

23/07/2009
C74**SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO8****Note:** shaded text indicates proposed changes.

Comment [LC1]: DDO8 vs MSS : Strategies for Housing, Built form and neighbourhood character, environmental and landscape issues, etc, are all to be implemented by zone and overlay requirements – hence overlays and DDO8 in particular is where the specific mandatory clauses need to apply to avoid the exercise of discretion and endless expensive arguments at council and VCAT.

In this case, clause 21.05 is a policy, not an overlay. An overlay contains specific quantifiable requirements that can be discretionary or mandatory. A policy is a strategic statement that contains un-quantifiable variability.

"Residential developments must be well designed, site responsive" Well-designed to what standards? Responsive to what degree and to which site parameters?

"Future development in this precinct must: provide for contemporary architecture; achieve high design standards....." Again, you can't specify these issues – contemporary to what degree? Which style of modern architecture? Which design standards?...

So not worth focussing as much about the detail in 21.05 (the sub-precincts discussed on p3 are covered specifically by DDO8). Detail needs to all be in DDO8.

Comment [LC2]: Most Main Rd zones have only one row before adjoining to a two storey zone. Overbearing, and overshadowing will be major issues, that need firm rules, and special consideration. SEE Maps.

Comment [LC3]: bulkiness can only be measured against what is there.

1.008/03/2007
C50**Design objectives**

- To increase residential densities and provide a range of housing types around activity centres and along main roads.
 - To ~~(encourage)~~ **ensure** development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
 - To ~~(encourage)~~ **support** three storey, ('apartment (style'),) developments within the Main Road sub-precinct and on larger lots in sub-precinct A, ~~other than cul-de-sacs, and minor streets.~~
 - To ~~(encourage)~~ **support** two storey townhouse style dwellings with a higher yield within sub-precinct B.
 - To ensure three storey developments are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone, as identified on Map 1 to this Schedule.
 - Higher developments on the perimeter of sub-precinct A ~~(should)~~ **must** be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other ~~adjoining zone,~~ as identified on Map 1 to this Schedule.
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- To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the ~~(preferred)~~ **existing** neighbourhood character.
 - To ensure the scale, height and form of three storey developments are sufficiently stepped down at the perimeter of sub-precinct A to provide an appropriate and attractive interface to sub-precinct B, or other adjoining zone, as identified on Map 1 to this Schedule. – ***DOT POINT TO BE DELETED AND REPLACED WITH MODIFIED WORDING AS SHOWN IN DOT POINT 5 ABOVE. TO BE AMENDED***
 - To ~~(encourage)~~ **ensure** that the spacing between developments ~~(to minimise)~~ **does not present** a continuous building line when viewed from a street.
 - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
 - To ensure overlooking into adjoining properties is ~~(minimised)~~ **compliant with the Rescode overlooking standard & avoided by the use of, for example, glazed windows..**
 - To ensure the design of carports and garages complement the design of the **associated** building.
 - To ensure the design of basement car parks complement the design of the building, ~~(minimises)~~ **eliminates** unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
 - To create a boulevard effect along Doncaster Road and Manningham Road by planting canopy trees within the front setback that are consistent with the street trees. – ***WORDING 'that are consistent with the street trees' IS TO BE DELETED FROM THIS DOT POINT TO BE AMENDED***
 - **A landscape plan is to accompany applications to** ~~(To encourage)~~ **ensure** landscaping around buildings enhances separation between buildings and soften built form.

2.0

23/07/2009
C74

Buildings and works

Permit requirement

A permit is not required to construct or extend one dwelling on a lot more than 500 square metres.

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Building Height & Setbacks

Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.

Table 1 to Schedule 8

Sub-Precinct	Maximum Building Height	Condition regarding minimum lot size.	Street Setback
Main Road	11 metres three stories provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, (unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum building must not exceed 10 metres.)	1800 square metres or greater.	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 54.03-1 or 6* metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6* metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.

Balconies, terraces, and verandahs may encroach within this setback by a maximum of 2.0m, but must not extend along the width of the building. , no more than 30 % of any side.

- Sub-precinct - Main Road** is an area where three storey (11 metres) 'apartment style' developments are allowed on consolidated lots with a minimum area of 1800m². Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.

A permit cannot be granted to vary the minimum lot size specified in Table 1 to this Schedule.

A permit cannot be granted to vary the maximum height size specified in Table 1 to this Schedule.

Comment [LC4]: Copied from the MSS as this detail needs to be stated in the DD08 to be enforceable. DD08 vs MSS : In this case, clause 21.05 is a policy, not an overlay. An overlay contains specific quantifiable requirements that can be discretionary or mandatory. A policy is a strategic statement that contains un-quantifiable variability.

Comment [LC5]: Town Planner Recommendation - A standard mandatory clause should also be included after the list of requirements under Form; Car parking & Access; landscaping; and fencing - IF you want the requirements listed under those headings to actually mean what they say.

Remember, the current DD08 already says "must" all the way through but doesn't contain the mandatory clause so those words aren't worth much. All the little changes you're making will amount to 0 unless the requirements are mandatory. As I said - the only way to protect/strengthen these requirements is to make them as mandatory as possible and the simplest way is to add the standard mandatory clause.

Comment [LC6]: In section 21.05-1 Precinct A small lots can only be two storeys. As such there is no need for 10 metres.

Table 2 to Schedule 8

Sub-Precinct	Maximum Building Height	Condition regarding minimum lot size.	Street Setback
A	11 metres three stories provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural	1800 square metres or greater.	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 54.03-1 or 6* metres, whichever is the lesser.

	ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum building must not exceed 10 metres.		<ul style="list-style-type: none"> Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6* metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.
Requested changes to this clause are further detailed in our SBS presentation .			
B	9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum building must not exceed 10 metres.		<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 54.03-1 or 6* metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6* metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.

* Balconies, terraces, and verandahs may encroach within this setback by a maximum of 2.0m, but must not extend along the width of the building. **no more than 30 % of any side.**

- Sub-precinct A** is an area where two storey units (9 metres) and three storey 'apartment style' development are allowed. Three storey, contemporary developments may only occur on consolidated sites with a minimum area of 1800m². The area of 1800m² must all be in the same sub-precinct. In this precinct, if a lot has an area less than 1800m², a multi-unit development proposal can still be considered, but development should be **a maximum of two storeys and have a maximum site coverage of 60%.**

Comment [LC7]: In section 21.05-1 Precinct B can only be two storeys. As such there is no need for 10 metres.

Comment [LC8]: Copied from the MSS as this detail needs to be stated in the DD08 to be enforceable. DD08 vs MSS : In this case, clause 21.05 is a policy, not an overlay. An overlay contains specific quantifiable requirements that can be discretionary or mandatory. A policy is a strategic statement that contains un-quantifiable variability.

Comment [LC9]: This is good, it needs to be consistent and referred to across all documents. It is clear in both heights and storeys.

Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B.

- **Sub-precinct B** is an area where single storey and two storey dwellings are encouraged. There is no minimum land area for such developments.

A permit cannot be granted to vary the minimum lot size specified in Table 2 to this Schedule.

A permit cannot be granted to vary the maximum height size specified in Table 2 to this Schedule.

Form

Development must:

- Provide visual interest through articulation, glazing and variation in materials and textures;
- Minimise buildings on boundaries to create spacing between developments.
- ~~(Where appropriate,)~~ Ensure ~~(that)~~ buildings are stepped down at the rear of sites to ~~(provide)~~ ensure an ~~(gradual)~~ acceptable transition to the scale of the adjoining residential area; - WORD 'gradual' TO BE DELETED.
- Ensure that the upper level of a two storey building provides ~~(adequate)~~ acceptable articulation to ~~(reduce)~~ avoid the appearance of visual bulk and ~~(minimise)~~ continuous sheer wall presentation.
- Ensure the upper level of a three storey building does not exceed 75% of the lower levels, ~~(unless it can be demonstrated that)~~ ensure there is sufficient architectural interest to reduce the appearance of visual bulk and ~~(minimise)~~ continuous sheer wall presentation. - EXISTING DOT POINT RE-WORDED
- Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.
- Be designed and sited to address slope constraints, including ~~(minimising)~~ eliminating views of basement projections and ~~(or)~~ minimising the height of finished floor levels and providing ~~(appropriate)~~ acceptable retaining wall presentation. - EXISTING DOT POINT RE-WORDED
- Be designed to ~~(minimise)~~ avoid overlooking and avoid the excessive application of screen devices.
- ~~(Seek)~~ Ensure design solutions ~~(which)~~ respect the principal of equitable access at the main entry of any building for people of all mobilities.
- Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.
- Ensure basement car parks are not visually obtrusive when viewed from the front of the site.
- Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.

A permit cannot be granted to (construct a building; construct or carry out works; subdivide land; etc) which is/are not in accordance with this requirement/these requirements.

Car parking and Access

Development must:

- Include only one vehicular crossover (~~, wherever possible,~~) to maximise availability of on street parking and to ~~(minimise)~~ avoid disruption to pedestrian movement. ~~(Where possible,)~~

Comment [LC10]: Town Planner Recommendation - A standard mandatory clause should also be included after the list of requirements under Form; Car parking & Access; landscaping; and fencing - IF you want the requirements listed under those headings to actually mean what they say.

Remember, the current DDO8 already says "must" all the way through but doesn't contain the mandatory clause so those words aren't worth much. All the little changes you're making will amount to 0 unless the requirements are mandatory. As I said - the only way to protect/strengthen these requirements is to make them as mandatory as possible and the simplest way is to add the standard mandatory clause.

Retain existing crossovers to (~~minimise~~) avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.

- Integrate car parking requirements into the design of buildings and landform by (~~encouraging~~) the use of undercroft or basement parking and (~~minimise~~) avoid the use of open car park/half basement/ground storey car parks at street frontage. – DOT POINT RE-WORDED AND MOVED ABOVE UNDER 'FORM' SECTION
- Ensure the setback of the basement car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. – DELETED AND REPLACED WITH FOLLOWING DOT POINT TO BE AMENDED
- Ensure the setback of the basement car park does not extend beyond the built form of the upper levels of the building in the front and rear setback.
- Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.
- Ensure basement car parks are not visually obtrusive when viewed from the front of the site. – DOT POINT MOVED ABOVE UNDER 'FORM' SECTION TO BE AMENDED
- Ensure basement car parks are sited an (~~sufficient~~) acceptable distance from site boundaries to enable the planting of effective screen planting, including canopy trees. – DOT POINT MOVED ABOVE UNDER 'FORM' SECTION
- Ensure that access gradients of basement car parks are designed appropriately to (~~provide~~) ensure for safe and convenient access for vehicles and servicing requirements. and comply with the parking standard AS/NZ2890.1:2004 as a minimum..

A permit cannot be granted to (construct a building; construct or carry out works; subdivide land; etc) which is/are not in accordance with this requirement/these requirements.

Landscaping

Development must:

- On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.
- On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.
- Provide opportunities for planting along side boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. Provide accessibility for maintenance.
- All landscaped vegetation must be viable without encroaching into adjoining properties

A permit cannot be granted to (construct a building; construct or carry out works; subdivide land; etc) which is/are not in accordance with this requirement/these requirements.

Fencing

A front fence must be at least 50 per cent transparent.

On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:

- not exceed a maximum height of 1.8m
 - be setback a minimum of 1.0m from the front title boundary
- and a continuous landscaping treatment within the 1.0m setback must be provided.

Comment [LC11]: Nominating this standard removes conflict with other standards, and this one is the most complete, covering all types of developments.

Comment [LC12]: Town Planner Recommendation - A standard mandatory clause should also be included after the list of requirements under Form; Car parking & Access; landscaping; and fencing -

Comment [LC13]: Very hard to specify landscaped dimensions without reference to an aboriginal standard – even the tree planting zone guidelines (See banyule) are only advisory. Really needs an extra clause 22 policy.

Comment [LC14]: Town Planner Recommendation - A standard mandatory clause should also be included after the list of requirements under Form; Car parking & Access; landscaping; and fencing -

A permit cannot be granted to (construct a building; construct or carry out works; subdivide land; etc) which is/are not in accordance with this requirement/these requirements.

Comment [LC15]: Town Planner Recommendation - A standard mandatory clause should also be included after the list of requirements under Form; Car parking & Access; landscaping; and fencing -

- new maps to be inserted-

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