

### **43.05**

19/01/2006  
VC37

## **NEIGHBOURHOOD CHARACTER OVERLAY**

Shown on the planning scheme map as **NCO** with a number.

### **Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

### **43.05-1**

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## **Neighbourhood character statement and objectives**

A schedule to this overlay must contain:

- A statement of the key features of the neighbourhood character.
- The neighbourhood character objectives to be achieved for the area affected by the schedule.

### **43.05-2**

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## **Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - The construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
  - The construction or extension of an outbuilding normal to a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Demolish or remove a building if specified in a schedule to this overlay.
- Remove, destroy or lop trees if specified in a schedule to this overlay. This does not apply:
  - To a tree that is less than 5 metres in height or has a trunk circumference of less than 0.5 metre measured 1 metre above ground level.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
  - If the tree presents an immediate risk of personal injury or damage to property.
  - If the removal, destruction or lopping of the tree is necessary for emergency access and emergency works by a public authority or municipal council.

### **43.05-3**

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## **Modification to Clause 54 and Clause 55 standards**

A schedule to this overlay may modify:

- The requirements of any standard of Clause 54, including any requirements specified in the schedule to the Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone or Township Zone. This does not apply to Standards A1, A12, A13, A14 and A16 of Clause 54.

- The requirements of any standard of Clause 55, including any requirements specified in the schedule to the Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone or Township Zone. This does not apply to Standards B1, B2, B3, B4, B19, B20, B21 and B27 of Clause 55.

#### **43.05-4 Exemption from notice and review**

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An application under this overlay for any of the following classes of development is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Demolition or removal of an outbuilding normal to a dwelling.
- Construction of a swimming pool.

#### **43.05-5 Decision guidelines**

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Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The statement of the key features of the neighbourhood character and the neighbourhood character objectives contained in a schedule to this overlay.
- Whether the location, layout and form of the proposed development respects the neighbourhood character.
- The contribution that the existing building makes to the neighbourhood character.
- Whether the site is to remain vacant or is to be developed for another purpose.
- The contribution that the tree makes to the neighbourhood character.
- The health of the tree.
- Any proposed landscape improvements.
- Any matter specified in a schedule to this overlay.

**Notes:** *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of the land.*

*Check the requirements of the zone which applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*

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**DRAFT SCHEDULE 8 TO THE NEIGHBOURHOOD CHARACTER OVERLAY**

Shown on the planning scheme map as **NCO8** – not available.

**DRAFT HIGHETT NEIGHBOURHOOD CHARACTER PRECINCT**

**1.0 Statement of neighbourhood character**

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The preferred neighbourhood character for the Precinct includes an eclectic mix of building styles and ages that differs from those in the surrounding residential areas. While the industrial past of the area is reflected in elements of siting and building design, overall, there is an improved interface with the surrounding residential area. Some residential development is provided within recycled commercial or industrial buildings, but where this occurs, improvements to building facades, vehicular access and landscaping assist in providing a more consistent and attractive streetscape. Where total redevelopment occurs, the style of new buildings is more closely aligned with the character of the traditional suburban surrounds. Contemporary townhouses reflect the surrounding character through building form, the use of materials and landscaped setbacks.

**2.0 Neighbourhood character objectives**

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To improve the interface between former industrial areas and the surrounding traditional residential areas.

To create more consistent and attractive streetscapes through improvements to existing building facades.

To encourage a building form and style more closely aligned with the character of the traditional suburban surrounds.

To encourage townhouse style medium density housing development that reflects the surrounding character through building form and the use of materials.

To allow setbacks from front, side and rear boundaries that reflect the existing pattern of setbacks, where appropriate.

To ensure that all setbacks are well landscaped.

**3.0 Permit requirement**

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A permit is required to construct or extend an outbuilding normal to a dwelling.

**4.0 Modification to Clause 54 and Clause 55 standards**

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STANDARD	MODIFIED REQUIREMENT
<b>Street setback A3 and B6</b>	Buildings should be setback a minimum of 6 metres from any street boundary.  Where existing buildings are located within 6 metres of the street boundary, upper levels should be recessed from the ground level façade to a distance of at least 6 metres.
<b>Site coverage A5 and B8</b>	Where existing buildings are to be re-used, increase the permeable area available on-site for landscaping, and do not increase the building site coverage.  In a new development, the building site coverage should not exceed

STANDARD	MODIFIED REQUIREMENT
	60%.
<p><b>Landscaping</b> <b>A8 and B13</b></p>	<p>Where buildings (new or existing) are set back from the street frontage or sideage, provide garden areas and include substantial vegetation within the setback area.</p> <p>Consider the use of more innovative landscaping options such as planter boxes, climbers, creepers on boundaries with no or minimal front, side or rear boundary setbacks.</p> <p>Provide balconies and outdoor courtyards with space for vegetation that may be visible from the street.</p>
<p><b>Side and rear setbacks</b> <b>A10 and B17</b></p>	<p>Where there are no abutting buildings, a new building not on or within 150mm of a boundary should be set back from side and rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>
<p><b>Walls on boundaries</b> <b>A11 and B18</b></p>	<p>Where there are no existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot.</p> <p>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, a new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary more than:</p> <ul style="list-style-type: none"> <li>• The length of the existing or simultaneously constructed walls or carports, or</li> <li>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, whichever is the greater, and</li> <li>• The height of the existing building abutting the boundary.</li> </ul>
<p><b>Access</b> <b>B14</b></p>	<p>Remove existing excessive width vehicular crossings and provide standard residential crossover widths.</p> <p>Provide no more than one vehicular crossover per typical residential site width street frontage or sideage.</p>
<p><b>Parking location</b> <b>B15</b></p>	<p>Minimise hard paving in front and side setbacks, and remove existing car parking in front setback areas.</p> <p>Locate car parking spaces, garages and car ports to the rear or side of the building.</p>

STANDARD	MODIFIED REQUIREMENT
<p><b>Design detail</b> <b>A19 and B31</b></p>	<p>The design of new buildings, including:</p> <ul style="list-style-type: none"> <li>• Façade articulation and detailing;</li> <li>• Materials and colours;</li> <li>• Roof form and pitch,</li> </ul> <p>should respect the preferred neighbourhood character of the area.</p> <p>Where existing buildings are proposed for re-use:</p> <ul style="list-style-type: none"> <li>• And are located within 6 metres of any street frontage, recess upper levels from the ground level façade to a distance of at least 6 metres.</li> <li>• Utilise finishes and colours to reflect nearby residential areas.</li> </ul> <p>Consider the retention of facade features and roof forms, such as large warehouse windows and saw tooth roof forms that reflect the previous use.</p> <p>Design garage doors and car parking structures to integrate with the building colours and materials.</p>
<p><b>Front fences</b> <b>A20 and B32</b></p>	<p>Provide an open frontage or a low or permeable residential style front fence.</p> <p>Consider the use of vegetation as an alternative to fencing.</p>

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**Decision guidelines**

Before deciding on an application, the Responsible Authority must consider as appropriate:

- The extent to which any buildings or works assist in reflecting and protecting the preferred neighbourhood character of the area.
- Whether any new building or alterations to an existing building provide adequate street frontage and sideage setbacks to reflect the predominant pattern in nearby residential areas.
- Whether the proposal includes sufficient landscaping.

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**Reference**

Bayside Highett Neighbourhood Character Review, Draft August 2010