Who is the planning authority?

This amendment has been prepared by the Mornington Peninsula Shire Council, which is the planning authority for this amendment.

All of the items have been made at the request of Mornington Peninsula Shire Council except where otherwise indicated.

- Hellier McFarlane Pty Ltd on behalf of South East Water regarding 57 Kunyung Road, Mt Eliza (R1084)
- Taylors on behalf of SPP No.1 (Mornington) Pty Ltd (AMP Capital) regarding 141 & 173 Bungower Road, Mornington, 61 Baldock Road, Mornington and 71 Baldock Road, Mornington (R1156).

Land affected by the amendment

This is a general amendment affecting eight properties as described in Table 1 below.

What the amendment does

The amendment proposes a number of changes as described in Table 1 below.

Table 1:

<table>
<thead>
<tr>
<th>Request No.</th>
<th>Affected land</th>
<th>What the Amendment does</th>
<th>Why the amendment is required</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1039</td>
<td>Part 101, 103, 105, 107, 109 &amp; 111 Stuart Road, Tyabb &amp; part 75, 79, 81, 83, 89, 91, 93 &amp; 95 Stuart Road, 1 &amp; 2 Banksia Crescent &amp; 2 Kathleen Crescent, Tyabb</td>
<td>Rezone the front part of the land at 101, 103, 105, 107, 109 &amp; 111 Stuart Road, Tyabb from Special Use Zone, Schedule 3 (SUZ3) to General Residential Zone, Schedule 1 (GRZ1) and delete the Public Acquisition Overlay, Schedule 1 (PAO1) from 75, 79, 81, 83, 89, 91, 93 &amp; 95 Stuart Road, 1 &amp; 2 Banksia Crescent &amp; 2 Kathleen Crescent, Tyabb.</td>
<td>101, 103, 105, 107, 109 &amp; 111 Stuart Road, Tyabb are partly zoned SUZ3 Airfield Development although they are used for residential purposes and seemingly not required for airfield use. The PAO1 is a redundant provision for road widening.</td>
</tr>
<tr>
<td>Reference</td>
<td>Location/Address</td>
<td>Description</td>
<td>Reason</td>
</tr>
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</tr>
<tr>
<td>R1084</td>
<td>Part 57 Kunyung Road, Mount Eliza</td>
<td>Rezone the land on the south-western corner of Kanya Road and Barmah Street, Mount Eliza from Public Use Zone, Schedule 1 (PUZ1) to Neighbourhood Residential Zone, Schedule 1 (NRZ1), apply the Environmental Audit Overlay (EAO) and introduce a Site Specific provision and Incorporated document.</td>
<td>To enable sale of surplus South East Water land for residential use.</td>
</tr>
<tr>
<td>R1107</td>
<td>Part 219-257 Main Street, Mornington (Mornington Village Shopping Centre)</td>
<td>Rezone part of the land from a Road Zone (RDZ) to Commercial 1 Zone (C1Z).</td>
<td>Correct zoning anomaly.</td>
</tr>
<tr>
<td>R1156</td>
<td>141 &amp; 173 Bungower Road, 61 Baldock Road and part 71 Baldock Road, Mornington</td>
<td>Delete the Design and Development Overlay, Schedule 7 (DDO7) and apply a Development Plan Overlay, Schedule 19 (DPO19) and a Design and Development Overlay, Schedule 22 (DDO22).</td>
<td>To facilitate the land to be developed as a low-density residential estate, in line with the strategic planning policy for the Mornington North area.</td>
</tr>
<tr>
<td>R1158</td>
<td>All of the Shire</td>
<td>Schedule to 52.17 Sub-clause 2.0 Scheduled weed insert &quot;Sweet Pittosporum (Pittosporum undulatum).&quot;</td>
<td>To exempt Sweet Pittosporum (Pittosporum undulatum) from the permit requirements to remove, destroy or lop vegetation in order to avoid requirement for an offset requirement for these works which are effectively removing an environmental weed.</td>
</tr>
<tr>
<td>R1163</td>
<td>Western Port Marina, Hastings</td>
<td>Apply the Public Park and Recreation Zone (PPRZ) to the entire land and water.</td>
<td>The PPRZ does not apply to the entire land and water within the Western Port Marina, Hastings and to resolve a mapping error.</td>
</tr>
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</tr>
<tr>
<td>R1164</td>
<td>10-12 Hiskens Street, Sorrento</td>
<td>Delete the Heritage Overlay (HO152 part).</td>
<td>HO152 refers to property at 11 Newton Avenue, Sorrento. 10-12 Hiskens Street has the same overlay applied in error.</td>
</tr>
<tr>
<td>R1165</td>
<td>89 Elizabeth Avenue, 105 Elizabeth Avenue &amp; part 12 St Elmos Close, Rosebud West</td>
<td>Rezone the land from General Residential Zone (GRZ) to Public Conservation and Resource Zone (PCRZ).</td>
<td>To recognise Council owned land, to ensure that it is appropriately zoned and to protect the conservation value of these land parcels.</td>
</tr>
</tbody>
</table>

**Strategic assessment of the amendment**

**Why is the amendment required?**

**R1039 – Stuart Road, Banksia Crescent and Kathleen Crescent, Tyabb**

The amendment is required as the six lots east of Stuart Road are partly zoned SUZ3, although they are clearly privately owned residential lots.

The amendment is also proposing to remove an apparently redundant Public Acquisition Overlay over the private land that refers to road construction and widening but that applies only to a small section of Stuart Road and is apparently a remnant of the “Adopted 1962 Hastings Planning Scheme Maps” that originally showed the road widening on each side of the road.

*The Hastings Port Industrial Plan* that was current at the time referred to a possibility of bypassing Tyabb and Somerville as one of the major objectives of the main road system. There is some evidence that one of the traffic options considered at the time had Stuart Road and Dandenong Hastings Road merging and meeting with Frankston Flinders (Watts) Road to the south and it is likely that the PAO was put in place to facilitate those plans.

Given the redundancy of these traffic plans and the limited length of the overlay, the overlay is now considered redundant and its existence on the maps is likely to be an error made when the other parts of the PAO along Stuart Road were deleted.
R1084 – Kunyung Road, Mount Eliza

The rezoning of 24 existing lots (currently occupied by a disused water storage site) from Public Use Zone to the Neighbourhood Residential Zone, Schedule 1 is in accordance with a request by the land owner, South East Water (SEW). SEW have identified that the land is no longer required for the purpose of a reservoir and is surplus to their requirements. The amendment is intended to facilitate the sale of the land and its future use for residential purposes is consistent with the use of surrounding land.

The land would need to be filled and remediated by SEW to be made suitable for future residential use and a Section 173 agreement is proposed to provide security for such remediation. An Environmental Audit Overlay (EAO) is also proposed to address any potential land contamination.

Given the release of this new residential land stock, it is considered reasonable that there should be a strong implementation of planning scheme policy that supports the provision of more affordable and diverse housing, especially given the significant community need for such housing.

In this context, and in the absence of an agreement with the proponent, a new site specific provision (i.e. a new entry in the Schedule to Clause 52.03 Specific Sites and Exclusions with an associated Incorporated Document) is proposed that would prohibit the use of two of the twenty-four lots within the land for the purpose of a dwelling other than a dwelling that has occupancy restricted to persons that are eligible for public housing. This is likely to create more incentive for residential buildings (such as residential aged care facilities and boarding houses) and whilst not necessarily providing more affordable housing may provide for more housing diversity which could have an effect on affordability.
R1107 – Main Street, Mornington

The amendment, affecting 219-257 Main Street, Mornington, is required to correct a zoning anomaly that applies to the part of the commercial property on the land and rezone it to a more appropriate zone, as that part of land has been developed and is not used as a road.

R1156 – Bungower Road and Baldock Road, Mornington

The subject area is currently occupied by three (3) dwellings and associated outbuildings. There are a number of existing trees which are predominately located in the eastern portion of the site, adjacent to Baldock Road and around a small dam in the south east corner. Vehicular access to the properties in the subject area is currently gained from both Bungower and Baldock Roads.

Immediately north of the subject area is a disused railway line (except for use by a historic tourist railway service) and Padua Secondary College. To the east is Baldock Road, which is an existing unsealed road that provides access to a number of rural properties. On the eastern side of Baldock Road is the Urban Growth Boundary and the land is zoned Green Wedge Zone – Schedule 3. Immediately to the south is Bungower Road and further to the south are existing low density residential lots in the order of 0.5ha. To the west of the subject area is the existing Beleura Retirement Village which currently contains 185 independent living units with a planning permit application to extend the village further to the north.

The amendment proposes to delete the existing Design and Development Overlay – Schedule 7 (DDO7) and replace it with Design and Development Overlay - Schedule 22
The amendment proposes the following changes:
- Amend Planning Scheme Map No.6DDO;
- Amend Planning Scheme Map 6DPO;
- Insert Schedule 22 to Clause 43.02; and
- Insert Schedule 19 to Clause 43.04.

Combined, these changes facilitate the low density residential use and development of the land in line with the strategic planning policy for the Mornington North area, as set out in Clause 22.21 – Mornington North Policy.

Replacing DDO7 with DDO22 enables the land to be subdivided into lots generally ranging from 2,000 square metres to 6,500 square metres, with the larger lots located along Ballock Road and Bungower Road.

DDO22 includes a range of controls that ensure the low density residential character of any future development, including mandatory controls on lot sizes, limitation of one dwelling per lot, maximum site coverage (30% or 1,000 square metres, whichever is the lesser), building height and building setbacks.

DPO19 ensures the coordinated low density residential development of the land at 141 and 173 Bungower Road and 71 Ballock Road and ensures a well-designed layout for any future subdivision, including large lots facing Bungower Road and an appropriate interface with the rural land to the east.

R1158 – All of the Shire

The amendment lists Sweet Pittosporum (*Pittosporum undulatum*) as a scheduled weed on the Mornington Peninsula and exempts it from the permit requirements to remove, destroy or lop vegetation. At the moment, this plant is listed as a native plant in Victoria and therefore any removal and lopping requires a planning permit under the Victorian Planning Provisions.
Given that this plant has been identified as a weed on the Mornington Peninsula, removal of the existing permit requirement will simplify the planning process and lead to better control of this plant.

It is noted that the exemption under 52.17 would not impact on other relevant controls, including Vegetation Protection Overlays, Environmental Significance Overlays and Significant Landscape Overlays. These controls would still be applicable and issues of impact on habitat, erosion, stability etc. as a result of any proposed vegetation removal could still be considered on their merits where these Overlays apply.

**R1163 – Western Port Marina, Hastings**

The amendment is required to correct a mapping error, as the Public Park and Recreation Zone which is intended to apply to the marina does not in fact apply to the entire land and water within the Western Port Marina, Hastings.

Existing zoning of the marina:

Proposed zoning of the marina:
R1164 – Hiskens Street, Sorrento

The Heritage Overlay (HO152) that relates to the rear adjoining property at 11 Newton Road also applies to the subject land. This Overlay refers to a heritage building called Kimberley and its statement of significance does not refer to the subject land. The Schedule to the Heritage Overlay refers to Kimberley, 11 Newton Avenue, Sorrento, without any reference to the subject land.

There are no buildings or vegetation on the subject land that would warrant heritage controls. The Heritage Overlay was introduced as part of an earlier amendment that included numerous lots, and the current amendment is intended to correct a mapping error.

R1165 – Elizabeth Avenue and St Elmos Close, Rosebud West

The amendment is required to recognise Council owned land, to ensure that it is appropriately zoned and to protect the conservation value of these land parcels.
How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria below:
- To provide for the fair, orderly, economic and sustainable use and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.

The amendment does this by ensuring appropriate controls over the subject sites and provides certainty with respect to development, management and conservation as appropriate.

How does the amendment address any environmental, social and economic effects?

**Environmental effects**
The amendment is not expected to have significant adverse environmental effects. It is considered that permit application requirements together with the Environmental Audit Overlay (EAO) are adequate mechanisms to address any potential adverse environmental effects.

**Social and economic effects**
The amendment is expected to have positive social and economic effects by giving greater certainty to developers and the community regarding areas suitable for development.

Does the amendment address relevant bushfire risk?

The changes in the amendment are unlikely to result in any increase in the risks to life, property, community infrastructure and the natural environment from bushfire. The views of the Country Fire Authority (CFA) will be sought as required during exhibition.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment is generally consistent with the following Ministerial Directions:
- Ministerial Direction No. 1 Potentially Contaminated Land under section 12(2)(a) of the Act.
- Ministerial Direction No. 9 Metropolitan Strategy under section 12(2)(a) of the Act.
- Ministerial Direction No. 11 Strategic Assessment of Amendments under section 12(2)(a) of the Act.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with the State Planning Policy Framework with particular regard to:

- Clause 10 – Operation of the State Planning Policy Framework
- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 19 – Infrastructure.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment implements and supports the Municipal Strategic Statement and in particular the following clauses:

- Clause 21.02 – Profile of the Mornington Peninsula;
- Clause 21.03 – Mornington Peninsula – Regional role and local vision;
- Clause 21.04 – Mornington Peninsula strategic framework plan;
- Clause 21.06 – Strategic framework and the Peninsula’s settlement pattern;
- Clause 21.07 – Guiding future township development.

As well, it is consistent with Clauses 22.05 – Aboriginal Cultural Heritage, 22.11 – Mornington Peninsula Fire Protection Policy, 22.13 – Township Environment and 22.21 – Mornington North Policy.

In relation to Amendment item R1156 – Bungower Road and Baldock Road, Mornington, this item is in accordance with the Mornington Peninsula Planning Scheme Clause 22.21 - Mornington North Policy, which shows the subject area, referred to as “Precinct 1B – Land north of Bungower Road, east of Racecourse Road” as a low density residential area. It also responds directly to the policy position included in Clause 22.21-3, which requires the coordinated use and development of the area based on a comprehensive development plan.

Does the amendment make proper use of the Victorian Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions.

How does the amendment address the views of any relevant agency?

The amendment addresses the views of those agencies that have been consulted to date. Other agencies will be consulted during exhibition of the amendment, including: VicRoads, Country Fire Authority (CFA), Department of Environment and Primary Industries (DEPI), Department of Transport, Planning and Local Infrastructure (DTPLI) and Parks Victoria.
Does the amendment address relevant requirements of the Transport Integration Act 2010?

Council, as an interface body under the provisions of the Transport Integration Act 2010, has an obligation to have regard to specified matters under that Act. In this case, it is considered that the proposal will have no significant impact on the transport system and will not be inconsistent with the transport system objectives nor the decision making principles of the Act.

Resource and administrative costs

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The items in this amendment are expected to have only a minor impact (if any) on resource and administrative costs.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Hastings Office – 21 Marine Parade, Hastings
Mornington Office – 2 Queen Street, Mornington
Rosebud Office – 90 Besgrove Street, Rosebud

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 9 January 2015.

A submission must be sent to: Manager Strategic Planning, Mornington Peninsula Shire, Private Bag 1000, Rosebud 3939.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning Monday 16 March 2015
- panel hearing: Week beginning 30 March 2015