

10/10/2013  
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## SCHEDULE 1 TO THE NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as **NCO1**.

### THE SETTLEMENTS OF AIREYS INLET, FAIRHAVEN AND MOGGS CREEK

#### 1.0 Statement of neighbourhood character

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The settlements of Aireys Inlet, Fairhaven and Moggs Creek are characterised by low building densities and large blocks, having a distinctive non-suburban coastal character with much of the public and private realm enjoying views of the surrounding natural features. The built form is nestled within a cover of native vegetation which varies between Eucalyptus woodland, heathland and coastal scrub. Buildings, whether of one or two storeys, are generally low in profile, screened by vegetation and contained below the tree canopy, and sit within the landscape (e.g. are stepped down the slope); have warm, earthy, muted and subdued colour schemes that blend with the natural surroundings; have a lightweight, airy appearance with use of natural materials (e.g. timber), open glazing and simple architectural design; have small footprints, minimal hard surface areas and are set back generous distances from boundaries. Many properties have no boundary fences and where fencing does exist it is generally limited to post and wire. Most driveways and roads are gravel and have an informal appearance which is complemented by vegetation within the road reserve and on private and public land. Streets have minimal street lights and minimal kerb and channelling.

The preferred neighbourhood character for these settlements is based on these existing characteristics.

#### 2.0 Neighbourhood character objective

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- To preserve and enhance the low scale, low density, vegetated character of the settlements of Aireys Inlet, Fairhaven and Moggs Creek.
- To ensure that applications for more than one dwelling can be subdivided in accordance with the subdivision requirements of ~~the DDO10~~ Schedule 10 to the Design and Development Overlay (Clause 43.02).
- To ensure that development presents an inconspicuous profile against the landscape setting, allowing the landscape to remain the key feature of the settlements, particularly where the vegetation canopy height is low and/or a site is prominently located.
- To ensure that buildings are sited and designed to avoid protruding over or above ridgelines or form a silhouette against the sky when viewed from the Great Ocean Road or any other significant viewing point, including the lighthouse, Eagle Rock Bluff and Painkalac estuary and valley.
- ~~▪ To require adequate setbacks from boundaries to retain space around buildings and to provide sufficient room for landscaping to the front and side of a development so it appears to be 'nestled in the trees'.~~
- To encourage building design that respects and contributes to the low scale coastal character and environmental and landscape values of the settlements, with an emphasis on small footprints, large setbacks, a coastal design and avoidance of visual bulk.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of native vegetation and to retain a sense of space around buildings.
- ~~▪ To provide sufficient land, free of buildings and hard surfaces, in order to sustain vegetative screening that better integrates built form within the landscape.~~
- To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Split Point Lighthouse, the Painkalac valley and natural bushland in the hinterland.
- To safeguard the landscape values of the lighthouse when viewed from beyond the site; and ensure that development does not dominate or compete with the prominence of the lighthouse within the immediate landscape.

- To protect the visual amenity of the mouth of the Painkalac Creek and retain the established single storey character.
- To encourage buildings that relate to, and blend with, the natural surroundings through the use of natural, lightweight materials, with colour schemes that are warm, natural and earthy and roofs that are clad in a non-reflective material and colour.
- ~~▪ To encourage roofs that are clad in a non reflective material and colour.~~
- ~~▪ To discourage solid fencing.~~
- To discourage the establishment of recreational structures such as tennis courts and swimming pools that prevent long term enhancement of the vegetation cover and the illumination of existing structures.
- To encourage ~~streets and~~ accessways and other infrastructure that have an informal, non-suburban, vegetated appearance, with minimal artificial lighting.

### 3.0 Permit requirement

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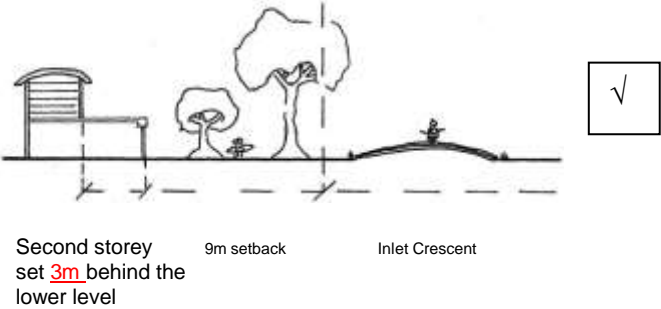
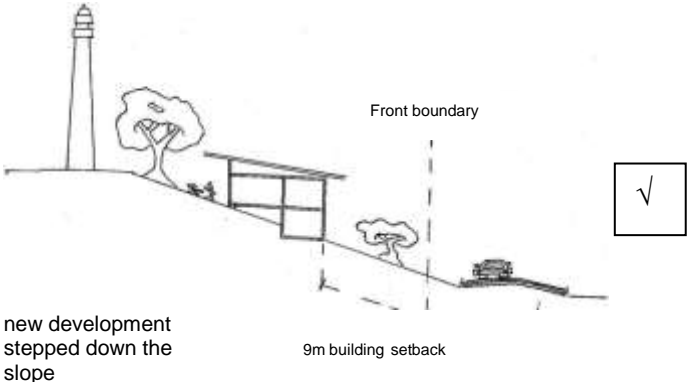

A permit is required to:

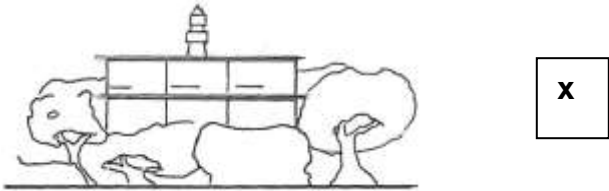
- Construct an outdoor swimming pool associated with a dwelling.
- Construct or extend an outbuilding normal to a dwelling.

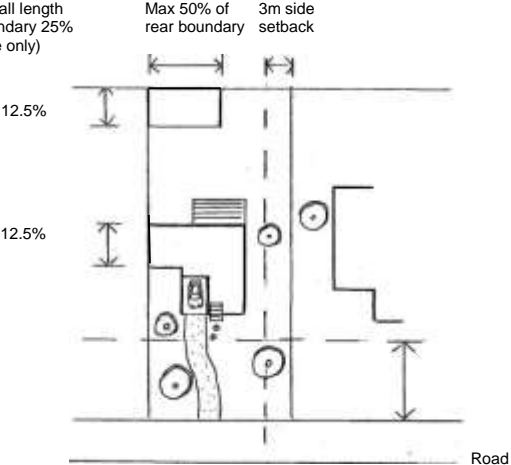
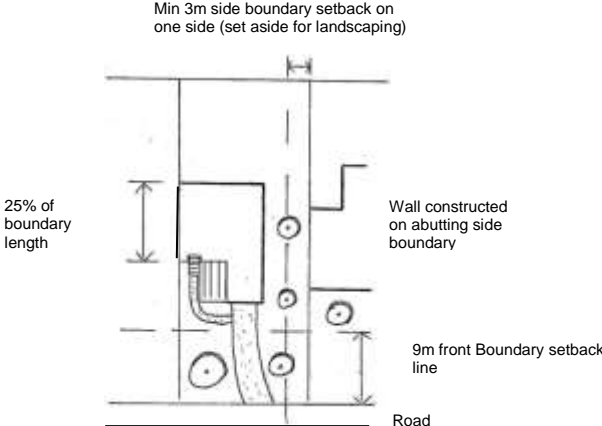
### 4.0 Modification to Clause 54 and Clause 55 standards

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Standard	Modified Requirement		
A3/B6	<b>STREET SETBACK</b>		
	Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.		
	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
	There is an existing building on both the abutting lots facing the same street, and the site is not on a corner.	9 metres.	Not applicable
	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	9 metres.	Not applicable

Standard	Modified Requirement		
	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	9 metres.	Not applicable
	The site is on a corner.	9 metres from the front street.	6 metres from the side street.
A4/B7	<p><b>BUILDING HEIGHT</b></p> <p>The maximum building height should not exceed 7.5 metres.</p> <p>Buildings should be stepped down the slope on steep sites.</p> <p><i>The following requirements apply to land within the precincts shown on Map 1 of this Schedule.</i></p> <p><b>Precinct 1</b></p>  <p>Second storey set 3m behind the lower level      9m setback      Inlet Crescent</p> <p>The second storey <del>is to</del> should be set back a minimum of 3 metres behind the lower storey on lots located within Precinct 1.</p> <p><b>Precinct 2</b></p>  <p>new development stepped down the slope      9m building setback</p> <p>Buildings should be stepped down the site following the contour, on lots located within Precinct 2.</p> <p><b>Precinct 3</b></p>  <p>Buildings should be recessive adjacent to the lighthouse, on lots located within Precinct 3.</p> <p><b>Precincts 2 and 3</b></p>		

Standard	Modified Requirement
	 <p data-bbox="544 501 1359 562">New development located in <b>Precincts 2 and 3</b> is not to dominate or compete with views of the lighthouse.</p>
<p data-bbox="395 633 469 658"><b>A5/B8</b></p>	<p data-bbox="544 633 746 658"><b>SITE COVERAGE</b></p> <p data-bbox="544 674 1359 734">The site area covered by buildings should not exceed 30%, or 35% where the percentage of building exceeding 30% is unroofed deck only.</p> <p data-bbox="544 750 1359 810">The gross floor area of all buildings should not exceed a plot ratio of 0.4 of the site area.</p> <p data-bbox="544 826 1050 851">The calculation for <i>site area</i> should not include:</p> <ul data-bbox="544 866 1359 949" style="list-style-type: none"> <li data-bbox="544 866 1294 891">▪ land common to, or in shared use between, two or more dwellings.</li> <li data-bbox="544 898 1359 949">▪ land providing vehicular access to a rear dwelling, such as in a battle-axe lot.</li> </ul>
<p data-bbox="395 969 480 994"><b>A8/B13</b></p>	<p data-bbox="544 969 975 994"><b>SIGNIFICANT TREES/LANDSCAPING</b></p> <p data-bbox="544 1010 1359 1099">The siting of new buildings should provide for the retention of existing vegetation and provide adequate space on site for the planting of new indigenous shrubs and trees.</p> <p data-bbox="544 1115 1359 1272"><del>At least 60% of the site area should be available for the planting of vegetation (excludes driveways, paving, decks, swimming pools and tennis courts). The site area covered by any hard surfaces including pervious surfaces such as gravel, paving, swimming pools and tennis courts, should not exceed 40% in order to provide adequate space for vegetation.</del></p>
<p data-bbox="395 1294 491 1319"><b>A10/B17</b></p>	<p data-bbox="544 1294 879 1319"><b>SIDE AND REAR SETBACKS</b></p> <p data-bbox="544 1335 1359 1458">A new building should be setback at least 3 metres from side and rear boundaries.<del>Where a lot has a boundary width of 14 metres and less or where it can be demonstrated that a 3 metre setback from all boundaries cannot be achieved due to site constraints, the following standards apply:</del></p> <p data-bbox="544 1473 1359 1641"><del>A new building may be set back from side or 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; and at least 3 metres from one side boundary, which shall be set aside for landscaping.</del></p>
<p data-bbox="395 1664 496 1688"><b>A11/B18</b></p>	<p data-bbox="544 1664 847 1688"><b>WALLS ON BOUNDARIES</b></p> <p data-bbox="544 1704 1214 1729">A new wall should not be located on side and rear boundaries.</p> <p data-bbox="544 1744 1359 1839">Where a lot has a boundary width of 14 metres or less or where it can be demonstrated that walls on boundaries cannot be avoided due to site constraints, the following standards apply:</p> <p data-bbox="544 1854 895 1879"><b>Length of walls on boundaries</b></p> <p data-bbox="544 1895 1359 1984">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:</p> <ul data-bbox="544 2000 991 2056" style="list-style-type: none"> <li data-bbox="544 2000 991 2024">▪ 25 per cent of one side boundary, and</li> <li data-bbox="544 2031 927 2056">▪ 50 per cent of the rear boundary</li> </ul>

Standard	Modified Requirement
<p><b>A11 / B18 (continued)</b></p>	<p>as shown in Diagram 1.</p> <p>Maximum wall length on side boundary 25% (on one side only)</p> <p>Max 50% of rear boundary</p> <p>3m side setback</p>  <p>Diagram 1</p> <p><b>Location of walls on boundaries</b></p> <p>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 more than:</p> <ul style="list-style-type: none"> <li>▪ one side boundary, and</li> <li>▪ one rear boundary.</li> </ul> <p>Where there is a wall constructed on the boundary of an abutting lot a new building should be setback at least 3m from that boundary as shown in Diagram 2.</p> <p>Min 3m side boundary setback on one side (set aside for landscaping)</p>  <p>Diagram 2</p>
<p><b>A19 / B31</b></p>	<p><b>DESIGN DETAIL</b></p> <p>In addition to the attributes in clause 54.06 and 55.06:</p> <ul style="list-style-type: none"> <li>▪ The design of buildings should reflect the preferred neighbourhood character attributes, including: <ul style="list-style-type: none"> <li>▪ Landscape setting</li> <li>▪ Building massing</li> <li>▪ Height</li> <li>▪ Colours, materials and finishes</li> </ul> </li> </ul>

Standard	Modified Requirement
	<ul style="list-style-type: none"> <li>▪ Space around buildings and setbacks</li> <li>▪ <u>Buildings should display a coastal style of architecture appropriate to the locality.</u></li> <li>▪ <u>Any new undercover or enclosed car parking space should be sited behind the front wall of the dwelling.</u></li> </ul>

## 5.0

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### Decision guidelines

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

#### *Building setbacks*

- Whether the building setbacks are adequate to achieve a sense of space around buildings and to retain native vegetation.
- Whether the front setback is consistent with the prevailing setback of other buildings in the street.
- Whether the minimum street setback should be reduced to preserve vegetation, address topographical site constraints (eg steep slope) or retain views of significant features that might otherwise be lost due to the siting of neighbouring dwellings. Whether it is reasonable to vary a building setback to avoid or minimise the removal of native vegetation, address topographical or physical site constraints (e.g. slope, site dimensions) or retain views of significant landscape features from surrounding properties.
- Whether it is reasonable to allow minor encroachments of building elements such as sunblinds, shade sails, verandahs, porches, pergolas, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, heating and cooling equipment and small garden sheds into the required minimum side and rear setbacks.
- The visual impact of the building when viewed from the street or adjoining properties.
- The setbacks of any existing buildings on the site.
- Whether an approved building or habitation envelope provides for a reduced setback from any boundary.

#### *Building height*

- Whether a lower building height is required so that the building does not in order to meet the landscape character objectives, particularly where a building would protrude above the tree canopy or protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or other significant viewing point.
- Whether a higher/greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking, overshadowing or visual bulk on steeply sloping land will be in keeping with the landscape character of the area having regard to the proportioning and bulk of building.
- Whether buildings have been designed to step down the slope on steep sites to reduce overall building height and bulk.

#### *Site coverage*

- Whether a lesser site coverage is required to avoid and/or minimise the removal of native vegetation.
- Whether the maximum site coverage and plot ratio for an existing lot having with an area less than 550sqm should be varied where the objectives of the schedule can still be met.

#### *Design detail*

- Whether the building evokes a coastal design that is sympathetic to the local character.
- Whether buildings have a lightweight appearance and provide visual interest through articulation, glazing, verandahs, balconies, eaves and variation in materials and textures.

- The need to strongly discourage suburban looking buildings and historic replicas.
- The need to encourage the use of building colours that are subtle, neutral, muted and unobtrusive to assist in visually blending the building with the surrounding natural landscape.
- Whether areas for car parking and vehicle access are visually recessive and minimise the loss of space for the retention and/or planting of vegetation by:
  - recessing carports or garages behind the front facade of the dwelling;
  - ensuring crossovers are located to retain established street trees and other significant roadside vegetation;
  - requiring the use of informal, permeable surfaces for driveways and parking areas rather than hard, impervious surfaces such as concrete, where practical;
  - encouraging the use of shared driveways in multi-dwelling developments.

Recreational structures

- Whether swimming pools are integrated with the design of the dwelling and meet the objectives of this schedule.
- Whether private recreational structures such as tennis courts and swimming pools would compromise long term enhancement of the vegetation cover.

**Map 1 of Schedule 1 to Clause 43.05 - Lighthouse & Estuary Precinct Plan**

