22/07/2021
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SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3** .

COAST AND LANDSCAPE DESIGN

1.0 Design objectives

22/07/2021
C255morn

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

To avoid higher densities of development in areas subject to instability, erosion or potential fire hazard and to minimise the extent of required earthworks.

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 and coastal landscapes, including those of areas such as the Portsea Clifftop area, the Sorrento Heritage Precinct and the Ranelagh Estate in Mount Eliza.

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 ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

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

2.0 Buildings and works

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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 dwelling extension or alteration.
- 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 percent 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

- All buildings and works must be located on land with a slope of less than 20 percent.
- Buildings must not be located on a ridge.
- 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 and must be properly battered or retained.
- All buildings must be located at least 10 metres from any 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 a dwelling on an adjoining lot that fronts the same road is set back less than 7.5 metres, the minimum setback is the same as that of the adjoining dwelling.
- On a lot with frontage to Rendlesham Avenue, Rosserdale Crescent or Canadian Bay Rd, Mount Eliza, a building must be set back from any boundary which adjoins a Special Use Zone at least 10 metres or the average of the setbacks of any buildings on abutting lots, whichever is the greater.
- 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 percent 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 percent, 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.

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 percent.

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. This requirement cannot be varied with a permit.

3.0
22/07/2021
C255morn

Subdivision

Where land is within a General Residential Zone or Neighbourhood Residential Zone, the average area of all lots within a subdivision must be no less than 1500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 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.

Where land is within a Low Density Residential Zone each lot within a subdivision must have an area of least 4000 square metres.

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 density.

These requirements cannot be varied with a permit unless 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

22/07/2021
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None specified.

5.0 Application requirements

22/07/2021
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None specified.

6.0 Decision guidelines

22/07/2021
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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.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- 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 and 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.