

11/05/2017  
C205

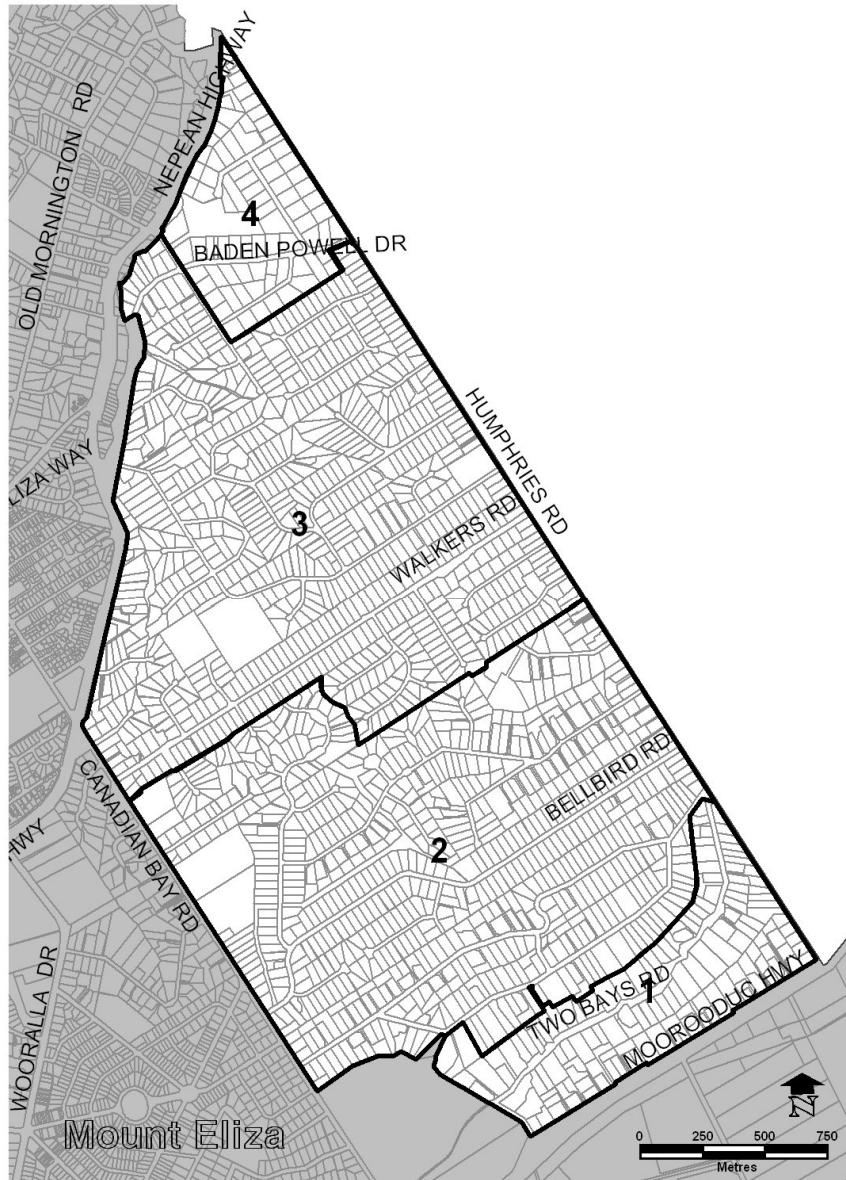
**SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO18**.

**Mount Eliza Woodland Area**

**Figure 1 Mount Eliza woodland area precincts**

(includes four precincts shown below which refer to the Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006.)



**1.0**

**Design objectives**

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- To recognise the character of the Mt Eliza woodland area, 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 recognise and protect the landscape character of environmentally sensitive areas, including the National Trust recorded landscape of the Mt Eliza escarpment and to ensure the screening of buildings as part of this landscape.
- To site and design buildings in precinct 1 so that they are absorbed into the landscape in a way that emphasises a natural vegetated setting for the Mt Eliza escarpment and minimises their visibility in long range views to the escarpment and, as a second priority, shorter range streetscape views.
- To encourage a vegetation-dominated landscape setting including tall tree canopies that are prominent in long range views towards and within the Mount Eliza woodland.
- To enhance environmental values through planting and maintaining indigenous vegetation particularly in precinct 1, along waterways and parks and in areas that broadly connect these features in the wider landscape setting.
- 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 landscape.
- 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 reflect the existing rhythm in the spacing of dwellings in the streetscape and to maintain a sense of spaciousness by requiring generous front and side setbacks.
- To maintain open, informal and well landscaped street frontages as a key characteristic of the area.
- To ensure that new buildings or extensions do not dominate the streetscape or wider landscape setting.
- To maintain relatively low site coverage to ensure that adequate space is available on private land for the retention and planting of vegetation.
- 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 attention must be given to the impact of development on streamlines and water ways and to avoiding the development of land susceptible to stream erosion or flooding.
- To minimise the extent of earthworks in areas prone to erosion.
- To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.
- 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.
- To ensure that subdivision and development proposals have proper regard to heritage values.

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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.

- In precinct 2, 3 or 4; a dwelling, excluding any outbuilding, that is the only dwelling on the lot.
- In precinct 2, 3 or 4; an outbuilding of 10 square metres or less.
- In precinct 2, 3 or 4; a garage or carport that is 70 square metres or less and the only outbuilding of more than 10 square metres on the lot.

*Note: The Mandatory requirements of this schedule also apply.*

**Permit requirements**

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.*

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, 54.03-5, 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 and should meet all of the standards of Clauses 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1 and 54.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay.

An application to construct a building or construct or carry out works associated with two or more dwellings on a lot or a residential building:

- Must comply with Clause 55.01.
- Must meet all of the objectives and should meet all of the standards of Clause 55.02, 55.03-2, 55.03-5, 55.03-6, 55.03-7, 55.03-8, 55.03-9, 55.03-10, 55.04-3, 55.04-4, 55.04-5, 55.04-5, 55.04-7, 55.04-8, 55.05, 55.06-1, 55.06-3, 55.06-4,.
- Must meet the objectives and should meet all of the standards of Clause 55.03-1, 55.03-3, 55.03-4, 55.04-1, 55.04-2 and 55.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay.

A permit is required to construct a fence if:

- The fence has a height greater than 1.8 metres.
- The fence is constructed of fibro cement sheet materials.
- The fence abuts a road and has a height of 1.5 metres or more.
- The fence abuts a road and less than 70% of the total fence structure is open or transparent.

## General requirements

The following requirements apply, as appropriate, to all applications for buildings and works and can be varied with a permit.

- 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 Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge.
- A building must be setback as shown in Table 1 below.

**Table 1**

Lot size	Existing conditions	Minimum setback from road frontage	Minimum setback from side road boundary	Minimum setback from a side or rear boundary
More than 2,500 square metres	A lot with a frontage of 30 metres or more.	15 metres*	10 metres	10 metres or at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres.
More than 2,500 square metres	A lot with a frontage of less than 30 metres.	15 metres*	7.5 metres	7.5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 2,500 square metres but more than 1,500 square metres	Any	15 metres*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 1,500 square metres	There is an existing building on an abutting lot facing the same street.	At least the same distance as the setback of the front wall of the existing building on the abutting lot or 7.5 metres, whichever is greater.*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.

Lot size	Existing conditions	Minimum setback from road frontage	Minimum setback from side road boundary	Minimum setback from a side or rear boundary
Less than 1,500 square metres	There are existing buildings on both abutting lots facing the same street.	At least the same distance as the average distance of the setbacks of front walls of the existing buildings on the abutting lots, or 7.5 metres, whichever is greater.*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 1,500 square metres	There are no buildings on abutting lots facing the same street.	7.5 metres*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.

*\*Any garage, carport or outbuilding must be located no further forward on a lot than the dwelling on the same lot.*

- 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. 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.
- 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.
- 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.
- Site coverage must comply with Table 2 below.

**Table 2**

Precinct	Maximum site area covered by all buildings on the lot	Maximum site area covered by all buildings and any other impervious surfaces on the lot
Precinct 1 or 2	10 %	20 %
Precinct 3 or 4	15 %	25 %

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 applications for buildings and works and cannot be varied with a permit.

#### ***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
- 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***

A lot must not contain any more than one dwelling. This does not apply to any of the following:

- A lot that has potential for subdivision in accordance with the minimum subdivision area specified in this Schedule where the number of dwellings to be contained by the lot would not exceed the number of lots that may be so created.
- An application that meets all of the following requirements:
  - The lot must be at least 2,600 square metres in area.
  - The lot must contain only two dwellings, including any existing or proposed dwellings.

- One of the dwellings must have a floor area of 100 square metres or less.
- The two dwellings must be substantially attached and designed to appear as if they were only one dwelling on the lot.
- The two dwellings must share a single crossover.
- The total site coverage of all buildings, including garages and other outbuildings, must not exceed 15% of the total lot area for any lot located in precinct 1 or 2, or 20% of the total lot area for any lot in precinct 3 or 4.
- This provision must not have been previously applied to any of the land involved in the application.
- A section 173 Agreement must be created to prevent the subdivision of the subject land. The agreement must be registered on title.

Except for the single crossover requirement, these requirements cannot be varied with a permit.

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#### Subdivision

The minimum area of any lot within a subdivision must be not less than 2000 square metres and each lot must be able to contain a rectangle with a minimum dimension of 25 metres x 35 metres.

These requirements cannot be varied with a permit, except for applications proposing 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.
- A subdivision of land that contains two or more dwellings that lawfully existed at the approval date of Mornington Peninsula Planning Scheme Amendment C162, 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.

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

**Reference document**

The Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006 contained in Appendix 4 to Mt Eliza Woodland Neighbourhood Character Study Report, Planisphere October 2006.