22/07/2021
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SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO2** .

Bayside and Village Design

1.0
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Design objectives

To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal and bayside residential areas and rural villages.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Ranelagh Estate in Mt Eliza and the Sorrento Heritage Precinct.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape,

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

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Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.
- A dwelling extension.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50 per cent transparent.
- The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

General requirements

- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.
- All buildings must be located at least 10 metres from land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8, Transport Zone 2 or Transport Zone 3 and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where all adjoining lots fronting the same road have been developed, the frontage setback may be reduced to the average setback of development on the adjoining lots.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

- Within the Birdrock/Clarkes Avenues precinct shown in Map 1 below:
  - The total site coverage of all buildings must not exceed 50 per cent.
  - At least 40 per cent of the site must remain open/permeable.
  - There must be provision for at least 90 square metres of private open space for each dwelling.

Map 1 to Schedule 2 to Clause 43.02



Mandatory requirements

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington- Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.

– The footprint of the upper storey, existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. A permit to vary the requirement that no more than one dwelling be constructed on a lot must meet the following requirements:

- The proposal involves no more than two dwellings for every 1300 square metres of site area.
- Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule.
- This provision has not been previously applied to any of the land involved in the application.

These requirements cannot be varied with a permit except for land that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenues precinct, where all of the following requirements are met:

- The lot has an area of 900 square metres or greater.
- The application proposes no more than two dwellings on the lot.
- The total site coverage of buildings is not more than 50 per cent.
- At least 40 per cent of the site remains open/permeable.
- There is provision for at least 90 square metres of private open space for each dwelling.
- Existing vegetation is retained as far as practical.
- The development is served by a single driveway, except on corner lots, with a width of no more than 4.5 metres.

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Subdivision

The average area of all lots within a subdivision must be no less 1300 square metres, and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the *Subdivision Act 1988* , may be included in the calculation of average lot area.

Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots. The minimum dimension of the rectangle contained within a battle-axe lot may be reduced to 18 metres.

These requirements cannot be varied with a permit unless either:

- All of the following requirements are met:
  - The subdivision is proposed in conjunction with an application for the development of more than one dwelling on a lot.
  - Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule to the satisfaction of the responsible authority.
  - The subdivision creates no more than two lots for every 1300 square metres of site area or no more than two lots from any existing lot with an area of 900 square metres or greater that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenues precinct.
  - Each of the lots is to contain a single dwelling, except that a dependent person's unit may also be constructed on a lot.
  - This provision has not been previously applied to any of the land involved in the application.

- Any of the following requirements are met:
  - The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
  - Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
  - The subdivision excises land for a road, utility installation or other public purpose.

4.0 Signs

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None specified.

5.0 Application requirements

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None specified.

6.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion.
- The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.