

11/05/2017
C205**SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO7**.

LOW DENSITY - ENVIRONMENTAL**1.0**19/01/2006
VC37**Design objectives**

- To ensure that the design of low density subdivision and housing is responsive to the environment, landform, site conditions and character of areas. These are areas, generally on the periphery of townships, where more intensive settlement would adversely affect environmental features including streamlines, wetlands and bushland habitat areas or where other land use factors, including proximity to extractive industry sites, require a limited population density.
- To prevent the overdevelopment of sensitive areas resulting in environmental and landscape degradation.
- 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 where substantial vegetation cover is a dominant environmental and landscape feature, 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 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 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 landscapes.
- To maintain lots of sufficient area to provide for racehorse training establishments in association with residential use and to provide additional protection to the Balcombe Creek.
- To maintain the existing open landscape, which defines the Bittern township boundaries.

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 single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

A permit is not required to construct a fence.

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.

General requirements

- A building must:
 - have a maximum building height of 8 metres or less;
 - contain no more than 2 storeys above natural ground level; and,
 - if more than one storey, 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.
- 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.
- All buildings and works, including tennis courts and dams, must be setback at least:
 - 50 metres from the south side of Bungower Road, Somerville;
 - 50 metres from the west side of Lower Somerville Road, Somerville between Bungower Road and Golf Links Road;
 - 40 metres from the north side of Eramosa Road West, Somerville;
 - 25 metres from any other road frontage; and,
 - 10 metres from any other boundary
- A dwelling must not be located within 200 metres of an extractive industry site.
- 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.

3.0

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Subdivision

The average area of lots within a subdivision must be at least 2 hectares except that:

- The average area of lots within a subdivision between Frankston Flinders Road and Stony Point Road, north of Woolleys Road, Crib Point must be no less than 8 hectares.
- The average area of lots within a subdivision between Roberts Road and the Balcombe Creek, Mornington must be no less than 4 hectares.
- The average area of lots within a subdivision between Baldock Road, Bungower Road and the railway reserve, Mornington must be no less than 4 hectares.

Each lot must be able to contain a rectangle with a minimum dimension of 100 metres. Each lot must have a minimum area of 1 hectare. 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.

Battle axe lots must have a minimum frontage of 20 metres; shared by up to 4 lots with reciprocal access rights, unless the responsible authority is satisfied that safe and appropriate access can be achieved with a lesser frontage.

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.

4.0

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Decision guidelines

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

- The design objectives of this schedule.

MORNINGTON PENINSULA PLANNING SCHEME

- 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.
- The effect of any proposed subdivision or development, including demolition, on the heritage values of the site and of the local 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.
- 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.
- The maintenance of an appropriate separation between housing and extractive industry sites in accordance with buffer distances recommended by the Environment Protection Authority or Department of Natural Resources and Environment.