

2021

A Desktop Review of the Strategic Work Underpinning Amendment C219morn



Strategic Planning

Mornington Peninsula Shire

June 2021

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Definition of Terms

<i>Character controls</i>	A suite of planning tools that can be used to protect or provide guidance on how to protect neighbourhood character, e.g. local policy provisions (objectives, strategies and policy guidelines), preferred character statements, statements of neighbourhood character, neighbourhood character objectives, building and works controls, demolition controls, tree removal controls, variations or modifications to clause 54 and clause 55 requirements, and a landscape plan under application requirements.
<i>NCSG controls</i>	Character controls underpinned by the <i>Neighbourhood Character Study and Guidelines</i> (Ethos Urban, 2019).
<i>Non-statutory controls</i>	Controls located in a Municipal Planning Strategy or Planning Policy Framework, e.g. strategic directions, local policy provisions.
<i>Statutory controls</i>	Controls located in a zone schedule or overlay schedule.
<i>Strategic plan</i>	A plan that provides strategic directions on land use and development in a defined area, e.g. structure plan, township plan.

Glossary of Abbreviations

ABS	Australian Bureau of Statistics
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
C1Z	Commercial 1 Zone
CI 54/55 modifications	Modifications to clause 54 and clause 55 requirements
CI 54/55 variations	Variations to clause 54 and clause 55 requirements
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
EMO	Erosion Management Overlay
ERP	Estimated Resident Population
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
HO	Heritage Overlay
HSS	<i>Housing and Settlement Strategy: Refresh 2020-2036</i> (Mornington Peninsula Shire, 2020)
LDRZ	Low Density Residential Zone
LSIO	Land Subject to Inundation Overlay
MPPS	Mornington Peninsula Planning Scheme
MPS	Municipal Planning Strategy
MPSC	Mornington Peninsula Shire Council
MUZ	Mixed Use Zone
NCSG	<i>Neighbourhood Character Study and Guidelines</i> (Ethos Urban, 2019)
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
PCRZ	Public Conservation and Resource Zone
PPF	Planning Policy Framework
PPN90	<i>Planning Practice Note 90: Planning for Housing</i> (DELWP, 2019)
PPN91	<i>Planning Practice Note 91: Using the Residential Zones</i> (DELWP, 2019)
PPRZ	Public Park and Recreation Zone

PUZ	Public Use Zone
RCFP	Residential Change Framework Plan
RCMP	<i>Ranelagh Conservation Management Plan (Context, 2009)</i>
RDZ1	Road Zone - Category 1
SLO	Significant Landscape Overlay
UGB	Urban Growth Boundary
VCAT	Victorian Civil and Administrative Tribunal
VIF2019	<i>Victoria in Future 2019 (DELWP, 2019)</i>
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

1 Introduction

1.1 What is amendment C219morn about?

Planning Scheme Amendment C219morn proposes to implement the *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020) (the HSS) and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) (the NCSG) by making substantial changes to the MPPS.

1.2 Why is amendment C219morn required, i.e. what is its purpose?

1.2.1 First purpose

The amendment is required to ensure the neighbourhood character of the residential areas in the Peninsula's towns and villages is protected and enhanced as it continues to accommodate the projected population growth to the year 2036.

1.2.2 Second purpose

The amendment is also required to improve the operational efficiency of the Mornington Peninsula Planning Scheme (MPPS) so that more applications to construct a building or construct or carry out works for one dwelling on a lot could be processed under the Building Regulations without a need for a planning permit.

1.3 What is the purpose of this document?

This document provides a desktop review of the strategic work underpinning the amendment. It then explains the proposed changes to the MPPS underpinned by the strategic work and the strategic justification for these changes.

2 Housing and Settlement Strategy

2.1 What is the HSS about?

The HSS outlines how future housing and population growth will be accommodated on the Mornington Peninsula over the next 16 years while ensuring the special values and character of the Peninsula are protected for current and future Victorians.

The vision, or overarching goals, of the HSS is to manage the demand for housing and associated population growth in a way that recognises the special values of the Peninsula, supports the inclusiveness and liveability of the towns and villages, and enhances the health and wellbeing of the community.

The HSS applies to all residential areas and activity centres of the Peninsula inside the metropolitan Urban Growth Boundary (UGB), as well as the few small areas zoned General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ) outside the UGB.

As per *Planning Practice Note 90: Planning for Housing* (DELWP, 2019) (PPN90), the HSS is a local housing strategy that:

- *ensures a range of housing opportunities are available across the municipality to meet the needs of the projected population*
- *outlines the strategies and implementation mechanisms to accommodate the projected population and household needs*
- *identifies where and how the housing needs of the future population will be met across the municipality*
- *identifies suitable locations for housing growth including those areas close to services, jobs, public transport, activity centres and strategic development areas.*

2.2 Why is the HSS required?

As per PPN90, the Planning Policy Framework (PPF) requires planning authorities to:

Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- *opportunities for the consolidation, redevelopment and intensification of existing urban areas*
- *neighbourhood character and landscape considerations*
- *the limits of land capability and natural hazards and environmental quality*
- *service limitations and the costs of providing infrastructure.*

2.3 Meeting the Victorian Government's projected population growth

PPN90 advises planning authorities to:

use Victorian Government population projections and land supply estimates when planning for population growth and managing housing change.

Per the Victorian Government's *Victoria in Future 2019* (DELWP, 2019) (VIF2019), the Peninsula's Estimated Resident Population (ERP) is projected to grow to 200,360 people by the year 2036. Relative to the ERP per the 2016 ABS Census of Population and Housing, an additional 38,830 people is projected to be added to the Peninsula by the year 2036.

In terms of dwelling numbers, VIF2019 projects that 113,250 dwellings will be needed by the year 2036. Relative to the 2016 ABS Census, around 24,010 net new dwellings need to be added to the Peninsula by the year 2036, an average of 1,200 net new dwellings per year. To meet the housing challenge, the HSS considered all land that may support residential uses and analysed their potential housing yield, i.e. the additional dwellings that could be added to the lot under specific assumptions and parameters.¹ The housing capacity analysis estimates that the Peninsula's potential housing yield is 52,895 dwellings as of March 2019. As the actual yield is dependent on market forces in the housing market, only a portion of the potential yield will be realised. Given the net new dwellings needed are approximately 45 per cent of the potential yield, it is considered that there is sufficient housing capacity to accommodate the projected population growth.

2.4 Residential development framework

The projected population growth is not expected to occur at a uniform rate across the Peninsula's towns and villages due to the latter's unique settlement pattern, which mirrors its hierarchy of activity centres², and the numerous factors that need to be considered when determining the best location for increased housing. The HSS identifies these factors to include the significant environmental and landscape values of the Peninsula, climate change impacts, coastal erosion, inundation, bushfire and connectivity.

The HSS contains a residential development framework that identifies housing change areas of minimal, incremental and substantial change across the Peninsula's towns and villages. As per PPN90, the identification of housing change areas:

provides a means for prioritising competing housing and neighbourhood character objectives arising out of local strategic work. It also provides the basis for the application of requirements through zones and overlays to give effect to desired planning outcomes.

Identifying preferred development outcomes provides certainty to the community about where growth and intensification will occur, where valued

¹ Details of the housing capacity analysis, including the parameters and assumptions used to calculate housing yield estimates, are contained in section 6.1 of the HSS.

² The hierarchy of activity centres in the Peninsula comprises three major activity centres and many neighbourhood activity centres consisting of large township activity centres, small township activity centres, local activity centres and convenience centres.

neighbourhood character will be either respected or protected and where development is constrained by other characteristics or values.

Referred to as ‘Residential Change Framework Plan’ in the HSS, the residential development framework is a scaled approach to residential development that ensures the extent of housing change is commensurate with the housing capacity, limitations (if any), and service capability of an area. The RCFP comprises 17 housing change framework maps that cover the entire study area of the HSS.³

Investigation areas are not given a change category due to the need for further investigation. Public Use Zone (PUZ) sites in a major activity centre are designated for substantial change due to their strategic development potential to facilitate higher density residential development under an appropriate residential zone. The future zoning of these areas are to-be-determined and thus marked ‘zoning TBD’ in the RCFP.

Figure 1 illustrates how the change area categories for areas in a residential zone are determined.⁴ The residential zones that apply in the Peninsula are the LDRZ, GRZ, Neighbourhood Residential Zone (NRZ) and Mixed Use Zone (MUZ).

Figure 1: How the change area categories for areas in a residential zone are determined

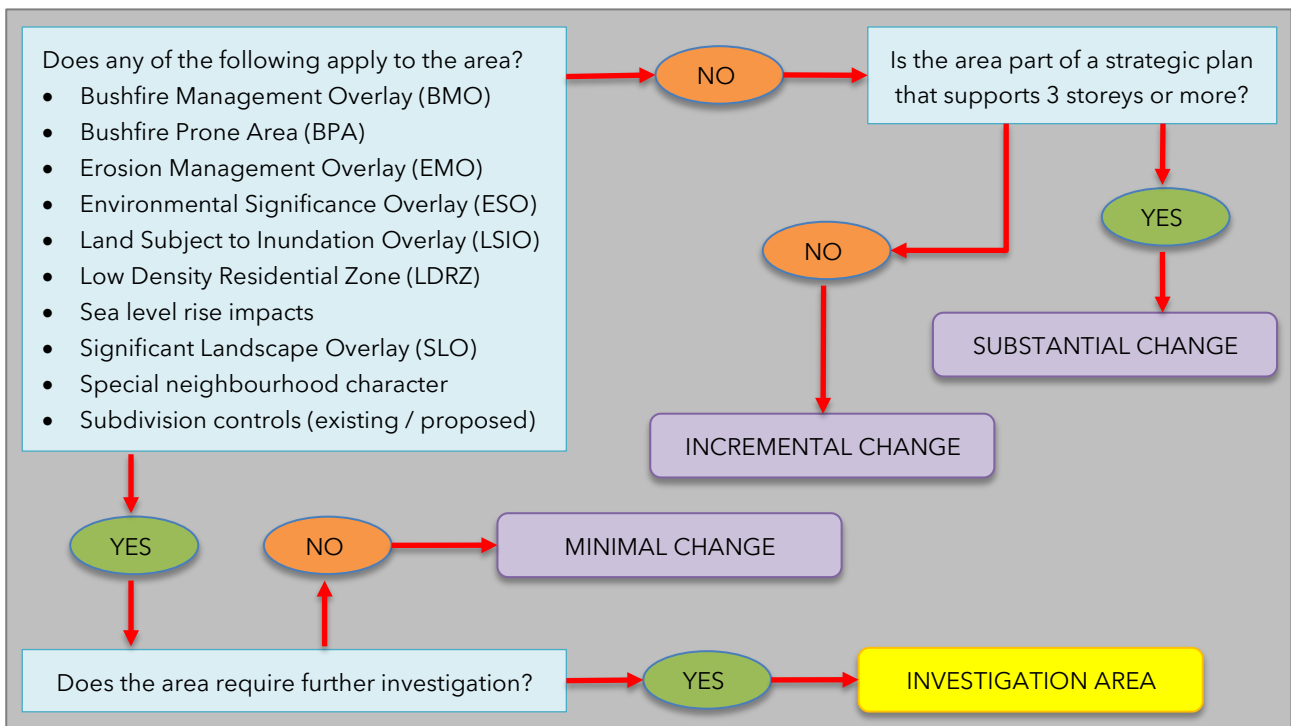


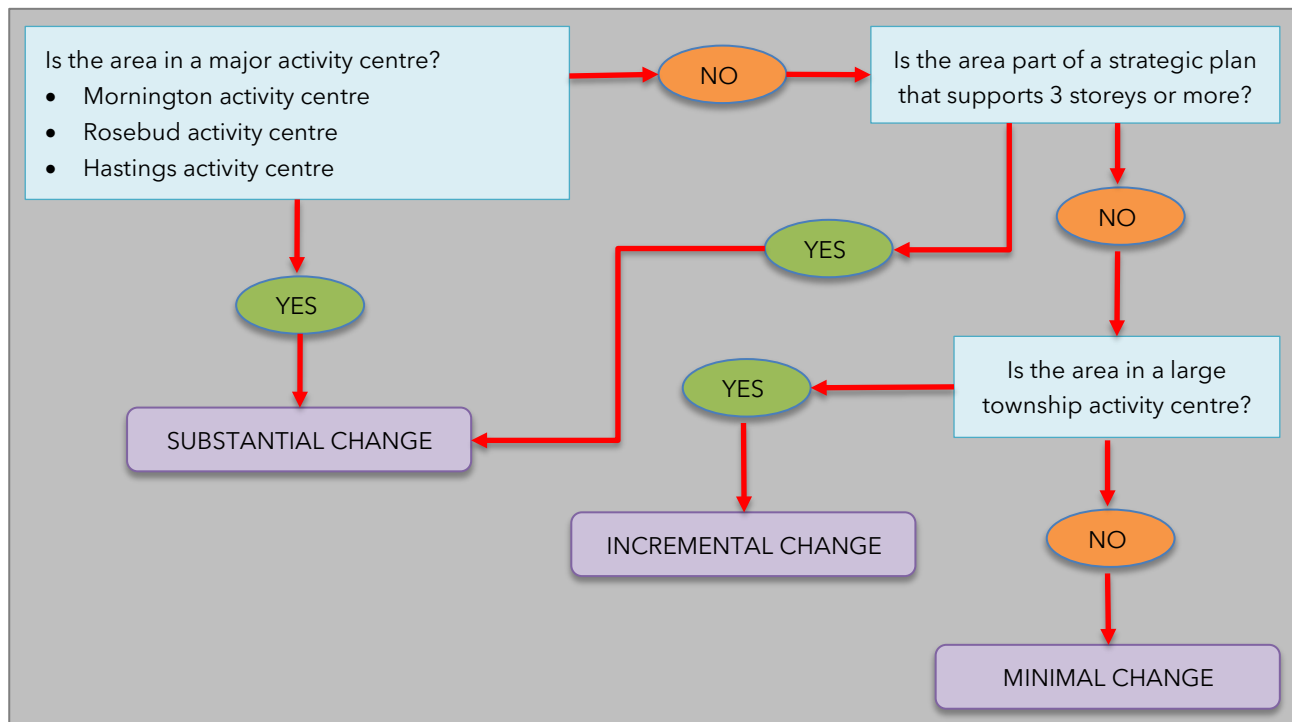
Figure 2 illustrates how the change area categories for areas in the Commercial 1 Zone (C1Z) is determined. While not a residential zone, the C1Z is also considered because activity centres are included the study area of the HSS, and the latter supports residential development in the form of apartments or shop-top housing in activity centres.⁵

³ These maps are contained in Appendix B of the HSS.

⁴ Details about housing change areas are contained in section 5.2 of the HSS. These details are based on PPN90.

⁵ A building that includes dwellings in the Peninsula’s C1Z is expected to provide commercial uses on the ground floor with dwellings on the second storey and above.

Figure 2: How the change area categories for areas in the C1Z are determined



The strategic plans considered are:

- *Balnarring Township Structure Plan* (Plan2Place, 2019)
- *Baxter Township Structure Plan* (Plan2Place, 2019)
- *Dromana Township Plan* (Hansen Partnership, 2018)
- *Hastings Town Centre Structure Plan* (Planisphere, 2017)
- *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007)
- *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017)
- *Rye Township Plan* (REALMstudios, 2020)
- *Somerville Township Structure Plan* (Plan2Place, 2019)

NOTE

Some areas that are affected by Schedule 17 to the ESO (ESO17) are not designated for minimal change. This is because ESO17 concerns streamlines and works were undertaken in the past to divert the flow underground thereby rendering the overlay redundant in these areas. The Shire will review the existing application of the ESO17 and consider progressing a separate planning scheme amendment to remove the ESO17 from locations where it is now redundant in the future.

2.5 Applying the right residential zone

Per the information and guidance in *Planning Practice Note 91: Using the Residential Zones* (DELWP, 2019) (PPN91), the HSS will apply the Peninsula’s residential zones and C1Z to the change area categories as shown in Table 1.

Table 1: How the residential zones and C1Z are to be applied to the change area categories

	Minimal	Incremental	Substantial
LDRZ	✓		
NRZ	✓	✓	
GRZ			✓
MUZ		✓	✓
C1Z	✓	✓	✓
Maximum Building Height	8m to 9m / 2 storeys	9m / 2 storeys	11m to 14m / 3 to 4 storeys

The maximum building height for a dwelling or residential building will be two storeys in minimal and incremental change areas, and 3 to 4 storeys in substantial change areas. More detailed information about maximum building heights will be discussed in section 4.

NOTE

The GRZ is not applied to incremental change areas in the Peninsula even though the zone can be applied to this change area category per PPN90. This is because the extent of change needs to be interpreted relative to the built form context. As per PPN90, “Substantial change areas will reflect a different degree of change in different built form contexts. For example, a substantial change in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context.”

As articulated in the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2015), “The Mornington Peninsula will be planned as an area of special character and importance with a role distinct from and complementary to metropolitan Melbourne and designated growth areas.”⁶ Hence, the built form context of the Peninsula is more akin to that of an outer urban and regional area. Relative to this built form context, dwellings or residential buildings with a building height of 11 metres and 3 storeys or more are considered more appropriate in areas designated for substantial change. The corollary to this is that dwellings or residential buildings in areas designated for incremental change should have a building height that is less than 11 metres and 3 storeys.

Given the GRZ mandates a maximum building height of 11 metres and 3 storeys for dwellings or residential buildings, and the building height may exceed these limits if the schedule specifies a higher height, it is thus not appropriate to apply the GRZ to incremental change areas in the Peninsula.⁷

2.6 Proposed changes to the MPPS and strategic justification

2.6.1 Add new content to clause 02.03 (Strategic Directions) of the MPS under clause 02.03-6 (Housing).

The new content will articulate why the Peninsula is a special and distinctive place with a relatively spacious development pattern across many parts that provides a point of difference to the rest of metropolitan Melbourne, why the Peninsula is under increasing pressure for residential development, the need for the various risks and challenges linked to the Peninsula’s natural assets to be considered when determining the best locations for increased housing, and

⁶ The *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2015) is a state policy document in the PPF under clause 11.03-5S (Distinctive areas and landscapes).

⁷ The zone excludes basements when calculating building heights in number of storeys.

the unequal access to services, employment and recreational opportunities via walking, cycling and public transport across the Peninsula's towns and villages.

This narrative provides the context that underpins the strategic directions of the Mornington Peninsula Shire Council (MPSC) for 'Housing', which comprise the five key directions in the HSS and another five directions that seek to apply a scaled approach to residential development to meet the State Government's projected population growth, maintain the relatively spacious development pattern through the retention of existing subdivision controls, and ensure the extent of housing change is commensurate with the housing capacity, limitations (if any), and service capability of an area.

STRATEGIC JUSTIFICATION

As per clause 71.01-1 (Municipal Planning Strategy), clause 02.03 (Strategic Directions) establishes the strategic directions about how the Peninsula is expected to change through the implementation of planning policy and the planning scheme. Also, a responsible authority must consider and give effect to the MPS when it decides on an application under the MPPS.

As there is currently no content in the 'Housing' section of clause 02.03, i.e. clause 02.03-6, there is thus no guidance about how the Peninsula's housing is expected to change. With the HSS now having been prepared, it is imperative that the key directions in the HSS together with other necessary directions be added to the 'Housing' section.

Adding new content to the 'Housing' section will therefore establish the strategic directions about how the Peninsula's housing is expected to change through the implementation of planning policy and the MPPS. A responsible authority will then be required to consider and give effect to the strategic directions for 'Housing' when deciding on an application under the MPPS.

2.6.2 Create a new local policy in the PPF under clause 16.01-1L (Housing supply – Mornington Peninsula).

The new policy will apply to all residential development in the GRZ, NRZ, LDRZ, C1Z or MUZ. The policy's strategies will seek to ensure residential development is consistent with the change area category identified for the area as shown in the RCFP, and development in investigation areas reflects the change area category of surrounding residential areas.

The policy will also include the following three guidelines on how these strategies may be implemented:

- Maintaining detached dwellings and rural dwellings in minimal change areas.
- Encouraging detached dwellings, units and townhouses in incremental change areas.
- Supporting units, townhouses and apartments in substantial change areas.

The HSS will be included as a policy document to this clause. The RCFP will be appended to the clause given the 17 housing change framework maps contain the spatial information needed to implement the policy's strategies.

NOTE

The RCFP to this clause contains differences to the one in the exhibited copy of the HSS, which is the version adopted by the MPSC in July 2020. These differences are a result of updates that are required as a condition of the amendment's authorisation. The updates were made to:

- ensure land identified for minimal change is subject to an identified constraint or special characteristic as per the parameters set out in the HSS. In particular, given the mapping of natural hazards does not follow lot title boundaries, DELWP advises that discretion in the designation of a change area should be undertaken considering the nature of the hazard and the extent to which it impacts on the residential lot. When updating the RCFP as per this condition, changes were also made to ensure land not identified for minimal change is not subject to an identified constraint or special characteristic as per the parameters set out in the HSS.⁸
- identify the Safety Beach special use area, i.e. the marina precinct and the golf course estate, as an area providing housing even though it is not a housing change area.
- identify land at 197A Hendersons Road, Hastings as an investigation area.
- ensure the designation of change areas is consistent with concurrent planning scheme amendments.
- amend the change area category of 866 Point Nepean Road, Rosebud from minimal to substantial change to accord with clause 11.03-1L (Rosebud activity centre). The clause identifies the site as part of the Jetty Road Café precinct and includes a strategy that promotes the precinct as "an appropriate location to establish food and drink premises associated with residential development." The site is also currently affected by Schedule 18 to the Development Plan Overlay (DPO18). The endorsed development plan permits a maximum building height of 13.5 metres and 3 storeys (excluding the basement).

STRATEGIC JUSTIFICATION

As per clause 71.02-1 (Purpose of the Planning Policy Framework), the PPF provides a context for spatial planning and decision making by planning and responsible authorities. It seeks to ensure the objectives of planning in Victoria, as set out in section 4 of the *Planning and Environment Act 1987*, are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. A responsible authority is required under clause 71.02-2 (Operation) to consider and give effect to the PPF when it decides on an application under the MPPS. This, however, does not apply to policy guidelines and policy documents.

There is currently no local policy in the PPF about residential development and housing supply in the Peninsula. The PPF contains state and regional policies on regional development and housing supply, i.e. clause 16.01-1S (Housing supply) and clause 16.01-1R (Housing supply - Metropolitan Melbourne) respectively, which also apply to the Peninsula and must be considered by a responsible authority when deciding on an application. While the provisions are broadly relevant to the Peninsula, they do not go far enough to address residential development and housing supply issues at a local level. For example, clause 16.01-1R states that planning and responsible authorities should "allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to

⁸ There are two exceptions to the latter set of changes: (i) 4 Boneo Road, Rosebud; and (ii) 866 Point Nepean Road, Rosebud. The lot at 4 Boneo Road, Rosebud is affected by ESO25, which seeks to protect and enhance the environmental significance of the Port Phillip coastal area. Nonetheless, the lot is considered suitable for substantial change because it is part of the *Rosebud Activity Centre Structure Plan* that supports three-storey developments on the site, and the adjacent C1Z land provides a buffer to the Port Phillip coastal area. Explanation for the lot at 866 Point Nepean Road, Rosebud is contained in the last dot point of the note.

ensure choice and growth in housing.” The provision, however, does not provide guidance on where the three housing change areas should be located.

Creating a new local policy under clause 16.01-1L will therefore provide guidance for decision making and help the community to understand how the responsible authority will consider a proposal relating to residential development in areas where the policy will apply. In particular, the 17 housing change framework maps of the RCFP, which will form part of the clause, will provide clarity and certainty to the community about how housing in different change areas across the Peninsula’s towns and villages is expected to change.

2.6.3 Insert the HSS as a background document into the schedule to clause 72.08 (Background Documents).

NOTE

As mentioned in section 2.6.2, the exhibited copy of the HSS is the version adopted by the MPSC in July 2020. The RCFP in the July 2020 version does not include the updates required as a condition of the amendment’s authorisation. While the proposed change to the MPPS is to insert the HSS as a background document into the schedule of clause 72.08, it does not mean that the July 2020 version is the copy that will be inserted when the amendment is finished and, pending the Minister for Planning’s decision, approved. What it means is that the HSS should be inserted as a background document once the amendment is finished and approved. The copy to be inserted will be an updated version that is adopted by the MPSC after the panel hearing stage has concluded. The updates will include those required as a condition of the amendment’s authorisation as well as any other changes recommended by an independent planning panel that the MPSC agrees to adopt.

STRATEGIC JUSTIFICATION

As per clause 72.08 (Background Documents), a background document may:

- Have informed the preparation of, or an amendment to, a planning scheme.
- Provide information to explain the context in which a provision has been framed.
- Assist the understanding of a planning scheme.

It is appropriate to insert the HSS into the MPPS as a background document given the strategy has informed the amendment to the MPPS and provides information to explain the context in which the new provisions under clause 02.03-6 and clause 16.01-1L have been framed.

2.6.4 Rezone GRZ land in minimal and incremental change areas to the NRZ as identified in the RCFP.

STRATEGIC JUSTIFICATION

As shown in Table 1 under section 2.5, the GRZ will only be applied to substantial change areas in the Peninsula. This means that land currently in the GRZ identified for minimal or incremental change in the RCFP will need to be rezoned to the NRZ.

3 Neighbourhood Character Study and Guidelines

3.1 What is the NCSG about?

The NCSG, prepared by Ethos Urban and adopted by the MPSC in October 2019, is a study of all residential localities in the existing GRZ and LDRZ across the Peninsula that identifies the neighbourhood character precincts in the Peninsula and develops preferred character statements, neighbourhood character objectives and design guidelines for each precinct.

As per PPN90, the NCSG is a local neighbourhood character strategy that:

- *considers both the public and private realms*
- *provides strategic direction for neighbourhood character to guide future development through preferred neighbourhood character statements or neighbourhood character objectives*
- *identifies the comparative significance of each neighbourhood character area⁹*
- *forms the basis for neighbourhood character statements, policies, objectives and local variations to clause 54 and clause 55 being included in residential zone schedules, a Neighbourhood Character Overlay or other overlay.*

NOTE

While the NCSG is meant to cover all residential localities in the existing GRZ and LDRZ across the Peninsula, some GRZ areas in proximity to Rosebud activity centre and similarly to Hastings activity centre are omitted in the final adopted version. This is because when the NCSG was being finalised for adoption after having been exhibited and revised following feedback from the community, there were two amendments that were awaiting approval by the Minister for Planning. They were amendment C206morn, which seeks to implement the *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017), and amendment C190morn, which seeks to implement the *Hastings Town Centre Structure Plan* (Planisphere, 2017).

The study area in each structure plan includes the activity centre and some GRZ areas in proximity to the centre. Each structure plan recommends controls on building height and setbacks that were specific to a precinct inside the study area. Each amendment proposes to introduce the recommended controls via a new schedule to the Design and Development Overlay, i.e. DDO26 for Rosebud and DDO27 for Hastings.

Given both amendments would soon be approved by the Minister as advised by DELWP, the Shire decided to remove the GRZ areas affected by the amendments from the final version of the NCSG to avoid conflicts with the latter's proposed controls. After the final NCSG was adopted by the MPSC in October 2019, amendments C206morn and C190morn were respectively approved in November 2019 and December 2019 with changes - the GRZ areas were removed from the proposed DDO26 and DDO27.

In order to prepare a proper and complete residential development framework for the HSS, it was necessary to address the omitted GRZ areas in Rosebud and Hastings. To do that, the Shire reinstated the character areas and controls proposed in the exhibited version of the NCSG for these areas and relied on the maximum building heights intended under the structure plans. With this information, the process described in Table 1 is then used to determine the appropriate change area category. A residential zone that is appropriate to the designated change area is then applied.

⁹ In assessing the significance of areas, comparisons need to be made, not only with other parts of the municipality but also with the wider region.

3.2 Why is the NCSG required?

Over the years, several detailed studies, prepared by external consultants, were commissioned by the Shire to identify the valued characteristics of specific residential precincts. The studies that are of relevance to this document are:

- *Mount Eliza Woodland Neighbourhood Character Study* (Planisphere, 2006)
- *Crib Point Urban Design Guidelines* (NMBW Architecture Studio and Baracco Wright Architects, 2010)
- *Crib Point Township Plan* (Hansen Partnership, NMBW Architecture Studio and Baracco Wright Architects, 2011)
- *Beleura Hill Neighbourhood Character Study* (Tract Consultants, 2014)
- *Beleura Hill Design Guidelines* (Tract Consultants, 2015)
- *Mornington Peninsula Investigation Areas Study: Bittern Discussion Paper* (Hansen Partnership, 2014)
- *Mornington Peninsula Investigation Areas Study: Mount Martha Discussion Paper* (Hansen Partnership, 2015).

The Shire also undertook a detailed study of a relatively small residential precinct to identify its valued characteristics. This study, which was done in-house, was undertaken at the request of the residents, who wanted new planning controls to protect the character of their neighbourhood from inappropriate development.¹⁰ The residential precinct covered by this in-house study is the Woodthorpe Estate in Capel Sound. This township was previously known as Rosebud West.

These detailed studies, both commissioned and in-house, provided the strategic work required to support the planning scheme amendments that introduced the neighbourhood character controls that now apply to the residential precincts via an amended or an added Design and Development Overlay (DDO) schedule as shown in Table 2.

Table 2: Amended or added DDO schedules and associated strategic work

DDO Schedule and Name	Strategic Work	Amendment
DDO2 Bayside and Village Design (amended to include the Birdrock / Clarkes Avenue Precinct, Mount Martha)	<i>Mornington Peninsula Investigation Areas Study: Mount Martha Discussion Paper</i> (Hansen Partnership, 2015)	C189morn Gazetted 20/10/2016
DDO17 Woodthorpe Estate, Rosebud West (added to the MPPS)	In-house strategic work	C109morn Gazetted 02/02/2012
DDO18 Mount Eliza Woodland Area (added to the MPPS)	<i>Mount Eliza Woodland Neighbourhood Character Study</i> (Planisphere, 2006)	C162morn Gazetted 26/06/2014

¹⁰ The Bittern Discussion Paper prepared by Hansen Partnership as part of the Mornington Peninsula Investigation Areas Study was also driven by the request of the residents who wanted new planning controls to protect the character of their Hendersons - Creswell residential precinct.

DDO19 Bittern and Crib Point Township Residential Area (added to the MPPS) DDO20 Crib Point Town Centre Residential Area (added to the MPPS)	<i>Crib Point Urban Design Guidelines</i> (NMBW Architecture Studio and Baracco Wright Architects, 2010) <i>Crib Point Township Plan</i> (Hansen Partnership, NMBW Architecture Studio and Baracco Wright Architects, 2011)	C163morn (Part 2) Gazetted 27/03/2014
DDO23 Hendersons - Creswell Residential Precinct (added to the MPPS)	<i>Mornington Peninsula Investigation Areas Study: Bittern Discussion Paper</i> (Hansen Partnership, 2014)	C188morn (Part 2) Gazetted 10/03/2016
DDO24 Beleura Hill, Mornington (added to the MPPS)	<i>Beleura Hill Neighbourhood Character Study</i> (Tract Consultants, 2014) <i>Beleura Hill Design Guidelines</i> (Tract Consultants, 2015)	C189morn Gazetted 20/10/2016

Despite these studies, there were still many residential localities in the Peninsula without a neighbourhood character study. It is not possible to rely on a local housing strategy per se to plan for housing to accommodate the projected population growth and still ensure the valued characteristics of all residential localities are protected. As per PPN90:

While a housing strategy identifies the extent and nature of future housing, a neighbourhood character strategy assists in identifying valued characteristics of areas that need to be considered when identifying the preferred future character for residential areas. Actions can then be identified to ensure that existing character is respected, or a preferred new character is achieved.

The fact that many residential localities were not covered by a study also meant that a complete and proper residential development framework could not be prepared. This would hamper the Shire's ability to plan for housing and still protect the valued characteristics of all residential localities. Hence, it was necessary that the valued characteristics of the remaining residential localities be identified so that a complete canvas of neighbourhood character across all residential localities of the Peninsula is achieved.

Ethos Urban was thus commissioned by the Shire to prepare the NCSG with the view that the study will complement the HSS and facilitate the development of a residential development framework as per PPN90.

NOTE

While the NCSG covers all residential localities across the Peninsula, it is not intended to supersede the character controls that have been incorporated into the MPPS via an amended or a new DDO schedule as listed in Table 2. As discussed above, these controls are underpinned by more detailed studies, have been through the planning scheme amendment process and reviewed by an independent planning panel. For these reasons, the NCSG recommends that in areas that "are encumbered by an existing DDO that is underpinned by a more detailed neighbourhood character study - for example, DDO18 Mount Eliza Woodland Area, and DDO24 Beleura Hill, Mornington ... it is considered appropriate to retain the existing planning controls."

3.3 Residential character areas and precincts

In developing the residential character areas and precincts that are unique to the Peninsula, the following character elements were assessed:

- building height and form

- vegetation and landscaping
- siting and setbacks
- building materials, design and details
- garage storage and vehicle access
- front fencing.

The determination of character areas is based on major differences in the above character elements. Minor differences in each character area determine the character precincts. The Peninsula is identified to have six character areas comprising 17 neighbourhood character precincts (Table 3).

Table 3: Residential character areas and precincts of the Peninsula

Character Area	Number of Precincts	Neighbourhood Character Precinct
Garden Residential	Four	GR1, GR2, GR3 and GR4
Garden Court	Three	GC1, GC2 and GC3
Bush Residential	Three	BR1, BR2 and BR3
Bush Coastal	Two	BC1 and BC2
Bush Coastal Contemporary	Three	BCC1, BCC2 and BCC3
Rural Settlement	Two	RS1 and RS2

Each neighbourhood character precinct has a preferred character statement, neighbourhood character objectives and design guidelines, and these provide the basis for the character controls required to protect the identified valued characteristics.

3.4 Special neighbourhood character areas

Two areas are identified in the NCSG as having a special neighbourhood character that warrants greater protection through the application of the Neighbourhood Character Overlay (NCO). These areas are:

- the Ranelagh Estate in Mount Eliza
- The Avenues in Rosebud and parts of Tootgarook and Rye.

3.5 Areas identified as heavily vegetated

Some areas are identified in the NCSG as heavily vegetated with the vegetation forming an important character element. Most of these areas are already affected by Schedule 1 to the Vegetation Protection Overlay (VPO1), which requires a permit to remove, lop or destroy any vegetation if the specified exemptions are not met. The Shire thus proposes to apply the VPO1 over those parts of the heavily vegetated areas that are currently not affected by the VPO1.

3.6 Incorporating character controls underpinned by the NCSG into the MPPS

The character controls underpinned by the NCSG (NCSG controls) comprise non-statutory controls and statutory controls. The non-statutory controls will be incorporated into the MPPS through a new local policy on neighbourhood character under clause 15.01-5L (Neighbourhood character - Mornington Peninsula). The statutory controls will be incorporated through the zone schedule for land in the GRZ or NRZ, and the DDO schedule for land in the LDRZ.

Given the statutory controls relate to neighbourhood character objectives and variations to clause 54 and clause 55 requirements (CI 54/55 variations), they can only be incorporated into the zone schedule if the zone is the GRZ or NRZ.¹¹ This is because the LDRZ schedule only permits controls on minimum subdivision area and outbuildings; hence, the need to use the DDO schedule. If the LDRZ land is encumbered by an existing DDO schedule, it is then necessary to delete the existing schedule and create a new one in its place.

There are three areas in the LDRZ that will be excluded from the NCSG controls. These areas are:

- the Kinfauns Estate in Bittern
- land affected by DDO22
- land affected by concurrent amendment C228morn, i.e. 146-152 Bungower Road, Mornington.

For land in the GRZ or NRZ, the character controls are incorporated into the zone schedule provided the land is:

- not 866 Point Nepean Road, Rosebud
- not part of a residential precinct that is affected by a DDO schedule listed in Table 2
- not affected by a concurrent amendment, i.e. C227morn, C269morn and C275morn.

For the land at 866 Point Nepean Road, Rosebud, translatable character controls in the DPO18 will be moved to a new GRZ schedule and enhanced with applicable NCSG controls.

For land that is part of a residential precinct covered by a detailed study listed in Table 2, translatable character controls in the DDO schedule will be moved to a new NRZ schedule and enhanced with applicable NCSG controls.

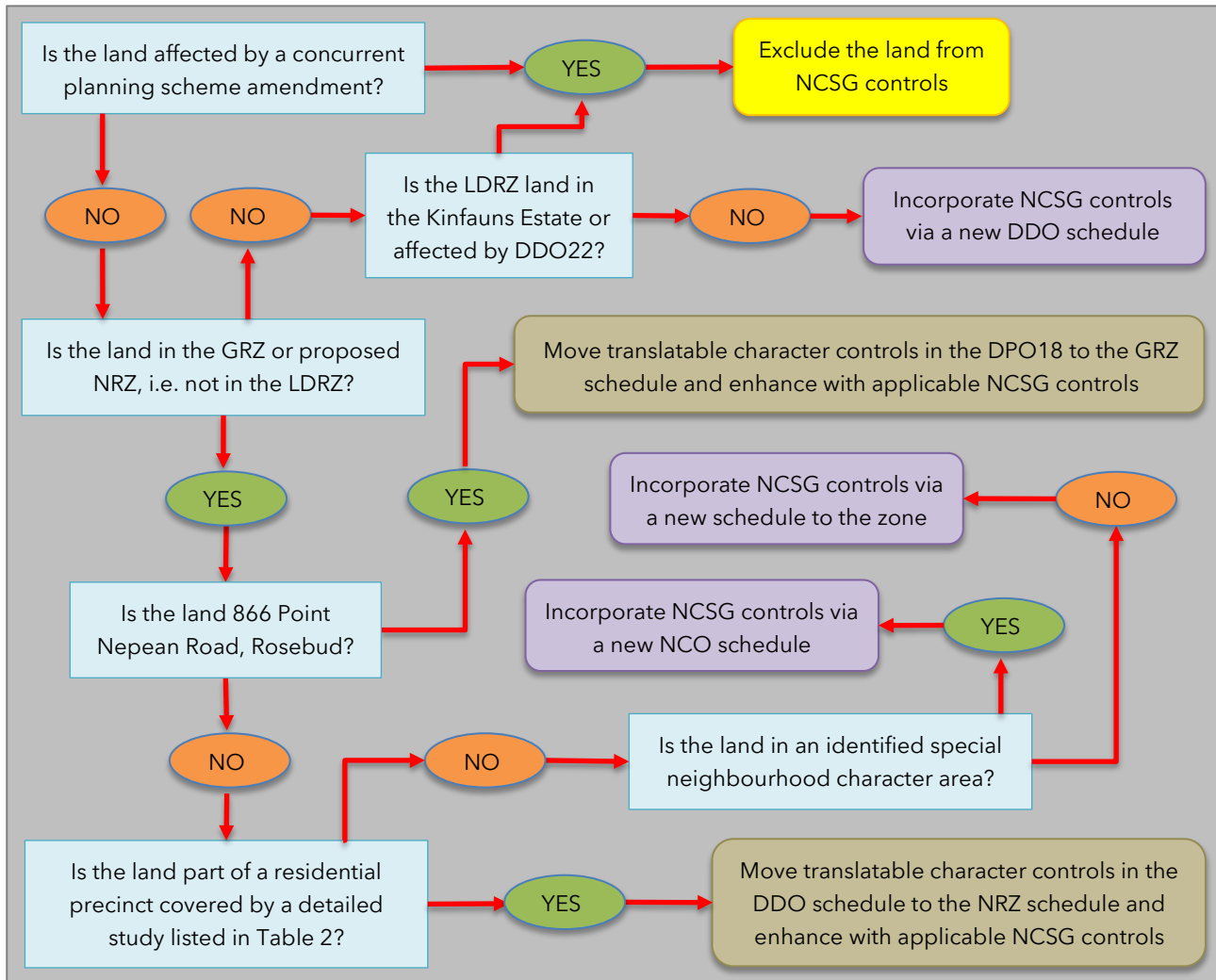
For land that is affected by DDO18 or DDO24, where the land is covered by a detailed study that recommends separate neighbourhood character precincts with preferred character statements, neighbourhood character objectives and other character controls, new NRZ schedules will be created based on the study's precincts and each schedule will incorporate the corresponding statement, objectives and other character controls from the study instead of the

¹¹ There are other residential zones such as the MUZ that also permit CI 54/55 variations. However, only the GRZ, NRZ and LDRZ are of relevance to the NCSG

NCSG controls. Translatable character controls in the DDO18 will be moved to the new NRZ schedules, similarly for DDO24.

For special neighbourhood character areas, the character controls will be incorporated into a new schedule to the NCO. Figure 3 illustrates how the character controls will be incorporated into the MPPS.

Figure 3: How the NCSG controls will be incorporated into the MPPS



NOTE
While there are different approaches to incorporating preferred character statements into a planning scheme, the Shire has chosen to incorporate the statements by integrating them with corresponding neighbourhood character objectives.

3.7 Proposed changes to the MPPS and strategic justification

3.7.1 Create a new local policy in the PPF under clause 15.01-5L (Neighbourhood character – Mornington Peninsula)

The non-statutory controls will be incorporated into a new local policy on neighbourhood character in the PPF under clause 15.01-5L (Neighbourhood character - Mornington Peninsula).

The new local policy will apply to all residential development in the GRZ, NRZ or LDRZ, and address the following character elements:

- built form
- garden setting
- fencing

Each character element will contain one objective, several strategies and accompanying policy guidelines. The NCSG will be added to this clause as a policy document.

STRATEGIC JUSTIFICATION

There is currently no local policy in the PPF about neighbourhood character in the Peninsula. The PPF contains state policies on neighbourhood character, i.e. clause 15.01-5S (Neighbourhood character), which also apply to the Peninsula and must be considered by a responsible authority when deciding on an application. While the provisions are relevant to the Peninsula, they do not go far enough to address neighbourhood character issues at a local level. For example, clause 15.01-5S states that planning and responsible authorities should “ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the ... neighbourhood character values and built form that reflect community identity.” The provision, however, does not identify the neighbourhood character values and built form that are relevant to the identity of a community in the Peninsula.

As explained in section 2.6.2, creating a new local policy under clause 15.01-5L will therefore provide guidance for decision making and help the community to understand how the responsible authority will consider a proposal relating to residential development in areas where the policy will apply. In particular, the local policy will provide clarity and certainty to the community about how neighbourhood character will be protected across the Peninsula’s towns and villages.

3.7.2 Apply new Schedules 34 to 53 to the DDO to the LDRZ land except the three areas highlighted in section 3.6, and delete any existing DDO schedule from the land

For land in the LDRZ, the amendment will create 20 new DDO schedules where each proposed schedule will incorporate the character controls for the identified neighbourhood character precinct as shown in Table 4. Each proposed schedule will replace the existing DDO schedule, if any, that applies to the land. The neighbourhood character objectives will be incorporated as design objectives, and the proposed schedule will also include controls that are to be retained from the existing DDO schedule (refer to section 4.2 for details about DDO controls that are to be retained).

Table 4: Proposed DDO schedules for LDRZ land

Proposed DDO Schedule	Schedule Name	Neighbourhood Character Precinct	Existing DDO Schedule
DDO34	Low Density Garden Court A	GC1	DDO1

DDO35	Low Density Garden Court B	GC1	DDO4
DDO36	Low Density Garden Court C	GC2	DDO4
DDO37	Low Density Garden Court D	GC2	DDO6, DDO7
DDO38	Low Density Garden Court E	GC3	DDO7
DDO39	Low Density Bush Residential	BR1 and BR3	DDO4
DDO40	Low Density Bush Coastal A	BC1	DDO3
DDO41	Low Density Bush Coastal B	BC1	DDO4, DDO5
DDO42	Low Density Bush Coastal C	BC1	DDO6
DDO43	Low Density Bush Coastal D	BC2	DDO3
DDO44	Low Density Bush Coastal E	BC2	DDO5
DDO45	Low Density Bush Coastal F	BC2	DDO6
DDO46	Low Density Bush Coastal Contemporary A	BCC1	DDO4
DDO47	Low Density Bush Coastal Contemporary B	BCC3	DDO3
DDO48	Low Density Bush Coastal Contemporary C	BCC3	DDO5
DDO49	Low Density Bush Coastal Contemporary D	BCC3	DDO6
DDO50	Low Density Rural Settlement A	RS1	DDO4
DDO51	Low Density Rural Settlement B	RS1	DDO6, DDO7
DDO52	Low Density Rural Settlement C	RS2	Nil
DDO53	Low Density Rural Settlement D	RS2	DDO6, DDO7

STRATEGIC JUSTIFICATION

As per PPN90, the completion of the NCSG provides the basis for incorporating character controls underpinned by the NCSG into the proposed LDRZ schedules.

As explained in section 3.6, the LDRZ schedule does not permit neighbourhood character objectives and CI 54/55 variations. This is because the zones to which clause 54 and clause 55 apply, as specified in both clauses, do not include the LDRZ. The use of a DDO schedule is thus necessary to incorporate the character controls.

The three areas highlighted in section 3.6 are excluded because the Kinfauns Estate is affected by an incorporated document that contains character controls while the DDO22 contains character controls pertaining to the land, which is one of the precincts in the *Mornington North Outline Development Plan* (Mornington Peninsula Shire, 2013) under clause 11.03-6L (Regional and local places – Mornington North). Land at 146-152 Bungower Road, Mornington is affected by concurrent amendment C228morn, which proposes to apply a new DPO schedule to the land.

3.7.3 Delete existing LDRZ schedule and create new Schedules 1 to 11

The existing LDRZ schedule is unnumbered and currently contains a control on the minimum subdivision area of 0.4 hectares for LDRZ land in the green wedge, i.e. outside the UGB. The schedule does not specify the dimensions above which a permit is required to construct an outbuilding.

The amendment will delete the existing unnumbered schedule and create 11 new ones. Each proposed schedule will contain:

- a unique value for the minimum subdivision area
- a value for the area of an outbuilding above which a permit is required to construct.

The mapping of the 11 proposed schedules will be based on the existing subdivision controls, which will also dictate the minimum subdivision area that each proposed schedule will specify. For example, if the land is affected by the DDO1, which does not contain a subdivision control, the minimum subdivision area will be 0.2 hectares per the requirements in the LDRZ. If the land is affected by the DDO3, the value will be 0.4 hectares.

The value for the area of an outbuilding is the same for all proposed schedules except the LDRZ11, which is proposed to apply to the Kinfauns Estate. This is because the Estate is affected by an incorporated document that specifies a value of 50 square metres. The 80 square metres for all LDRZ land, except the Kinfauns Estate, is based on the Manningham Planning Scheme.

The minimum subdivision area for each proposed schedule is shown in Table 5.

Table 5: Proposed LDRZ schedules

Proposed LDRZ Schedule	Minimum Subdivision Area (hectares)	Outbuilding (square metres)
LDRZ1	0.2	80
LDRZ2	0.25	80
LDRZ3	0.3	80
LDRZ4	0.4	80
LDRZ5	0.5	80
LDRZ6	0.6	80
LDRZ7	1	80
LDRZ8	2	80
LDRZ9	4	80
LDRZ10	8	80
LDRZ11	1	50

STRATEGIC JUSTIFICATION

A key element of the amendment is to rely on the residential zone schedules as much as possible and only use an overlay to control matters that are beyond the remit of the former. Regarding outbuildings, given the existing schedule does not specify a value, the Shire’s planners have interpreted this to mean that any outbuilding regardless of their floor area size will require a permit to construct. This is an unnecessary burden on small outbuildings that are unlikely to be an issue for the character of the site and surrounding areas. Hence, the Shire believes the 80 square metres would achieve a reasonable balance between limiting the need for a planning permit and controlling outbuildings to protect the character of low density residential areas.

3.7.4 Amend Schedules 1 and 3 to the GRZ, create new Schedule 2 to the GRZ and rezone a pocket of GRZ1 land in Rosebud to the proposed GRZ2

The existing GRZ1 and GRZ3 will be amended and a new GRZ2 will be created to incorporate the character controls for the identified neighbourhood character precinct as shown in Table 6. The existing mandatory maximum building height of 14 metres and 3 storeys under the GRZ3 will be retained. A pocket of GRZ1 land in proximity to Rosebud activity centre will be rezoned to the GRZ2. The existing GRZ3 will apply to two sites – both in Mornington – instead of the current three given the third site, i.e. the land at 866 Point Nepean Road in Rosebud, will be rezoned to the proposed GRZ4 as explained in section 3.7.5.

It should be noted that one of the two GRZ3 sites in Mornington is identified in the NCSG as a GR1 precinct. The amendment, however, will apply the GC1 precinct to both sites.

Table 6: Amended and proposed GRZ schedules

GRZ Schedule	Schedule Name	Neighbourhood Character Precinct	Maximum Building Height
GRZ1 - amended	Garden Residential Township Area	GR1	11 metres / 3 storeys
GRZ2 - proposed	Garden Court Township Area	GC1	11 metres / 3 storeys
GRZ3 - amended	Garden Court Town Centre Area	GC1	14 metres / 3 storeys

STRATEGIC JUSTIFICATION

As per PPN90, the completion of the NCSG provides the basis for incorporating character controls underpinned by the NCSG into the, in this instance, amended and proposed GRZ schedules.

The new GRZ2 is needed for the pocket of existing GRZ1 land in proximity to Rosebud activity centre given it has a different identified neighbourhood character precinct. Nonetheless, the character controls for the GC1 precinct will apply to the two GRZ3 sites in Mornington even though one of the two sites is identified as a GR1 precinct. This is because both sites already contain high-density residential developments with a maximum building height of 14 metres and 3 storeys. The developments on both sites are very similar with minimal setbacks from the side street, for corner lots, and little to no setbacks from the side boundary. Hence, the GC1 is applied to both sites as it prescribes a smaller setback from the site street, for corner lots, and from the side boundary.

NOTE

Given the GRZ is applied to areas designated for substantial change, it is necessary to amend the first neighbourhood character objective to ensure the preferred character better reflects the types of residential development that would be expected in such areas.

3.7.5 Create new Schedule 4 to the GRZ and rezone land at 866 Point Nepean Road, Rosebud from the existing GRZ3 to the proposed GRZ4

Land at 866 Point Nepean Road, Rosebud will be rezoned from the existing GRZ3 to the proposed GRZ4. The land is currently affected by the DPO18 that permits a maximum building height of 13.5 metres and 3 storeys (excluding the basement). As discussed in section 2.6.2, the

land is identified as part of the Jetty Road Café precinct under clause 11.03-1L (Rosebud activity centre). The clause includes a strategy that promotes the precinct as “an appropriate location to establish food and drink premises associated with residential development.”

STRATEGIC JUSTIFICATION

The rezoning is necessary because the GRZ3 will be amended to incorporate the character controls for the GC1 as explained in section 3.7.3. These controls do not reflect the existing character controls in the DPO18. It is thus necessary to create the new Schedule 4 so that translatable character controls in the DPO18 can be moved to the proposed GRZ4 and enhanced with applicable NCSG controls, e.g. neighbourhood character objectives and a landscape plan under application requirements.

The Shire is currently undertaking amendment C267morn, which proposes to correct various documents and mapping anomalies and remove redundant sections from the MPPS. The DPO18 will be removed under amendment C267morn given the site has been developed in accordance with the endorsed development plan. It is thus necessary that translatable character controls in the DPO18 be moved to the proposed GRZ4.

3.7.6 Create new Schedules 2 to 18 to the NRZ for proposed NRZ land not covered by a detailed study listed in Table 2

Each of these 17 proposed NRZ schedules will incorporate the character controls for the identified neighbourhood character precinct as shown in Table 7. The 17 proposed NRZ schedules will apply to existing GRZ land, to be rezoned to the NRZ, that is not covered by a detailed study listed in Table 2.

Table 7: Proposed NRZ schedules for land not covered by a detailed study listed in Table 2

Proposed NRZ Schedule	Schedule Name	Neighbourhood Character Precinct
NRZ2	Garden Residential 1	GR1
NRZ3	Garden Residential 2	GR2
NRZ4	Garden Residential 3	GR3
NRZ5	Garden Residential 4	GR4
NRZ6	Garden Court 1	GC1
NRZ7	Garden Court 2	GC2
NRZ8	Garden Court 3	GC3
NRZ9	Bush Residential 1	BR1
NRZ10	Bush Residential 2	BR2
NRZ11	Bush Residential 3	BR3
NRZ12	Bush Coastal 1	BC1
NRZ13	Bush Coastal 2	BC2
NRZ14	Bush Coastal Contemporary 1	BCC1
NRZ15	Bush Coastal Contemporary 2	BCC2

NRZ16	Bush Coastal Contemporary 3	BCC3
NRZ17	Rural Settlement 1	RS1
NRZ18	Rural Settlement 2	RS2

STRATEGIC JUSTIFICATION

As per PPN90, the completion of the NCSG provides the basis for incorporating character controls underpinned by the NCSG into the proposed NRZ schedules.

3.7.7 Create new Schedules 19 to 34 to the NRZ for proposed NRZ land covered by a detailed study listed in Table 2

The proposed NRZ19 to NRZ22 will be based on the four neighbourhood character precincts identified in the *Mount Eliza Woodland Neighbourhood Character Study* (Planisphere, 2006) for the Woodland Area given the study contains a preferred character statement, neighbourhood character objectives and other character controls for each precinct. Translatable character controls in the existing DDO18 will be moved to the NRZ schedule and enhanced with applicable NCSG controls, e.g. a landscape plan under application requirements. Non-translatable character controls will be retained in the amended DDO18.

Similarly, the proposed NRZ23 to NRZ25 will be based on the five neighbourhood character precincts identified in the *Beleura Hill Neighbourhood Character Study* (Tract Consultants, 2014) and *Beleura Hill Design Guidelines* (Tract Consultants, 2015) given the study and design guidelines contain a preferred character statement, neighbourhood character objectives and other character controls for each precinct. Translatable character controls in the existing DDO24 will be moved to the NRZ schedule and enhanced with applicable NCSG controls, e.g. a landscape plan under application requirements. Non-translatable character controls will be retained in the amended DDO24.

The character controls for the Birdrock / Clarkes Avenue precinct in the existing DDO2 will be translated to the proposed NRZ28 and enhanced with applicable NCSG controls, e.g. neighbourhood character objectives, specific CI 54/55 variations, and a landscape plan under application requirements. Similarly, translatable character controls in the existing DDO17, DDO19, DDO20 and DDO23 will be moved to the NRZ schedule and enhanced with applicable NCSG controls, e.g. neighbourhood character objectives, specific CI 54/55 variations, and a landscape plan under application requirements.

Table 8: Proposed NRZ schedules for land covered by a detailed study listed in Table 2

Proposed NRZ Schedule	Schedule Name	Neighbourhood Character Precinct	Existing DDO Schedule
NRZ19	Mount Eliza Woodland Area - Precinct 1	Precinct 1	DDO18
NRZ20	Mount Eliza Woodland Area - Precinct 2	Precinct 2	DDO18
NRZ21	Mount Eliza Woodland Area - Precinct 3	Precinct 3	DDO18
NRZ22	Mount Eliza Woodland Area - Precinct 4	Precinct 4	DDO18
NRZ23	Beleura Hill, Mornington - Esplanade Precinct	Esplanade Precinct	DDO24

NRZ24	Beleura Hill, Mornington - Northeast Precinct	Northeast Precinct	DDO24
NRZ25	Beleura Hill, Mornington - Southeast and West Precinct	Southeast and West Precinct	DDO24
NRZ26	Beleura Hill, Mornington - Creek Precinct	Creek Precinct	DDO24
NRZ27	Beleura Hill, Mornington - Beleura Hill Road (South) Precinct	Beleura Hill Road (South) Precinct	DDO24
NRZ28	Birdrock / Clarkes Avenue Precinct, Mount Martha	BC2 (hybrid)	DDO2
NRZ29	Woodthorpe Estate, Capel Sound	GR2 (hybrid)	DDO17
NRZ30	Crib Point Township Area - Precinct 1	GR1 (hybrid)	DDO19
NRZ31	Crib Point Township Area - Precinct 2	GR2 (hybrid)	DDO19
NRZ32	Bittern and Crib Point Township Area	GC2 (hybrid)	DDO19
NRZ33	Crib Point Town Centre Area	GR1 (hybrid)	DDO20
NRZ34	Henderson / Creswell Road Precinct, Bittern	GC2 (hybrid)	DDO23

NOTE

The term 'hybrid' is used to indicate that the character controls for the area is a mix of complementary controls from the NCSG and applicable detailed study.

STRATEGIC JUSTIFICATION

As per PPN90, the completion of a local neighbourhood character strategy, i.e. the NCSG and other detailed studies in this instance, provides the basis for incorporating character controls underpinned by the local strategy into the proposed NRZ schedules.

As explained in the note in section 3.2, the existing character controls are underpinned by more detailed studies that have been through the planning scheme amendment process and reviewed by an independent planning panel. For these reasons, the NCSG recommends that the existing character controls be retained.

3.7.8 Create new Schedules 35 and 36 to the NRZ for land in Dromana where the GR1 and GR2 precincts respectively apply

Each of the proposed NRZ35 and NRZ36 will incorporate the character controls for the identified neighbourhood character precinct as shown in Table 9. They will also include applicable character controls underpinned by the *Dromana Residential Investigation Areas* (Hansen Partnership, 2018).

Table 9: Proposed NRZ schedules for the township and hillside areas of Dromana

Proposed NRZ Schedule	Schedule Name	Neighbourhood Character Precinct
NRZ35	Dromana Township Area	GR1 (hybrid)
NRZ36	Dromana Hillside Area	GR2 (hybrid)

STRATEGIC JUSTIFICATION

The MPSC previously sought authorisation for amendment C224morn, which proposes to implement the *Dromana Residential Investigation Areas* (Hansen Partnership, 2018) by introducing two new DDO schedules, i.e. DDO30 and DDO31, to protect the character of the township area and hillside area of Dromana, respectively. The Minister for Planning, however, decided against the application of both DDO schedules and advised the MPSC to integrate the character controls proposed under C224morn with the NCSG controls.

Accordingly, the proposed NRZ35 is a hybrid of the character controls for the GR1 precinct and the those in the proposed DDO30 while the proposed NRZ36 is a hybrid of the character controls for the GR2 precinct and those in the proposed DDO31. As each DDO schedule contains character controls that are similar to those for the corresponding neighbourhood character precinct, only a few key character controls from the DDO schedules need to be integrated.

For the proposed NRZ35, the additional character controls relate to:

- views to the coastline
- the use of natural materials with muted tones and colours to fit within the vegetated coastal landscape
- front canopy trees.

For the proposed NRZ36, the additional character controls relate to:

- views to the coastline
- the use of natural materials with muted tones and colours to fit within the vegetated coastal landscape
- minimum lot size of 650 square metres.

It should be noted that amendment C224morn sought to introduce a mandatory maximum building height of 8 metres and 2 storeys via the DDO31 for the hillside area. This mandatory control cannot be included in the proposed NRZ36 because the zone does not permit a schedule to specify a mandatory maximum building height that is under 9 metres, which is the mandatory maximum building height under the zone. Given the hillside area will be rezoned to the NRZ under amendment C219morn, the mandatory maximum building height of 9 metres under the NRZ is considered sufficient.

3.7.9 Create new Schedule 37 to the NRZ for land in an identified special neighbourhood character area

Other than an objective about maintaining and strengthening the vegetated setting of dwellings in areas that have a special neighbourhood character and a landscape plan under application requirements, the proposed NRZ37 labelled 'Special Neighbourhood Character Area' does not contain any other character controls. The proposed schedule will apply to the two identified special neighbourhood character areas, i.e. the Ranelagh Estate in Mount Eliza, and The Avenues in Rosebud and parts of Tootgarook and Rye.

STRATEGIC JUSTIFICATION

The two special neighbourhood character areas are identified in the NCSG to have valued characteristics that warrant greater protection through the application of the NCO. Rather than duplicate controls, it is sufficient to incorporate the character controls for both areas into the corresponding NCO schedules.

3.7.10 Apply new Schedules 1 and 2 to the NCO to land in an identified special neighbourhood character area

Each of the proposed NCO1 and NCO2 will incorporate character controls that are similar to those for the identified neighbourhood character precinct as shown in Table 10. More importantly, the proposed NCO1 and NCO2 will have more character controls, including modifications to clause 54 and clause 55 requirements (cl 54/55 modifications), than the proposed NRZ3 and NRZ5, which are associated with the GR2 and GR4 precincts, respectively.

Table 10: Proposed NCO schedules for special neighbourhood character areas

Proposed NCO Schedule	Schedule Name	Neighbourhood Character Precinct
NCO1	Ranelagh Estate, Mount Eliza	Similar to the GR2 precinct
NCO2	The Avenues, Rosebud and parts of Tootgarook and Rye	Similar to the GR4 precinct

STRATEGIC JUSTIFICATION

As per PPN31, the NCO can be applied if the following three criteria are met:

- **Criterion 1** - The proposed area exhibits existing characteristics that need to be protected or need to be changed to achieve a preferred character.
- **Criterion 2** - The area, relative to the rest of the municipality, can be demonstrated to require a specific approach to neighbourhood character.
- **Criterion 3** - The application of local planning policy, the objectives and standards of clause 54 and clause 55 or variations to clause 54 and clause 55 in the schedule to the residential zone will not meet the neighbourhood character objectives for that area.

Ranelagh Estate, Mount Eliza

Responses to these three criteria demonstrating why the NCO can be applied to the Ranelagh Estate is contained in Table 11.

Table 11: Responses to the three criteria for applying the NCO to the Ranelagh Estate

Criterion	Response
1	<p>The existing characteristics of the Ranelagh Estate is an intact example of garden suburb planning, associated with leading architectural figures from the twentieth century including Walter Burley Griffin, Marion Mahoney Griffin and Saxil Tuxen. As per the <i>Ranelagh Conservation Management Plan</i> (Context, 2009) (the RCMP), adopted by the MPSC in September 2009, a key objective of the RCMP for houses and their setting is:</p> <p><i>To minimise the impact of new construction by siting buildings sensitively, integrating the built form with the natural topography and vegetation and avoiding overly-dominant forms of fences, garages and houses.</i></p>

	<p>The RCMP's rationale for houses and their setting is that:</p> <p><i>The design intent for Ranelagh was for a garden suburb estate of detached houses and gardens, where houses would be modest and exist in a parklike setting made up of indigenous vegetation and planted gardens and streetscapes. Purchasers were encouraged to buy two adjoining blocks to provide ample room for gardens and mature trees. The intention was to keep as much of the original topography and native vegetation as possible and to add to it by planting street trees and gardens, so that the houses nestled in the surrounding vegetation. Today, the distinctive estate layout and philosophy has resulted in a unique and valued character where for the most part houses remain subordinate to the landscape.</i></p> <p>Despite the design intent for the Ranelagh Estate, the RCMP notes that:</p> <p><i>While this character is valued and protected it is increasingly under threat as a result of inappropriate subdivision (including re-alignment of boundaries), and development that is inappropriate because of its scale, site coverage and loss of mature vegetation.</i></p> <p>Hence, the valued characteristics of the Ranelagh Estate, which are increasingly under threat, need to be protected. In fact, the characteristics associated with inappropriate development over the years, which do not reflect the design intent for Ranelagh, need to be changed so as to achieve the preferred character, i.e. the design that was intended for Ranelagh. This suggests that controls on buildings and works, demolition and tree removal would be necessary to help achieve the preferred character. These controls are only available in the NCO.</p>
<p>2</p>	<p>There are only a handful of places in the whole of Australia with a Walter Burley Griffin designed layout, and the Ranelagh Estate is the only example in the Shire. Hence, the Estate requires a specific approach to neighbourhood character.</p>
<p>3</p>	<p>As per the RCMP, the policy for houses and their setting is to:</p> <ul style="list-style-type: none"> • <i>Ensure that houses remain subordinate to the landscape in keeping with Garden City design principles.</i> • <i>Strongly discourage the development of more than one house on a block.</i> • <i>Strongly discourage development or works that would require the removal of mature trees or other important cultural landscape elements such as hedges.</i> • <i>Encourage new houses to have the same or greater front and side setbacks than the houses on adjoining lots.</i> • <i>Discourage development that would significantly increase the site coverage of buildings on a lot.</i> • <i>Ensure that sufficient land is set aside for provision of large trees in the siting and design of new buildings.</i> <p>When the objective, the rationale (design intent) and the above policy for houses and their setting are considered together, it is clear that CI 54/55 modifications would be necessary to achieve the design intent for Ranelagh, i.e. the preferred character. This would necessitate the use of the NCO given CI 54/55 modifications are not permissible in the NRZ schedule.</p>

The CI 54/55 modifications underpinned by the NCSG for the Ranelagh Estate, the rationale for these modifications and how they differ from the CI 54/55 variations in the proposed NRZ3 are contained in Table 12.

Table 12: CI 54/55 modifications for the Ranelagh Estate

Standard	Modified Requirement and Rationale
Significant trees	Buildings and works should be sited to:

<p>A8 Landscaping B13</p>	<ul style="list-style-type: none"> • provide for an area with minimum dimensions of 5 metres by 5 metres in the front setback, and at least one canopy tree should be planted in this area. • Retain existing native trees and understorey <p>The species selection, by type and number, that is indigenous to the local Ecological Vegetation Class (EVC) in new landscaping should be at least 50 per cent.</p> <p>Rationale:</p> <p>A key intention of the Ranelagh Estate is to retain as much “native vegetation as possible ... so that the houses nestled in the surrounding vegetation”. While an NRZ schedule includes a landscaping standard, the latter only applies to applications for two or more dwellings on a lot. The appropriate standard needed to facilitate this important attribute of the Estate’s character is the significant trees standard, which applies to applications for one dwelling on a lot. This standard is included in the NCO. Under the NCO1, buildings and works should be sited to retain existing native trees and understorey.</p>
<p>Side and rear setbacks A10 and B17</p>	<p>A new building, other than a garage or carport, should be set back at least:</p> <ul style="list-style-type: none"> • 1 metre from one side boundary • 3 metres from the other side boundary <p>A new building should be set back from a rear boundary at least 3 metres.</p> <p>Rationale:</p> <p>The NCSG recommends that a new building in a GR2 precinct should be set back at least 1 metre from one side boundary and 3 metres from the other side boundary. The asymmetric side setbacks, however, is not permissible in the NRZ schedule as it would require a modification of the side and rear setbacks requirement. Given the special significance of the Estate, the NCO schedule is therefore necessary to provide for the asymmetric side setbacks. As for the proposed NRZ3, the variation to the requirement is simplified to at least 3 metres from a side boundary, which would still meet the recommended minima for the GR2 precinct.</p> <p>The minimum setback from a rear boundary in the proposed NRZ3 (5 metres) is wider than that in the proposed NCO1 (3 metres). The NCSG has identified contemporary infill as an issue on the Peninsula, and such developments are predominantly located in areas that are not affected by a DDO or affected by DDO1, which does not contain any subdivision control. A typical contemporary infill development would attempt to squeeze as many units as possible on the parent lot with little regard to the need for adequate private open space. In addition, the NCSG has identified the lack of adequate rear setbacks to accommodate meaningful vegetation and landscaping. For this reason, a variation to the rear setback requirement of 5 metres was included in the schedules with neighbourhood character precincts that are predominantly located in areas without a DDO or affected by DDO1. Given the Estate is already affected by DDO2, which contains a minimum subdivision lot size of 650 square metres, meaning that further subdivision opportunities in the Estate is limited, there is thus no need for the rear setback minimum to be as wide.</p> <p>It should also be noted that under the NRZ schedule, a new building may be constructed on or within 200 millimetres of a boundary; hence, another reason why the NCO schedule is warranted so that the requirement can be modified to not provide for this.</p>
<p>Walls on boundaries A11 and B18</p>	<p>A wall should not be constructed on a boundary. This does not apply to a garage wall with a length of 6 metres or less.</p> <p>Rationale:</p> <p>The NCSG does not recommend any variation to the requirement of this standard in the proposed NRZ3 as it is deemed unnecessary to achieve the objectives for the GR2 precinct. This, however, means that a new wall may be constructed on a boundary. For the Estate, however, the “design intent for Ranelagh was for a garden suburb estate of detached houses and gardens, where houses would be modest and exist in a parklike</p>

	<p>setting” so that the result is “a unique and valued character where for the most part houses remain subordinate to the landscape”. It is clear that the vision for Ranelagh portrayed in the RCMP is one where the boundaries between dwellings is blurred and the spaces between buildings are filled with natural features of the landscape. An effective way to achieve this is to discourage the construction of walls on a boundary given that walls constructed on a boundary tend to delineate rather than blur boundaries; they also limit the scope to provide meaningful landscaping around a dwelling. Hence, the NCO schedule is warranted so that the requirement for this standard can be modified to discourage walls on boundaries.</p>
<p>Design detail A19 and B31</p>	<p>The design of new buildings should respect the preferred neighbourhood character of the area with regard to:</p> <ul style="list-style-type: none"> • scale and form • roof form and pitch • number of storeys • façade articulation • building siting • siting and design of driveways, garages or carports. <p>New buildings should:</p> <ul style="list-style-type: none"> • be sited perpendicular to the curvilinear streets of the estate • articulate the front façade through the use of setbacks, recesses, windows and materials • provide a pitched roof with prominent eaves • locate solar panels, air conditioning units, rainwater tanks, bins and storages to minimise their visual impact. <p>Second storey elements should be recessed from the front façade above the ground level.</p> <p>A garage, carport or car space constrained by walls should:</p> <ul style="list-style-type: none"> • be located to the side or rear and behind the line of the front dwelling façade • minimise the need for paving in front yards. <p>A vehicle crossover should:</p> <ul style="list-style-type: none"> • be limited to a single crossover point per typical site frontage • be appropriately spaced in side-by-side developments to retain the existing street rhythm. <p>Rationale:</p> <p>An important difference between the NCO schedule and the NRZ schedule is the ability of the former to include modified requirements for the design detail standard. It is hard to overstate the importance of this provision in the NCO schedule. As evident in the NCO1, many attributes that are important to the preferred character of the Estate are identified under this standard, including those that simply cannot be provided for under the NRZ schedule such as:</p> <ul style="list-style-type: none"> • siting new buildings perpendicular to the curvilinear streets • articulating the front façade through the use of setbacks, recesses, windows and materials • locating solar panels, air conditioning units, rainwater tanks, bins and storages to minimise their visual impact • minimising the need for paving in front yards.
<p>Front fences A20 and B32</p>	<p>A front fence within 3 metres of a street should:</p> <ul style="list-style-type: none"> • be of an open style

- not exceed 1.2 metres in height.

Rationale:

The proposed NCO1 does not contain a requirement for the height of a front fence within 3 metres of a street in a Road Zone, Category 1 (RDZ1) because there is no street in a RDZ1 that runs through the Estate. However, the proposed NCO1 contains a modified requirement that a front fence within 3 metres of a street should be of an open style. Such a modification, which is not permissible under the NRZ schedule, is necessary to achieve the design intent for Ranelagh given fences that are not of an open style tend to delineate the private land from the public realm thereby creating a source of intrusion into the intended parklike setting for the Estate. They would also not be consistent with the objective of “avoiding overly-dominant forms of fences”.

Applying the proposed NCO1 over the Ranelagh Estate despite the Heritage Overlay (HO)

The Shire believes the application of the proposed NCO1 over the Estate is still consistent with the advice in PPN91 about when and how the HO and NCO should be used while noting that the advice to not apply both to the same areas is discretionary.

As explained in PPN91, the HO “should be used where the objective is to conserve the existing building or buildings”; it is “not intended to operate as a neighbourhood character control” although “heritage descriptors may also contribute to the neighbourhood character of an area”. On the other hand, the NCO “holds the existing pattern of development until the character features of the site and the new development have been evaluated”, i.e. it should “not be used to conserve existing buildings, but rather to ensure that demolition does not occur until the planning authority is satisfied that the new development meets the neighbourhood character objectives for the area”.

Although both overlays contain a demolition control, the purpose of this control in the HO is to conserve the existing building(s) while the purpose of it in the NCO is to hold the existing pattern of development until the character features of the site and new development have been evaluated. Just because a site is included in a HO does not mean that the existing building will never be completely or partially demolished. In fact, it is exactly when a building with a HO is somehow approved for complete or partial demolition, either by a council or through VCAT, that the NCO would be beneficial and warranted when the site is part of an area that has a special significance. The NCO will require the new building or building extension to respect the special significance and preferred neighbourhood character of the area.

It is important to note the types of heritage area that are present in the Ranelagh Estate. The first type is the ‘residential group’, i.e. a collection of houses with a similar style that are scattered across an area – they need not be in a contiguous group. This type must not be confused with the ‘heritage precinct’. This distinction is important because a heritage precinct would normally contain heritage descriptors of the precinct that would contribute to the precinct’s neighbourhood character. A proposal to apply an NCO over such a precinct will then be problematic. However, this is not the case with the two residential groups in the Ranelagh Estate, which are:

- HO397 Ranelagh Residential Group – Modernist Styles
- HO398 Ranelagh Residential Group – Traditional Picturesque Style.

The second type are the very small number of private properties with an individual HO. Apart from the two residential groups and private properties with an individual HO, the remaining private properties in the Estate not affected by a HO significantly outnumber those affected by a HO. Lastly, the third type, i.e. HO213, applies to road reserves and parkland. Most of the lots included in the HO213 are council land while a very small number are owned and managed by the Ranelagh Club or other private individuals. Apart from the HO213, which deals with reserves and parkland, all other HOs in the Ranelagh Estate seek to conserve the existing building or buildings, rather than contribute to the neighbourhood character of the Estate.

The proposed NCO1 articulates in its statement of neighbourhood character what the preferred character for the Estate should be. In the decision guidelines, the responsible authority is required to consider, among other things:

- The extent to which the proposed buildings or works assist in respecting and contributing to the preferred neighbourhood character of the area contained in this schedule.
- The extent to which any building to be demolished, extended or otherwise modified, contributes to the preferred neighbourhood character of the area contained in this schedule.

In this context, the proposed NCO1 is not applied with the purpose to conserve existing buildings; rather, it is applied to ensure the new building or building extensions, in the event of an approved demolition, respect and contribute to the preferred neighbourhood character of the Estate. In this way, the two overlays actually complement each other. Given the special significance of the Ranelagh Estate, the application of the proposed NCO1 over the Estate including areas with an existing HO is not only warranted but also consistent with the general advice of PPN91.

The Avenues, Rosebud and Parts of Tootgarook and Rye

Responses to these three criteria demonstrating why the NCO can be applied to The Avenues, Rosebud and parts of Tootgarook and Rye is contained in Table 13.

Table 13: Responses to the three criteria for applying the NCO to The Avenues and others

Criterion	Response
1	As per the NCSG, The Avenues in Rosebud and parts of Tootgarook and Rye have been determined as having an intact special character. In particular, the northern half of the GR4 precinct in Rosebud is considered to exemplify the identified special character. The southern part has experienced more change and is still considered to be part of the overall GR4 precinct but does not warrant the NCO.
2	As articulated in the statement of neighbourhood character, the "character of this precinct is attributed to an abundance of older housing stock from the Post-war and early Modern architectural eras. Dwelling materials primarily consist of weatherboard and fibro with both hipped and flat metal roofs." This style of housing stock is very different to the rest of the municipality and this warrants a specific approach to neighbourhood character.
3	Due to its intact special character defined by the unique housing stock and other elements, cl 54/55 modifications would be required to achieve the preferred character.

3.7.11 Apply the VPO1 to four locations that are identified as heavily vegetated

The four locations where the VPO1 will be applied are in Flinders, Dromana, McCrae and Mount Martha as shown in Table 14.

Table 14: The four locations where the VPO1 will be applied



STRATEGIC JUSTIFICATION

The NCSG recommends the application of the Significant Landscape Overlay (SLO) that will require a permit to remove native vegetation and trees identified in the design guidelines.

Most of these areas, however, are already affected by the VPO1, which requires a permit to remove, destroy or lop any vegetation if the specified exemptions are not met. The Shire believes similar outcomes can be achieved with the existing VPO1 without complicating the MPPS unnecessarily. To ensure the vegetation character element is protected in areas identified as heavily vegetated but currently not affected by the VPO1, the Shire proposes to apply the VPO1 to these areas, i.e. the four locations as shown in Table 14. By applying the VPO1 to these four locations, the amendment will ensure vegetation is better protected in all areas where it is an important character element.

4 Design and Development Overlay Review

4.1 Why is the review required?

The review of the DDO concerns those schedules that affect residential land. These schedules are listed in Table 15. The purpose of the review is to:

- ensure existing provisions that apply to residential land do not contain conflicts between the proposed and current controls
- identify and remove any unnecessary permit requirements and provisions so as to improve the operational efficiency of the MPPS.

Table 15: DDO schedules included in the review

DDO Schedule	Existing Schedule Name
DDO1	Township Design
DDO2	Bayside and Village Design
DDO3	Coastal and Landscape Design
DDO4	Environmental Design
DDO5	Low Density - Wildcoast Protection Area
DDO6	Low Density - Landscape
DDO7	Low Density - Environment
DDO11	Mount Eliza (North of Tower Road) Development Design
DDO17	Woodthorpe Estate, Rosebud West
DDO18	Mount Eliza Woodland Area
DDO19	Bittern and Crib Point Township Residential Area
DDO20	Crib Point Town Centre Residential Area
DDO22	Mornington North Outline Development Plan - Precinct 1B
DDO23	Hendersons-Creswell Residential Precinct
DDO24	Beleura Hill, Mornington

4.2 How will the DDO schedules will be amended?

A significant portion of the areas where the NRZ is proposed to apply are affected by an existing DDO schedule. Given these schedules contain design objectives and permit requirements on built form and other matters, they need to be amended to avoid duplication or inconsistencies with the proposed NCSG controls that are to be incorporated into the NRZ schedule. As explained in section 3.6, where an existing DDO schedule contains character controls that are underpinned by a detailed study listed in Table 2 and the controls can be translated to the NRZ schedule, the controls will be moved from the existing DDO schedule to the NRZ schedule and enhanced with any applicable NCSG controls.

Next, the DDO schedules will be amended to remove:

- permit requirements that deal with issues that no longer have currency

- permit requirements that are unnecessary, overly complex or not adding value to the desired planning outcome
- provisions that have become superfluous or redundant following the modernisation of the Victoria Planning Provisions (VPP) and the introduction of reformed residential zones.

Some DDO schedules also contain one or more sub-precincts to cater for separate areas with different controls, particularly those that affect subdivision. These schedules will also be amended by splitting the sub-precincts into separate schedules so that each schedule applies the same controls over the entire land to which it applies. These changes are undertaken as per the advice from DELWP.

Overall, the amendments to the DDO schedules will ensure the overlay is only used to address issues that are beyond the remit of the residential zone schedule.

A summary of the key changes to the existing DDO schedules is contained in Table 16. A summary of the rationale for removing specific permit triggers, requirements and provisions is contained in Table 17.

Table 16: Summary of key changes to the existing DDO schedules

DDO Schedule and Name	Content	Mapping
DDO1 Township Design	<p>Delete schedule.</p> <p>Rationale: mandatory height of 10 metres exceeds the 9 metre limit in the NRZ.</p>	Delete map.
DDO2 Bayside and Village Design	<p>Name: change to 'Bayside and Village Area'.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> • remove all except cliff edge setback, difference between finished and natural ground levels, and access to a roof area • move site coverage, permeability, and private open space that apply to Birdrock / Clarkes Avenue precinct to the NRZ schedule. <p>Permit triggers (fence): remove all except cliff edge / face setback.</p> <p>Buildings and works requirements: retain clause 54 requirements, mandatory 8 metres / 2 storeys, mandatory one dwelling per lot, and mandatory reticulated sewerage.</p> <p>Subdivision requirements:</p> <ul style="list-style-type: none"> • remove integrated subdivision, average lot size, and minimum dimensions • retain minimum of 650 square metres, and battle-axe lots requirements. <p>Sub-precinct: move the properties at 3 Clarkes Avenue, 4 and 6 Morrisons Avenue, and 113 to 163 Osborne Drive in Mount Martha to the proposed DDO32 to cater for the different subdivision minimum of 450 square metres.</p>	Amend map to exclude LDRZ land and the identified properties in Mount Martha that are subject to the different subdivision minimum of 450 square metres.
DDO3 Coastal and Landscape Design	<p>Name: change to 'Coastal and Landscape Area'.</p> <p>Permit triggers (buildings and works): remove all except slope of the land, ridge, cliff edge setback, difference between finished and natural ground levels, and access to a roof area.</p> <p>Permit triggers (fence): remove all except cliff edge / face setback.</p>	Amend map to exclude LDRZ land.

	<p>Buildings and works requirements: retain clause 54 requirements, mandatory 8 metres / 2 storeys, mandatory one dwelling per lot, and mandatory reticulated sewerage.</p> <p>Subdivision requirements:</p> <ul style="list-style-type: none"> • remove average lot size, and minimum dimensions • retain minimum of 1,500 square metres • move minimum of 4,000 square metres for the LDRZ into the proposed LDRZ4. 	
DDO4 Environmental Design	<p>Name: change to 'Bush / Garden Environment Area'.</p> <p>Permit triggers (buildings and works): remove all except ridge, cliff edge setback, difference between finished and natural ground levels, and access to a roof area.</p> <p>Permit triggers (fence): remove all except cliff edge / face setback.</p> <p>Buildings and works requirements: retain clause 54 requirements, mandatory 8 metres / 2 storeys, mandatory one dwelling per lot, and mandatory reticulated sewerage.</p> <p>Subdivision requirements:</p> <ul style="list-style-type: none"> • remove integrated subdivision, and minimum dimensions • retain minimum of 2,500 square metres. <p>Sub-precincts:</p> <ul style="list-style-type: none"> • change the subdivision minimum in Frankston-Flinders Road precinct to 2,500 square metres; this precinct will remain in the amended DDO4 • move Sandy Road precinct to the amended DDO5 • move Bittern-Crib Point precinct to the amended DDO6 • move a precinct in Mount Eliza west of Nepean Highway to the proposed DDO33 to cater for the different subdivision minimum of 1,300 square metres. 	Amend map to exclude LDRZ land, Sandy Road precinct, Bittern-Crib Point precinct and a precinct in Mount Eliza west of Nepean Highway.
DDO5 Low Density - Wildcoast Protection Area	<p>Name: change to 'Sandy Road, St Andrews Beach'.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> • remove all except slope of the land, ridge, difference between finished and natural ground levels, and access to a roof area • add cliff edge setback. <p>Permit triggers (fence):</p> <ul style="list-style-type: none"> • remove all • add cliff edge / face setback. <p>Buildings and works requirements: retain clause 54 requirements, mandatory 8 metres / 2 storeys, mandatory one dwelling per lot, and mandatory reticulated sewerage.</p> <p>Subdivision requirements:</p> <ul style="list-style-type: none"> • remove minimum dimensions • retain minimum of 5,000 square metres. 	Amend map to exclude LDRZ land and include Sandy Road precinct from DDO4.
DDO6 Low Density - Landscape	<p>Name: change to 'Rural Landscape Area'.</p> <p>Permit triggers (buildings and works): remove all except difference between finished and natural ground levels, and access to a roof area.</p> <p>Buildings and works requirements:</p>	Amend map to exclude LDRZ land and include Bittern-Crib Point

	<ul style="list-style-type: none"> retain clause 54 requirements, mandatory one dwelling per lot, and mandatory reticulated sewerage add mandatory 8 metres / 2 storeys. <p>Subdivision requirements:</p> <ul style="list-style-type: none"> remove average lot size, and minimum dimensions retain minimum of one hectare, and battle-axe lots requirements. 	precinct from DDO4.
DDO7 Low Density - Environment	<p>Name: change to 'Hodgins Road, Hastings'.</p> <p>Permit triggers (buildings and works): remove all except difference between finished and natural ground levels, and access to a roof area.</p> <p>Buildings and works requirements:</p> <ul style="list-style-type: none"> retain clause 54 requirements, and mandatory reticulated sewerage add mandatory one dwelling per lot. <p>Subdivision requirements:</p> <ul style="list-style-type: none"> remove average lot size, and minimum dimensions retain minimum of two hectares, and battle-axe lots requirements. 	Amend map to exclude LDRZ land.
DDO11 Mount Eliza (North of Tower Road) Development Design	<p>Name: change to 'Tower Road, Mount Eliza'.</p> <p>Permit triggers (buildings and works): remove all except difference between finished and natural ground levels, and access to a roof area.</p> <p>Permit triggers (fence): remove all.</p> <p>Buildings and works requirements:</p> <ul style="list-style-type: none"> retain clause 54 requirements, mandatory 2 storeys, mandatory one dwelling per lot, and mandatory reticulated sewerage add 8 metres to mandatory building height. <p>Subdivision requirements:</p> <ul style="list-style-type: none"> remove average lot size, and minimum dimensions retain minimum of 2,000 square metres, and battle-axe lots requirements. 	No change.
DDO17 Woodthorpe Estate, Rosebud West	<p>Name: change to 'Capel Sound, Bittern and Crib Point Residential Area'.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> remove all except minimum street setback, difference between finished and natural ground levels, and access to a roof area move site coverage and permeability to the NRZ schedule. <p>Permit triggers (fence): remove all.</p> <p>Buildings and works requirements: retain clause 54 requirements, mandatory 8 metres / 2 storeys, and mandatory one dwelling per lot.</p> <p>Subdivision requirements: move to the NRZ schedule.</p>	Amend map to include areas encumbered by DDO19, DDO20 and DDO23.
DDO18 Mount Eliza Woodland Area	<p>Name: no change.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> remove all except outbuildings, garage or carport, front and side street setbacks, side and rear boundary setbacks, cliff edge setback, difference between finished and natural ground levels, and access to a roof area move site coverage and permeability to the NRZ schedule. <p>Permit triggers (fence): remove all.</p> <p>Buildings and works requirements:</p>	No change.

	<ul style="list-style-type: none"> retain clause 54 requirements, mandatory 2 storeys, mandatory dwelling per lot requirements, and mandatory reticulated sewerage. add 8 metres to mandatory building height. <p>Subdivision requirements: move to the NRZ schedule.</p>	
DDO19 Bittern and Crib Point Township Residential Area	<p>Delete schedule.</p> <p>Rationale: land affected by the schedule will be added to the amended DDO17.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> move minimum street setback, difference between finished and natural ground levels, and access to a roof area to the amended DDO17 move site coverage, permeability and private open space to the NRZ schedule. <p>Subdivision requirements: move to the NRZ schedule.</p>	Delete map.
DDO20 Crib Point Town Centre Residential Area	<p>Delete schedule.</p> <p>Rationale: land affected by the schedule will be added to the amended DDO17.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> move minimum street setback, difference between finished and natural ground levels, and access to a roof area to the amended DDO17 move site coverage, permeability and private open space to the NRZ schedule. <p>Subdivision requirements: move to the NRZ schedule.</p>	Delete map.
DDO22 Mornington North Outline Development Plan - Precinct 1B	<p>Name: no change.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> retain crossovers add outbuildings. <p>Permit triggers (fence): retain.</p> <p>Buildings and works requirements: retain mandatory 9 metres / 2 storeys, mandatory one dwelling per lot, mandatory minimum street setback, mandatory site coverage, mandatory side and rear setbacks, and mandatory reticulated sewerage.</p> <p>Subdivision requirements: move to the LDRZ schedule.</p>	No change.
DDO23 Hendersons-Creswell Residential Precinct	<p>Delete schedule.</p> <p>Rationale: land affected by the schedule will be added to the amended DDO17.</p> <p>Permit triggers (buildings and works):</p> <ul style="list-style-type: none"> move minimum street setback, difference between finished and natural ground levels, and access to a roof area to the amended DDO17 move site coverage, permeability and private open space to the NRZ schedule. <p>Subdivision requirements: move to the NRZ schedule.</p>	Delete map.
DDO24 Beleura Hill, Mornington	<p>Name: no change.</p> <p>Permit triggers (buildings and works):</p>	No change.

	<ul style="list-style-type: none"> remove all except minimum street setback, and difference between finished and natural ground levels move site coverage, permeability and private open space to the NRZ schedule. <p>Permit triggers (fence): remove all.</p> <p>Buildings and works requirements: retain clause 54 requirements, mandatory 10 metres / 2 storeys, and mandatory one dwelling per lot.</p> <p>Subdivision requirements:</p> <ul style="list-style-type: none"> retain battle-axe lots requirements move subdivision minimum to the NRZ schedule. 	
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Table 17: Rationale for removing specific triggers, requirements and provisions

Permit Trigger / Requirement / Provision	Rationale
Maximum wall and building heights	<p>The cost to a member of the local community who wants to extend or rebuild a single dwelling can be excessive (approximately \$20,000 to \$60,000). The cost of this trigger is considered to outweigh the benefit. Furthermore, it unnecessarily increases the length of time for the local community to obtain a planning permit even though the proposed height eventually gets approved for most applications. Research undertaken for the last calendar year indicates the time from lodging an application to getting endorsed plans can take 9-24 months. This is a significant delay for community members who love the town they live in and want to update their existing house or rebuild a new house for the changing life events they might be confronting.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>NOTE</p> <p>Some areas in the LDRZ is currently affected by a DDO schedule that does not contain a mandatory maximum building height. Given the LDRZ does not contain a mandatory maximum building height, the proposed DDO schedule that will replace the existing schedule for these areas will include a permit trigger for building height. Specifically, the height of a building should not exceed 8 metres and should not contain more than 2 storeys. This is to ensure new development reflects the preferred character of these areas, where dwellings are predominantly 1 to 2 storeys.</p> <p>For all other areas currently affected by a DDO schedule that contains a mandatory maximum building height, which will be retained, the amendment will remove the permit trigger for maximum wall height while the permit trigger for maximum building height will be amended to be the same as the mandatory height. For example, if the mandatory height is 8 metres and 2 storeys, the amended permit trigger will also be 8 metres and 2 storeys. While this may seem that a planning permit is required if the building exceeds the trigger height, the schedule will also specify that the mandatory height cannot be varied with a permit. This approach to controlling building heights is necessary because the mandatory height is contained in the DDO schedule and not the zone schedule, and the Building Regulations make specific references to the zone schedule but are silent about the DDO schedule.</p> </div>

Minimum building setback from parks, reserves and special use land	This trigger adds little value to the overall planning outcome and instead creates unnecessary administrative burden. Having buildings close to parkland can provide passive surveillance, which enhances community safety.
Minimum building setback from road zones	This trigger adds little value to the overall planning outcome and instead creates unnecessary administrative burden. If noise is the primary issue, new buildings can address this through acoustic insulation and double-glazed windows.
Minimum front street setback	This trigger is removed in most schedules where the provision is 7.5 metres or the adjoining building, whichever is the lesser. Given the relevant standard in the clause 54 and clause 55 requirements provides for 9 metres, it would be better to rely on these clauses and apply it through the residential zone schedule (GRZ and NRZ). Nonetheless, in those instances where 'whichever is the greater' applies, the trigger is retained since it is not translatable to the residential zone schedule.
External wall cladding materials	This trigger adds little value to the overall planning outcome and is not identified to be a significant issue.
Colours and tones of cladding and trims	This trigger adds little value to the overall planning outcome given colours and tones have not presented as significant issues in areas that are not affected by a DDO. Nonetheless, if they matter to the character of a neighbourhood, their importance will be articulated in the neighbourhood character objectives of the NRZ schedule and will be considered if a planning permit is required.
Reflectivity	While there is merit in controlling reflectivity, it would be better to articulate the requirements via a local policy in the PPF rather than a permit trigger.
No relocatable building or moveable structure	This trigger is deemed obsolete given it was meant to control relocatable dwellings that used to be in very poor conditions and badly designed.
Front fence height	This can and should be addressed via the residential zone schedule (GRZ and NRZ). The NCSG and other detailed studies consistently identify an absence of or low front fences as a key characteristic of the Peninsula. Hence, a consistent approach of limiting the height to 1.8 metres if the front fence is within three metres of a street in a Road Zone - Category 1 (RDZ1) and 1.2 metres for all other streets is taken.
Front fence permeability	Rather than including it as an additional trigger, permeability is best addressed via a local policy in the PPF. Also, it should only matter if the front fence is within three metres of a street in a RDZ1.
Side or rear fence height	Side and rear fences are essentially civil matters between neighbouring owners and may require a Building Permit for excessively high fences. Nonetheless, the height of a side fence forward of the front dwelling façade can impact on the streetscape and hence neighbourhood character. This is, however, best addressed via a local policy in the PPF rather than a permit trigger.
Fibro cement sheet materials	This trigger for fences is deemed obsolete as such materials are no longer considered an issue these days.
Average lot size for subdivision	Using average lot size instead of minimum lot size poses several issues:

	<ul style="list-style-type: none"> • the size of the lots created may differ considerably between lots • some of the lots may be undesirably small • more calculative work is required. <p>The preferred approach for modern planning schemes is to use a minimum lot size figure, which is consistent with the subdivision provisions in the residential zones.</p>
Minimum dimensions for subdivision	There is little merit in retaining this requirement particularly if a minimum lot size instead of average lot size is used. This requirement can also be problematic for lots with irregular shapes and is already addressed in clause 56.04. Setbacks, site coverage and garden area requirements are also key in guiding the siting of developments.
Integrated subdivision	An integrated subdivision is a subdivision proposed in conjunction with an application for more than one dwelling on a lot. The requirement unnecessarily adds a layer of complexity given a similar outcome could be achieved with a simpler minimum lot size for subdivision.

The DDO review also identified that:

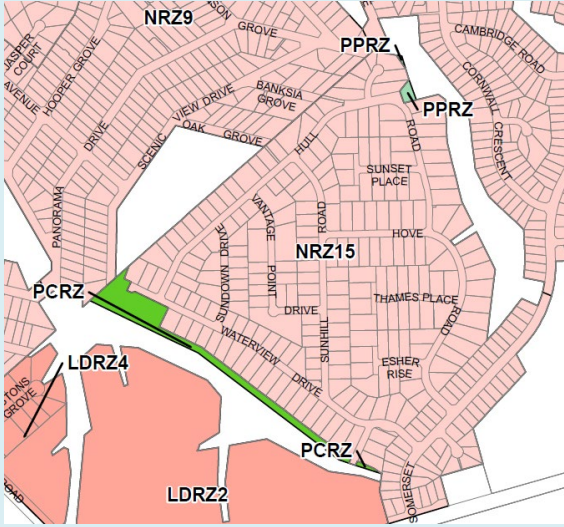
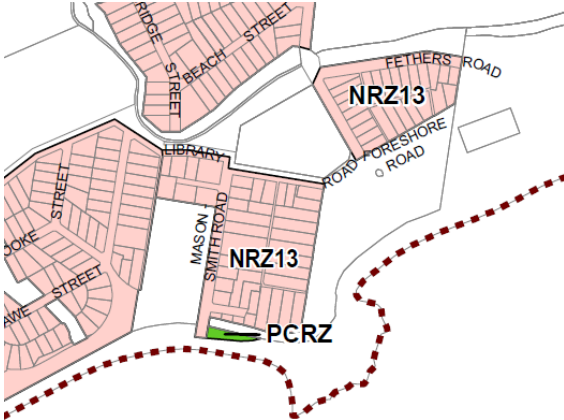
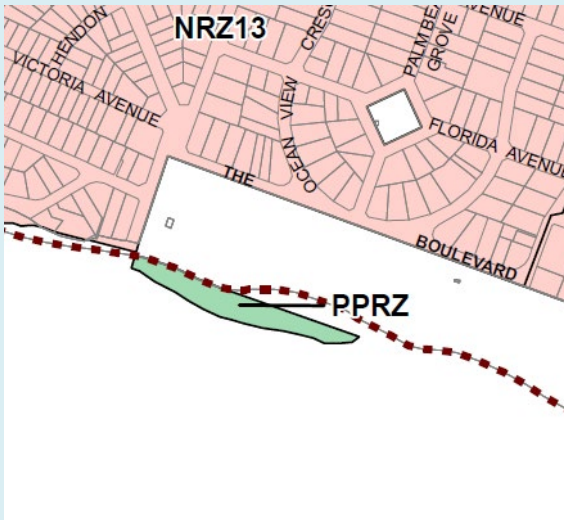
- some exemptions have become redundant because the VPP have since evolved to provide for the issues, to which the exemptions apply, elsewhere in the planning scheme (e.g. swimming pools, dependent person's unit, solar panels)
- some controls are superfluous because they duplicate controls elsewhere in the planning scheme (e.g. requiring reticulated sewerage on land in the LDRZ, and the need to consider heritage matters, bushfire risks, and the views of other professionals in the decision guidelines)
- it is superfluous to differentiate dwelling, dwelling extensions or alterations, and outbuildings because outbuildings are included in the definition of a dwelling, and the phrase 'to construct or carry out works for a dwelling' includes dwelling extensions and alterations.

Accordingly, these matters are addressed by amending the DDO schedules to remove redundant exemptions, superfluous controls, and superfluous terms relating to dwellings and outbuildings.

5 Other Proposed Changes to the MPPS

Other proposed changes to the MPPS are made to correct zoning anomalies. The proposed changes are shown in Table 18.

Table 18: Proposed rezoning to correct zoning anomalies

Mapping	Changes
	<p>Mount Martha</p> <p>Rezone:</p> <ul style="list-style-type: none"> • A pocket of land in the Hove Road Bushland Reserve from the GRZ1 to the Public Park and Recreation Zone (PPRZ). • A pocket of land in the Panorama Bushland Reserve from the GRZ1 to the Public Conservation and Resource Zone (PCRZ). • The LDRZ part of 6, 8, 10, 12, 14, 16 and 18 Hull Road to the proposed NRZ15.
	<p>Balnarring Beach</p> <p>Rezone a pocket of land in the Balnarring Beach Foreshore from the GRZ1 to the PCRZ.</p>
	<p>Somers</p> <p>Rezone a pocket of land in the Somers Foreshore Reserve from the GRZ1 to the PPRZ.</p>