SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3

COAST AND LANDSCAPE DESIGN

1.0 Design objectives

- To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal villages, hillsides and clifftop areas.
- To avoid higher densities of development in areas subject to instability, erosion or potential fire hazard and to minimise the extent of required earthworks.
- 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 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 new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.
- To protect shared viewlines where reasonable and practical.
- To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Portsea Clifftop area and the Sorrento Heritage Precinct.
- 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 ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

2.0 Buildings and works

All buildings and works, including dwelling extensions and outbuildings, must meet the following requirements:

- All buildings and works are located on land with a slope of less than 20%.
- All buildings have a maximum wall height of 5.5 metres.
The difference between finished ground level and natural ground level as a result of excavation and filling does not exceed one metre and is properly battered or retained.

All buildings are located at least 10 metres from any public foreshore reserve or land within a Road Zone and at least 6 metres from any cliff edge.

The proposed setback of all buildings from any street boundary is the same or greater than adjoining development. Where adjoining lots are not developed the required minimum setback is 7.5 metres from a road frontage and 3 metres from any other street boundary.

No building containing more than one storey provides 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 consists of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.

All cladding and trim is 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% or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted.

The building does not consist of relocated buildings and moveable structures, including tramcars and the like.

Any fence has a maximum height of 1.8m, is located at least 6 metres from any foreshore reserve, cliff edge or cliff face and is not constructed of fibro cement sheet materials.

A permit may be granted to vary these requirements provided the responsible authority is satisfied that compliance is unreasonable or unnecessary and no loss of amenity will result from approval of the variation.

An application for permit to vary these requirements must be accompanied by:

- A site layout plan, showing existing and proposed buildings and outbuildings with overall dimensions, setbacks, easements and vehicular access ways clearly marked.
- Elevations of the proposed buildings including a street elevation, clearly indicating the external building materials and finishes to walls, roofs, windows, doors, balustrading and fences.
- A plan of the site and the adjacent premises, including setbacks of existing buildings from all property boundaries.
- A landscape plan, clearly indicating existing vegetation on the site, the extent of proposed vegetation removal and the type, density and location of trees and other vegetation to be planted.

No more than one dwelling, excluding a dependent relative unit, may be constructed on a lot. This requirement cannot be varied with a permit.

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.

New development must have a maximum building height of no more than 8 metres, except in the area located to the north of a boundary defined by Ellerina Road West, Ellerina Road, the Nepean Highway, Bittern Dromana Road and Disney Street, and must contain no more than 2 storeys above natural ground level, unless specifically stated in a plan approved under a schedule to the Development Plan Overlay.

These requirements do not apply to a dwelling for which there is a valid building approval at the approval date.
3.0 Subdivision

Where land is within a Residential 1 Zone, the average area of all lots within a subdivision must be no less than 1500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. 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.

Where land is within a Low Density Residential Zone each lot within a subdivision must have an area of least 4000 square 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 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.

4.0 Decision guidelines

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

- The design objectives of this schedule.
- Whether the proposed siting, height and design of buildings and works will be in keeping with the character and appearance of the area.
- 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, including demolition, on the heritage values of the site and of the local area, including those of the Sorrento Heritage Precinct.
- 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 on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, the responsible authority must be satisfied that the proposed subdivision or development will be able to treat and contain all effluent onsite and will not result in the contamination of ground water, in accordance with State Environment Protection Policies. Applicants may be required to submit a report from a suitably qualified person to demonstrate the ability of the proposed subdivision or development to meet this requirement.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.