

11/05/2017
C205**SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO11**.**Mt Eliza (North Of Tower Road) Development Design****1.0**19/01/2006
VC37**Design objectives**

- To provide for the site responsive design of subdivision and housing on land generally bounded by Tower Road, Wooralla Drive, The Peninsula School, Marlo Grove and Grice Avenue in Mt Eliza.
- To ensure a high standard of subdivision and streetscape design, with guidelines to ensure that private development contributes to the preferred future character of the area as a distinctive and sustainable residential landscape, with a garden setting of indigenous and native canopy trees in the front yards and a silhouette of canopy trees in rear yards.
- To provide for development densities that recognise the low density character of the area.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.
- To provide for the retention and protection of native vegetation in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002), with a net gain outcome as defined in the Framework where native vegetation is proposed to be removed as part of a land use or development proposal.
- To provide for the location of roads and, where appropriate, provision of expanded road reserves to encourage the retention of existing native vegetation and to minimise vehicular access from lots directly on to Wooralla Drive and Tower Road.
- To support better utilization of existing public infrastructure.
- To provide for infrastructure services in a manner which minimises environmental impact.
- To provide for appropriate traffic management along Tower Road and Wooralla Drive.
- To provide for storm water management which results in no net increase in the rate of off site stormwater discharge to the local creek system.
- To ensure equitable contributions from land owners to the provision and/or upgrading of required infrastructure, including open space areas.
- 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 and open space areas, including road side areas.
- 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.
- 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 must 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 and 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 either:

- 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 constructed of fibro cement sheet materials.

General requirements

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

- No building may exceed 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.
- Buildings must be set back at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Buildings adjoining either Tower Road or Wooralla Drive must be set back at least 12 metres from the frontage, with the first 6 metres of the setback landscaped to the satisfaction of the responsible authority.
- 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 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 those 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 contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building.
- A leisure and recreation building.
- A utility installation building.
- A hospital.
- An education centre.

This requirement 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 average area of all lots within a subdivision must be no less than 2,000 square metres, and each lot must have a minimum area of 1,500 square metres and be able to contain a rectangle with minimum dimensions of 20 metres x 30 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 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.

Prior to the issue of any permit, the following information must be submitted and approved to the satisfaction of the responsible authority:

- Details of the proposed stormwater system, including provision for a stormwater tank for each proposed lot, must be provided to demonstrate no net increase in the rate of off-site discharge to the local creek system or alternative drainage arrangements to the satisfaction of the responsible authority.
- A flora and fauna impact assessment by a suitably qualified person, including the identification of trees to be retained or removed and proposals to ensure a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Landscape Guidelines, generally in accordance with the Landscape Issues Report, Wallbrink Consulting, March 2004 Document No. 787RIB.doc, for all road reserves and proposed lots.
- The Landscape Guidelines must address the following matters, as appropriate:
 - The management of existing vegetation, including:
 - the location of all existing and proposed planting of vegetation;
 - an assessment of the current condition of significant vegetation;
 - the means of retention and protection of native vegetation, including the provision of an appropriate vegetation corridor adjacent to the natural water course;
 - the monitoring and eradication of weeds; and
 - the location of all vegetation to be removed.
- Maximizing landscape opportunities, including the staged establishment /regeneration of a substantial vegetation corridor along Tower Road and Wooralla Drive, including both the road reserves and adjoining private land.
- Guidelines to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Energy efficiency and sustainable landscape management and site design.
- Access road design and landscaping.

In considering any application for subdivision, the responsible authority must be satisfied that appropriate provision has been made for:

- The provision of a public open space/walkway connection between Clendon Close and Marlo Grove.
- Provision for traffic impact mitigation works, limited to the portions of Tower Road or Wooralla Drive abutting the subject land, in accordance with a traffic management plan to be submitted and approved to the satisfaction of VicRoads and the responsible authority.
- Minimisation of the number of new access points to Wooralla Drive and Tower Road.

- The construction of any group of driveways providing access to more than two lots as a shared access street.
- No vehicular access from any new lot to Marlo Grove.
- The provision, stabilization and revegetation of a buffer zone along the Earimil Creek water course, complemented by provision for a building envelope on any lot adjacent to the watercourse.

Any permit for subdivision or additional residential development, other than a single dwelling on a lot existing at the approval date, must include the following condition:

- Prior to commencement of development or the issue of a statement of compliance, an Agreement under section 173 of the *Planning and Environment Act 1987* must be entered into between the land owner and the responsible authority that requires:
 - The full provision of infrastructure, including reticulated sewerage, to service any new lot or development, generally in accordance with the requirements of Clause 55 and 56 of the planning scheme and in accordance with plans and specifications to be submitted and approved to the satisfaction of the responsible authority. All costs of infrastructure provision and upgrading must be met by the landowners with no costs to Mornington Peninsula Shire Council.
 - Provision for development contributions, generally in accordance with the Development Contributions Report – Tower Road, Mt Eliza (Option 1) March 2004, prepared by Beveridge Williams & Co Pty Ltd.
 - Where proposed development abuts Tower Road or gains access from a road which intersects with Tower Road, the plans must include provision for a roundabout or other traffic control devices to the satisfaction of the responsible authority.
 - Provision for contributions to public open space:
 - equal to five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; and
 - a further five percent (5%) of either the site area or as a cash in lieu contribution to be applied towards environmental improvement (including conservation land acquisition) in the Mt Eliza area generally, provided the calculation of this further 5% may be discounted by the area or site value of any lot that contains a dwelling that exists at the approval date;

provided that the total public open space contribution is equivalent to not less than \$10,000, indexed in accordance with the CPI, for every new lot created.
- Provision for any works or contributions necessary to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Prior to the further development of any lot, a site development and landscape management plan, demonstrating provision for landscaping generally in accordance with the Landscape Guidelines must be submitted and approved to the satisfaction of the responsible authority.

A plan must be endorsed as part of any permit showing, as appropriate:

- The orientation and size of lots, including the ability of each lot containing existing native vegetation to accommodate a building envelope that encourages the retention of existing native vegetation.
- The accurate identification of significant native vegetation to be retained or removed as part of the subdivision of the land and development of each lot.
- The delineation of building envelopes for each lot containing native vegetation, that encourages the retention of existing native vegetation.

- Provision for landscaping to replace vegetation removed and which will assist to enhance the existing landscape and environmental values of the land, as well as any other measures necessary to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- The location and design of internal roads and external access and egress points, providing for shared property access where practical to do so, with particular regard to safety, efficiency, minimising indigenous vegetation removal and maintaining the existing streetscape and neighbourhood character.

These requirements cannot be varied with a permit unless one of the following applies:

- The subdivision realigns the boundary between existing lots, provided that any lot that is reduced in area retains an area of no less than 2,000 square metres and meets the minimum lot dimension requirements specified in this schedule.
- 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.

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Decision guidelines

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

- 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 the site and the local area, including the effect on streamlines, foreshores, areas of remnant vegetation and 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.