

11/05/2017
C205**SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO4**.**Environmental Design****1.0**19/01/2006
VC37**Design objectives**

- To ensure the appropriate design of subdivision and housing in areas of semi stabilised dunes where the danger of soil erosion in steep and sandy conditions requires that particular care be exercised in the carrying out of all building and works and the clearing of existing natural vegetation.
- To minimise the extent of earthworks in areas prone to erosion.
- To ensure that any works associated with detached housing development within the environmentally sensitive Wildcoast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.
- To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.
- 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, including Mt Eliza, 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 subdivision and development proposals have proper regard to heritage values.
- To recognise the landscape character of environmentally sensitive areas, including the National Trust recorded landscape of the Mt Eliza escarpment.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and 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 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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C205**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 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 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% 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

- Wall and building heights must comply with the following table:

Land	Wall height	Building height
The land bounded by Truemans Road, the proposed Mornington Peninsula Freeway, Melbourne Road, Hotham Road, Back Beach Road, London Bridge Road and the boundary of the Mornington Peninsula National Park	4.5 metres or less	5 metres or less
All other land	5.5 metres or less	6 metres or less

- Buildings and works must not be located on a ridge top.
- 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 Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge.
- Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary. This may be reduced to 7.5 metres from a road frontage where the lot has an area of less than 1500 square metres.
- 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% 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%, 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%.

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 requirement cannot be varied with a permit unless the land is located within one of the following areas and the specified requirements are met:

- The land is located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza and no more than one dwelling is proposed for every 2600 square metres of site area.
- The land is located east of Canadian Bay Road, Mt Eliza (other than in the area between Jacksons Road and Williams Road, West of Watts Parade, Mt Eliza) and no more than two dwellings are proposed for every 2600 square metres of site area.
- The land is located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye and no more than one dwelling is proposed for every 2000 square metres of site area.
- This provision has not been previously applied to any of the land involved in the application.

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Subdivision

A subdivision must meet all of the requirements specified for the land in the table to this schedule. This does not apply to any of the following:

- A subdivision in accordance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created.

- For land that contains two or more dwellings that lawfully existed at the approval date, a subdivision that proposes to create a separate lot for each of those dwellings.
- A subdivision to excise land for a road, utility installation or other public purpose.

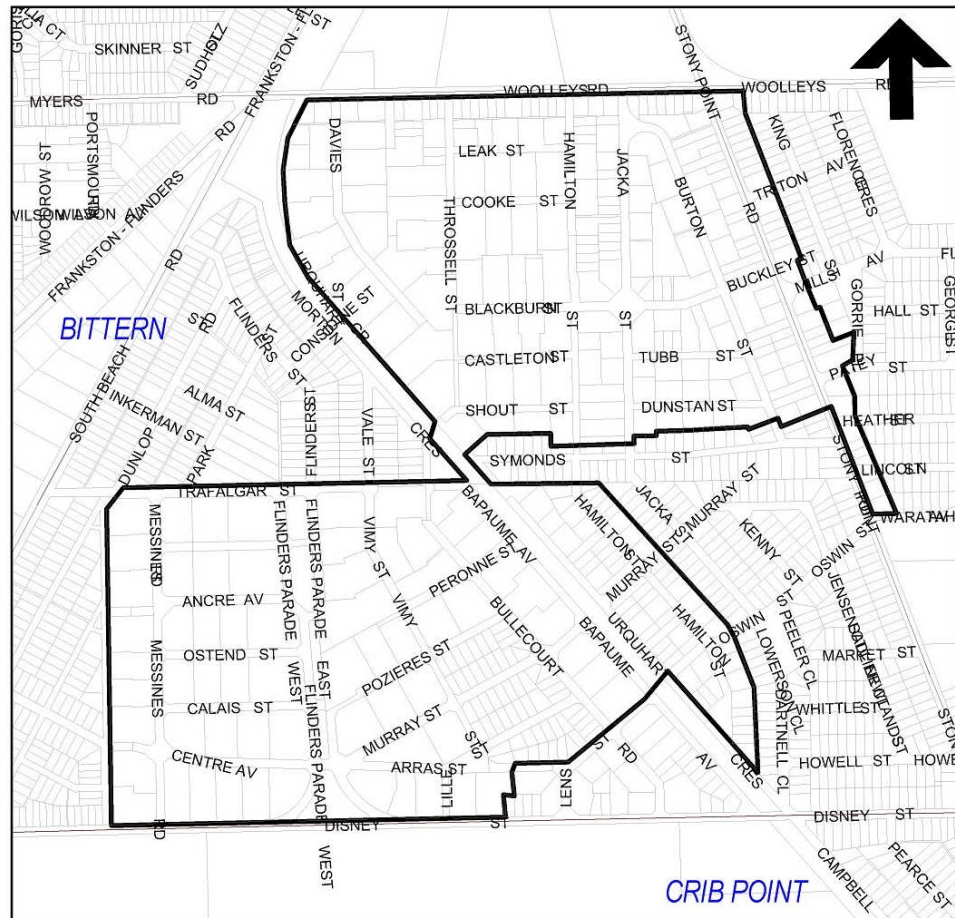
Table to Design and Development Overlay - Schedule 4

Land	Subdivision requirements
Land located at 1/392A, 2/392A, 3/392A, 392B, 420, 422, 424 and 426 Sandy Road, St Andrews Beach located on the north side of Sandy Road, east of Banyan Street.	<ul style="list-style-type: none"> ▪ Each lot must be at least 5,000 square metres. ▪ Each lot must show a development envelope capable of accommodating all buildings, effluent disposal envelopes, clearings for dwelling open outdoor space and vegetation management areas to mitigate fire risk. ▪ The configuration of all lots and the delineation of development envelopes should: <ul style="list-style-type: none"> · Avoid the removal of existing vegetation and provide for revegetation, particularly on elevated areas, steep land and around the perimeter of lots; and · Avoid development on land with a ground slope greater than 25 percent. ▪ The number of access points to Sandy Road must be minimised.
Land located at 1440 (Lot 2, LP 91280, Vol 8877 Fol 905) Frankston-Flinders Road Tyabb.	<ul style="list-style-type: none"> ▪ Lots abutting the northern boundary must: <ul style="list-style-type: none"> · be at least 3,000 square metres; and, · have a building envelope that is setback at least: <ul style="list-style-type: none"> · 32 metres from a rear lot boundary; · 5 metres from side boundaries; and · 10 metres from a frontage. ▪ Other lots must be at least 1,200 square metres.
Land outlined in Figure 1 to this schedule.	Each lot must be at least 1 hectare.
Land located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza.	Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres.
Land located east of Canadian Bay, Mt Eliza (other than between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza).	<p>Each lot must be:</p> <ul style="list-style-type: none"> ▪ At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or, ▪ In the case of an integrated subdivision*, there must be no more than two lots for every 2,600 square metres of site area.
Land located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye.	<p>Each lot must be:</p> <ul style="list-style-type: none"> ▪ At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or ▪ In the case of an integrated subdivision*, at least 2,000 square metres.
Other land	Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres.

*An integrated subdivision is a subdivision proposed in conjunction with an application for more than one dwelling on a lot where:

- None of the land has been involved in a previously approved integrated subdivision;
- Each of the proposed lots is for a single dwelling only, except that a dependent person's unit may also be constructed on a lot; and,
- The application includes a site analysis and site development plan that responds to the design objectives of the schedule to the satisfaction of the responsible authority.

Figure 1 to Schedule 4



These requirements cannot be varied with a permit.

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19/01/2006
VC37

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- 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 the amenity and accessibility of 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.