



**MORNINGTON
PENINSULA**
Shire

MINUTES

PLANNING SERVICES COMMITTEE MEETING

MONDAY, 20 MAY 2019

7.00PM

**HASTINGS COMMUNITY HUB
1973 FRANKSTON-FLINDERS ROAD,
HASTINGS**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Rosie Clark Cr Bev Colomb Cr Sam Hearn
Cerberus	Cr Kate Roper
Nepean	Cr Hugh Fraser Cr Bryan Payne
Red Hill	Cr David Gill
Seawinds	Cr Simon Brooks Cr Antonella Celi Cr Frank Martin
Watson	Cr Julie Morris

EXECUTIVE TEAM

Mr John Baker Ms Jenny Van Riel Mr Mark Brady Ms Marnie Williams Mr Niall McDonagh Mr David Bergin	Chief Executive Officer Director – Communities Director – Corporate Services Director – Performance and Development Director – Place Director – Planning and Building
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AUDIO RECORDING

Please note that an audio recording of this Council Meeting will be made and be available on the Shire's website within seven days of the meeting.

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1 PROCEDURAL MATTERS

Appointed Chairperson – Cr Rosie Clark

Meeting opened at 7.05pm

Present

Deputy Mayor, Cr Rosie Clark (Chairperson)
Cr. Simon Brooks
Cr Antonella Celi
Cr Hugh Fraser
Mayor, Cr David Gill
Cr Julie Morris

1.1 Apologies

Cr Bev Colomb
Cr Sam Hearn
Cr Frank Martin
Cr Bryan Payne
Cr Kate Roper

1.2 Disclosure of Conflicts of Interest Pursuant to Section 79 of the *Local Government Act 1989*

Nil.

1.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Planning Services Committee held on 6 May 2019, be confirmed.

COMMITTEE DECISION

Moved: Cr Celi
Seconded: Cr Gill

That the recommendation be adopted.

Carried

2 STRATEGIC PLANNING REPORTS

2.1 Draft Neighbourhood Character Study and Guidelines (Exhibition)

Prepared By	Martin Chin, Senior Strategic Projects Planner
Authorised By	Director - Planning and Compliance
Document ID	A8697804
Attachment(s)	<ol style="list-style-type: none">1. Draft Neighbourhood Character Study and Guidelines, May 20192. Phase 1 Consultation Summary, March 2019

PURPOSE

This report seeks to present the draft Neighbourhood Character Study and Guidelines (draft Report) (Attachment 1) and seeks authorisation to place the draft Report and its companion Neighbourhood Character Study – Background Report (Background Report) (Attachment 2) and Phase 1 Consultation Summary (Summary) (Attachment 3) on public exhibition over a six-week period to invite feedback.

BACKGROUND

Providing housing diversity while retaining the valued elements that characterise a place is a well-established urban planning ideal that underpins several planning policies at both the State and local level. The Planning Policy Framework (PPF) of the recently reformed Victoria Planning Provisions, for instance, contains several policies that require the consideration of neighbourhood character. One notable example is Clause 15.01-5S Neighbourhood character, which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place by ensuring that development:

- Responds to and contributes to existing or preferred neighbourhood character; and
- Responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Pattern of local residential structure and subdivision;
 - Underlying natural landscape character and significant vegetation; and
 - Heritage values and built form that reflect community identity.

At the local level, Clause 21.07-2 Local area character seeks to reinforce the sense of place associated with each township and different areas within townships, recognising that this is one of the things that makes the Peninsula special and highly valued by residents and visitors.

The issue of protecting neighbourhood character is most clearly felt in the General Residential Zone areas that do not have any Design and Development Overlays (DDO) or where Schedule 1 of the DDO (DDO1) applies. DDO1 does not provide for subdivision controls even though it contains provisions that control building heights and external finishes and mandates the assessment of ResCode requirements for all new dwelling applications. Several recent Victorian Civil and Administrative Tribunal (VCAT) decisions strongly indicate an absence of a statement about existing or preferred neighbourhood character in the Shire's

2.1 (Cont.)

planning scheme, and the insufficiency of the Localised Planning Statement in protecting neighbourhood character due to its overly-broad directions.

A neighbourhood character study is therefore warranted having regard to these recent VCAT decisions and the benefits which the study would provide in relation to assisting Council and the community in understanding the preferred future development typologies envisaged in various parts of the Shire. To this end, the Shire appointed planning consultants from Ethos Urban to undertake the significant task of identifying and mapping the neighbourhood character precincts across the residential areas of the Mornington Peninsula, and preparing preferred future character statements and design guidelines for each identified precinct to guide future development (Attachment 1).

DISCUSSION

The Background Report

The Background Report provides a review of existing strategies (e.g. Plan Melbourne 2017-2050, the Shire's Housing and Settlement Strategy 2017, Beleura Hill Neighbourhood Character Study 2014, Mount Eliza Woodland Neighbourhood Character Study 2006 and the adopted structure plans of Mornington, Rosebud and Hastings) in the context of relevant State and local policies, a review of significant VCAT and Planning Panel decisions, and an identification of town-specific issues relating to:

- Existing conditions;
- Vegetation coverage;
- Lot analysis;
- Dwelling age;
- Demographics;
- Planning permits;
- Previous consultation;
- Existing built form frameworks; and
- Existing zone and overlays.

The Background Report also provides an outline of the site survey methodology, a discussion on the potential threats to each township, and a summary of key findings. The site survey, undertaken throughout December 2018 and January 2019, includes:

- A review of the existing DDOs and the Beleura Hill Neighbourhood Character Study precinct boundaries;
- A consideration of the areas identified during the initial public consultation process and Council officer workshop;
- A street-by-street survey of the Peninsula's residential areas;
- An assessment based on the general attributes of the private and public realms, e.g. built form, layout, streetscape, vegetation, landscape quality and era of development;

2.1 (Cont.)

- Photos for each area and character type;
- An identification of pressure areas and change areas where new development has impacted on surrounding neighbourhood character;
- An identification of the characteristics and neighbourhood character impacts of new and infill development; and
- An identification of more specific character precincts within each character type.

The character elements noted during the surveys are: wider landscape settings (including views), streetscape qualities (e.g. native vegetation, footpaths, unsealed roads, road layout), private garden styles and vegetation, building form (including roof form), architectural styles, siting (including building spacing and setbacks), design detail and finishes, building materials and colours, frontage treatment, and car parking and vehicular access.

The summary of key findings arising from the analysis, also embedded within the draft Report, centres around the following themes:

- Contemporary infill;
- Vegetation and landscaping;
- Subdivision;
- Retirement villages, aged care, medical and other services;
- Fencing;
- Siting and scale;
- Car access and storage;
- Colours and materials;
- Viewlines; and
- Bushfire management.

Phase 1 Consultation Summary

The Summary provides the key feedback and insights received throughout the Phase 1 engagement period from 7 January to 17 February 2019. The consultation period was communicated to the public via the Shire's 'Have Your Say' website page, posters at Shire offices, newsletters, local newspapers, postcards and social media. Engagement activities undertaken include project surveys, youth postcard activity, listening posts, interviews and submissions.

A separate survey was designed for each of the following three target groups:

1. The general public;
2. Community and special interest groups; and
3. Regular Mornington Peninsula Planning Scheme users.

2.1 (Cont.)

While each group survey contains specific questions relevant to the respective group, all three groups were asked to provide successful and unsuccessful examples of development projects within the Shire.

Eight listening posts were run across seven townships along Port Phillip Bay – Mount Eliza, Mornington, Dromana, Rosebud, Rye, Blairgowrie and Sorrento. It should be noted that listening posts at several townships along Western Port Bay had previously been run in conjunction with the Coast Villages and Neighbourhood Strategy project. Two face-to-face interview sessions with several community groups were conducted at the Mornington and Rosebud offices. Altogether, the 15 submissions received, 222 surveys completed, and 15 youth surveys collected covered every township included in the study area except Arthurs Seat and Tootgarook.

The top five things which respondents like are:

1. Rural/coastal character;
2. Native vegetation;
3. Unique street/landscape;
4. Large housing blocks; and
5. Low-rise buildings.

On the other hand, the top five dislikes are:

1. Inappropriate development/design;
2. Removal of native vegetation;
3. Unsympathetic design;
4. Increased traffic/parking; and
5. Lack of amenities.

In relation to what constitutes a successful development, feedback from the general public indicates the following key elements:

- Fits with local character;
- Unique design/architecture;
- Retains native vegetation;
- Rural/coastal character;
- Low-rise buildings; and
- Environmentally friendly design.

The key elements that go with an unsuccessful development are:

- Inappropriate development/design;
- Removal of native vegetation;

2.1 (Cont.)

- Non-sympathetic to coastal character;
- Increased traffic/on-street parking;
- Breaking Council regulations; and
- High ugly fences.

The Draft Report

Having considered the key findings in the Background Report and the feedback contained in the Phase 1 Consultation Summary, the draft Report proposes to apply the following six Character Areas across the study area:

1. Garden Residential;
2. Garden Court;
3. Bush Residential;
4. Bush Coastal;
5. Coastal Contemporary; and
6. Rural Settlement.

The above set of character typologies are unique to the Mornington Peninsula based on the settlement pattern and landscape character of the Shire's townships.

Each of the six Character Areas comprises two or more Precincts with each precinct having its own precinct map, preferred character statement, summary of key characteristics relating to 14 attributes, photo examples where relevant, and set of design guidelines. Major differences determine Character Areas while minor differences determine Precincts. There are altogether 17 Precincts. For example, the Garden Residential Character Area has four Precincts labelled Garden Residential 1 to Garden Residential 4; each of the four Precincts contains design guidelines that address the following set of character elements:

- Building height, form and layout;
- Gardens and landscaping;
- Building materials, design and details;
- Siting and setbacks;
- Garage storage and vehicle access; and
- Front fencing.

Once adopted the Study is proposed to implement the character analysis of our townships into the Mornington Peninsula Planning Scheme to provide the necessary planning scheme provisions with which to assess and justify decisions based on character. The draft Study does in its findings identify several areas across the Shire which are considered to have enough merit to warrant the application of a Significant Landscape Overlay (SLO) or Neighbourhood Character Overlay (NCO). The SLO is proposed for Character Areas identified as heavily vegetated – the overlay will require a permit for removal of all vegetation and reflect the minimum site coverage and permeability requirements of the Zone Schedule.

2.1 (Cont.)

The NCO is proposed for Character Areas that have been determined as having an intact special character distinct from the broader Character Areas – the overlay will require a permit for all demolition of buildings and construction of new buildings to reflect the design guidelines for the area in full.

EXHIBITION

Exhibition of the attached three documents would constitute the second phase of community consultation. The purpose of this second round of consultation is to provide the community, many of whom we have consulted during the first round of consultation, with an opportunity to review the work that has been undertaken to date and comment on the draft Report and its findings.

It is proposed to undertake consultation on the draft report and attachments from 27 May 2019 for a period of six weeks and conclude on 7 July 2019. Drop-in sessions will be held at 13 locations across the Shire over a two-week period from 12 June to 29 June 2019. The Shire's 'Have Your Say' website page, local newspapers, newsletters and social media methods will be employed. The community will be able to submit their comments via the Shire's website or other means including emails and hardcopy submissions at the Shire offices. The 'Have Your Say' page will also include a link which will direct the user to an interactive website where the community could view relevant aspects of the Character Areas and Precincts as they relate to specific properties.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

The preparation of the draft Report is a significant strategic initiative that assists Council in fulfilling an important objective under the 'Our Place' Strategic Theme of the Council Plan. Council's recent Planning Scheme Review identified significant gaps in planning scheme provisions pertinent to Neighbourhood Character and highlights the need to prepare and adopt a Neighbourhood Character Study to strategically justify amendments to the Mornington Peninsula Planning Scheme.

RECOMMENDATION

1. That the Committee resolves to place the draft Neighbourhood Character Study and Guidelines (Exhibition) Report (draft Report) and its companion documents as shown in Attachments 1, 2 and 3 on public exhibition for a period of six weeks.
2. That all submitters to the Phase 1 consultation period be notified of the exhibition period and be invited to provide feedback to the draft Report and attachments.

COMMITTEE DECISION

Moved: Cr Fraser
Seconded: Cr Brooks

That the recommendation be adopted.

Carried Unanimously

2.2 Draft Coastal Villages and Neighbourhoods Strategy (Exhibition)

Prepared By	Claire Dougall, Senior Planner - Shire Wide Team
Authorised By	Director - Planning and Compliance
Document ID	A8723229
Attachment(s)	<ol style="list-style-type: none">1. Phase 1 Community Engagement Report2. Issues and Opportunities Report3. Western Port Coastal Villages Strategy - Draft Design and Character Frameworks, May 2019

PURPOSE

The purpose of this report is to present the draft Coastal Villages and Neighbourhood Strategy (draft Strategy) (Attachment 3) and seek approval to exhibit the draft Strategy and accompanying background reports to obtain community feedback prior to adoption.

Shire officers also seek approval to re-name the Strategy to the Mornington Peninsula Shire Western Port Coastal Villages Strategy prior to exhibition to avoid confusion with related strategic projects both within and outside the Shire.

BACKGROUND

Council was originally briefed on this project at the Planning Services Committee Meeting on 30 April 2019, and earlier at the Council Meeting on 4 December 2018.

The Strategy aims to:

- Ensure that the future growth of the Peninsula's Western Port townships and settlements is not jeopardised by future potential hazards associated with coastal erosion, flooding, sea level rise and storm surge; and
- Protect and enhance the character of each township in response to pressures for change.

The draft Strategy responds to the findings of the Western Port Local Coastal Hazard Assessment (September 2014) (WPLCHA) which provides the latest scientific understanding of likely future inundation and erosion impacts caused by climate change along the Western Port embayment.

The findings and recommendations of the draft Strategy are articulated through individual 'Design and Character Frameworks' for Hastings, Tyabb, Bittern, Crib Point, Balnarring / Balnarring Beach, Flinders, Red Hill, Somers, Merricks / Merricks Beach, Point Leo and Shoreham.

Ultimately, the strategic directives of the Strategy once adopted will be incorporated into Mornington Peninsula Planning Scheme (MPPS), building the Shire's capacity to manage coastal climate change hazards and risks through the planning system whilst protecting the valued character and sense-of-place of each settlement.

Development of the Strategy is wholly funded by the Department of Environment, Land, Water and Planning (DELWP) as part of the State's Coastal Planning Grants Program which supports local councils in preparing climate change adaptation strategies. Council appointed Ethos Urban to prepare the Strategy on the Shire's behalf.

2.2 (Cont.)

It is noted that the draft Strategy has been developed alongside the draft Mornington Peninsula Neighbourhood Character Study (NCS) – also prepared by Ethos Urban. The draft Strategy provides design guidance for commercial, industrial and foreshore areas within townships, with residential design guidelines adapted from the NCS.

Coastal Climate Change Science, Hazard Assessment and Adaptation Planning

‘Climate change’ refers to significant long-term shifts in the average weather conditions of a region, such as its typical temperature, rainfall, and windiness, and is largely attributed to increased levels of atmospheric carbon dioxide produced by excessive fossil fuel consumption. These changes may result in potentially dangerous weather conditions and events of a more frequent and severe nature, threatening the livelihood of communities and integrity of natural ecosystems.

Climate change has particularly detrimental impacts for coastal residents and environments. Whilst effects are many and varied, the Coastal Villages and Neighbourhoods Strategy focuses on inundation (the area of land covered in water either through flooding from elevated coastal water levels or catchment generated flows) and erosion (degradation and recession of shorelines caused by tidal waters and the action of waves, including the interaction of those waters with catchment streamflow) hazards primarily caused by sea level rise and storm surges.

Globally, much is being done to reduce the extent and impact of climate change, but the need to adapt remains. Strategies and actions that help to prepare for the adverse impacts of climate change are generally known as ‘climate change adaptation’.

Coastal climate change science and adaptation planning remains a specialised field in its infancy. Indeed, this Strategy comes at a time when State Government and allied agencies are completing a range of projects and policy enhancements to build the capacity of responsible authorities to manage coastal hazards at a State, regional and local level.

From a land use planning perspective, State planning policy (Clause 13.01-2S: Coastal inundation and erosion) currently requires responsible authorities to plan for sea level rise of not less than 0.8 metres by 2100 under the framework of the Victorian Coastal Strategy (Victorian Coastal Council, 2014).

The WPLCHA provides the first step in understanding and quantifying climate change-induced inundation and erosion hazards as they relate to the Westernport embayment. Funded by the State’s Future Coasts Program, the hazard assessment provides the best available scientific data, modelling and mapping demonstrating that the coastal zone and townships along Western Port face increasing risk from inundation and erosion due to sea level rise (and possible changes to wind and wave climates).

The WPLCHA does, however, have limitations. The assessment modelled impacts in four representative locations of the region only (which included land from Balnarring to Somers within the Mornington Peninsula Shire). Part of the work in developing the Shire’s Strategy, therefore, has been to examine and extrapolate this modelling to each of the remaining settlements within the study area.

It is important to note that the Strategy will not include additional detailed flood and erosion modelling based on the specific local conditions of each township (i.e. landforms, contours, soil types, geotechnical analysis and the like). As such, current modelling contains inherent uncertainties in some areas necessitating further investigation, as outlined in the draft Strategy.

2.2 (Cont.)

Department of Environment, Land, Water and Planning's Position on Current Best-Practice Adaptation Planning

In April 2019, the DELWP provided written advice confirming that the Land Subject to Inundation Overlay (LSIO) and Erosion Management Overlay (EMO) are currently the best available planning tools to implement flood and erosion-related requirements arising from the WPLCHA.

The LSIO triggers referral of planning applications to a technical specialist (i.e. the floodplain management authority), which generally results in the requirement for land owners to provide an engineering or finished floor level response. Other possible options include specified setbacks and building design parameters, subject to the advice of the floodplain management authority.

The Shire has already implemented the LSIO along the Western Port coastline in accordance with the WPLCHA via Amendment C216 to the Mornington Peninsula Planning Scheme which was gazetted on 21 March 2019.

The EMO is used to protect areas prone to erosion processes by minimising land disturbance and inappropriate development. Schedules to the EMO can be used to trigger the requirement for a Land Capability Report and/or Geotechnical Investigation Report and associated Quantitative Risk and Hazard Assessment in affected areas.

DELWP has confirmed that it is currently progressing updates to the Victoria Planning Provisions, specifically the LSIO, EMO and related planning guidance to clarify the provisions' ongoing applicability for coastal climate change responses through the planning scheme. This work has included consultation with local governments (including the Shire), floodplain managers, the Municipal Association of Victoria (MAV) and the Association of Bayside Municipalities (ABM). Subject to the Minister for Planning's approval, the changes will support the continued use of the LSIO and EMO in implementing State-funded coastal hazard assessment data and risk analysis.

Adaptation responses will be further informed and refined over time by:

- The new Marine and Coastal Policy and associated Strategy under the auspices of the new *Marine and Coastal Act 2018* and its Victoria's Marine and Coastal Reforms Final Transition Plan (August 2018). These initiatives are due for delivery by the end of 2020 and 2021 respectively;
- The Port Phillip Bay Coastal Hazard Assessment (Plan Melbourne Action 87) and the MAV/ABM Port Phillip Bay Coastal Planning Project (a related project funded by DELWP through the Coastal Planning Grants Program). The knowledge developed through the Port Phillip Bay Coastal Hazard Assessment and DELWP's Coastal Mentoring Program regarding erosion in particular will inform the assessment already completed for Western Port Bay;
- Work carried out by the Department under the following additional Plan Melbourne Actions:
 - Action 85: Improvement of natural hazard, climate change and environmental adaptation and risk-mitigation strategies in planning schemes; and
 - Action 86: Whole-of-settlement adaptation and risk-mitigation strategies
- Work carried out by the recently appointed Victorian Marine and Coastal Council.

2.2 (Cont.)

Preliminary Community Engagement for the Strategy

To inform preparation of the draft Strategy, community input was sought regarding local knowledge of coastal climate change impacts, as well as the valued and threatened elements of character for each settlement within the study area. This first phase of engagement took place in December 2018 and doubled as the first phase of consultation for the NCS as it relates to Western Port. The engagement methodology and findings are detailed in the Phase 1 Community Engagement Summary Report (Attachment 1).

In summary, feedback was obtained through 'listening posts' held in Hastings, Crib Point, Red Hill, Shoreham, Flinders, Merricks Beach and Somers. Several one-on-one interviews were also conducted with key community groups (including the Somers Residents Association, Red Hill Community Association and Shoreham Community Association) as well as individual Councillors from the Watson, Cerberus and Red Hill wards.

A total of 263 respondents also participated in an online survey, with most participants residing in Somers (84), Merricks (69) and Shoreham (42). Seventeen individual written submissions were also received, including six from community groups and 11 from residents.

Overall, the community's knowledge of coastal climate change was found to be varied, with issues of bushfire, threats to ecosystems and coastal erosion being primary concerns. There are, however, clear and consistent overarching sentiments regarding township character – communities value the 'village feel' of their settlements, placing high importance on 'natural' elements (particularly vegetation and foreshore landscapes) and low-scale development. Depending on location, communities identify their settlements either as beach, bush or rural in character and generally fear the threat of overdevelopment.

Issues and Opportunities Report

Ethos Urban prepared an Issues and Opportunities Report (Attachment 2) based on the findings of detailed background analysis and phase one community engagement outcomes. The report outlines:

- What coastal climate change is (including defining inundation and erosion);
- The relevant planning framework affecting the Strategy (including State and local planning policy and provisions of the Mornington Peninsula Planning Scheme and other adopted Council policies);
- The Western Port Local Coastal Hazard Assessment (including the approach taken to review of the findings of the Assessment and associated implications for each town affected by the Coastal Villages project); and
- An analysis of existing features, values and trends evident in Western Port settlements (including demographic profiles and forecasts, land uses, natural hazards, biodiversity and conservation, geology / landforms / topography and hydrology, transport and access, and economic development and infrastructure).

The report identifies a range of issues and opportunities affecting each township, specifically regarding the pressure for change in built form and potential impact of coastal inundation and erosion hazards in each location.

The result of the above background analysis is a detailed profile of each settlement, noting the role of each town, existing conditions, demographic trends, design and character, community aspirations and issues, existing built form framework, and the nature and extent of local coastal hazards.

2.2 (Cont.)

The Draft Strategy

The draft Strategy (Attachment 3) comprises the following key components:

- An overview of Western Port villages and settlements which provides a synopsis of key strategic directions, collective community aspirations, trends, issues and opportunities, resulting in an overarching vision and objectives for Western Port settlements. Objectives relate to character and built form, coastal hazards, the natural environment and the public realm;
- Individual Township Built Form Frameworks for each settlement which seek to protect the overall design, character and sense-of-place of each settlement, providing guidance for public and private development over the next 15-20 years. The Frameworks outline the main attributes, existing strategic context, erosion and inundation hazards and core community values for each township, culminating in an overall vision and associated Built Form Framework Plan for each locality. The Framework Plans identify a series of sub-precincts and corresponding Character Typologies;
- Township Character Typologies applicable to commercial, industrial, foreshore and residential precincts identified within each settlement. Each typology comprises an overall description and summary of key attributes and threats to character, followed by a 'Desired Future Character Statement' and associated Design Guidelines. The Design Guidelines cover a range of aspects including the public realm, building height, form and layout, siting and setbacks, building materials and design detail, pedestrian interfaces, subdivision, vegetation and landscaping, parking, access and circulation, signage, fencing, and coastal hazards. It is noted that the residential character typologies are adapted from, and correlate with the findings and recommendations of the draft Neighbourhood Character Study;
- Inundation and erosion hazard mapping which identifies erosion hazards for land within Flinders, Crib Point, Merricks Beach, Point Leo and Shoreham. The Strategy also identifies uncertainties around both erosion and inundation risks for Hastings, Balnarring Beach and Somers that require further investigation. The townships of Tyabb, Bittern, Red Hill and Merricks do not have any identified erosion or inundation risks;
- Adaptation recommendations which include:
 - That further detailed investigations be carried out to clarify:
 - Inundation risk for Hastings, Balnarring Beach and Somers; and
 - Erosion risk for Flinders, Hastings, Crib Point, Balnarring Beach, Somers, Merricks Beach, Point Leo and Shoreham.
 - That development in areas adjacent to coastal bushland identified as being at risk of inundation or erosion be avoided, including through the maintenance of existing minimum residential subdivision lot sizes; and
 - That appropriate measures to help prevent erosion along affected beach and foreshore areas be investigated and implemented in partnership with State Government.

2.2 (Cont.)

- Implementation options including a series of statutory and non-statutory measures to assist Council in actioning the Strategy. Key recommendations for the planning scheme include:
 - Integrate the overarching Western Port Coastal Villages vision and objectives and Desired Future Character Statements (with associated maps) into the local policy framework;
 - Apply the Design and Development Overlay (DDO) to all commercial land not currently covered by a DDO, and review all existing DDOs covering commercial land to ensure alignment with the Desired Future Character Statement and Design Guidelines of the identified Commercial Character Typologies;
 - Apply the Significant Landscape Overlay (SLO) to all land identified as being within the Foreshore Character Typology, and introduce a new schedule that recognises the significance of the coastal foreshore, ensuring that appropriate permit triggers apply for buildings, works and or vegetation removal that may impact the landscape or preferred built form character; and
 - Apply the EMO to all areas identified as subject to erosion hazards, triggering the need for detailed geotechnical assessment before further development is permitted.

Other recommendations include:

- Using the Design Guidelines contained within the Typologies as an assessment tool for all permit applications in the relevant zones;
- Correct zoning anomalies affecting foreshore land in Balnarring and Somers by rezoning identified land from the residential zone to the adjoining public purpose zone; and
- Include all public realm recommendations within the Design Guidelines of each Character Typology into a Council Design Manual for application to the relevant coastal townships.

Exhibition of the Strategy

Exhibition of the draft Strategy and associated background documentation is proposed to occur over a six-week period from 27 May to 7 July 2019.

Owing to the synergies between both major projects, it is proposed that the draft Strategy be exhibited concurrently with the draft Neighbourhood Character Strategy.

Exhibition will include:

- Display of the draft reports online and in hard copy at the Shire's customer service centres;
- Updated project and 'Have Your Say' pages on Council's website, including an interactive component that will allow members of the public to view relevant aspects of the draft Strategy as they relate to specific properties;
- Direct (email) notification to all parties who registered interest in the project during Phase 1 of community engagement;

2.2 (Cont.)

- A media release and advertisement in both the Mornington Peninsula News and The Leader;
- Social Media (Facebook, Instagram and Twitter) updates; and
- Drop-in sessions held over a two-week period from 15-20 June 2019 at Shoreham, Flinders, Somers, Merricks Beach, Red Hill, Hastings and Crib Point where members of the community can discuss the draft Strategy with representatives of both Council and Ethos Urban in an informal sense.

Prior to exhibition, it is recommended that the name of the Strategy be amended to the 'Mornington Peninsula Shire Western Port Coastal Villages Strategy' to prevent confusion between this project – which is focused only on the Western Port region and derived from the WPLCHA – and any future such strategy for the Port Phillip side of the Shire which is likely to be prepared following completion of the *Port Phillip Local Coastal Hazard Assessment*.

Inclusion of the name Mornington Peninsula Shire will also distinguish this project from other similar strategies that are likely to be prepared for the balance of Western Port Bay environs by neighbouring local governments (ie. City of Casey, Cardinia Shire Council and Bass Coast Shire Council).

Removal of the term neighbourhoods will prevent ongoing community confusion between the Strategy and the Shire-wide *Neighbourhood Character Strategy*, as was experienced during Phase 1 community engagement activities for both projects.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

Building on the findings of the Western Port Local Coastal Hazard Assessment, and in conjunction with the Neighbourhood Character Study, the Coastal Villages and Neighbourhood Strategy (to be known in future as the Mornington Peninsula Shire Western Port Coastal Villages Strategy) delivers comprehensive Design and Character Frameworks and associated guidelines for settlements along the Western Port embayment. Upon implementation, the Strategy will build the Shire's capacity to manage coastal climate change hazards in vulnerable areas through the planning system whilst protecting the valued character and sense-of-place of each township along the Western Port coastline. The Strategy will inform improvements to the Mornington Peninsula Planning Scheme as well as the future allocation of Council funding for public infrastructure within the region.

RECOMMENDATION

That the Committee resolves to:

1. Re-name the Coastal Villages and Neighbourhoods Strategy and associated documentation to the Mornington Peninsula Shire Western Port Coastal Villages Strategy; and
2. Once renamed, exhibit the draft Coastal Villages and Neighbourhood Strategy and companion documents (as shown in Attachments 1, 2 and 3) alongside the draft Neighbourhood Character Study for a period of six weeks to obtain community feedback prior to adoption.

2.2 (Cont.)

COMMITTEE DECISION

Moved: Cr Gill
Seconded: Cr Brooks

That the recommendation be adopted.

Carried Unanimously

2.3 Submission to DELWP on the Review of Planning for Land Use Buffers and Separation Distances

Prepared By	Alia Slamet, Principal Planner
Authorised By	Director - Planning and Compliance
Document ID	A8705269
Attachment(s)	1. Submission to DELWP

PURPOSE

The purpose of this report is to seek Council approval to endorse the submission made by the Planning Services Unit on 15 February 2019 to the 'Review of Planning for Land Use Buffers and Separation Distances', which is being undertaken by the Department of Environment, Land, Water and Planning (DELWP).

BACKGROUND

The purpose of DELWP's review of 'Planning for Buffers and Separation Distances' (the Review) is to improve the management of land use buffers and separation distances in the Victorian planning system.

As part of this review, DELWP engaged Environmental Resources Management Australia Pty Ltd (ERM) to review how land use buffers, separation distances and conflicting land uses are currently managed (ERM report). The ERM report provides an assessment of the current policy and tools of the Victoria Planning Provisions (VPPs) and presents the key findings of the Major Hazard Facility Advisory Committee, the Better Management Encroachment Option Paper, the Independent Inquiry into the Environment Protection Authority (EPA), DELWP's Smart Planning program and the Local Buffer Support Program.

The ERM report does not include any recommendations, the focus of the report was instead to:

- Review the existing threshold distances in Clause 53.10 Uses with Adverse Amenity Potential of the VPPs;
- Identify areas for alignment between Clause 53.10 and the Industrial Residual Air Emissions (IRAE) guidelines; and,

Commence a policy review into the role of buffers in strategic and statutory planning in Victoria, including the mechanisms used to apply buffers, and exploring how they can be better managed. The Review opened for public submissions on 24 December 2018 to 15 February 2019, and the ERM report was provided for reference. Due to the timing of public consultation, and the full listings of the January/February Council meetings, Shire officers did not have the opportunity to take a written submission to Council for a resolution prior to the closing date for submissions. Planning Services officers prepared a submission which was lodged with DELWP on 15 February 2019 (Attachment 1).

DISCUSSION

In preparing the submission, Planning Services Unit officers sought to identify the issues, opportunities and constraints of current planning policy in effectively managing conflict between land uses, buffers and separation distances within the Shire. Further input was provided by the Environment Protection Unit (EPU) Team Leader who undertook a review of

2.3 (Cont.)

the ERM report and advised on the effectiveness of environmental regulation which sits outside the planning scheme.

It was found that Shire officers agreed with the overall findings presented in the ERM report, being that current planning policy does not adequately equip planners to manage and plan for land use conflicts. Shire officers have found the current policy to result in:

- An ad hoc approach to buffers;
- Inconsistent planning outcomes;
- Encroachment of sensitive uses into areas planned for industrial, warehouse and agricultural uses; and
- Associated adverse amenity issues.

ISSUES

A copy of the submission lodged with DELWP is contained in Attachment 1. The structure of the submission takes the form of DELWP's targeted feedback questions on its 'Have Your Say' website. The key aspects of the submission are summarised below.

Improvements to Clause 53.10 Uses with Adverse Amenity Potential and Definitions

Clause 53.10 is the most specific planning scheme provision currently available to manage buffer distances between industrial/warehouse uses and certain sensitive uses (residential, educational, hospital) and some zones. The provision sets threshold distances for identified uses which have the potential to cause adverse amenity impacts or other risks.

However, this provision is somewhat limited as an effective tool to manage conflicting land uses. Mainly:

- It does not work in reverse to protect 'uses with adverse amenity potential' from the encroachment of sensitive uses (the concept of 'reverse buffer' protection);
- The provision does not apply to agricultural, rural industry or renewable energy uses;
- There are no permit triggers, application requirements or decision guidelines;
- There is no reference to relevant environmental regulations, considerations or authorities; and
- There is no reference to referral requirements in the provision.

In line with the feedback from EPU, it was submitted that Clause 53.10 should include application requirements for management plans for proposals that do not require a licence or works approvals from the EPA. This is necessary for smaller operations which still have the potential to cause adverse amenity impacts if not managed properly.

For uses proposed to be located within a specified threshold distance, Clause 53.10 should include a set of application requirements based on the type or potential for certain amenity-impacts. This could take the form of an 'application requirements matrix' and which could reference the applicable EPA regulations/standards which are required to be met.

The submission also put forward that minimum mandatory threshold distances should be required for some types of potentially hazardous or high risk uses, and that comprehensive evidence-based impact assessments be required as application documents.

2.3 (Cont.)

There is also a lack of clarity in the definition of a 'sensitive use'. It was submitted to DELWP that there should be a 'sensitive use' definition in the VPPs and that it should consider whether a spectrum of sensitivity should be used for different land uses. For example, to determine whether an education centre is less, more, or as sensitive, as a hospital or child care centre.

Further work is required to provide for the above items within the VPPs, to ensure that planners have the tools and policy required to effectively manage conflicting land uses.

Reverse Amenity

Currently, the VPPs do not provide clear tools required to protect industrial, warehouse, agricultural, rural industry or renewable energy uses from the encroachment of sensitive uses (such as residential development). The effect of this is that established uses such as industry and agriculture can become constrained in their operations due to new and establishing sensitive uses in surrounding or adjacent land. These sensitive uses can be the source of complaints about amenity impacts such as noise and odour and depending on how these matters are dealt with, it may result in reduced commercial viability, negative economic impacts, and local tensions.

Reverse amenity planning should also be factored into the planning scheme amendment process, such as for proposals involving the rezoning of land.

Reverse amenity provisions could be built into Clause 53.10 via threshold distance permit triggers, and associated application requirements, with the onus of proof being on the 'agent of change'.

Buffers

With respect to buffers (and their ownership and management) the submission made the following points:

- The responsibility of buffers should be on the 'agent of change' (the permit or scheme amendment applicant);
- Buffer areas should be accommodated on the land (or adjoining land acquired to serve a buffer purpose) that is the subject of the proposed land use permit application or proposed scheme amendment;
- Buffers could be implemented and enforced via easement on title, Section 173 Agreement, and endorsed management plans;
- The type of uses permitted within a buffer area will depend on the nature of the use or zone that requires protection. The types of uses permitted would need to be built into restrictions on title and/or the chosen land use zoning. At a basic level, buffer areas could consist of landscaped areas and/or car parking; and
- For planning scheme amendments, the application of a new evidence-based 'Buffer Areas Overlay' may be appropriate, particularly for those high risk/larger scale uses such as Waste and Resource Recovery Facilities (as per the findings of the Local Buffer Support Program, as referenced in the ERM report). This could be undertaken via a Section 96A combined permit application and scheme amendment. The Overlay could be tailored to specify the types of uses and development appropriate for that buffer. This may be the best way to manage land use and development within buffers and to incorporate buffers formally into the planning system in a format that becomes publicly accessible information.

2.3 (Cont.)

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

The management of interfaces between industries and sensitive uses is a longstanding land use planning issue. Currently, land use planning approaches to address buffer issues can vary, can be complex and lead to inconsistent decision making. The submission to DELWP (Attachment 1) has been made to assist the formulation of options to reform the Victorian planning controls to better manage buffers in the planning system.

It is recommended that the Committee endorses the submission made by the Planning Services Unit in so far as it highlights the key issues affecting the planning and management of land use buffers and separation distances within the Mornington Peninsula Shire.

RECOMMENDATION

That the Committee endorses the submission prepared by the Planning Services Unit on 15 February 2019 (Attachment 1) that was made to the Department of Environment Land Water and Planning for its 'Review of Planning for Land Use Buffers and Separation Distances'.

COMMITTEE DECISION

Moved: Cr Celi
Seconded: Cr Morris

That the recommendation be adopted.

Carried Unanimously

3 PLANNING SCHEME AMENDMENT REPORTS

Nil.

4 STATUTORY PLANNING REPORTS

4.1 P65/0002.08, P72/0268.08 and P61/7308.19 – Tyabb Airfield Permit Amendment Applications

Prepared By	David McPherson, Team Leader – Briars/Watson
Authorised By	Director - Planning and Building
Document ID	A8788051
Attachment(s)	Nil
Application No.	65/0002.08, P72/0268.08, P91/7308.09
Proposal	Amendment to the Planning Permits
Melway Reference	148 G11
Zoning	Green Wedge Zone Schedule 2, Special Use Zone Schedule 3
Applicant	Jack Vevers – President Peninsula Aero Club
Date of Application	5 December 2018

***Addendum – Item Withdrawn
Circulated Friday, 17 May 2019***

This item was withdrawn prior to the meeting.

4.2 P02/1629.01 – Tyabb Airfield Permit Amendment Applications

Prepared By David McPherson, Team Leader – Briars/Watson
Authorised By Director - Planning and Building
Document ID A8788080

***Addendum – Item Withdrawn
Circulated Friday, 17 May 2019***

This item was withdrawn prior to the meeting.

5 NOTICES OF MOTION

Notices of Motion must be received three clear business days prior to a meeting.

Nil.

6 URGENT BUSINESS

Under Council's Meeting Procedure and Common Seal Local Law, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

Nil.

7 CONFIDENTIAL ITEMS

Nil.

8 MEETING CLOSE

As there was no further business, the meeting closed at 7.36pm.

Confirmed this 3rd day of June 2019

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Deputy Mayor, Cr Rosie Clark, Chairperson - Planning Services Committee