



**10.6** **PLANNING REPORT - 81 BEACON VISTA, PORT MELBOURNE (902/2020)**

**LOCATION/ADDRESS:** **81 BEACON VISTA, PORT MELBOURNE**

**EXECUTIVE MEMBER:** **BRIAN TEE, ACTING GENERAL MANAGER, DEVELOPMENT, TRANSPORT AND CITY AMENITY**

**PREPARED BY:** **MARTIN COOKSLEY, SENIOR URBAN PLANNER  
SIMON GUTTERIDGE, ACTING MANAGER CITY DEVELOPMENT**

**1. PURPOSE**

- 1.1 To consider and determine application P902/2020 for partial demolition, alterations and additions; the construction of ground and first floor additions to the existing dwelling at 81 Beacon Vista, Port Melbourne.

**2. EXECUTIVE SUMMARY**

<b>WARD:</b>	Gateway Ward
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 15 objections
<b>APPLICATION NO:</b>	902/2020
<b>APPLICANT:</b>	All Extension Design Services
<b>EXISTING USE:</b>	Residential
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	Neighbourhood Residential Zone – Schedule 1
<b>OVERLAYS:</b>	Heritage Overlay – Schedule 44 Design and Development Overlay – Schedule 19 Neighbourhood Character Overlay – Schedule 3
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 This application seeks partial demolition, alterations and additions and the construction of ground and first floor additions to the existing dwelling at 81 Beacon Vista, Port Melbourne
- 2.2 The subject site has an area of 346sqm and is developed with a two-storey dwelling, built in the 1990s as a part of the Mirvac development of the Beacon Cove Estate. The dwelling contains four bedrooms, study, open plan living areas and has a double garage with access via a crossover to Beacon Vista. A Tower is located on the north-east corner of the site, overlooking Garden City Reserve to the north.
- 2.3 The land is in a Neighbourhood Residential Zone - Schedule 4 (NRZ4) and is subject to a Heritage Overlay (HO44), Design and Development Overlay (DDO19) and Neighbourhood Character Overlay (NCO3).



- 2.4 As the lot area is less than 500 square metres, an assessment under Clause 54 of the Port Phillip Planning Scheme is required.
- 2.5 The application was lodged with Council on 22 December 2020 and originally proposed ground, first and second floor additions including an extension of the tower through to the centre of the roof, first floor additions above the garage, ground floor additions to the rear and side of the dwelling, and an extension of the garage to level with the existing front setback of the dwelling.
- 2.6 The application was advertised, and twenty-five objections were received. Concerns related to neighbourhood character, off-site amenity impacts, visual bulk, potential breach of a restrictive covenant and potential environmental impacts.
- 2.7 In response to matters raised by Council officers and objectors, amended plans were submitted to Council on 17 June 2021 under Section 57A of the Planning and Environment Act 1987. The amended plans removed the second storey addition to the tower, increased the setbacks to the south elevation, reduced the extent of the ground floor extension and nominated the location of the pool equipment cupboard and air conditioning units. The amended plans are the basis for this assessment, and form **Attachment 1**. The plans were re-advertised on 18 June 2021, with some further objections raised, including concerns regarding the form and height of the roof of the first floor level additions, the projection of the garage and overshadowing to the south.
- 2.8 A consultation meeting was conducted on 6 September 2021 and discussed the proposal as per the Section 57A plans.
- 2.9 Following the consultation meeting, the applicant agreed to change the form and reduce the height of the first floor level roof.
- 2.10 The proposed development would be consistent with the statement of neighbourhood character, objectives and Design Principles One, Two and Three of Schedule 3 to the Neighbourhood Character Overlay (Clause 43.05). Further, the amenity of the adjoining properties would not be unreasonable impacted by the proposal, would be consistent with the objectives of Clause 54, and would be consistent with the ordinary and modified standards of Clause 54, as set out in Schedule 3 to the Neighbourhood Character Overlay.
- 2.11 It is recommended that the application be supported and a Notice of Decision to Grant a Permit be issued, subject to conditions

### 3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for partial demolition, alterations and additions and the construction of ground and first floor additions to the existing dwelling at 81 Beacon Vista, Port Melbourne.
- 3.3 That the decision be issued as follows:

#### 1 Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided.



The plans must be generally in accordance with the plans submitted with the application (identified as TP00 - TP06.01, dated 16 June 2021) but modified to show:

- a) The first floor level roof form changed and height reduced to not more than 10.93m AHD, generally in accordance with discussion plans dated 19-10-2021 prepared by All Extension Design.
- b) A label clarifying the rainwater tank are to be connected to all toilets for flushing.

## **2 No Alterations**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

## **3 Privacy Screens Must be Installed**

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

## **4 Walls on or facing the boundary**

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

## **5 No equipment or services**

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

## **6 Stormwater Treatment Maintenance Plan**

Prior to the endorsement of plans under condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points;

- A full list of maintenance tasks for each device,
- The required frequency of each maintenance task (e.g. monthly, annually etc.),
- Person responsible for each maintenance task.

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.



## 7 Construction Management Water Sensitive Urban Design

The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;

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

## 8 Covenant

The development approved by this permit must not commence until the relevant written consents are obtained from Mirvac (Beacon Cove Pty Ltd) or its nominee pursuant to Restrictive Covenant PS414270M registered on the title of the Subject Land OR the requirement for consent by Mirvac or its nominee is removed from Restrictive Covenant PS414270M.

## 9 Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

## 4. RELEVANT BACKGROUND

4.1 There is no relevant history or background for this application.

## 5. PROPOSAL

5.1 Demolition and building and works are proposed to the existing dwelling comprising ground and first floor additions.

5.2 The plans which are the subject of this report are those referred as known as Revision 1 plan no's TP00, TP01.01 – TP01.02, TP02.01 – TP02.03, TP03.01 – TP03.03, TP04.01, TP05.01 – TP05.04, and TP06.01, dated 16 June 2021 and prepared by All Extension Design Services. These form **Attachment 1**.



5.3 More particularly the application proposes the following:

**Demolition of:**

- Internal walls to the ground and first floors.
- Sections of ground floor wall to the rear (west elevation), side (north elevation) and the front of the garage (east elevation)
- The roof over the garage and rear verandah.
- Sections of the first-floor wall to the side (north and south elevations) and various window openings on the east (front) and west (rear) elevations.

**Ground Floor works:**

- The construction of a ground floor addition comprising of an open plan living, kitchen and dining area, pantry, and pool equipment cupboard.
- Internal arrangement to form lounge, study and powder room, with a lift core and stairwell to the centre of the foyer area.
- Extension to the east elevation of the garage to create space for internal storage areas to the rear section of the garage. The garage proposed to match the existing front setback.
- A 2,000L rainwater tank in the rear yard.

**First Floor addition:**

- The construction of a first-floor addition comprising of Bed 2, Bed 3 and Bed 4, and three ensuites.
- Internal arrangement to create a Master Bedroom, Bed 1, two ensuites, Walk-in Robe, lift core, stairwell and rumpus.
- The roof is proposed to be extended to follow the existing roof pitch.

The plans were amended after advertising under Section 57A of the Act as follows:

- The removal of the second-storey addition.
- The setbacks to the south elevation increased to reduce the built form as viewed from the south adjacent property.
- The ground floor layout altered and extent of ground floor additions reduced on the west elevation (pantry)
- The inclusion of a pool equipment cupboard on the west elevation, between the pantry and the west boundary.
- Air conditioning units nominated on first floor plan (south elevation)

5.4 The original (advertised) plans form **Attachment 2**.

## 6. SUBJECT SITE AND SURROUNDS



Description of Site and Surrounds	
<b>Width, length and site area</b>	<p>17.6m long frontage to Beacon Vista to the east.</p> <p>20.9m long side boundary to the south abutting 79 Beacon Vista.</p> <p>18.8m long side boundary to the north abutting Garden City Reserve.</p> <p>17.5m long rear boundary to the west abutting 28 The Crescent.</p> <p>Total site area of 346sqm.</p>
<b>Slope of land</b>	Flat
<b>Existing buildings</b>	Two storey contemporary dwelling developed as a part of the Mirvac residential development of Beacon Cove, Precinct C. Rendered masonry and weatherboard façade with hipped tile roof, and a landmark corner tower to the north east corner, overlooking the Leading Light. A single storey garage with hipped tile roof adjoins the building to the south.
<b>Existing vegetation</b>	Garden to the front of the site that integrates through to the Leading Light to the north east and to Garden City Estate to the north.
<b>Immediate interfaces</b>	<p><b>79 Beacon Vista, adjacent to the south:</b></p> <p>Two storey contemporary duplex dwelling developed as a part of the Mirvac residential development of Beacon Cove, Precinct C. Rendered masonry and weatherboard façade with hipped tile roof, a single car garage located in the front façade with a shared driveway through to Beacon Vista. Two large palm trees in the front setback.</p> <p><b>28 The Crescent, adjacent to the west:</b></p> <p>Two storey contemporary duplex dwelling developed as a part of the Mirvac residential development of Beacon Cove, Precinct C. This dwelling has a front entrance that is located within a shared driveway and is located behind 26 The Crescent. The rear of the site has a frontage directly onto Garden City Reserve. Rendered masonry and weatherboard façade with hipped tile roof, and a detached garage located to the south of the dwelling.</p> <p>The east elevation of the subject site abuts a street reserve to Beacon Vista, which includes the Leading Light.</p> <p>The north elevation of the subject site abuts Garden City Reserve.</p>
<b>Scale, height and style of buildings on neighbouring properties</b>	Predominantly two storey dwellings are typical of the Beacon Cove Residential Precinct C. The precinct was designed by Mirvac and design guidelines exist to protect the unique architecture. Guidelines and Statements of Neighbourhood Character inform development in this estate through the Neighbourhood Character Overlay and Beacon Estate Neighbourhood Character Guidelines.

Note: A Zone and Overlay Map is contained at **Attachment 3**. A locality map is located at **Attachment 4**.





## 7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
<b>Clause 32.09 Neighbourhood Residential Zone – Schedule 3</b>	<i>A <b>permit is required</b> to construct or extend one dwelling on a lot of less than 500 square metres pursuant to Clause 32.09-5. A development must meet the requirements of Clause 54.</i>
<b>Clause 43.01 Heritage Overlay – Schedule 44</b>	<i>The Heritage Overlay that applies to the subject site is a place on the Victorian Heritage Register (H982), and therefore, the responsible authority for applications under the Heritage Overlay is DELWP (Heritage Victoria).</i>
<b>Clause 43.02 Design and Development Overlay – Schedule 19</b>	<p><i>Pursuant to Clause 43.02-2, a permit is required to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</i></li> </ul> <p><i>Pursuant to the schedule, <u>a permit is not required</u> to construct buildings and works.</i></p>
<b>Clause 43.05 Neighbourhood Character Overlay – Schedule 3</b>	<i>A <b>permit is required</b> to demolish or remove a building, and construct a building or construct or carry out works pursuant to Clause 43.05-2.</i>

## 8. PLANNING SCHEME PROVISIONS

### 8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
  - Clause 21.03-1 Environmentally Sustainable Land Use and Development
  - Clause 21.03-2 Sustainable Transport
- Clause 21.05 Built Form, including
  - Clause 21.05-2 Urban Structure and Character
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-4 Port Melbourne and Garden City

### 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

### 8.3 Other relevant provisions



Clause 54/55      ResCode  
Clause 65         Decision Guidelines

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

#### Urban Design Officer

Urban Design comments are to the Section 57A plans, which are the plans for assessment in this report.

##### Built Form

- *Form, mass and visual impact*

*The applicant has responded to previous urban design comments regarding unacceptable built form outcomes, by deleting the third-floor extension. This has addressed our chief concerns with the original proposal. Other amendments include increased setbacks at the first floor on the south side and some minor adjustments to ground floor setbacks which are all supported.*

- *Roof form & pitch*

*We note that the amended proposal results in the overall height of the roof ridge extending slightly above that of the tower. The height of the ridge is not clearly shown on the plans. We recommend further information be provided regarding the roof height to ensure that it meets the requirements of the zone schedule, ie, must not be greater than 10 metres.*

- *Materials and finishes*

*We note that a materials and finishes schedule is not included on the amended plans as recommended in our previous comments. We reiterate that further information be provided regarding all of the proposed materials and finishes, including colours.*

##### Amenity & Legibility

- *Service utilities*

*The amended plans show pool equipment to be housed within a cupboard on the western boundary and air conditioning condensers at the first-floor south side to be housed behind a slatted screen. We support the proposed treatments which seek to minimize the amenity impacts for neighbouring properties.*

##### Referral Overview

*From an urban design perspective, the proposal is acceptable.*

##### Planner comment:

Overall, Council's Urban Design is supportive of the proposal, subject to the recommendation to reduce the roof pitch. This forms part of the recommended permit condition 1, as would the inclusion of a materials and finishes schedule.  
**Refer to recommended conditions 1 a).**





### Sustainable Design

Sustainable comments are to the Section 57A plans, which are the plans for assessment in this report, and the originally advertised Water Sensitive Urban Design (WSUD) response.

#### Stormwater Management:

*Local Policy 22.12: Stormwater Management applies to this application size. Refer to <https://www.portphillip.vic.gov.au/media/mxmfgs1s/sustainable-design-compliance-guidelines-stormwater-management-2.pdf> on how to provide an appropriate response. This includes addressing the following:*

- *Unclear on plans if the 2 tanks are plumbed to all toilets, please clarify with statement on plans. Note that rainwater tank connection to only landscape irrigation is not considered part of stormwater management strategy as water use would not be constant.*
- *Maintenance manual – Provide a maintenance manual for each type of water sensitive urban design device proposed. These must set out future operational and maintenance arrangements for all WSUD (stormwater management) devices appropriate to the scale and complexity of the project. The manual should including inspection frequency, cleanout procedures and as-installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into any Building Maintenance Guide/ Building Users' Guide. Template maintenance manuals are available on the Council's website for simple projects:  
[https://www.portphillip.vic.gov.au/media/urkith2i/maintenance\\_manual\\_rainwater\\_tank.pdf](https://www.portphillip.vic.gov.au/media/urkith2i/maintenance_manual_rainwater_tank.pdf)*
- *Construction Site Management Plan - Provide a management plan or include a statement in documentation that details stormwater management during construction. Refer to page 16 on Council's guide mentioned above and example on section A5 of page 19.*

#### Planner comment:

Council's Sustainable Design officer is generally supportive of the proposal; however, it is recommended that permit conditions be included to show the above recommendations in the plans for endorsement, and in an amended WSUD response. **Refer to recommended conditions 1 b), 7 and 8.**

### 9.2 External referrals

The site is partially covered by Schedule 44 to the Heritage Overlay (HO44) – which is a Heritage Overlay reserved to protect the views between and to the Leading Lights for which the Beacon Cove Estate is named. HO44 is included on the Victorian Heritage Register (H982). The Heritage Overlay requires that a permit is assessed by Heritage Victoria for HO44; however, it is important to gain Heritage Victoria's commentary for our assessment purposes. Below is a summary of Heritage Victoria's response.

Referral Authority	Response	Conditions
Heritage Victoria (DELWP)	No objection.	Nil.



		Applicant required to lodge an application for exemption through Heritage Victoria.
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## 10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (seven letters) and directed that the applicant give notice of the proposal by posting two (2) notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 10.2 The application received 25 objections. The key concerns raised are summarised below:
- Not in keeping with the Neighbourhood Character Overlay (Beacon Cove Residential Precinct C).
  - Not in keeping with the modified standards and objectives of Clause 54.
  - Off-site amenity impacts, including overshadowing and impacts from excessive visual bulk.
  - Proposed second storey form not in keeping with the neighbourhood character.
  - The extension of the garage to draw level with the dwellings existing front façade is not in keeping with the neighbourhood character.
  - The proposed garage extension may result in a potential breach of restrictive covenant concerning the use of the garage as a habitable space.
  - Environmental impacts of the proposed additions through the reliance of heating and cooling services.
- 10.3 In response to matters raised by objectors, amended plans were submitted to Council on 17 June 2021 under Section 57A of the Planning and Environment Act 1987. The amended plans removed the second storey addition, increased the setbacks to the south elevation, reduced the extent of the ground floor extension and nominated the location of the pool equipment cupboard and air conditioning units. The amended plans are the basis for this assessment, and form **Attachment 1**. The plans were re-advertised on 18 June 2021
- 10.4 No objections were withdrawn during the advertising of the Section 57A plans, and further objections were raised. The further objections included the additional concerns:
- The scale of the proposed roof pitch not in keeping with the neighbourhood character.
- 10.5 A consultation meeting was held on 6 September 2021. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers. The meeting did not result in any changes to the proposal.
- 10.6 The majority of the grounds of objections are assessed predominantly in the main assessment section of this report, however the following is noted:
- Some objectors raised the issue of the use of the garage as a habitable space, which would be in breach of the restrictive covenant on the site. However, it is not



proposed to use the garage as a habitable space. It is proposed to construct a first-floor addition above the garage, and it is proposed to extend the garage wall towards the street - neither proposition would change the use of the garage as intended. The intention of the restrictive covenant is to ensure that the garage space is not converted into additional habitable rooms and not to prohibit development above or behind the garage.

- The scale of this proposal does not require consideration of Clause 22.13 - Environmentally Sustainable Design, and a Sustainable Design Assessment or Sustainability Management Plan is therefore not required.

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

## 11. OFFICER'S ASSESSMENT

### 11.1 Key Issues

Having regard to the Planning Scheme provisions together with the grounds of objections, it is considered that this proposal raises the following key issues:

- Is the proposed design an appropriate response in this particular setting and having regard to State and Local built form and Neighbourhood Character objectives?
- Would there be unreasonable amenity impacts to surrounding properties?

An assessment of these matters follows using the local policy provisions together with the relevant Planning Scheme provisions. In terms of local policy, assessment of the above matters are guided by Clause 21.05 - Built Form, Clause 21.06 - Neighbourhoods, Clause 21.07 - Incorporated Documents, and Clause 22.12 - Stormwater Management (Water Sensitive Urban Design). The Planning Scheme provisions further used in the following assessment are Clause 43.05 and Schedule 3 - Neighbourhood Character Overlay, and Clause 54 - One Dwelling on a Lot.

### 11.2 Is the proposed design an appropriate response in this particular setting and having regard to State and Local built form and Neighbourhood Character objectives?

The neighbourhood character of Beacon Cove Estate, due to its unique architectural style and built form, is heavily controlled by two different documents:

- Schedule 4 to the Neighbourhood Character Overlay, located under Clause 43.05 of the Planning Scheme
- Beacon Cove Neighbourhood Character Guidelines (SJB Urban, 2010), which is an Incorporated Document under Clause 21.07 of the Planning Scheme.

Schedule 4 to the Neighbourhood Character Overlay also informs modifications to Standards A3, A4, A10 and A19 of Clause 54, of which is discussed in detail in Section 11.4 of this report.

Assessment of the proposed development against each of the above documents is outlined below:

#### **Schedule 4 to the Neighbourhood Character Overlay:**



The decision guidelines for assessment of a proposal under Schedule 4 to the Neighbourhood Character Overlay seeks that the following is considered by the Responsible Authority:

- *The impact that new buildings or works will have on the character of the precinct, in particular, whether new buildings or works are visible from the street or public open space.*
- *The extent to which any building to be extended or otherwise modified, contributes to the preferred neighbourhood character of the precinct in terms of building form.*
- *Whether the new building or extension to an existing building or works respects the predominant heights and roof forms existing in the precinct.*
- *Whether an increase in height of any building or a building on an adjoining lot impacts on the visibility of taller elements such as a tower forms on street corners or the role of the tower as a dominant element within that streetscape*
- *Whether the new building or extension to an existing building or works respects the prevailing setbacks within the streetscape.*
- *Whether the new building or extension to an existing building or works respects the prevailing character of the precinct in colours, finishes and materials.*
- *The guidelines and statement of neighbourhood character for the precinct contained in the background document Beacon Cove Neighbourhood Guidelines 2010 (SJB Urban, 2010).*

Section 1.0 of Schedule 4 outlines the statement of neighbourhood character, and also outlines three design principles that inform development in Precinct C:

*Statement of neighbourhood character*

*Beacon Cove is a planned residential community in Port Melbourne. It displays a consistency in building forms which create a unique and clearly identifiable neighbourhood character, further defined by streetscapes with no or low front fences, key boulevards, views and vistas, and a relationship to the waterfront and piers of Port Melbourne.*

*Beacon Cove is a primarily residential estate consisting of a mix of single, two and three storey dwellings and townhouses; and five high rise apartment buildings on top of podium development along the waterfront. Its development, between 1996 and 2006, progressed west from Princes Street in stages. Beacon Cove comprises nine precincts shown in Map 1.*

*The character of Beacon Cove is defined by three overarching design principles which have guided its development, contributed to the character of the estate in its entirety and are valued by the community.*

*Design Principle One:*

*A clear movement and street hierarchy defined by:*

- *Beacon Vista Boulevard which provides north - south access and a wide landscaped median for unimpeded views of, and between, the historic and operable shipping beacons;*



- *Beach Street which provides east - west access with a landscaped median strip in the centre of the road;*
- *A narrow road network creating a pedestrian and bicycle friendly environment where the impact of the car is minimised;*
- *The location of garages and shared driveways which have little visual impact on streetscapes.*

*Design Principle Two:*

*Consistent built form defined by:*

- *Contemporary housing consisting of single, two and three storey dwellings; townhouses and apartment buildings;*
- *High quality building design and finishes;*
- *Clearly defined urban edges with a consistent building line to the street optimising space and privacy, and maximising solar access to each dwelling;*
- *A distinct pattern of front and side setbacks;*
- *Individual building setbacks that vary between adjoining buildings creating “staggered” frontages to streets;*
- *Minimal or no side setbacks between buildings;*
- *Balconies and pergolas that create streetscape interest and variation as well as passive surveillance of streets and parks.*

*Design Principle Three:*

*An open space network integrated into the design of the estate defined by:*

- *A network of parks and open space areas, incorporating view corridors along key streets, in particular Beacon Vista, and contemporary landscaping;*
- *Minimal use of front fences creating an open urban environment with no or low fences;*
- *Integration with surrounding neighbourhoods provided through visually permeable edges;*
- *Housing which is oriented towards open space;*
- *Reduced driveway areas and hard paving which allow garden areas to be maximised and stormwater runoff reduced.*
- *Streets and open spaces which incorporate large lawn areas, mature trees, low height plants and native grasses.*
- *The neighbourhood character of each precinct comprises subtle variations in layout, building design, building form, finishing colours, materials and roof forms.*

*Specific elements that define Precinct C are:*

- *Housing has English Regency influences.*
- *Compact residential development predominantly two storey attached and semi-detached houses facing the central axis of Beacon Vista and the central open space of Beacon Cove.*





- *Incorporation of balconies and pergolas to create streetscape interest and variation as well as passive surveillance of streets and parks.*
- *Recessed first floors which form a strong horizontal band in the streetscape.*
- *Monotone white colour theme to houses surrounding the park on Beacon Vista and a two-tone white and beige theme to the Beacon Vista spine which make this precinct visually distinct.*
- *External building elements including feature roof and building forms, and steel framework structures on balconies.*
- *Towers on corner blocks which frame main view corridors.*
- *Landscaped setback areas of a limited depth from street frontages and no front fences, create an open relationship between houses and the public realm.*

Over the course of this application, the applicant has made significant changes to the design of the proposed additions in order to satisfy the concerns of the Planning Officers, where the original proposal was considered to not be consistent with the objectives and design principles of the Neighbourhood Character Overlay as described above. These changes resulted in the lodgement of Section 57A plans.

For the most part, the additions as proposed under the Section 57A plans would be consistent with the design principles and would reflect the statement of neighbourhood character. The development would reflect built form that is high quality, with setbacks, finishes and form that matches the existing neighbourhood character. However, there are two elements that require further discussion, the proposed roof height and the extension to the garage:

Increase of roof height:

It is proposed to increase the overall roof height by following the existing roof pitch to a point. The plans for assessment does not include a dimension to the overall height of the roof; however, based on the scale of the drawings the overall height would be 9.7m above natural ground level.

Considering the neighbourhood character, which seeks to create *consistent built form*; a 9.7m high roof would both detract from the existing tower element, and would read as a higher roof by almost 1.0m than the abutting property to the south (79 Beacon Vista). Based on the concerns of Council Officers and the objectors, it was recommended that the height of this roof be reduced, and this was accepted by the permit applicant. The applicant prepared discussion plans which show a reduced roof height with a maximum height of 10.93m AHD, this outcome is considered to be satisfactory and is considered to result in a design that would be consistent with the objectives of the Neighbourhood Character Overlay. **Refer to recommended condition 1 a).**

Extension to garage:

It is proposed to extend the garage towards the street (east elevation) in order to draw level with the existing front setback of the dwelling (an extension of 1.9m), which would allow for a storage area to the rear of the garage. To achieve consistency in the built form, Design Principle Two seek to ensure a distinct pattern of front setbacks is maintained. By bringing the garage frontage forward to match the existing front setback, it is considered that the distinct front setback of dwellings in the neighbourhood would not be adversely impacted.





The design principle seeks to ensure front setbacks are maintained from a neighbourhood wide perspective and does not seek to control any variations to the front setback of an individual building. The design principle also does not set a measure for a front setback - it only asks that the pattern of front setbacks remains distinct. In this section of Beacon Vista and within Precinct C, front setbacks are staggered with little uniformity in terms of the distance between the front façade and the street boundary. Furthermore, there is no requirement to ensure uniformity in individual building setbacks, only to ensure that front setbacks are distinct. As long as the front setback is distinctive, therein, distinguishing it from other surrounding properties, then it is considered to be consistent with Design Principle Two.

Within the surrounding neighbourhood, there are numerous examples of dwellings where the garage entrance is level with the dwellings front façade; including at 77 Beacon Vista (two properties to the south of the subject site), 62 Beacon Vista (opposite), and a number of dwellings along The Crescent.

**Beacon Cove Neighbourhood Character Guidelines:**

One of the decision guidelines under Schedule 4 to the Neighbourhood Character Overlay is to consider the guidelines and statement of neighbourhood character for the precinct contained in the background document Beacon Cove Neighbourhood Guidelines 2010 (SJB Urban, 2010). This assessment has been undertaken in detail, and a full assessment matrix of the Beacon Cove Neighbourhood Character Guidelines can be found at **Attachment 5**. Below is a summary of that assessment.

- The proposed extension to the garage (where the garage would draw level with the existing front setback) would be consistent with the front and side setback guidelines at Guideline 1.7. The guideline seeks to protect a varied pattern of setbacks to street frontages – and the proposal would draw level with the existing front setback, with the existing to remain unchanged.
- It is recommended to reduce the height of the proposed roof to 10.93m AHD to ensure it is complementary to the scale of roofs within the surrounding neighbourhood. **Refer to recommended condition 1 a).**

**11.3 Would there be unreasonable amenity impacts to surrounding properties?**

The application has been assessed against the objectives and standards of Clause 54, as the proposal is for a development of one dwelling on a lot of less than 500 square metres. Land subject to the Neighbourhood Character Overlay requires assessment against a set of modified standards (Modified Standards A3, A4, A10 and A19), and set aside the corresponding standards of Clause 54. The modified standards have been incorporated into this assessment pursuant to Section 4 of Schedule 3 to the Neighbourhood Character Overlay. A copy of the Clause 54 Assessment Matrix can be found at **Attachment 6**.

In summary, the proposed development satisfies the majority of Clause 54 objectives and standards, including:

- Integration with the street
- Permeability
- Energy Efficiency
- Significant Trees



- Walls on Boundaries
- Daylight to Windows
- North Facing Windows
- Overlooking
- Daylight to New Windows
- Private Open Space
- Front fences

Further, the proposed development satisfies the following Standards modified by Schedule 4 to the Neighbourhood Character Overlay:

- Street Setback
- Side and Rear Setbacks
- Detailed Design

The following standards did not achieve the standard, but were found to be consistent with the objective:

- **Building Height**
- **Site Coverage**
- **Overshadowing**

Each of the above is discussed in detail below:

#### Building Height:

The modified Standard A4 seeks that the following building height control is achieved:

*The maximum number of storeys must not exceed 3 and the overall height should not exceed 10m.*

*Higher (by up to one storey) tower forms on street corners and entry points may be incorporate with those existing in the precinct.*

*Only single storey additions are allowed facing streets or parks. Additional storeys should have limited visibility from streets and should not diminish from the visual effect of buildings that incorporate towers.*

The proposal does not seek to increase the number of storeys, and would remain a two storey dwelling. The proposal also does not seek to change the tower form located on the north-east corner of the dwelling.

However, the proposal does seek to extend the roof with a consequential increase in the height of the roof. The plans for assessment does not note the overall height of the roof of the dwelling. By measurement based on the scale of the drawings, the proposed height would be 9.7m above NGL to the top of the roof. It is recommended that the height of this roof is reduced. Discussion plans prepared by the applicant depicted a reduced roof height with a maximum height of 10.93m AHD (8.016m above NGL), which would be considered appropriate in this instance as the overall height would be more complimentary to the scale of roof pitches within the surrounding streetscape, and would therefore be consistent with the building height objective. Refer to recommended condition 1 a).



Site Coverage:

Standard A5 states that buildings should not exceed a site coverage of 60%, with the site coverage objective being to respect the existing or preferred neighbourhood character and respond to the features of the site.

The proposed site coverage would be greater than the standard at 223 square metres (64.5%); however, dwellings in the Beacon Cove Estate generally have footprints that are larger than the standard, including many dwellings in the immediately surrounding neighbourhood. It is considered that the site coverage at the subject site would be consistent with the existing and preferred neighbourhood character, and the site coverage objective would be achieved.

Overshadowing:

Standard A14 seeks to ensure new development does not unreasonably overshadow secluded private open spaces of adjoining and nearby properties. In order to achieve this, the standard seeks that, where sunlight to secluded private open space is reduced by 75% or 40 square metres with a minimum dimension of 3 metres (whichever is lesser), that area of secluded private open space should receive a minimum of 5 hours sunlight between 9am and 3pm on 22 September.

If the existing sunlight to the secluded private open space is less than that required in Standard A14, then the amount of sunlight should not be reduced further.

There is additional shadowing proposed at 9am (+2.4m<sup>2</sup>), 10am (+1m<sup>2</sup>) and 11am (+0.24m<sup>2</sup>). The measures at 10am and 11am would be negligible, and is unlikely to be discernible and are therefore considered reasonable. The additional shadowing proposed at 9am (+2.4m<sup>2</sup>) is the only material increase in shadow proposed.

The standard seeks to achieve no further reduction in shadow where the existing shadow is already beyond the standard requirements. However, the test is whether or not the overshadowing objective has been met, which is to ensure that there is no unreasonable overshadowing. It is considered that an additional 2.4m<sup>2</sup> of shadow at 9am would not be unreasonable. The additional shadow would mainly fall on a side service yard and a side wall, and the area of primary POS to the west of the dwelling would be uninterrupted from 10am onwards. The dwelling's sunlight access would therefore be considered reasonable and in this instance, it is considered that the objective has been achieved.

## 12. INTEGRATED DECISION MAKING

- 12.1 Clause 71.02 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

The proposal would result in a number of positive impacts, these are outlined below:

Positive

- Subject to conditions, the proposed additions would be consistent with the relevant neighbourhood character objectives and requirements.
- The proposed additions would not adversely affect the heritage place.



- Subject to conditions, the proposal would achieve water sensitive urban design requirements.

Neutral

- Any offsite amenity impacts can be appropriately mitigated by way of permit conditions and planning scheme provisions (environmental, economic and social), should the proposal be supported.

Negative

- The application has received 25 objections (social).

Viewed holistically and balancing the material considerations along with the interests of present and future Victorians, the proposal is considered to result in a net community benefit and a sustainable development; for these reasons, it is recommended to approve the application.

### 13. COVENANTS

- 13.1 The title for the subject site, known as Volume 10499 Folio 731, commonly known as Lot 439 of Plan of Subdivision 414270M includes a Restrictive Covenant PS414270M.

The restrictive covenant includes a requirement that the owner or occupier of the lot obtain the written consent from Mirvac before demolishing or erecting or permitting to be demolished or erected a range of buildings and works including extensions, alterations, rendering, painting, or the keeping of caravans and trailers and the like, the keeping or display of clothes drying facilities, signage or external shutters and awnings or other fixtures.

- 13.2 On 24 November 2011, the Port Phillip Planning Scheme was amended by Amendment C73 to:

- Update the Scheme provisions for the residential precinct of Beacon Cove to reflect the fact that the re-development of the land was complete.
- Change the Municipal Strategic Statement,
- Rezone the land from Comprehensive Development Zone to Residential 1 Zone,
- Remove redundant Environmental Audit Overlays,
- Vary the schedule to Clause 52.02 Easements, Restrictions and Reserves to include *'The low rise residential precincts within the Beacon Cove Estate, Port Melbourne ...'* so that a planning permit was not required to proceed under S23 of the Subdivision Act 1988 to vary the restrictions on the titles of the Beacon Cove Estate dwellings in accordance with the schedule for a reduced range of matters, including allowing removal of the requirement to obtain Mirvac consent for demolition and development.
- Applied Neighbourhood Character Overlay Schedules which translated and incorporated the design requirements of the Beacon Cove properties covenants into planning scheme controls.

- 13.3 To give full effect to the variation of the covenant it was/is necessary for each landowner to lodge a certified plan pursuant to s23(1) of the Subdivision Act 1988. To date, not all of the Beacon Cove properties (including the subject site) have done so, meaning they still require Mirvac consent.



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- 13.4 However, Council is the responsible authority for the properties and may consider and determine applications for planning permits, and this would not breach the covenant.
- 13.5 If a planning permit is granted, the landowner must subsequently obtain written consent from Mirvac prior to demolishing or erecting on the site any buildings or works. It is therefore recommended that a condition be included on any permit granted to ensure the landowner obtains written consent from Mirvac before any development starts.
- 13.6 A party wall easement exists which would not be impacted by this proposal.

## 14. OFFICER DIRECT OR INDIRECT INTEREST

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






## 15. OPTIONS

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions
- 15.3 Refuse - on key issues

## 16. CONCLUSION

- 16.1 Subject to the recommended conditions, the proposed extension would be responsive to the existing dwelling on the site and the scale and pattern of development in the surrounding area.
- 16.2 The proposal has been assessed against the relevant planning controls, including the Neighbourhood Character Overlay (Clause 43.05), Schedule 3 to the Neighbourhood Character Overlay, the Beacon Cove Neighbourhood Character Guidelines 2010 (SJB Urban, 2010) and Clause 54.
- 16.3 It is acknowledged that the application received a number of objections; however, the proposal has achieved the key objectives and requirements of the relevant planning policies, incorporated documents and provisions. There are some changes recommended to reduce the roof height via permit conditions; however, these changes are considered minor, and would remain consistent with the relevant planning controls.
- 16.4 The proposed development also would be consistent with the heritage objectives outlined within the planning scheme, having been referred to Heritage Victoria which raised no objection.
- 16.5 It would also comply with the requirements of the Stormwater Management (Water Sensitive Urban Design) policy, subject to conditions.
- 16.6 For these reasons, it is recommended that the proposal be supported and that a Notice of Decision to Grant a Permit be issued, subject to conditions.

## ATTACHMENTS

- 1. Section 57A Plans 
- 2. Originally Advertised Plans 
- 3. Zone and Overlay Map 
- 4. Locality Plan 
- 5. Neighbourhood Character Overlay Assessment Matrix 
- 6. Clause 54 Assessment Matrix 