gipsy Village is derived from:

- The unusual and defining street layout
- The highly evocative name of Gipsy Village and strong sense of the history of the area
- An eclectic collection of architectural designs with many older, original dwellings present
- Mature native vegetation in some streets.

Gipsy Village is considered to have a moderate degree of neighbourhood character significance.

### Current Planning Scheme Controls

When a development within Gipsy Village requires a planning permit, the Neighbourhood Character Policy of the Bayside Planning Scheme is used to assess applications. This would occur in the instance of multi-unit development and development on a lot less than 500m<sup>2</sup>.

Gipsy Village is included within Precinct F1 of the Bayside Neighbourhood Character Review (Stage 1). The precinct brochure makes a specific reference to Gipsy Village in its description of the F1 area:

*This precinct includes the area known locally as ‘Gipsy Village’ which was first subdivided in 1852. Several remaining buildings, often public or institutional, date from this early period of Sandringham’s development. The street pattern is a modified grid with the Gipsy Village street layout at the core of the precinct.*

The accompanying guidelines do not make specific reference to design considerations for Gipsy Village.

### Recommendation

It is recommended that Gipsy Village remains as an area of moderate neighbourhood character significance. While the area has a strong ‘sense of place’ and history and a distinctive street layout, the built form is mixed in style and character. Areas identified as having high significance in this Review are those which have a consistent form and style of building.

The elements that contribute most strongly to the character of Gipsy Village are not able to be considered under the NCO and are not likely to change as a result of new development.

As noted, the Neighbourhood Character Precinct Brochure that applies to Gipsy Village makes specific mention in its description of the precinct to the street layout and history of Gipsy Village. It is not considered that new development within Gipsy Village poses any additional threats to its character than otherwise listed in the F1 brochure. The design guidelines for the entire F1 precinct are therefore considered to be adequate to address the issue of new development within the private realm of Gipsy Village.

Public realm improvements by the Council are recommended for this area. This includes additional street planning of appropriate species where required and maintenance of landscaped areas and nature strips.

### Deauville Estate, Beaumaris

Strong support has also been shown from the Deauville Estate Residents’ Group for inclusion of this area within an NCO. The basis of this request is the ‘park-like’ feeling of the area created by the distinct lack of footpaths and its vegetation quality, as well as the lack of multi-unit development.

#### Character of the Deauville Estate

The surveys of the Deauville Estate have revealed an area in Beaumaris with a sense of uniqueness due largely to a highly distinctive public domain. This is created by the wide, grassy verges for naturestrips, the lack of footpaths and the meandering street layout.

Front setbacks are generally large, allowing for well-established front gardens with canopy trees. This feature combines with the wide nature strips that lack footpaths to create a very leafy and well landscaped character that seems almost continuous throughout the Estate.

There are a number of original 1940s dwellings that remain from the early development of the area, however, there is also a substantial presence of dwellings across almost all eras since the 1940s. A unique aspect of the Estate is that consists of almost all single dwellings on large allotments.

The Deauville Estate is included within Neighbourhood Character Precinct H7, of which it comprises about a third. Precinct H7 is a small pocket of Beaumaris developed in the 1940s, with a winding street layout and distinct landscape quality. The Deauville Estate is considered to have a character that is consistent with the remainder of Precinct H7, without warranting classification as a separate neighbourhood character area.

#### Current Planning Scheme Controls

In a similar manner to Gipsy Village, a planning permit is required only for a new building where more than one dwelling on a lot is proposed or for lots less than 500m<sup>2</sup>.

As the area is included within the Beaumaris Vegetation Protection Overlay (VPO3) a planning permit is also required for removal of substantial vegetation.

The Deauville Estate is included within Precinct H7. The precinct comprises only a small area of which about a third is the original Deauville Estate. The brochure describes the distinct street layout and landscape quality of the area:

*This is a small 1940s subdivision where streets wind and turn giving a more intimate feel than experienced in the traditional grid streets in Beaumaris.*

The precinct guidelines require new development to maintain the open, landscaped quality of the area and to ensure that adequate space is retained for substantial vegetation and to reflect the pattern of dwelling spacing in the street.

#### Recommendation

As the character elements that give the street its distinctive quality are present in the public realm, new development on private land will not affect the area's character. The Deauville Estate is therefore not recommended for inclusion in the NCO, or for other overlay controls. The VPO which currently includes the area is considered adequate to address issues of retaining mature vegetation.

It is recommended that the brochure for Precinct H7 is amended to make specific reference to the Deauville Estate. This would include reference being made to the public realm elements of the area that are distinct from the other streets of Precinct H7.

In the instance of multi-unit development the local planning policy would be used to assess applications. A revised policy that includes a greater level of detail about the Deauville Estate will assist in new development being designed to retain the character of the area.

## 4.4 Areas of Moderate Significance

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The remaining twenty-two areas are considered to display special qualities within their streetscape context, but are not necessarily significant in terms of residential development patterns of the wider municipality or metropolitan area. While these areas generally include a high number of older dwellings or a distinct street layout, their overall character was found to be too mixed to justify an additional level of planning control.

The nomination of these areas as being of ‘moderate significance’ acknowledges that they may have some particular attributes or distinctiveness in terms of their neighbourhood character, but are not sufficiently intact to warrant overlay controls.

Many submissions were received in relation to these areas that showed that the community do not support additional planning controls or do not see the particular area as being significant. In effect this feedback is consistent with their nomination as moderately significant areas.

Areas such as Gipsy Village in Sandringham derive their existing character partly from the original street layout, which is highly distinctive. However, due to the fact that this character element cannot be controlled via the Planning Scheme, nor is unlikely to change, controls were not recommended.

In the moderate areas the existing provisions of ResCode, DDO2 and the Neighbourhood Character Policy, which recognizes the particular character of each of these areas, will continue to be used to manage future changes to neighbourhood character.

## 4.5 Other issues raised

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A number of issues were raised frequently in submissions which are not directly relevant or planning related matters. The general responses drafted for these issues are included as Appendix C.

In summary, these issues related to:

- The effect of additional controls upon property values.
- Restrictions to what people can do with their property, additional bureaucracy and increased costs in acquiring permits.
- Controls might inhibit ability to include ESD or to update outmoded houses.
- Controls contradict aims of Melbourne 2030.
- People appreciate diversity and contemporary or reproduction architecture.
- High front fences or carparking in the front setback should be allowed.
- The controls will prevent demolition, double storey buildings or new units.

## 5.0 Housing Capacity Analysis

### 5.1 Methodology

As a part of this Study, an analysis of the potential impacts of additional planning controls upon the housing capacity of the municipality was undertaken.

The aim of this exercise was to determine the potential effect of implementing the recommended Overlay controls for the eleven areas of high significance on the final dwelling yield numbers reached in the *Bayside Dwelling Yield Analysis Report*. It is generally assumed that the implementation of Overlay controls will, in some measure, reduce the redevelopment potential of the areas. This is not necessarily the case, as the controls do not prevent redevelopment; however they will apply additional permit requirements and standards for development. This may have the consequence of discouraging development, and therefore an assessment of the impact of this is wise. The assessment effectively tests the assumption that the new controls would discourage all redevelopment of new dwellings in these areas, although this is neither the intention nor the ultimate probable outcome of the controls.

These findings are to be read in conjunction with the *Bayside Dwelling Yield Analysis Report*, which details the methodology and assumptions used to arrive at the final yield numbers for the municipality.

It should be noted that if the recommended Neighbourhood Character or Significant Landscape Overlays were in place prior to undertaking the *Bayside Dwelling Yield Analysis*, those areas would have been excluded from that analysis. Even though these controls do not preclude development, the assumption would have been that the potential for re/development would be relatively low.

Therefore the process that has been undertaken is to identify the total dwelling yield of these areas with the recommended controls in place, and then apply the appropriate development rate to determine the reduction in the overall potential yield for the municipality. A development rate of 20% was applied for residential areas in the broad study across the municipality, which is a high development scenario for these areas. An alternative low rate of 10% redevelopment is potentially a more realistic outcome for areas that have additional planning controls applied, therefore the assessment has been made on the basis of both rates.

### 5.2 Potential Housing Capacity

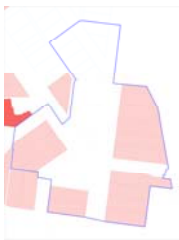
A summary of this analysis is provided for each area of high significance. The accompanying maps are extracted from the background analysis of the *Bayside Dwelling Yield Analysis Report* which established the parameters for assessment of future housing capacity for all residential areas in the municipality.

The maps show the current development potential of each site within an area of between 0 and 4 dwellings, based on factors such as the size of the site, existing planning controls and the typical pattern of development yield for multi-unit development in the municipality.

On this basis the maps indicate:

- 0 additional dwellings
- 1 additional dwelling
- 2 additional dwellings
- 3 additional dwellings.

These yields for each site allow the calculation of the Total Net Gain Yield for each area.



**1. Cochrane Street, Edmanson Avenue and Ebden Street, Brighton**

Total Net Gain Yield (prior to application of Development Rate):	14
Current contribution to High Development Scenario Yield (20% Development Rate):	3
Current contribution to Low Development Scenario Yield (10% Development Rate):	1



**2. Montrose Avenue, Brighton**

Total Net Gain Yield (prior to application of Development Rate):	0
Current contribution to High Development Scenario Yield (20% Development Rate):	0
Current contribution to Low Development Scenario Yield (10% Development Rate):	0



**3. Downes Avenue, Brighton**

Total Net Gain Yield (prior to application of Development Rate):	18
Current contribution to High Development Scenario Yield (20% Development Rate):	4
Current contribution to Low Development Scenario Yield (10% Development Rate):	2



**4. Missouri Avenue, Brighton**

Total Net Gain Yield (prior to application of Development Rate):	21
Current contribution to High Development Scenario Yield (20% Development Rate):	4
Current contribution to Low Development Scenario Yield (10% Development Rate):	2



### 5. Meyer Court, Brighton East

Total Net Gain Yield (prior to application of Development Rate):	14
Current contribution to High Development Scenario Yield (20% Development Rate):	3
Current contribution to Low Development Scenario Yield (10% Development Rate):	1



### 6. Pearson Street, Brighton

Total Net Gain Yield (prior to application of Development Rate):	1
Current contribution to High Development Scenario Yield (20% Development Rate):	0
Current contribution to Low Development Scenario Yield (10% Development Rate):	0



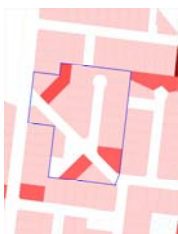
### 7. Halifax Street, Well and Church Streets Brighton

Total Net Gain Yield (prior to application of Development Rate):	13
Current contribution to High Development Scenario Yield (20% Development Rate):	3
Current contribution to Low Development Scenario Yield (10% Development Rate):	1



### 8. Loller Street (south-western side), Brighton

Total Net Gain Yield (prior to application of Development Rate):	3
Current contribution to High Development Scenario Yield (20% Development Rate):	0
Current contribution to Low Development Scenario Yield (10% Development Rate):	0



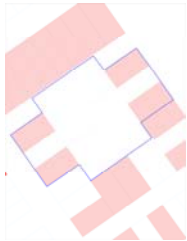
### 9. Valdemar Court and Tatong Road, Brighton East

Total Net Gain Yield (prior to application of Development Rate):	24
Current contribution to High Development Scenario Yield (20% Development Rate):	5
Current contribution to Low Development Scenario Yield (10% Development Rate):	2



**10. Coral Avenue and Point Avenue, Beaumaris**

Total Net Gain Yield (prior to application of Development Rate):	29
Current contribution to High Development Scenario Yield (20% Development Rate):	6
Current contribution to Low Development Scenario Yield (10% Development Rate):	3



**11. Trafford Avenue, Brighton**

Total Net Gain Yield (prior to application of Development Rate):	4
Current contribution to High Development Scenario Yield (20% Development Rate):	1
Current contribution to Low Development Scenario Yield (10% Development Rate):	0

**5.3 Conclusions**

The final potential dwelling yield number from the *Bayside Dwelling Yield Analysis Report* is 7,297 dwellings under the High Development Scenario, and 4,358 dwellings under the Low Development Scenario.

Under the High Development Scenario, there could potentially be a total loss of 29 dwellings out of 7,297 should the NCO or SLO be applied to these areas.

Under the Low Development Scenario, there could potentially be a total loss of 12 dwellings out of 4,358 should the NCO or SLO be applied to these areas.

These levels of reduced redevelopment potential are considered to be inconsequential to the overall achievement of Bayside’s Housing Strategy.

## 6.0 Implementation options

### 6.1 Determining the required approach to statutory implementation

To determine the preferred approach to statutory implementation for each area, the following formula has been applied:

*Level of significance +*  
*Threats or pressure for change +*  
*Gaps in planning controls +*      →      *Action recommended*  
*Community values*

The key aspects of this approach are discussed below.

#### Level of significance

The level of significance assigned to each area is a key factor in determining the type of planning control applicable. This takes into account the following considerations.

#### Identification of key characteristics

Each of the areas recommended for additional controls displays distinctive neighbourhood character qualities in the context of the surrounding residential areas, combined with a high degree of visual consistency. This 'distinctiveness' may be derived from one or a combination of physical characteristics of the area's built form, layout, landscape or topography.

#### Comparative analysis

The relative significance of each area is based upon comparison with other residential areas within Bayside, as well as residential areas across metropolitan Melbourne, in view of Planisphere having undertaken the Stage 1 Review and experience in conducting many similar character studies. This comparison has indicated which areas have character attributes that are rare, atypical or exemplary of a particular type of suburban development.

#### Threats or pressure for change

The possible threats to the important characteristics of each area have been examined. This includes consideration of the types of development that would be allowed in the context of the current planning and building regulations.

Consultation with the community has provided an indication of the types of development pressures taking place in each area, and the community views of this.

#### Gaps in planning controls

Whether the existing Planning Scheme controls are able to protect the distinctive qualities of each area from the identified threats/pressure for change is a key consideration in choice of implementation options. The existing provisions that apply to each neighbourhood character element that was surveyed are detailed in Section 6.3.

Where gaps in the planning controls to counter potential threats or pressure for change are identified for significant areas, changes to statutory provisions are recommended accordingly.

### Community values

The community perceptions and values of each area are an important aspect of understanding their degree of significance, the potential threats to character and the development pressures. The likelihood of community acceptance of new controls over some forms of development will relate to the extent of community concern about the loss of particular aspects of the character of the area.

An outline of community consultation is included in Section 4.2 and the detailed summaries of consultation outcomes for each area are attached as Appendix D.

### The next step: likelihood of approval

Once the preferred approach to implementation has been established, the likelihood of approval of additional statutory controls by a Planning Panel or the Minister for Planning must then be considered: there is no point in recommending implementation options to Council that will not be ultimately approved. Current State policy and directives and issues raised previously by Panels in making recommendations on other similar Planning Scheme Amendments will be important considerations in making the final recommendations to Council.

Should Council resolve to proceed with statutory implementation measures, the need for additional planning controls in some areas, as opposed to others where existing controls may suffice, must be clearly identified and supported by a methodology based upon accepted planning practice. In making the recommendations for this Review, all of the above issues have been taken into consideration.

As noted, the effect that the proposed additional planning controls may have upon achieving the projected number of dwellings within existing residential areas will need to be determined prior to commencing the Planning Scheme Amendment process.

## 6.2 Existing provisions for neighbourhood character

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### Residential 1 Zone

All of the areas surveyed are included within the Residential 1 zone. The purpose of the Residential 1 zone relating to neighbourhood character is:

*To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*

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

### ResCode

ResCode applies to single dwellings (Clause 54) and dwellings on lots less than 500m<sup>2</sup> or multi dwelling development (Clause 55). Both Clauses require a site analysis and design response statement to accompany a planning or building permit application, and consideration of any relevant neighbourhood character policy.

A number of ResCode standards relate specifically to neighbourhood character issues, and the implications of these in relation to the survey findings are detailed in the following section.

Variations to ResCode standards have been introduced for all residential zones within Bayside. These apply to the minimum street setback, site coverage, side and rear setbacks and front fence height. Within Bayside, a permit is also required for development on sites below 500m<sup>2</sup>.

### **Heritage Policy (Clause 22.06) and Heritage Overlays**

The Heritage Overlay applies to numerous sites and precincts within Bayside. Several of the areas surveyed are adjoining heritage areas or contain heritage sites and may influence its neighbourhood character significance. The Heritage Policy at Clause 22.06 contains statements of significance for each heritage area and guidelines for change or development.

The Heritage Overlay also includes significant exotic trees, some of which are located within the neighbourhood character areas surveyed.

### **Neighbourhood Character Policy (Clause 22.07)**

The Neighbourhood Character Policy, at Clause 22.07, includes general neighbourhood character objectives for all residential areas followed by the detailed design considerations for each of the twenty-seven precincts that were identified in Stage 1 of the Review.

### **Vegetation Protection Overlay**

The Vegetation Protection Overlay (VPO) applies to three areas within Bayside.

VPO1 applies to coastal reserve areas. While several of the areas surveyed in the Beaumaris area are located near the VPO1, they are not directly adjoining.

VPO2 applies to small parcels of remnant bushland containing significant native vegetation. These are located throughout the southern part of the municipality. There are no VPO2 areas adjoining identified character areas.

VPO3 applies to the Beaumaris and Black Rock native vegetation areas, which includes the entire southern part of the municipality (south of Edward Street and Park Road). This VPO is of relevance to the Review as much of this area was surveyed primarily on account of its landscape significance. The statement of significance for the area cites:

*The Vegetation Character Assessment (March 2000) report identifies significant vegetation characteristics that form a major element of a distinctive urban character in the municipality, particularly in Beaumaris and Black Rock. Remnant indigenous vegetation, complemented by plantings of Australian native species, contribute to the visual amenity and interest of the area, particularly where this vegetation is contiguous between private lands and adjoining public lands.*

The schedule lists the significant species of the area. A permit is required to remove, lop or destroy any native vegetation above 2 metres in height.

### **Design and Development Overlay**

There are four Design and Development Overlays (DDO) within Bayside.

DDO1 applies to control of building height along coastal areas.

DDO2 applies to inland areas and implements a permit requirement for buildings over 9 metres (10 metres for sloping sites), or over two storeys. The objectives of this DDO are:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- *To preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character.*
- *To maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.*
- *To maintain a strong landscape character with buildings set within vegetated surrounds.*

All applications must demonstrate, through a comprehensive site analysis and design response, how the proposed siting, height, design, building setbacks and landscaping will be in keeping with the character of the area.

DDO4 and DDO5 relate to the design of residential or commercial buildings within and around the Hihett Shopping Centre.

DDO6 implements interim built form standards for the four Major Activity Centres of Bayside. Two areas recommended for Neighbourhood Character Overlays fall within the DDO6 area – Loller Street and a section of Halifax Street. It will be necessary to either remove these areas from the final DDO area, or ensure that the requirements of the two overlay controls are compatible.

### 6.3 Protection of key neighbourhood character elements

Following is a summary of the key neighbourhood character elements surveyed in this Review, and the current level of statutory control offered by the existing provisions of the Bayside Planning Scheme.

These provisions apply to all applications for dwellings on lots under 500m<sup>2</sup> and multi dwelling developments, where a planning permit is required.

The Clause 22.07 Neighbourhood Character Policy must also be consulted where a permit is triggered by an overlay control or where dispensation is being sought for a single dwelling under the building regulations. It may also be used by building surveyors in a non-statutory capacity as an educative tool to assist building permit applicants where a planning permit is not required.

<b>Character element</b>	<b>Current planning scheme provisions</b>	<b>Comment</b>
Demolition	No control over demolition (except those individual sites that are included in the Heritage Overlay).	The significance of most areas is derived from older building stock. Demolition controls may be desirable for some areas.
Building height	Buildings above 9m (or 10m) or 2 storeys are assessed against the design objectives of DDO2. In most instances, DDO2 would discourage buildings over two storeys that do not reflect the predominant height or spacing of the streetscape.	In significant areas, particularly those characterised by single storey buildings, a mandatory maximum height may be warranted.  Additional guidance on the siting and design of second storey additions is required for areas that have a predominant single storey character.
Building and roof form	ResCode encourages buildings to respond to neighbourhood character. Clause 22.07 requires new buildings	For significant areas with distinct building forms more detailed guidance may be warranted.

<b>Character element</b>	<b>Current planning scheme provisions</b>	<b>Comment</b>
	to reflect the dominant forms of building in each precinct.	
Building colour and material	ResCode encourages design detail that responds to neighbourhood character.  Clause 22.07 requires respect of surrounding building styles, including materials.	For significant areas characterised by distinct architectural detailing additional guidance may be warranted.
Front setbacks	The variation to the ResCode standard requires a setback of 9m or the greater setback of the two adjoining dwellings, whichever is the lesser. There is no minimum setback from a side street.  Clause 22.07 requires consideration of dwelling spacing in street.	Front setback provisions of ResCode are adequate for significant areas.
Side and rear setbacks	ResCode variation requires ground floor setbacks of 2m from the side boundary and 3m from the rear boundary – allows part of building to be constructed on side boundaries.  Clause 22.07 requires consideration of dwelling spacing in street and setbacks from rear boundary.	Rear setback requirements are adequate for significant areas with a 'backyard scape'.  Most significant areas have detached dwellings and should not have buildings constructed boundary to boundary. More detailed guidance may be warranted to address impact of single dwellings not requiring a permit.
Site coverage	ResCode variation from 60% to 50%.	Considered adequate for significant areas.
Carparking structures	ResCode makes no allowance for visual implications of carparking structures.  Clause 22.07 requires that they be not located forward of a dwelling and that the extent of crossovers is limited.	For significant areas controls may be warranted in relation to single dwelling proposals not requiring a permit.
Hard paving	ResCode maximum of 80% impervious surface.  Clause 22.07 stresses importance of minimising impervious surfaces so that adequate space is maintained for landscaping.	Reduced paving area may be warranted in some areas with landscape significance.
Front boundary treatment	The ResCode variation implements a maximum height of 1.2 metres for 'other streets' and maintains the standard of 2 metres for major roads.	For significant areas controls may be required for all fencing proposals, in relation to both height and design, where this is an important characteristic.
Garden styles and significant vegetation	ResCode encourages provision of landscaping, where part of neighbourhood character.  Clause 22.07 requires adequate space retained for planting and canopy trees. Specific reference is made to	Coupled with siting requirements, this is considered adequate for most areas.  One area in Beaumaris may require additional controls in relation to the siting or design of new development in

<b>Character element</b>	<b>Current planning scheme provisions</b>	<b>Comment</b>
	landscaping requirements in precincts where this is an important characteristic.  Select exotic trees of heritage significance are included in the Heritage Overlay. The VPOs implement controls on native vegetation in selected parts of the municipality.	close proximity to existing significant vegetation.
Street planting	Council responsibility – non-statutory measures apply.	Where a significant part of neighbourhood character, non-statutory recommendations have been made.
Road treatment	Council responsibility – non-statutory measures apply.	Where a significant part of neighbourhood character, non-statutory recommendations have been made.
Subdivision pattern	Clause 56 has no requirement relating to existing neighbourhood character issues.	Subdivision in itself is not a neighbourhood character issue, rather the siting of garages and accessways is. These are covered by ResCode standards.
Lot size and frontage width	Clause 56 has no requirement relating to existing neighbourhood character issues.	As above.

## 6.4 Statutory implementation options

There are a number of options for protecting areas of special neighbourhood character through the Planning Scheme.

The DPCD Practice Note, 'Using the Neighbourhood Character Provisions in Planning Schemes' (prepared by the Department of Sustainability and Environment in 2004) details the options available for statutory implementation of neighbourhood character studies. The Practice Note has been used to examine the various options for this project, as follows.

### Change to MSS

The MSS provides the overall strategic justification for the application of planning policy and controls. It could be amended to include background reference to the significant neighbourhood character areas and outline the additional controls that may be warranted.

### Change to Local Policy

The Neighbourhood Character Policy at Clause 22.07 could be augmented with the findings of the Review by including reference to streets or areas of significant character.

The policy would apply to all multi dwelling applications and development on sites less than 500m<sup>2</sup>. Policy alone would not offer control over single dwellings and as such may not be considered adequately effective in protecting areas of significant neighbourhood character where single dwellings may have an impact. Given the

small size of many areas (1-4 streets) the potential for single dwellings to impact upon neighbourhood character is high.

The use of policy alone may be adequate for areas that have a lower degree of significance and threats, or where the standard provisions of ResCode are considered adequate.

### **Neighbourhood Character Overlay (NCO)**

The NCO enables control over most buildings and works. Therefore, a greater level of control is offered in relation to the fundamental neighbourhood character considerations such as building height, form and setbacks, as well as more detailed issues such as colour and material selection and vegetation removal.

The specific features of this option are:

- Changes to ResCode standards can be made, which apply only to that particular NCO area. Many of the ResCode standards can be varied through application of the NCO, potentially in some detail.
- Requires consideration of a *Statement of Neighbourhood Character* which would include the description and preferred character statement that have been drafted for each area.
- Requires an application to be tested against decision guidelines that are specific to the NCO area.
- Demolition controls work only as a 'stay' until plans for the replacement dwelling/s are approved.
- Does not include controls for fencing.
- The tree controls are limited to trees over 5m in height.
- It can apply only to small, well-defined areas where there is strong justification for additional controls of this nature.
- There is no ability to exempt certain types of development (eg single dwellings or buildings under a certain height), other than outbuildings and swimming pools. Therefore all buildings in the overlay area will require a planning permit. This potentially places a great administrative burden upon the Council wherever the overlay is applied.

The NCO may be appropriate for areas of a high degree of significance where the potential threats to character are considered adequate to warrant this level of control.

### **Design and Development Overlay (DDO)**

The DDO is similar to the NCO in that it can control the form and siting of future development. Preferred character statements for an area can be included as the decision guidelines.

However, the DDO does not include controls for demolition or vegetation removal and does not allow for the changes to ResCode as can be achieved with the NCO.

It is a suitable option where ResCode provisions are considered to be adequate, and only specific issues, such as building height, or detailed design, need to be assessed.

The DDO may need to be applied to NCO areas where fencing is an important aspect of the area.

### **Significant Landscape Overlay (SLO)**

The SLO can require a permit for removal of trees, and can apply to all trees, trees over a certain trunk diameter or height or to any of native, indigenous or exotic vegetation. It may be the most suitable control where vegetation is the only or main neighbourhood character consideration as it allows a more specific set of vegetation removal controls to be introduced.

The SLO is more closely related to the contribution that vegetation makes to the overall landscape quality of an area, in contrast to the VPO which is primarily aimed at the significance of the vegetation itself, such as the protection of a particular species of plant. The SLO has the distinct advantage of providing the opportunity to control the type of vegetation planted or removed and the buildings and works that may influence the landscape quality of an area. This can include building siting, excavation, site coverage and fences, as necessary.

### **Include Review as an Incorporated Document**

Part or all of the Review could be included as an incorporated document within the Planning Scheme. While this option would give the incorporated material full statutory weight, a Planning Scheme Amendment would be required to change any part of the incorporated document.

The Department of Planning and Community Development (DPCD) generally discourages the incorporation of documents that contain criteria, performance measures or decision guidelines where these are not included in the main body of the Planning Scheme. Rather, the key elements of a study or design guidelines should be included in the Local Policy and zone or overlay provisions without having to rely on an external document.

### **Include Review as Reference Document**

This option would require all applications to consider the objectives and guidelines of the Review. However, it would be considered as background material only.

As noted above, the key elements of a study or design guidelines should be included in the main body of the Planning Scheme. Reference documents are to be used in conjunction with other statutory mechanisms whereby their purpose is to provide the background justification for these controls and any additional material that may assist with decision making.

## 7.0 Implementation Recommendations

### 7.1 Statutory implementation for areas of high significance

A range of statutory implementation measures are proposed for areas of high significance.

#### MSS

It is recommended that Clause 21.05-3 of the MSS is amended to reflect the background and actions of the Review. Reference should be made in the implementation section to the application of additional controls, such as Neighbourhood Character Overlays or Significant Landscape Overlays, to protect the identified significant character of these areas.

#### Local Policy

The Neighbourhood Character Policy at Clause 22.07 should be amended to make specific reference to the Stage 2 Review and to name the areas of neighbourhood character or landscape with a high degree of significance.

The precinct brochures would also require amending where the particular area is not already specifically mentioned.

These changes to the policy and brochures could be undertaken within the same Planning Scheme Amendment to introduce overlay controls for these areas.

#### Neighbourhood Character Overlays

For nine of the areas identified in this Review as having a high degree of neighbourhood character significance a greater level of statutory protection via a Neighbourhood Character Overlay is recommended. It is considered that controls over the design of single dwellings, small scale buildings such as garages, demolition and works is warranted.

The most appropriate format of the NCO schedule will need to be determined through discussion with the DPCD. It may be appropriate to group areas with similar design objectives, permit requirements and ResCode changes together in the same schedule. Alternatively, separate schedules for each area may be the preferred approach.

The DPCD Practice Note, 'Using the Neighbourhood Character Provisions in Planning Schemes' details the required format of the NCO schedule. The Practice Note describes the headings that should appear in the NCO schedule and what information each heading must include, as follows:

#### Statement of neighbourhood character

The statement of neighbourhood character details the significance of the area and why it is considered to be distinct or distinctive in the context of other residential areas. It also describes the preferred future character of each area.

Consultation with the community has helped to confirm the value of each area in terms of its existing neighbourhood character and the potential for improvement in the future.

### Neighbourhood character objectives

Neighbourhood character objectives for each area then detail what needs to be achieved to retain and enhance the significance of the area. These objectives will relate to more specific design outcomes than those listed in ResCode (Clauses 54 and 55).

All of the nine areas of a high degree of neighbourhood character significance share the same broad neighbourhood character objectives, which are:

- To ensure that new buildings and works reflect the preferred character of the surrounding area.
- To encourage retention of the older dwellings that contribute to the valued character of the area.
- To respect the identified qualities of adjoining heritage buildings, where present.
- To maintain the established pattern of front setbacks in a streetscape.
- To provide space for front gardens.
- To maintain the rhythm of spacing between buildings in a streetscape.
- To allow sufficient space for planting around buildings where this is a characteristic of the street.
- To ensure that new dwellings or extensions to existing dwellings respect the dominant building height and forms of the streetscape.
- To ensure that extensions to those dwellings that contribute to the valued character of the area respect the height and form of the original building and other buildings in the street.
- To ensure that the use of detail design in new buildings complements that of the predominant building styles in the street.
- To ensure that the design detail of extensions to period dwellings complements the style of the original dwelling.
- To maintain and improve the garden settings of the dwellings.
- To encourage designs that respond to variations in topography, where this is a part of the neighbourhood character.
- To maintain the openness of the streetscape and views into front gardens, where this is an important part of streetscape character.
- To minimise the loss of front garden space, the dominance of car parking structures and the number of vehicular crossovers.
- To ensure that multi-dwelling developments complement the key characteristics of the area.

### Permit requirement

The NCO schedule allows for a range of permit triggers. All of the areas are recommended to include permit requirements:

- To construct or extend an outbuilding normal to a dwelling.
- To demolish or remove a building.

### Modification of Clause 54 and Clause 55 standards (ResCode)

Modifications to the ResCode standards are recommended where it is considered that the existing standards are not sufficient to maintain the character of an area. For most areas the following variations to the standards are recommended. [The text in italics denotes that it is additional to the existing standard.]

Standard	Modified requirement
Parking A9 and B15	<p><i>Carspaces provided within a garage, carport or otherwise constrained by walls should be located behind the front façade of a dwelling fronting a street.</i></p> <p><i>Hard paving for the purpose of carparking or driveway access should be kept to a minimum.</i></p>
Walls on boundaries A11 and B18	<p><i>Buildings should not be constructed on a side boundary within 15 metres of the front boundary. (Applied to areas that are characterised by consistent space between dwellings).</i></p>
Design detail A19 and B31	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>▪ Façade articulation and detailing,</li> <li>▪ Window and door proportions,</li> <li>▪ Roof form <i>and pitch</i>,</li> <li>▪ Verandahs, eaves and parapets,</li> <li>▪ <i>The number of storeys,</i></li> <li>▪ <i>Materials and finishes,</i></li> </ul> <p><i>Specific references to detailed design of predominant era and style where required, e.g.:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Retention of exposed brickwork.</i></li> <li>▪ <i>Use of stonework detailing.</i></li> </ul> <p><i>New buildings should interpret the detailed elements of older dwellings that contribute to the neighbourhood character significance of the area in an innovative and contemporary manner that complements rather than replicates period dwelling styles.</i></p> <p><i>Second storey additions must be designed to retain the roof form and façade proportion of the original dwelling as dominant visual elements. This can be achieved using a number of different design responses such as:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Locating second storey additions behind the main ridge line and ensuring that they are visually recessive to the original building when viewed from the street.</i></li> <li>▪ <i>Including the second storey as an attic in the existing roof space.</i></li> </ul>

Standard	Modified requirement
	<ul style="list-style-type: none"> <li>▪ <i>Including only minor window elements forward of the original ridge line, such as dormers or skylights.</i></li> <li>▪ <i>Ensuring additional roof elements complement the form and pitch of the original roof.</i></li> </ul>

### Decision guidelines

The NCO allows additional decision guidelines to be specified. It is recommended that the following is added to each NCO schedule:

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

- The extent to which any building to be demolished, extended or otherwise modified, contributes to the existing and preferred character of the area, in terms of building form and siting on the lot.
- The condition of the building to be demolished.
- The extent to which the proposed buildings or works assist in reflecting and enhancing the character of the area.
- Whether the building is located to ensure setbacks from the front, side or rear boundaries reflect the rhythm of dwelling spacing in the street.
- Whether the new building respects the predominant roof forms in the area.

### Significant Landscape Overlay

For the Point Avenue and Coral Avenue area in Beaumaris additional control via the SLO is recommended. As this area is significant for its vegetation quality it is considered that the SLO offers the most suitable form of planning control.

It is recommended that controls are introduced to:

- require buildings to be sited a minimum of 4 metres from those trees listed in the VPO3 schedule that are over 2 metres in height.
- reduce the maximum site coverage to 40%, to retain adequate space for planting and retention of the tree canopy.
- introduce a building height objective to ensure that roof forms do not extend above the height of the tree canopy, so that the vegetation remains the dominant visual element of this area.
- ensure that front fences are either low height or permeable to maintain the dominant appearance of vegetation in the streetscape.

### Front fences

Under the NCO, new fences or modifications to existing fences are only considered when part of an application for general buildings or works, for which a permit is required. Fences on their own can only be required to obtain a permit under the Design and Development Overlay. Areas where front fences are a particularly important characteristic in terms of their low height, distinct style or materials may warrant the application of a DDO in addition to the NCO.

Out of the nine areas recommended for NCOs, it is recommended that DDOs are applied only to Downes Avenue and Meyer Court to control the height and materials of fences, as these are particularly distinct characteristics of both of these streetscapes.

Under the SLO, current provisions allow control over changes to fencing. Given the importance vegetation within the streetscape of the Point Avenue and Coral Avenue area, it is considered that control over the permeability of front fences is necessary.

### **Reference Document**

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It is recommended that the Stage 2 Review is included as a Reference Document to the Neighbourhood Character Policy.

## **7.2 Statutory implementation for areas of moderate significance**

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As noted previously in this report, it is not recommended that Overlay controls are applied to areas of moderate significance.

For areas of a moderate degree of neighbourhood character significance it is recommended that they be referenced within the Neighbourhood Character Policy and precinct brochures, in a similar manner to those areas of high significance. This would require consideration of neighbourhood character issues specific to these areas only where a planning permit is required. It would not include the detailed requirements of an overlay control such as the NCO that relates to a broader scope of development scenarios.

It is also recommended that these areas are included within the Reference Document to the Planning Scheme, in addition to the high significance areas.

## **7.3 Other implementation options**

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Non-statutory tools will also provide an important means of implementing Council's neighbourhood character objectives. These include design coordination in the public domain, community encouragement and education, staff skilling, design advice and statutory support. These tools are discussed further below.

### **Design coordination in the public domain**

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The impact of the public domain on the character of an area has been demonstrated in this Review, with the neighbourhood character and landscape quality of the areas clearly derived from a combination of built form, private gardens, the treatment of the road reserve and street planting.

The recommendations of the Stage 1 Review included the establishment of a design co-ordination group that would comprise officers from a range of Council departments to address all aspects of design in road reserves and other parts of the public domain.

### **Planting**

Observations have been made for each area in regard to the landscape quality of private gardens and street planting where this is a significant character element. Council's landscape architect may be able to provide assistance on appropriate planting in significant character areas, or reference to any landscape study that has been undertaken could be given.

## Road treatments

Observations on road treatments within areas have also been included. In most areas this relates to retention and maintenance of bluestone kerbing. In the Point Avenue and Coral Avenue area, the unmade road and low scale native planting in the road reserve have been identified as significant elements.

## Training and promotion

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### Community encouragement and education

Community awareness of the importance of neighbourhood character issues is an essential aspect of implementation. This applies to a range of different groups in the community where a range of approaches to communication are required. This includes:

- Education of real estate agents and developers.
- Working with residents' groups and landowners generally.
- Education of design and building professionals.
- Awards for 'good character' developments. It is understood that the Council currently facilitates the Bayside Built Environment Awards.
- Workshops with residents' groups, Council staff, developers or design professionals.
- Public displays.
- Media articles/events.

### Staff skilling and design advice

Council's statutory planners and Councillors need continued support and training to make the best use of this Review's recommendations. Correct approaches to site analysis, knowledge about acceptable design solutions, familiarity with architectural styles, and consistency of decisions are all important. Training sessions, workshops and review of current applications by urban design consultants are useful techniques. In addition, training may be required by other parts of the Council organisation where the recommendations impact upon public domain works designed and undertaken by engineering personnel or contractors in accordance with specifications prepared by Council staff.

Resourcing may be an issue in the implementation of the recommendations of this Review, as some recommendations such as increasing controls over buildings and vegetation and more detailed assessment of design may result in increased workloads for planning staff. The Council must be aware of this potential and monitor the effect of introducing new controls to ensure that implementation of the Review is effective.

Above all, the Council must determine to 'send out the right message' to the development community through consistent decision making as well as communication techniques discussed earlier. That message must foster an expectation that the best quality design is expected, and that applicants will be subject to delays or refusal if they fail to meet this expectation.

## Statutory support

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The main vehicles for statutory support are the Overlay controls and the Local Policy amendments recommended, coupled with the community education and

encouragement initiatives referred to above. However, there are allied or associated measures that can be taken.

Possibilities include:

- Permit conditions.
- Better enforcement of planning conditions.
- Increased publicity about penalties.
- Active monitoring of works undertaken without permission (eg illegal carports).
- Local Laws.