

What is a planning scheme?

A legal document that contains all the policies and provisions that control land use and development in a local government area. Planning schemes have three main parts:

1. Maps showing how land is affected by zones and overlays
2. Ordinance setting out the written requirements of a planning scheme
3. Incorporated documents (such as the Code of Practice)

Every council in Victoria has its own planning scheme. A planning scheme is prepared by a council or the Minister for Planning and approved by the Planning Minister.

The local council is generally responsible for administering its own planning scheme to ensure land is used and developed in a way that delivers a net community benefit.

Visit [Planning Victoria](#) for more information about planning schemes.

What is a planning scheme amendment?

A change (or set of changes) proposed to a [planning scheme](#). Examples include:

- Changing the zoning of land
- Applying an overlay to land
- Introducing new local planning policy

There is a formal process for amending a planning scheme which involves several stages including;

1. A person or council requests an amendment
2. The Planning Minister authorises a council to prepare the amendment
3. The council prepares to exhibit the amendment to the public
4. The amendment goes on exhibition for several weeks
5. Community members can make submissions on the amendment, and a panel or advisory committee may hold a hearing to review submissions
6. The council considers the panel / committee report and decides whether to adopt the amendment (with or without changes) or abandon the amendment
7. The council submits the amendment to the Planning Minister for approval

Visit [Planning Victoria – amending a planning scheme](#) for more information about the planning scheme amendment process.

Visit [Planning Victoria – browse amendments](#) to browse planning scheme amendments.

What is a planning zone?

A planning tool that controls how land can be used. There are different zones for different purposes. For example, a residential zone (such as the General Residential Zone) allows land to be used for mainly residential purposes (i.e. housing) whereas a commercial zone (such as the Commercial 1 Zone) allows land to be used for mainly commercial (i.e. business) uses.

A zone sets out:

- land uses that do not require a planning permit

- land uses that do require a planning permit
- land uses that are prohibited

A zone describes what matters a council must consider before deciding to grant a permit, what information that must be submitted with a permit application, and information relating to land uses, the subdivision of land, construction of new buildings and other changes to the land.

What is a planning overlay?

A planning tool that controls how land can be developed. Not all land has an overlay on it. Overlays are used to control development where there are special features on the land, such as a heritage building, significant vegetation or flood risk. For example, the Heritage Overlay applies to heritage places of natural or cultural significance.

The overlay will identify what planning objectives are to be achieved for the land, what types of development or works need a planning permit and whether there are any specific design standards or mandatory requirements that need to be met.

For example, if a Heritage Overlay applies to land, a planning permit is required to demolish an existing building. If a Vegetation Protection Overlay applies, a planning permit is required to remove certain types of vegetation. If a Design and Development Overlay applies, new development may have to meet certain standards or requirements regarding building height, building setbacks, landscaping, etc.

What is a schedule to a zone or overlay?

A schedule can be added to a zone or overlay. The schedule contains additional controls on land use (zone) or development (overlay) that apply only to a specific area inside the local government area. For example, an Environmental Significance Overlay can have a schedule that applies only to a certain creek in an area. The schedule will identify what is environmentally significant about that particular creek and what requirements or standards will apply to development along that creek.

Does this amendment mean I will need a planning permit to renovate my house or build a new home?

The need for a planning permit will depend on the controls that apply to your land at the time you want to develop your land. This may be the existing controls, or new controls when the amendment has been approved. Either way, the controls are contained in the:

- residential zone and the relevant schedule to the zone
- planning overlay, if any, and the relevant schedule to the overlay.

The amendment proposes to reduce the need for planning permits, particularly for one house on a lot. This means more applications will be processed under the Building Regulations, without needing a planning permit.

The changes in planning controls proposed by the amendment are not yet in effect. The new controls only come into effect when the planning scheme amendment process is completed and the Planning Minister approves the amendment. This is not likely to happen until at least mid- to late 2022.

To find out whether you need a permit, you can:

- visit the Shire's website: <https://www.mornpen.vic.gov.au/Building-Planning/Planning/About-Planning>
- speak to a Shire planning officer by calling 5950 1010
- email planning@mornpen.vic.gov.au

The Shire also has a [pre-application service](#) where you can book an appointment to speak to a planner to discuss a specific planning permit application proposal. Visit: <https://www.mornpen.vic.gov.au/Building-Planning/Planning/Pre-Application-Service> to make a booking.

How are the residential zones different to each other?

The purpose of the [General Residential Zone \(GRZ\)](#) is to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. Development is also encouraged to respect the neighbourhood character of the area. The maximum building height permissible is 11 metres / 3 storeys.

The purpose of the [Neighbourhood Residential Zone \(NRZ\)](#) is to manage and ensure development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. The maximum building height permissible is 9 metres / 2 storeys.

The purpose of the [Low Density Residential Zone \(LDRZ\)](#) is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. This zone tends to be located on the edges of many townships and villages, next to the Green Wedge. There is no control on building height under this zone.

What additional controls can be added to the schedule to a residential zone?

The schedule to the GRZ or NRZ can include neighbourhood character objectives and controls on various built-form matters such as:

- building height
- setbacks
- site coverage
- private open space
- landscaping
- front fencing.

The schedule to the LDRZ can only include controls on minimum subdivision area and outbuildings.

What is a Design and Development Overlay (DDO)?

A [planning overlay](#) that controls the design and built form of new development. The schedule to the overlay can require a planning permit to develop land that does not address any number of built-form matters.

The schedule can also include mandatory controls on, for example:

- building height
- number of dwellings on a lot
- minimum subdivision area.

What is neighbourhood character?

The character of a residential area, which is about how buildings and vegetation on private land look against the surrounding public space. This includes built-form matters like:

- building height
- setbacks
- site coverage
- private open space
- landscaping
- fencing.

Every residential area has its own character even though some may be visually less attractive. An area's character is not about how pleasant it looks; rather, it is more about the visual relationship between the private and public realms.

Is protecting neighbourhood character the same as protecting heritage?

No. Protecting heritage is about retaining the fabric and setting of a valued building and place. Heritage significance cannot be improved even though the fabric of a place can be improved, restored or reinterpreted.

On the other hand, protecting neighbourhood character is about ensuring future residential development respects / reflects the preferred character, which may be the existing built-form setting or one that is emerging in the area. Protecting neighbourhood character does not mean change cannot occur in the area. It just means the change needs to be managed so that development responds to, and strengthens, the sense of place in the area.

Can the character of an area be more special than others?

Yes. An area can be designated as having a special character if warranted. Special character areas have a strong and distinct character that is particularly valued by the community. These areas can have tighter planning controls than other areas such as the [Neighbourhood Character Overlay](#), which can require a planning permit to:

- construct a building or construct or carry out works
- demolish or remove a building
- remove, destroy or lop trees.

How will the amendment protect neighbourhood character?

By including additional controls on specific built-form matters under the:

- schedule to the GRZ or NRZ
- schedule to the DDO
- schedule to the NCO.

For most residential areas, the amendment will include the additional controls under the schedule to the GRZ or NRZ. In this way, more applications to construct or extend one dwelling on a lot can be processed under the Building Regulations without needing a planning permit.

For land in the LDRZ, the amendment will include the additional controls under the schedule to the DDO given the LDRZ schedule can only control minimum subdivision area and outbuildings.

For special character areas, the amendment will include the additional controls under the schedule to the NCO.

How will the amendment affect building height in residential areas?

The maximum building height permissible in a residential area will either remain the same or decrease.

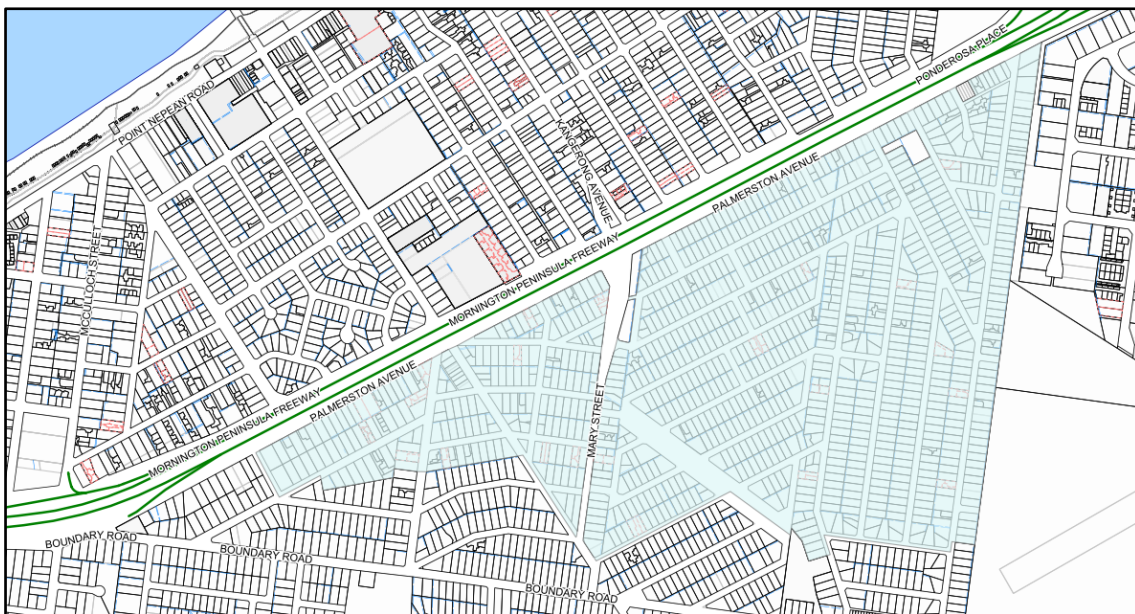
How will the amendment affect the number of houses that can be built on one property?

The amendment will not change any existing mandatory controls that currently allow only one dwelling on a lot in certain residential areas.

For all other residential areas, the amendment will not introduce any new mandatory controls on the number of dwellings on a lot.

How will the amendment affect subdivision?

In residential areas that are currently not affected by a subdivision control, the amendment will not introduce a new subdivision control – except for land in Dromana shown in the map below. The amendment will introduce a minimum subdivision area of 650 square metres for land in this area.



In residential areas that are currently affected by a subdivision control, the amendment will retain the subdivision control and, where applicable, simplify the control by removing unnecessary requirements. This does not apply to land at 146-152 Bungower Road in Mornington which is affected by proposed [amendment C228morn](#).

I have recently lodged a planning permit application with Council, or I am about to lodge an application. Will the amendment affect my application?

No. There are no transitional arrangements for the amendment. Any current planning permit applications will be assessed against the existing zones, overlays and policies in the planning scheme. Council will only consider the changes proposed by the amendment when the amendment becomes a 'seriously entertained planning proposal' – that is, the amendment and any public submissions have been reviewed and supported by an independent planning panel and Council has adopted the amendment. This is not expected to occur until at least mid- to late 2022.

I already have a planning permit for my house. Will the amendment affect this permit?

No.

I already have a building permit for my house. Will the amendment affect this permit?

No.

Will the amendment affect the value of my home?

The planning controls proposed as part of the amendment are designed to protect and enhance neighbourhood character and any identified special qualities of townships across the Peninsula. Where these qualities are preserved over time through the planning scheme, they are enhanced. Areas with mostly intact neighbourhood character often become sought after locations by people who value a strong sense of place and by people who know this character is recognised and supported in the planning scheme.

The amendment does not introduce any new subdivision controls to land currently not affected by a subdivision control and retains yet simplifies existing subdivision controls in areas where these controls currently apply. The amendment therefore protects existing subdivision rights whilst also providing greater clarity and certainty in instances where controls may otherwise be confusing.

Similarly, the amendment will not change any existing mandatory controls that currently allow only one dwelling on a lot in certain residential areas, nor will any new mandatory controls of this nature be introduced in other areas. Again, the amendment therefore preserves existing development rights.

There may be some, circumstances, however, where future development of land affected by the amendment may be required to meet specific design requirements (for instance in a Design and Development Overlay or Zone schedule) that may constrain development. This may affect a person's decision to purchase a property.

Overall, the introduction of planning provisions to protect and enhance neighbourhood character will help ensure that the rate of change in housing growth in residential areas across the Peninsula is consistent with character values, reducing the impact of further inappropriate developments. This increased certainty may support property values.

Will the amendment affect my home insurance?

The amendment is not expected to have any impact on home insurance premiums.

My home is in the green wedge. Will the amendment affect my property?

No. The amendment does not apply to green wedge land – it only applies to residentially zoned land within existing urban areas on the Peninsula (i.e. inside the Urban Growth Boundary).

I live in an apartment complex. Will the amendment affect my home?

If your apartment complex is in the [General Residential Zone \(GRZ\)](#), the amendment may affect your land. To find out more visit <https://shape.mornpen.vic.gov.au/Housing-Neighbourhood-Character-Strategy-Amendment-C219morn> to get a report on your property by typing in your address or clicking on your land on the map. Or, speak to a Shire Strategic Planning officer by calling 5950 1003 or emailing Strategic.Admin@mornpen.vic.gov.au.

Does this amendment mean I have to make changes to my house?

No. The amendment will only affect new development that requires a planning permit.