

## **43.05 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 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 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 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, 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, 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**

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**

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.

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#### **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.*