

11/05/2017
C205**SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO5**.**Low Density – Wildcoast Protection Area****1.0**19/01/2006
VC37**Design objectives**

- To ensure the appropriate design of subdivision and housing in the environmentally sensitive Wildcoast protection area and to minimise the extent of earthworks in areas prone to erosion.
- To ensure development is carried out with proper regard to the unstable nature of the dunes.
- To ensure that any works associated with development in 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.
- 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. Particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions.
- 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 subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.
- 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.

2.011/05/2017
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 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 all of the following apply:

- Where buildings or works (including effluent disposal system, earthworks and vegetation removal) are located on any ridge or on land having a slope of 20% or more, an alternative siting is not available on the land.
- Where an alternative siting of a building is proposed, a development envelope of 800 square metres meeting the siting criteria of the General requirements is not available on the land.
- Compliance is unreasonable or unnecessary and no loss of amenity will result from approval of the variation.

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 10 metres or less from any public foreshore land.
- 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%.
- Buildings and works must not be located on a ridge top.
- No building may exceed a wall height of 4.5 metres or a building height of 5 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 Public Park and Recreation Zone or Public Conservation and Resource Zone.

- Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary.
- The setback of all buildings from other site boundaries must be at least 2 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.
- The 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 newly prefabricated 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 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.

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Subdivision

The minimum area of any lot within a subdivision must be no less than 5000 square metres. Each new lot must contain a building envelope with a minimum dimension of 20 metres and a minimum area of 800 square metres, excluding land forming a ridge or having a natural gradient in excess of 20 percent (1:5). 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 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.

These requirements cannot be varied with a permit.

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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.
- The comments of any relevant coastal management or soil conservation authority.