

## 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, destroy or lop 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 dwelling 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. They only officially become part of the Mornington Peninsula Planning Scheme if they are approved and gazetted by the Minister for Planning.

However, if Council adopts the amendment, it would be considered a 'seriously entertained planning proposal' which means that Council (and VCAT) can consider the proposed new

planning controls when deciding planning applications that are under assessment and future permit applications.

Significantly, if the Minister for Planning approves and gazettes the amendment, any planning permit applications under assessment that do not comply with new mandatory planning controls (such as maximum building heights or minimum subdivision lot sizes) will be refused outright. This is because the amendment does not have any 'transitional provisions' that would otherwise allow planning permits to be assessed under the previous planning controls.

Similarly, any applications that don't comply with proposed new "ResCode" provisions (i.e. standards that relate to things like front, side and rear setbacks, amount of private open space, etc.) may also be refused by Council.

If Council adopts the amendment and submits it to the Minister, it's likely that the Minister will take several months to decide whether to approve the amendment to make it officially part of the planning scheme. We expect that a decision may not be received until sometime in 2025.

In the meantime, to find out whether you need a permit (either under current planning controls or Amendment C219morn), 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](mailto: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 within the parent provision is 11 metres / 3 storeys. Schedules to the Zone can specify a different height.

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 within the parent provision is 9 metres / 2 storeys. Schedules to the Zone can specify a different height.

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 Green Wedge zoned land. There is no control on building height under this zone.

## What's the difference between the NRZ and GRZ?

The [NRZ](#) and [GRZ](#) are two different types of residential zones that provide for different scales and intensity of residential land use and development. Whilst both seek to encourage

development that respects the neighbourhood character of an area, the GRZ seeks to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport (such as in and around activity centres), whereas the NRZ focuses more on ensuring that housing also responds additional characteristics related to heritage values, environmental values and/or hazards or landscape characteristics. Unlike the GRZ, the NRZ specifically seeks to recognise areas of predominantly single and double storey residential development.

A key difference between the two zones that the GRZ permits a higher mandatory maximum building height of 11 metres / 3 stories for a dwelling or residential building whilst the NRZ only allows 9 metres / 2 stories. Note: the schedules to the GRZ and NRZ can specify a different height.

In both the NRZ and GRZ a building can go 1m over the mandatory maximum building height if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

Building height is defined as the vertical distance from natural ground level to the roof or parapet at any point.

For more information about the GRZ and NRZ, including their role and how they are applied, refer to the State Government's [Planning Practice Note 91: Using the Residential Zones \(December 2019\)](#).

## **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.

## **Does this amendment apply to commercial zoned land?**

Amendment C219 does not change any planning controls affecting commercially zoned land on the Peninsula.

Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) – which underpins C219 – recognises that commercial land in our activity centres (particularly Mornington, Rosebud and Hastings) can and does accommodate housing in the form of apartments and shop-top-housing which is an important contribution to the overall supply of housing on the Peninsula.

## **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. 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
- 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 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 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.

## Where are family homes going to be located with increased infill development?

Amendment C219morn will not prevent the development of family homes. The amendment is based on Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) and [Neighbourhood Character Strategy & Guidelines \(2019\) \(NCS\)](#) which together recognise the need to provide for housing diversity to meet the needs of our growing population whilst ensuring new houses 'fit' with the special character of our local neighbourhoods.

The HSS recognises that forecast population growth on the Mornington Peninsula results in the need for about 1,200 new dwellings each year over the next 15 years to meet housing demand and that our population will continue to age. Amendment C219morn can provide for about 25,183 new dwellings which is sufficient to meet forecast demand.

Couples without children and lone person households will remain the predominant household types. As this sector of the population increase in number over time, there will be a continued need for a diversity of housing types, including townhouse-style developments and villa units with gardens.

However, the HSS recognises that smaller households do not necessarily seek apartment-style living, and that couples with children will still make up over 1/3 of the Peninsula's population. Therefore, retaining larger housing suitable for these family household types remains important.

The NCS recognises that much of the housing stock on the Peninsula comprises single, detached family homes and that many of these are being redeveloped either for larger homes or unit development. The NCS seeks to ensure that this housing remains generally low-scale and provides appropriate side, rear and front garden spaces for landscaping and canopy trees to ensure new houses respect the highly valued character of our neighbourhoods.

Amendment C219morn implements the above strategic directions by:

- Directing housing growth towards places on the Peninsula that have good access to shops, services and community infrastructure.
- Maintaining existing residential subdivision controls (where they apply) that already limit the spread of unit development in many areas across the Shire.
- Maintaining existing planning controls (where they apply) that restrict development to one house on a lot.

- Introducing new and varied planning controls that require new houses to comply with locally-specific neighbourhood character requirements, addressing the space around and between houses, landscaping, low-scale building height, etc.

The above will ensure that a diversity of housing development can continue to be provided across the Peninsula to suit community need, including for family homes.

## **Does Council intend on retaining the Urban Growth Boundary (UGB) and protect Green Wedges?**

Yes. Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) and the State Government's [Mornington Peninsula Localised Planning Statement \(Victorian Government, 2014\)](#) (MPLPS) both confirm that the existing Urban Growth Boundary and Green Wedge rural area will be maintained. Council's plan to protect the Green Wedge is outlined in our adopted [Green Wedge Management Plan \(2019\)](#).

## **Where does the infrastructure come from to support increased housing, when the Peninsula's Green Wedge land can't be used for increased development and is being maintained?**

Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) recognises that about 1,200 new dwellings are required every year for the next 15 years to meet projected demand for housing. Amendment C219morn can provide for about 25,183 new dwellings which is sufficient to meet forecast housing demand. Importantly, the HSS identifies that this growth can be accommodated within existing urban zoned areas (p.33), meaning there is no need to rezone land in the Peninsula's Green Wedge to support more housing within the next 15 years.

As per the HSS, Amendment C219morn seeks to direct predicted housing growth to those locations across the Peninsula that have good access to shops, services, public transport and associated community infrastructure (such as our three main townships of Mornington, Rosebud and Hastings) and away from areas of environmental hazards or sensitivity, which includes Green Wedge zoned land.

It is important to note that Amendment C219morn is consistent with both the HSS and the [Mornington Peninsula Localised Planning Statement \(Victorian Government, 2014\)](#) (MPLPS). The MPLPS recognises that the Mornington Peninsula will not accommodate major population growth and the existing Urban Growth Boundary and Green Wedge rural area will be maintained. The townships of the Mornington Peninsula are expected to accommodate at most moderate and generally low levels of housing growth, with many smaller towns and villages intended to accommodate very limited further development.

Council, alongside the State and Federal Governments, will continue to upgrade and provide additional infrastructure for our growing population to meet community need in line with our adopted plans and policies. To find out more about infrastructure and services provided by Council, [www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au) or call us on 1300 850 600.

Council continues to advocate for a range of infrastructure and service improvements for our community. Areas of focus include:

- Housing and Homelessness: Urgent investment in social and affordable housing, support for local homeless services and reform of the homeless service system
- Peri-Regional: Recognising the Mornington Peninsula as a 'Peri-Regional' area, seeking appropriate regional funding sources, while maintaining access to important metropolitan funding streams and planning protections
- Public Transport: A Cross-Peninsula bus service and improvement to existing bus services, rail electrification from Frankston to Hastings and increase rail services on the Stony Point line
- Coastal Management: Funding to help us better manage our coastline, build resilience to climate change and ensure our community can continue to enjoy our beaches and piers:
- Road Safety: Pedestrian, cyclist, road and intersection improvements.
- Peninsula Trail: Fixing missing links to make the Peninsula one of the world's great cycling and walking destinations.
- A redeveloped Rosebud Hospital: a modernised hospital with more specialist services, reduced wait times and improved patient outcomes.
- Recycled Water: Securing a high-quality alternative water supply for agriculture and other uses through recycled water supply infrastructure upgrades.
- Mobile Coverage: Funding to improve local mobile coverage, particularly in Tuerong, Dromana / Arthurs Seat, Red Hill, Main Ridge, Balnarring Beach, Somers, Cape Schanck, Flinders, Shoreham and Point Leo.

For more information about Council's advocacy priorities, campaign, visit:  
[www.mornpen.vic.gov.au/About-Us/Advocacy](http://www.mornpen.vic.gov.au/About-Us/Advocacy).

## **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).

## **How are we ensuring increased housing stocks when policy changes are requiring increased private open space, side and rear setback requirements?**

Amendment C219morn seeks to implement new planning controls across the Peninsula that aim to accommodate predicted housing growth with housing stock that meets the needs of our growing population whilst ensuring new houses 'fit' with the valued character of our neighbourhoods.

Amendment C219morn does not prevent an increase in housing stock - rather it seeks to ensure that new housing is directed to the right locations (close to shops and services and away from environmental hazards such as flooding or bushfire) and that housing development better protects and respects valued attributes of our neighbourhoods.

As demonstrated by the diagrams about single house and multi-unit development in the Document Library on our website, Amendment C219morn will help establish a better balance between housing and areas for landscaping that reflects the unique character of the Peninsula. In the examples provided, the same number of houses can be provided on a block (as would be allowed under current planning controls), but better design outcomes would be required. That is, a block that currently could have 3 units on it could still have the same number of units under C219morn, but one of the units might have one or two less bedrooms. This is to accommodate more areas on the block for private open space landscaping, space for canopy trees and vegetation retention, etc.

In some cases, where a new house cannot meet the new standards under C219morn for things like side or rear setbacks, Council may approve an alternative design through the Planning or Building Permit application process, provided the house design still meets the overall objectives of respecting preferred character outcomes for the local neighbourhood and does not cause unreasonable amenity impacts on neighbours.

## **Are there plans for Green Wedge land to be re-zoned to allow for increased infrastructure to support the increased housing?**

No. As outlined above, Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) identifies that predicted population and housing growth can be accommodated within existing urban zoned areas within the existing Urban Growth Boundary (UGB) (p.33). This means that there is no need to rezone land in the Peninsula's Green Wedge to support more housing within the next 15 years.

Importantly, Council's adopted [Green Wedge Management Plan \(2019\)](#) recognises that the Shire's Green Wedge - like all Green Wedges across Melbourne - is important for the protection of biodiversity, cultural heritage and attractive landscapes, agricultural production, the availability of open space, opportunities for recreation and tourism, and provision for infrastructure that supports Melbourne and the local area, such as reservoirs, sewage treatment plants, quarries, transport routes and airports.

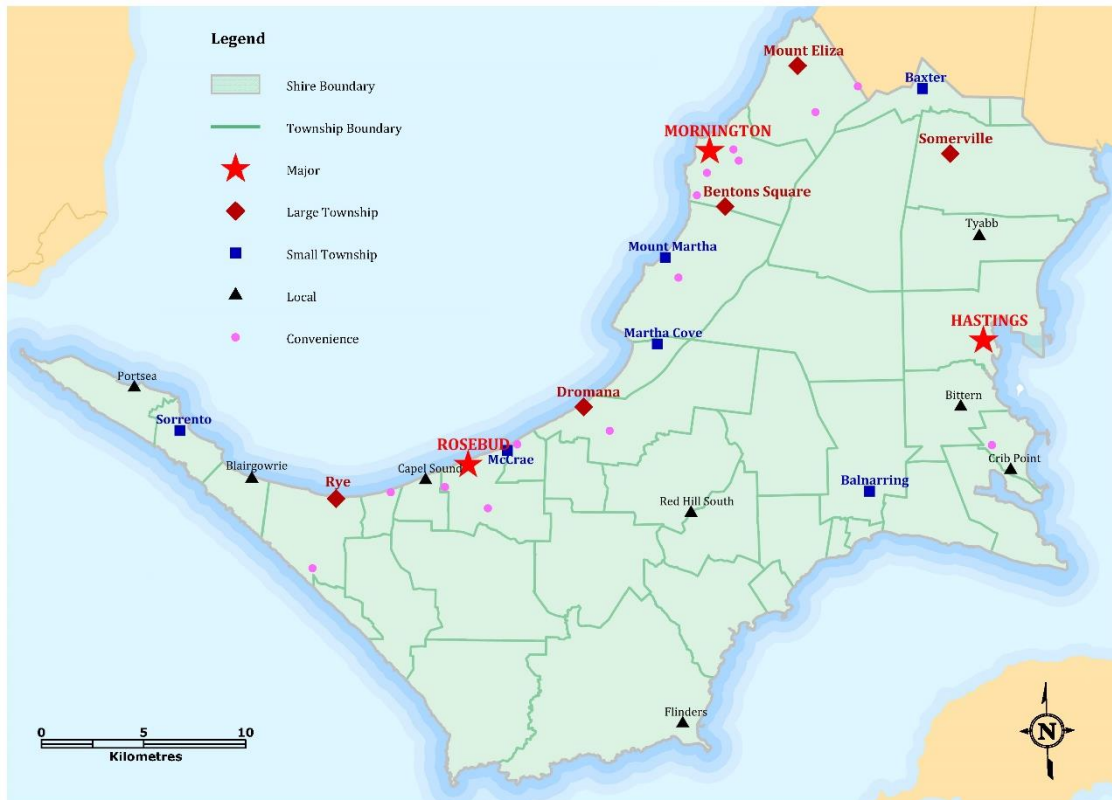
## **What is an "activity centre"?**

Activity centres are vibrant community hubs where people shop, work, meet, relax and often live. They range in size, from local neighbourhood shopping strips to centres that include larger shopping centres.

The role and importance of activity centres in supporting the social, economic and environmental needs of communities is recognised in [Plan Melbourne 2017 – 2050 \(Plan Melbourne\)](#).

Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) recognises that for population growth to be sustainable, housing needs to be provided in and around activity centres to capitalise on existing infrastructure, jobs, services and public transport. Amendment C219morn therefore seeks to direct the bulk of predicted housing growth over the next 15 years within and around the Shire's activity centres.

Council's adopted [Activity Centre Strategy \(2018\)](#) identifies that the Mornington Peninsula has a well-established hierarchy of activity centres that perform a range of different roles and functions. The hierarchy includes Major Activity Centres (Mornington, Rosebud and Hastings), Large Townships Activity Centres (like Dromana and Rye), Small Township Activity Centres (like Mount Martha and Sorrento), Local Activity Centres (like McCrae and Capel Sound) and Convenience Activity Centres (like Disney Street in Crib Point and Carmichael Street in Tootgarook). The Shire's activity centres are mapped below:



To find out more about activity centres, visit the [State Government's website](#) or [Council's website](#).

### 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.

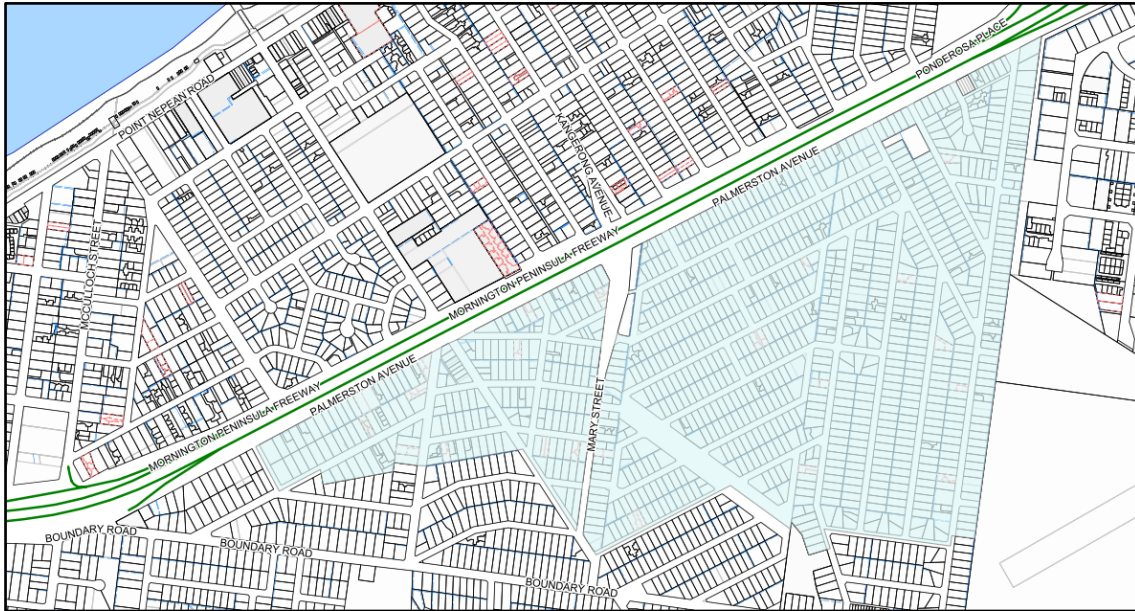
### How will the amendment affect the number of houses that can be built on one property?

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.

### **Amendment C219morn does not relax subdivision controls to provide more housing development. Why not? How is this consistent with the objectives of the Housing and Settlement Strategy?**

The amendment is based on Council's adopted [Housing and Settlement Strategy \(2020\) \(HSS\)](#) and [Neighbourhood Character Strategy & Guidelines \(2019\) \(NCS\)](#) which together recognise the need to provide for housing diversity to meet the needs of our growing population whilst ensuring new houses 'fit' within the special character of our local neighbourhoods.

The HSS recognises that about 1,200 new dwellings are required every year for the next 15 years to meet projected demand for housing. Amendment C219morn can provide for about 25,183 new dwellings which is sufficient to meet forecast housing demand.

The changes C219morn proposes ensure an adequate supply of residential land to enable the delivery of housing to meet the needs of the Peninsula's future population whilst protecting the unique values of the Peninsula. As such, there is no need to relax existing subdivision controls to provide more housing development.

The HSS notes that subdivision of larger lots has a direct impact on neighbourhood character due to:

- reduced building separation;
- reduced setbacks;
- tree clearing to allow for larger scale development;
- minimal significant tree retention;
- minimal provision of space for deep soil planting and canopy trees;
- demolition of existing 'beach shacks' for larger scale development;

- change in materiality – use of more contemporary materials (concrete, render etc.); and
- loss of remnant native vegetation.

It further recognises that retaining the relatively spacious development pattern across the majority of the Peninsula through the retention of existing subdivision controls is important as this development pattern provides a point of difference to the rest of Metropolitan Melbourne and helps meet the demand for larger, lifestyle properties on the Peninsula.

Further, some of the existing subdivision controls are in place because of identified environmental values (such as scenic landscapes or native vegetation), environmental hazards (such as bushfire or flooding) and infrastructure constraints (such as reticulated sewerage) that limit development potential.

For the above reasons, Amendment C219morn is consistent with the following vision and relevant key directions of the HSS:

*Vision:*

*The Mornington Peninsula Shire Council seeks to manage the demand for housing and associated population growth in a way that recognises the special values of the Mornington Peninsula, supports the inclusiveness and liveability of the townships and villages, and enhances the health and wellbeing of the community.*

*Objectives:*

- *Recognise the limits to the capacity of the Peninsula and of the individual towns and villages to accommodate further growth*
- *Give priority to the protection of residential character and amenity*
- *Identify and make provision for changing housing needs to the extent that is consistent with the role, character and function of each township and settlement.*
- *Ensure that future development is properly supported with infrastructure and services.*

## **Does C219morn encourage new development by locals?**

Like any existing planning control, policy or provision within the Mornington Peninsula Planning Scheme, Amendment C219morn does not control who undertakes housing development on the Peninsula. Rather, the amendment seeks to control the type and location of housing development by directing housing growth to locations close to shops and services (and away from environmental hazards such as flooding and bushfire) and ensuring new houses 'fit' within the character of our local neighbourhoods.

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

The changes in planning controls proposed by the amendment are not yet in effect. They only officially become part of the Mornington Peninsula Planning Scheme if they are approved and gazetted by the Minister for Planning.

However, if Council adopts the amendment, it would be considered a 'seriously entertained planning proposal' which means that Council (and VCAT) can consider the proposed new planning controls when deciding planning applications that are under assessment and future permit applications.

Significantly, if the Minister for Planning approves and gazettes the amendment, any planning permit applications under assessment that do not comply with new mandatory planning controls

(such as maximum building heights or minimum subdivision lot sizes) will be refused outright. This is because the amendment does not have any 'transitional provisions' that would otherwise allow planning permits to be assessed under the previous planning controls.

Similarly, any applications that don't comply with proposed new "ResCode" provisions (i.e. standards that relate to things like front, side and rear setbacks, amount of private open space, etc.) may also be refused by Council.

If Council adopts the amendment and submits it to the Minister, it's likely that the Minister will take several months to decide whether to approve the amendment to make it officially part of the planning scheme. We expect that a decision may not be received until sometime in 2025.

In the meantime, to find out whether you need a permit (either under current planning controls or Amendment C219morn), 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](mailto: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.

If Council adopts Amendment C219morn, any current or future planning permit applications submitted to Council may be considered against the amendment.

If you're unsure how Amendment C219morn might impact your application, you can:

- speak to a Shire planning officer by calling 5950 1010
- email [planning@mornpen.vic.gov.au](mailto: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.

The new planning controls under Amendment C219morn will officially become part of the Mornington Peninsula Planning Scheme if/when the Minister for Planning approves and gazettes the amendment. This may not happen until 2025.

Significantly, if the Minister for Planning approves and gazettes Amendment C219morn, any planning permit applications that are under assessment that do not comply with new mandatory planning controls (such as maximum building heights or minimum subdivision lot sizes) will be refused outright. This is because the amendment does not have any 'transitional provisions' that would otherwise allow planning permits to be assessed under the previous planning controls.

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

No. If you already have an approved planning permit you have rights to develop the land in accordance with that permit. Should you wish to amend your planning permit, Council will need to consider any amendment you propose in context of the changes to the planning scheme. If you have any specific questions in relation to amending your existing planning permit please contact Statutory Planning via (03) 5950 1010.

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

No. If you already have an approved building permit you have rights to develop the land in accordance with that building permit. However, if you were required to amend your Building Permit, your Relevant Building Surveyor would need to consider if the changes to the planning scheme now require a planning permit. If a provision of the planning scheme would now require a planning permit, you would need to apply for a planning permit. Council will need to consider any amendment you propose in context of the changes to the planning scheme. If you have any specific questions in relation to amending your existing planning permit please contact Statutory Planning via (03) 5950 1010.

## What is C219morn doing to address social and affordable housing and homelessness on the Peninsula?

The provision of social and affordable housing to address homelessness is beyond the scope of Amendment C219. Amendment C219 is about directing housing growth to the right locations and ensuring new houses 'fit' within the character of our neighbourhoods.

Nevertheless, in response to concerns about housing affordability that were raised in submissions during exhibition of Amendment C219, the 'tighter' neighbourhood character controls that were originally proposed for our major activity centres (Mornington, Hastings and Rosebud) have been taken out of the amendment to allow more opportunity for affordable infill housing development. The 'tighter' controls included things like bigger front, side and rear setbacks that might unreasonably constrain housing yield in these three main townships which have great access to shops, services and other types of local community infrastructure.

The independent Planning Panel that assessed submissions for Amendment C219morn further addressed this issue in their [report](#) dated 8 May 2024, stating:

*... "while planned supply of housing and housing capacity, are relevant to housing market outcomes, they are unlikely to be the key factor driving prices and affordability at least in the short term, and that interest rates and market conditions are likely to have greater prominence in determining prices and affordability".*

Outside of Amendment C219, Council is undertaking a range of actions to address social and affordable housing and homelessness on the Peninsula, including through:

- Implementing our adopted [Triple A Housing Plan: 2020-2030](#) which includes the following objectives:
  - advocating for housing system funding and reform
  - facilitating housing research, information sharing and networking
  - planning for affordable housing through the Planning Scheme

- increasing housing diversity and the supply of appropriate housing
  - incentivising social and affordable housing
  - encouraging community-led social and affordable housing projects
- Advocating for homelessness and social housing alongside 13 other councils through the [Regional Local Government Homelessness and Social Housing Charter Group](#) and associated [2020 Charter](#). The Group is committed to acting in the following three areas:
  - working in partnership with Federal and State governments, and public and private sector partners in a coordinated approach to deliver meaningful outcomes to increase the provision of social housing and respond to homelessness in east and southeast Melbourne
  - scoping land within each LGA that has the potential to be repurposed for adaptable housing needs
  - advocating for inclusive housing growth including mandatory inclusionary zoning
- Advocating for commitments from the State Government to address homelessness as part of the Council's advocacy campaigns. Council is specifically seeking urgent investment in social and affordable housing, support for local homeless services and reform of the homeless service system. For more information and to lend your voice to Council's advocacy campaign, visit: [www.mornpen.vic.gov.au/About-Us/Advocacy](http://www.mornpen.vic.gov.au/About-Us/Advocacy).

To find out more about what Council is doing about housing and homelessness, visit: [www.mornpen.vic.gov.au/Community-Services/Health-Wellbeing/Housing](http://www.mornpen.vic.gov.au/Community-Services/Health-Wellbeing/Housing) [Housing - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](http://www.mornpen.vic.gov.au/Community-Services/Health-Wellbeing/Housing) or [www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Strategic-Planning-Projects/Affordable-Housing-Development-Contributions-Strategy](http://www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Strategic-Planning-Projects/Affordable-Housing-Development-Contributions-Strategy).

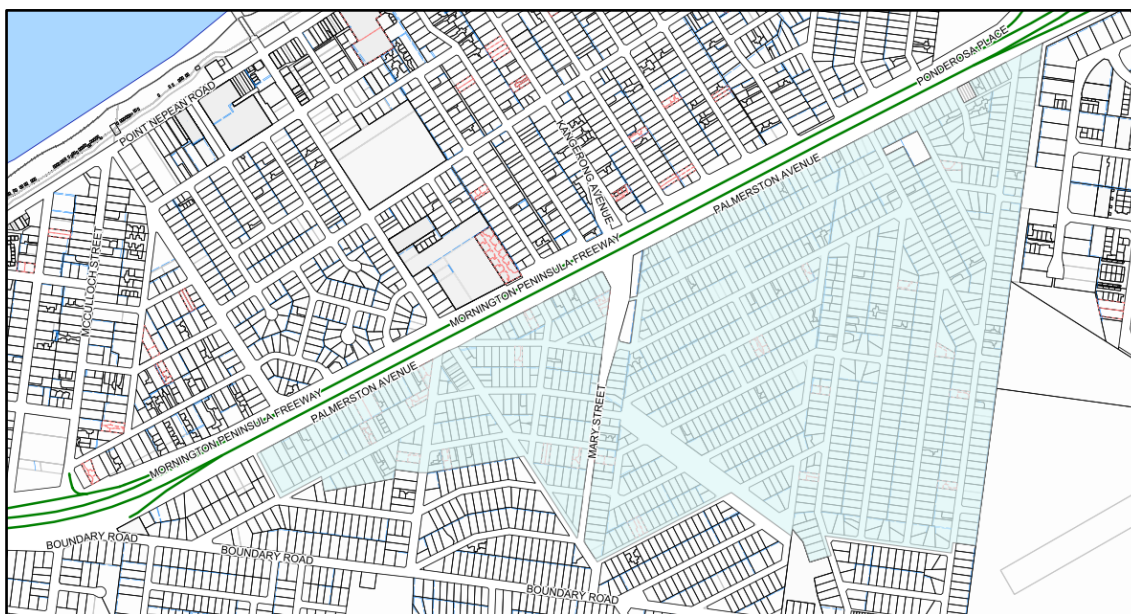
## Will the amendment affect the value of my home?

The independent Planning Panel that assessed Amendment C219morn concluded that the amendment is unlikely to impact housing prices or affordability either positively or negatively. In its report, the Panel stated:

*...”while planned supply of housing and housing capacity, are relevant to housing market outcomes, they are unlikely to be the key factor driving prices and affordability at least in the short term, and that interest rates and market conditions are likely to have greater prominence in determining prices and affordability”.*

It is noted that, the amendment 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.

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.



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.

### **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 any current or future planning permit application for your property. To find out more, speak to a Shire Statutory Planner officer by calling 5950 1010 or emailing [planning@mornpen.vic.gov.au](mailto:planning@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 or building permit.

## What is a 'Bushfire Prone Area' (BPA) versus a 'Bushfire Management Overlay' (BMO)?

The Bushfire Prone Area (BPA) maps bushfire hazard, including grassland, for Victoria's building system. It includes all levels of bushfire hazard and covers most of Victoria.

In the BPA, a minimum construction standard applies to new residential buildings, schools, childcare centres, hospitals, aged care facilities and associated buildings. If a building is to be constructed, altered or extended within the BPA, landowners must have a bushfire hazard assessment completed to determine the Bushfire Attack Level (BAL) for the site. Landowners then need to build to national bushfire construction standards based on the BAL determined for the site. However, a minimum BAL of 12.5 will be applied to certain buildings, such as dwellings.

The Bushfire Management Overlay (BMO) maps areas of very high and extreme bushfire hazard, including wooded areas, for Victoria's planning system. The BMO applies in addition to the BPA so areas where the BMO applies, the BPA also applies. The BMO triggers additional planning permit requirements. This includes mandatory bushfire protection measures – such as defendable space and ongoing vegetation management – in addition to the BPA construction requirements.

The Department of Transport and Planning (DTP) undertakes all BPA and BMO mapping.

For more information, refer to the [State Government's website](#).

## What are overlooking standards?

All planning schemes across Victoria contain requirements to ensure that new dwellings are designed to limit overlooking into the areas of secluded private open space and habitable room windows of neighbouring properties.

'Secluded private open spaces' are spaces like private backyards that cannot be seen from a public area like a street.

'Habitable rooms' are rooms in a house, flat, or other residential building designed and used for normal domestic activities. It includes bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom.

The overlooking requirements are contained at Clause 54 and 55 of the planning scheme, which are known as 'ResCode'. Specifically, they're found at [Standard A15 \(for a single dwelling on a lot\)](#) and [B22 \(for multiple dwelling developments\)](#).

The State Government's [Planning Practice Note 27 - Understanding the Residential Development Standards \(ResCode\)](#) explains the standards and how they are applied.

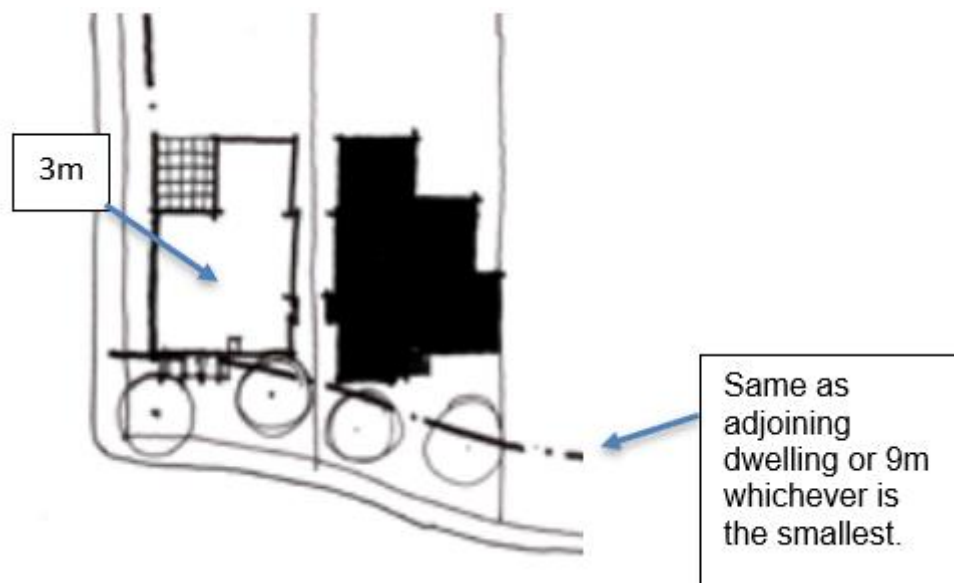
Amendment C219morn does not propose any changes to the overlooking requirements in the planning scheme.

Where no Planning Permit is required, the potential for overlooking from a new house is managed by the [Part 5 of the Building Regulations](#) as part of a Building Permit process. Overlooking requirements are contained at [Regulation 84](#). Again, Amendment C219morn does not change these regulations.

## What does the front and side street setbacks mean for a corner lot in the NRZ schedule?

*ResCode* (Clause 54 and 55) requires that dwellings on corner lots be setback from the front street to match the directly abutting dwelling or 9m, whichever is the lesser, and 2m from the side street.

Some of the proposed NRZ schedules of C219morn vary the standard required setback from the side street so that a dwelling should be setback 3m from the side street. See the drawing below:



## What is the timeframe/process for the amendment?

The timeline and process for Amendment C219morn is outlined on our [webpage](#). It involves several key stages that are not likely to be completed until at least 2025.

You can also find out more about the planning scheme amendment process more generally on the [State Government's website](#).

## When will the amendment come into effect?

Amendment C219morn will only come into effect if/when it is approved by the Minister for Planning and gazetted.