43.05 NEIGHBOURHOOD CHARACTER OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **NCO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

43.05-1 Neighbourhood character statement and objectives

19/01/2006
VC37

A schedule to this overlay must contain:

- A statement of the key features of the neighbourhood character.
- The neighbourhood character objectives to be achieved for the area affected by the schedule.

43.05-2 Permit requirement

14/12/2023
VC253

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - The construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
  - The construction or extension of an outbuilding normal to a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
  - The construction of a building or construction or carrying out of works for a small second dwelling if all the following requirements are met:
    - The building height must not exceed 5 metres.
    - The building must be finished using muted tones and colours.
- Demolish or remove a building if specified in a schedule to this overlay.
- Remove, destroy or lop trees if specified in a schedule to this overlay. This does not apply:
  - To a tree that is less than 5 metres in height or has a trunk circumference of less than 0.5 metre measured 1 metre above ground level.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998* .
  - If the tree presents an immediate risk of personal injury or damage to property.
  - If the removal, destruction or lopping of the tree is necessary for emergency access and emergency works by a public authority or municipal council.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Remove, destroy or lop one tree provided: ▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months. ▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land.	Clause 59.06
Construct, demolish or remove a fence.	Clause 59.05
Construct a building or construct or carry out works for: ▪ A carport, garage, pergola, verandah, deck, shed or similar structure. ▪ A domestic swimming pool or spa and associated mechanical equipment and safety fencing. ▪ A rainwater tank. The buildings and works must be associated with a dwelling.	Clause 59.05
Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure).	Clause 59.05

43.05-3 Modification to Clause 54 and Clause 55 standards

15/10/2026
VC306

A schedule to this overlay may modify:

- The requirements of any standard of Clause 54, including any requirements specified in the schedule to the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone. This does not apply to Standards A2-8, A3-4, A4-1, A4-2, A4-3, A5-2, A5-3 and A5-4 of Clause 54.
- The requirements of any standard of Clause 55, including any requirements specified in the schedule to the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone. This does not apply to Standards B3-1, B3-7, B3-8, B3-9, B3-10, B3-11, B3-12, B4-1, B4-2, B4-3, B5-2, B5-3, B5-4, B5-5, B5-7 of Clause 55.

43.05-4 Other requirements

31/03/2025
VC267

A schedule to this overlay may specify additional requirements not specified in clauses 54 and 55.

43.05-5 Exemption from notice and review

31/03/2025
VC267

An application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding normal to a dwelling.

- Construction of a swimming pool.

43.05-6 Decision guidelines

31/03/2025
VC267

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of the key features of the neighbourhood character and the neighbourhood character objectives contained in a schedule to this overlay.
- Whether the location, layout and form of the proposed development respects the neighbourhood character.
- The contribution that the existing building makes to the neighbourhood character.
- Whether the site is to remain vacant or is to be developed for another purpose.
- The contribution that the tree makes to the neighbourhood character.
- The health of the tree.
- Any proposed landscape improvements.
- Any matter specified in a schedule to this overlay.