

20/09/2019
C124fran**SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO5**.

FRANKSTON METROPOLITAN ACTIVITY CENTRE PRECINCT 5 – NEPEAN HIGHWAY BOULEVARD & KANANOOK CREEK PRECINCT**1.0**20/09/2019
C124fran**Design objectives**

Encourage development along the Nepean Highway Boulevard that is responsive to its role as a gateway to the City Centre and consistent with the visions and objectives of the Frankston Metropolitan Activity Centre Structure Plan, May 2015.

Provide for a range of commercial and residential uses that complement the mixed-use function of the precinct with housing provided at increase densities, particularly at upper levels throughout the precinct.

Ensure development respects the environmental qualities and amenity of Kananook Creek through appropriate siting, site coverage, fencing and landscaping.

Encourage building interfaces that promotes surveillance of adjoining streets through activated frontages.

Ensure that the location and design of car parks, loading bays and services areas promotes active street frontages, does not dominate public spaces and supports safe use and access.

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C124fran**Buildings and works**

A permit is not required to:

- Construct a building or construct or carry out works associated with one dwelling on a lot located within sub-precinct A provided the requirements of Table 1 and 2 have been met.
- Construct a building or construct or carry out works associated with one dwelling on a lot located within sub-precincts B, C, D, E and F.

A permit cannot be granted to construct or carry out works which varies the mandatory rear setbacks specified in Table 2 of this Schedule.

The following building and works requirements apply to an application to construct a building or construct or carry out works:

- Buildings and works should comply with the requirements specified in Tables 1, 2 and 3 of this Schedule.
- Building facades should be articulated through the design of openings, balconies, varied materials, recessed and projected elements, and revealing structural elements such as columns and beams. Lighter and less detailed materials should generally be used at upper levels.
- Building entries should directly front the street and be clearly defined and legible from the public realm.
- Developments where appropriate, should incorporate communal space for staff, residents and visitors.
- Encourage screening of basement or semi-basement parking from the street; and within Sub-precinct A, from Kananook Creek, to the satisfaction of the responsible authority.
- At grade car parking areas should be located away from street interfaces and not within front setbacks. Appropriate landscaping must be incorporated within at grade parking areas.
- Directional and promotional signage should be of appropriate scale and incorporated into the building design.

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- Within Sub-precincts A and F, a minimum of 30% of the site area should be permeable unless on-site stormwater runoff is managed through alternative methods such as green roofs, rain gardens and on-site bio-retention, to the satisfaction of the responsible authority.
- Within Sub-precinct A, development must respond appropriately to the sensitive residential, open space and Kananook Creek interface by:
 - Maintaining and enhancing the natural landscape character of the creek corridor, in which the topography of the creek and its banks, and a naturalistic corridor of canopy trees, are the dominant features in public views of the creek and its setting.
 - Minimising the visual intrusion of new development when viewed from paths, bridge crossings and public open space
 - Ensuring that all building elevations, materials, colours and finishes demonstrate a positive interface with Kananook Creek, its landscape and environmental character.
 - Minimising visual bulk and allow views to Kananook Creek and its vegetated corridor by providing space between buildings. This is met by complying with the setback requirements of Tables 2 and 3 of this schedule.
 - Setback development from the creek edge to protect the landscape, topography and vegetation as the dominant visual elements.
 - Ensuring public views of new development are filtered through vegetation and trees.
 - External materials visible from Kananook Creek should complement the landscape setting and be softened with indigenous screen planting where practical.
 - Ensuring development provides passive surveillance of public areas.
 - Create a new, high quality and visually permeable built form edge along the west side of Nepean Highway that provides visual links to Kananook Creek.
- Within Sub-precinct A, the following setback requirements apply:
 - Where a site abuts Kananook Creek or Kananook Creek Reserve, storeys above the lowest storey must be setback from the creek or reserve elevation a distance (from natural ground level) of at least the height of the storey immediately below or 3 metres (whichever is the greater). Private open space is permitted within this setback. Weather protection elements can protrude into this setback a maximum of 2 metres. Fin walls must allow for the sharing of views along the creek corridor.
 - Buildings should be setback at least 1 metre from each side boundary for the first 5 metres of the buildings that front to the street.
 - 4.5 metre wide deep soil zones should be provided adjacent to side boundaries for a minimum of 4.5 metres in length to the satisfaction of the responsible authority. Side boundary deep soil zones are not to encroach into the front street setback area.
 - For buildings of more than two storeys above natural ground level, the wall/s of the storey/s above the second storey must be setback from the wall/s of storey immediately below a minimum of 2.5 metres along the street frontage.
 - Where possible, buildings should be separated 9 metres to avoid overlooking.
- Within sub-precinct F the following setback requirements apply:
 - Buildings should be setback at least 1 metre from each side boundary for the first 5 metres of the buildings that front to the street.
 - 4.5 metre wide deep soil zones should be provided adjacent to side boundaries for a minimum of 4.5 metres in length to the satisfaction of the responsible authority. Side boundary deep soil zones are not to encroach into the front street setback area.

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- For buildings of more than two storeys above natural ground level, the wall/s of the storey/s above the second storey must be setback from the storey immediately below a minimum of 2.5 metres along the street frontage. Within Sub-precinct F this setback must be provided to the rear also. Balconies may encroach into this setback.
- Where possible, buildings should be separated 9 metres to avoid overlooking.
- Roof decks and their associated structures should not exceed the Preferred Maximum Building Heights specified in Table 1 of this schedule.
- A roof deck should:
 - Be designed and constructed of materials that integrate with the architectural style and form of the building.
 - Not include any permanent or moveable structure or element that will increase the visual bulk of the building, including pergolas, verandahs, shelters and storage areas.
 - Be setback on all sides at least 2 metres from the roof edge of the storey immediately below to minimise visual impact on all elevations.
 - Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings.
 - Be accessed by a structure that is designed and located to have minimal visual impact on all elevations, does not enclose any usable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
 - Be constructed so that the deck floor level is no greater than 1 metre above the lower ceiling face of the storey immediately below.

Table 1: Building heights

Sub-precinct	Preferred Maximum Building Height
A	12 metres
B	Podium: 12 metres Development above the podium should be setback a minimum 5 metres from the west, south and east boundaries Core: 26 metres
C	Podium: 12 metres Development above the podium should be setback a minimum 5 metres from the north, west and south boundaries Core: 38 metres
D	Podium: 12 metres Development above the podium should be setback a minimum 5 metres from the north, west and south boundaries Core: 26 metres
E	Podium: 12 metres

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Sub-precinct	Preferred Maximum Building Height
	Development above the podium should be setback a minimum 5 metres from the wall of the podium
	Core: 26 metres
F	12 metres

Table 2: Setbacks – Sub-precinct A

Preferred Street Setback	Preferred Side Setback	Mandatory Rear Setback
Minimum 5 metres for property boundaries abutting: <ul style="list-style-type: none"> ▪ Nepean Highway Minimum 3 metres for property boundaries abutting: <ul style="list-style-type: none"> ▪ Fiocchi Way ▪ Allawah Avenue 	At least one side should be setback a minimum: <ul style="list-style-type: none"> ▪ 2.5 metres for a wall height up to 7.40 metres; and ▪ The distance specified under Clause 55.04-1 for a wall height above 7.40 metres. All other side setbacks should be setback a minimum: <ul style="list-style-type: none"> ▪ 1 metre for a wall height up to 3.6 metres; and ▪ The distance specified under Clause 55.04-1 for a wall height above 3.6 metres. 	Where properties abut Kananook Creek Reserve: <ul style="list-style-type: none"> ▪ Minimum 5 metres from the rear boundary or to a surface level above the 1.7 metre AHD contour, whichever is greater. Where properties abut Kananook Creek: <ul style="list-style-type: none"> ▪ Minimum 10 metres from the 1.15 metre AHD contour (2 year Annual Recurrence Interval) or to a surface level above the 1.7 metre AHD contour, whichever is greater.

Table 3: Setbacks – Sub-precincts B – F

Sub-precinct	Preferred Street Setback	Preferred Side & Rear Setback
B	0 metres Development above 12 metres should be setback a minimum 5 metres from the west, south and east boundaries	0 metres to all boundaries other than the west (Kananook Creek Reserve) boundary which requires: <ul style="list-style-type: none"> ▪ Minimum 5 metres or to a surface level above the 1.7 metre AHD contour, whichever is greater.
C	0 metres Development above 12 metres should be setback a minimum 5 metres from the west, south and east boundaries	0 metres.
D	Minimum 3 metres for property boundaries abutting: <ul style="list-style-type: none"> ▪ Nepean Highway ▪ Fletcher Road 	0 metres.

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Sub-precinct	Preferred Street Setback	Preferred Side & Rear Setback
	<ul style="list-style-type: none"> ▪ O’Grady Avenue ▪ Evelyn Street <p>Development above 12 metres should be setback a minimum 5 metres from the north, west and south boundaries</p>	
E	<p>Minimum 5 metres for property boundaries abutting: Nepean Highway</p> <p>Minimum 3 metres for property boundaries abutting:</p> <ul style="list-style-type: none"> ▪ Rosella Street ▪ Sheridan Avenue ▪ Mereweather Avenue ▪ O’Grady Avenue ▪ Evelyn Street <p>0 metres for properties abutting:</p> <ul style="list-style-type: none"> ▪ Kiston Street. <p>Development above 12 metres should be setback a minimum 5 metres from any boundary that abuts a road.</p>	<p>0 metres.</p> <p>Where a lot abuts a residential zone, development above 12 metres should be setback a minimum 5 metres from an adjoining boundary.</p>
F	<p>Minimum 3 metres for property boundaries abutting:</p> <ul style="list-style-type: none"> ▪ Nepean Highway, other than 301 Nepean Highway where a 0 metre setback applies. ▪ Overton Road ▪ Ingliss Avenue ▪ Rosella Street 	<p><u>Rear Setback</u></p> <p>Where land abuts a residential use, a minimum of 4.5 metres applies.</p> <p>Where land abuts an industrial or commercial use, the requirements of Clause 55.04-1 apply.</p> <p><u>Side Setback</u></p> <p>The requirements of Clause 55.04-1.</p>

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Subdivision

None specified.

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Signs

None specified.

5.0

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Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A comprehensive site analysis and urban context report which demonstrates how the proposed buildings or works achieve the relevant built form principles, visions and objectives of the Frankston Metropolitan Activity Centre Structure Plan, May 2015. The urban context report should demonstrate how the development addresses:
 - a) Planning Policy Framework including the local policies, zone and overlay objectives.
 - b) The objectives and requirements of this Schedule.
 - c) Built form and character of adjacent and nearby buildings.
 - d) Heritage character of adjacent and nearby heritage places.
 - e) Microclimate including sunlight, daylight and wind effects on streets and public spaces.
 - f) Waste management.
 - g) Ground floor and lower level street frontages, including visual impacts and pedestrian safety.
 - h) Public infrastructure, including reticulated services, traffic and car parking impact.
- The following requirements should be demonstrated under point (c), (e) or (h) of the above:
 - Buildings on corner allotments should present as activated and articulated to the side elevation. Within Sub-precincts A, D, E and F landscaping should be provided within side setbacks.
 - Buildings maximise solar access by orientating buildings and associated open spaces to the north.
 - Utilities and services should not be located within the street frontage and must be screened.
- If in the opinion of the responsible authority a site analysis and urban context report, or any of the application requirements, is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether any variation to the preferred building height specified in Table 1 of this Schedule is consistent with the overall vision and objectives of the Frankston Metropolitan Activity Centre Structure Plan May 2015 including (but not limited to) the Built Form Principles which require the avoidance of visually dominant building forms adjacent to the city centre streets and public spaces, the retention of solar access to footpaths on the opposite side of street and public spaces and the avoidance of overshadowing and overlooking.
- Building height, building setback, and building form and design requirements specified in Section 2 of this schedule.
- Whether the use of materials, finishes and colours are appropriate.
- Whether compliance with the requirements of this schedule is achievable having regard to the size, shape, orientation and topography of the site and the location, type and condition of existing vegetation.
- The amenity impacts on any adjoining land particularly with respect to overshadowing, overlooking and visual bulk.
- The layout and appearance of areas set aside for car parking, ingress and egress, loading and unloading, and that the layout provides for the separation of vehicle and pedestrian movement.
- Whether appropriate passive surveillance of the streetscape and public spaces is achieved through building design and placement.
- Whether appropriate landscaping opportunities can be achieved.

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- Whether the proposal presents the potential for underdevelopment of sites through buildings that achieve a significantly lower built form than encouraged.
- Whether land should be consolidated to facilitate the creation of viable development sites.
- Whether the development has proper regard to the development potential of adjoining sites and the ability for future development to obtain reasonable solar access.
- The impacts of the development on the Kananook Creek and its environs.
- The visual impact of any proposed buildings and works when viewed from the Kananook Creek and adjacent public open space, walking paths and bridge crossings.

Map 1 to Schedule 5 of Clause 43.02: Nepean Highway Boulevard Sub-precincts

