



**MORNINGTON
PENINSULA**
Shire

ATTACHMENTS
Part 2

PLANNING SERVICES COMMITTEE MEETING

MONDAY, 18 JULY 2022

5.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

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From: [REDACTED]
Sent: Sunday, 24 October 2021 12:49 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 203 - Page 2 of 4

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

First I would like to take this opportunity to congratulate the Shire for its forward planning to provide more homes for the growing population. In relation to the area we live in , my wife and I think that the Shire should consider the whole of [REDACTED] [REDACTED] as very suitable for a higher density zone as it already has high density housing in it. The reason we think so is because it is only 300 metres to the Town Centre with its supermarkets, 600 metres to the train station & many other services. All this makes the area very attractive & convenient for people, including the elderly, those with disabilities & parents with scooters, prams & trollies who could shop & work locally, or use public transport instead of cars, thereby minimizing pollution & congestion. There are no significant environmental features in the street and so this wouldn't be an issue for higher density housing. Thank you for giving us the opportunity to submit our feedback.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

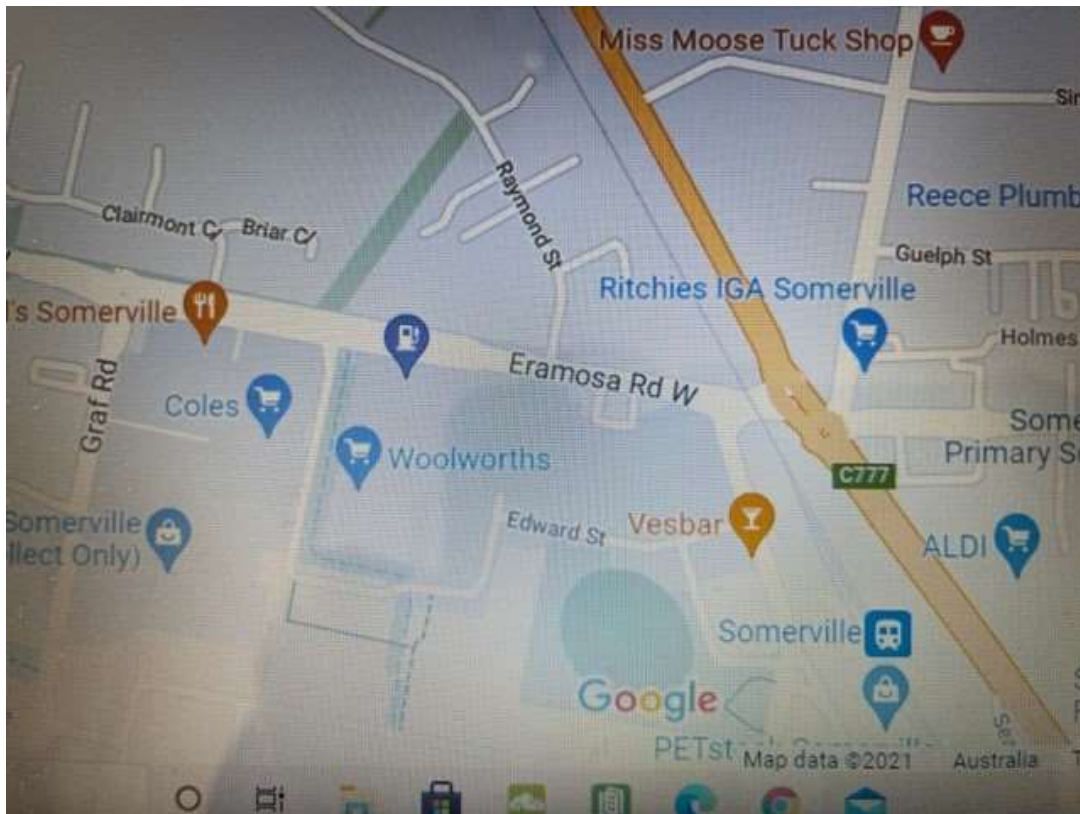
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[REDACTED]

Submitter 203 - Page 3 of 4

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Submitter 204 - Page 1 of 2

[REDACTED]

From: [REDACTED]
Sent: Sunday, 24 October 2021 2:09 PM
To: Strategic Admin
Subject: Housing for the Peninsula - Amendment C219morn
Attachments: [REDACTED]

Housing for the Peninsula- Amendment C219
Mornington Peninsula Shire
Besgrove Street, Rosebud 3939

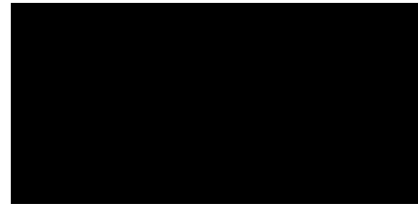
Dear Strategic Planning

Please find attached a submission on Amendment C219

Yours faithfully

[REDACTED]

Submitter 204 - Page 2 of 2




24 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000, Rosebud, Victoria, 3939

Dear Strategic Planning

Amendment C219morn

The  which represents the five owners of our property supports Amendment C219.

However, we suggest a minor improvement could be made by removing the maps in proposed Section 16.01-1L. This will not alter the provisions of the Amendment but will simplify the Planning Scheme ordinance and avoid potential ambiguity with the zoning map 27 (C219Morn znMap 27 McCrae) which will be the formal map included in the Planning Scheme and the reference map on Vicplan.

We note that map for McCrae proposed in Section 16.01-1L has a mistake as it shows half of our property being minimal change and the other half being incremental change even though it is a single title.

Removal of maps in 16.01-1L would provide consistency with other sections of the Planning Scheme. For example, Section 11.03-5S *Distinctive areas and landscapes* only references the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) but does not include detail from the report.



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From: [REDACTED]
Sent: Sunday, 24 October 2021 5:40 PM
To: Strategic Admin
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Postal address

[REDACTED]

Email

[REDACTED]

Do you represent other people?

No

Submitter 205 - Page 2 of 2

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I have lived in Mt Eliza Woodland for almost 28 years and have been involved with DDO18 since its beginning. I am pleased to see that there are minimal changes for Woodland, but would make the following points.

1. With DDO18, everything that mattered was in one place (the DDO); now one must look in both the DDO Planning overlay and the NRZ schedules. Whilst this might be usual for professional planners, it is extremely confusing (many would incomprehensible) for normal people. Could there please be some cross referencing between the DDO Planning Overlay (schedule 18 to 43.02) and the 4 NRZ schedules (32.09 schedule 19,20,21&22)? I fear it is only a matter of time before someone looks at the DDO, sees No Restrictions on Subdivision and this "information" is all over Melbourne and the Peninsula in 10 minutes.
 2. I would like to have seen the clause mentioning Muted Colours retained, as subdued, muted colours are very important in retaining bushland character. The number of bright white and midnight black tall fences seem to grow by the day.
- Thank you.

Would you like to upload a document or image with further details?

No

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From: [REDACTED]
Sent: Sunday, 24 October 2021 7:15 PM
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Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 206 - Page 2 of 8

Do you represent other people?

No

Who do you represent?

[REDACTED]

How does the proposal affect you?

Future planning/housing accessibility for tiny houses on wheels

In summary, my comments are:

We wish to include to the proposed amendment the allowance for full time dwelling (as opposed to a caravan law) in Tiny Houses on Wheels. They provide an affordable and conscious housing concept to both younger generations and older/pensioner citizens unable to afford the rising costs of house/land packages on the Mornington Peninsula. It enables them to continue to live close to local family and community.

The red tape at the moment is that people who have sufficient land are not allowed to have a secondary dwelling on the property (unless on wheels) and even then the limit for full time residence is only 6months of the year. Tiny Houses on Wheels (THOWs) are, in a legal sense, built within the same road regulations as a caravan and so at this stage sit under this law on the Peninsula. However, THOWs differ greatly from caravans in terms of design, aesthetic and liveability for the average person or couple. Quite simply put, they are tiny versions of the aesthetically pleasing Peninsula housing you would expect to see in the landscape, often blending into the landscapes as they are small (ranging from 6m - 10m in length and only 2.5m wide) and because of their nature, being moveable and on wheels, they do not disturb the natural landscape (no need for tree-logging/foundations).

In line with the Mornington Peninsula's desire to pursue a more eco-friendly approach to living, THOWs can and often are built to be completely off-grid. They are small enough to be powered with solar full-time, they implement the use of

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composting, waterless toilets and can make use of rain water catchment with their roofs.

We wish to see an option to apply for full time living in a THOW on another person's property because we see it as a practical and environmentally conscious way to introduce an affordable way of living to Peninsula residents being driven out of their communities due to rising prices. Someone who owns a piece of land with an existing dwelling, but more than enough acreage should be able to "host" a full time THOW, or alternatively, someone who owns a piece of empty land should be able to live in their THOW on the land without having to interfere with the land/treescape by laying foundations and having to spend a further \$500K + on a house.

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Yes

Please upload your attachment/s



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TINY HOUSE FREQUENTLY ASKED QUESTIONS (FAQ) SHEET

Date: Reviewed March 2021 (Original September 2019)

defines that a Tiny House is a moveable dwelling suitable for permanent residential use, with self contained amenities and services and the option to be grid connected.

A Tiny House can be:

- **A Moveable Tiny House – a transportable structure with the ability to be moved.**
- **A Tiny House On Wheels (THOW) – constructed on a trailer designed to road legal dimensions, which can be moved.**

Purpose of this FAQ:

- This FAQ is designed to answer common questions about tiny houses and tiny house living.
- For use by individuals and or groups in thinking or actioning topics relative to planning, building, moving and dwelling in a Tiny Home in Australia.

TOPIC	QUESTION	ANSWER
Planning	Do I need to get a planning permit for the siting of my Tiny House on Wheels or Skids (THOW or THOS)?	Unless specified by your Local Council the siting of a THOW or THOS on a property would not normally prompt a planning permit application. Where you seek to occupy a THOW or THOS you will need to contact your Local Council to understand planning regulations for this housing type and apply for a development or planning application for the structure and its use.
Trailer dimensions	What is the size of a Tiny Home on Wheels	A tiny home on wheels is dictated by the dimensions of the trailer on which it sits. The trailer dimensions are covered by the Vehicle Standards Bulletin 1 and include: <ul style="list-style-type: none"> • No higher than 4.3m from the ground. • No wider than 2.5m • No longer than 12.5m • Aggregated Trailer Mass (ATM) should not be greater than 4.5 tonnes Each state has road regulations that you need to comply with when transporting a tiny home. If you wish to build wider or higher or heavier than the limits above you will need to have adhere to additional requirements and permit.
Transport	What to consider in transporting my Tiny House?	If you plan to transport your THOW or THOS interstate, review regulations PRIOR to your build if possible. Engage with a professional heavy equipment transport company. There have been historical issues in Australia of a build not complying to road regulations of an alternative state to which it was built in. It must have the appropriate brakes and lights as per road compliance. It must be towed behind an appropriately rated vehicle with a competent licensed driver and or transported on a low loader with a compliant tow company.

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Siting	Where should I site my Tiny House?	<p>Try to locate the Tiny House under or close to trees that are considered safe, and that can provide shading in summer. You will need to be mindful of the location if you have solar panels on the roof, so consider placing them on the ground.</p> <p>Look at the slope of land and assess whether this is acceptable to your needs. Avoid siting the tiny house in areas subject to overland flow, which may become soft making moving the tiny house difficult.</p> <p>Incorporate building structures that respond to your environment. For example if in a cyclone area secure the tiny house to the ground. If you are in intending to site the tiny house in a high bushfire area, look at options to keep as safe as possible such as bushfire shutters on windows, placement of gas bottles and construct with fire retardant materials.</p>
	Will the Tiny House fit on my site?	<p>Measure your trailer and build and go to your site, mark the ground with ground paint. Consider how you will get a vehicle in to its final place, or whether you will need to crane it into place.</p> <p>You will need to consider not only the width of the trailer but also the prospective height and if you have enough clearance from overhanging trees and cables.</p>
	Is it okay to leave my Tiny House sitting on the wheels or should I put blocks under it when it's not in transit?	<p>It is a good idea to stabilise your Tiny House on blocks to remove the pressure spots from your tyres when they remain stationary. This may also assist in levelling the tiny house.</p>
Building	Does the construction of my Tiny House have to comply with the National Construction Code?	<p>Tiny Houses on Wheels are largely considered as caravans as of July 2019, and therefore do not need to be built to housing regulations. However, poor knowledge of building and construction, structural bracing and connection to skids or trailer may lead to an unsafe structure and putting occupants and the public during transport at risk.</p> <p>██████████ has developed a <i>Trial Tiny House Construction Guide</i> and is available for download from the ██████████</p>
Trailer/Skid	What do I need to consider when putting my Tiny House on a trailer or a skid?	<p>You will need to consider if you will be moving it and therefore being exposed to extreme wind loads. ██████████ encourages tiny house builders to obtain an engineering certificate for the connections between roof/wall and trailer.</p> <p>██████████ and good Tiny Home builders advocate for a secure fastening / bracing of the frame to the trailer or skids.</p>
	Does my trailer need to be registered, and what are the safety considerations when looking at a trailer?	<p>Your trailer needs to be registered and comply with the relevant state legislation for trailers if you are going to travel on public roads. Some states have much more stringent design requirements than others, so always check with the Road Transport Authority in your State.</p> <p>When you register your trailer it will have a compliance plate that states TARE, size etc.</p> <p>You can build on an unregistered trailer and then on the day or period you wish to move it you apply for a special compliance from your road authority.</p>



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		There are many things to consider relating to a trailer of a tiny home. First and always is safety. Has the tiny house been built to the trailer limit? Can the trailer withstand the weight of the build? Consider the weight ratio and where does the weight sit across the trailer and front to back. Is there an overhang at the rear or over the tow bar?
Certificates	Should I use licensed electricians and plumbers and gas fitters and wood heater installers in my tiny house construction?	Yes. You want to be safe and manage risks that could occur with ill-fitting or non-compliant appliances or services. Not all plumbers are gas fitters and wood heater installers so make sure you employ the right qualified trades people. Many insurers will not insure the building unless you have proof of certifications for these installations.
Transport	What are the things to take note of while transporting a THOW?	Some THOWs can be upto 4.3m in total height, so you will need to plan your route such that you do not tow the THOW into areas with low clearance. You may also need to note any overhang from trees in the more rural areas and include bridges and overpasses that may not allow clearance of your THOW. During transport, take note of places where there is a sharp dip along the route, the tail of the THOW may drag on the ground due to the length.
Local Laws	Will my Local Council allow me to live in a THOWs?	THOWs are commonly treated as Caravans by Local Councils and many have Local Laws that restrict living permanently in caravans. You will need to check with your council about how they treat living in a THOW or THOS. If not favourable to Tiny Houses then consider sending the Council an email asking them to review the Local Law and attach  position paper "Alternative Local Law to Living in a Tiny House", available on our website.
	What is the difference between grey water and black water?	Grey-water comes from our showers, laundry and vanity sinks. Blackwater comes from kitchen sinks and toilets. You will need to discuss wastewater treatment with your Council.
	Can I use a composting toilet?	Composting toilets reduce water use and you can apply to your Local Council for assessment and approval. Some composting toilets are Council approved and some aren't. The seller should have this information available to the purchaser.
Pricing	How much does a Tiny House cost?	Using a builder or tradespeople on average in Australia ranges from \$70 – \$120k. Some with high quality fit out or larger than standard can go upwards of \$160k. As a DIY the average is approx. \$50 – \$80K. Some research advises there is approx.
Design elements	What type of windows should I have for comfort?	Double glazed windows can help to retain the heat in the Tiny House in winter thereby making it comfortable, but this will add weight to your Tiny House build. Eglass is an alternative to better insulation than single glazing but not as heavy as double glazing. Or mix your windows with double glazing and eglass.
Construction	How long will it take to build a Tiny House?	This will depend if you build it yourself or engage a builder. Tiny House builders tell us between 600 to 800 hours.
	Can I put a deck onto my THOW or THOS?	Yes you will be able to construct a deck as long as it is not a permanent structure into the ground. Or it is one that can be removed quickly.
Services	Should I go off grid with my Tiny House?	This is both a personal preference and a budget consideration as off grid requires a large outlay. It will depend on where you site your Tiny House and whether you have access to grid power. If you need to go off grid you need to consider where the batteries will be stored on the trailer and where the panels will be located to maximize solar generation. If you are going off grid consider placing the panels on a frame that is detached from the house so you can wheel it to face the sun.

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	Will I be able to collect enough water to be self-sufficient?	It is very unlikely that you will be able to capture and store enough water from the Tiny House roof alone and use in the Tiny House. The roof area is small. Therefore consider installing a rainwater tank that can be filled up by a water cart or connect to a permanent water supply.
Insurance	Can I get my THOW insured?	If your trailer is registered it makes insuring your THOW a lot easier. There is a lot of debate on Tiny House pages in regards to who does and who doesn't insure tiny houses. The insurance companies change their stance regularly so best to ring around and make sure you are happy with what is available.
Asset status	Is my Tiny House considered an asset?	You must check with Centrelink regarding asset and rental assistance if you are living in your Tiny House.
	Will allowing someone to put a Tiny House in my backyard, affect my pension?	It may affect your pension if it is considered an income and exceeds your additional income that is allowed income. Check with Centrelink.
	Will a person living in my Tiny House have an inheritance claim if I were to die?	Whenever someone is renting from you, it is advisable to enter into some sort of contract or agreement. If they are considered renters, then they should not have a claim but if they are considered members of the household then they may have a claim. It is advised in this case to enter into a prenuptial type agreement where the renter forgoes any entitlement to your estate. Use a lawyer to set the rental contract up clearly before entering into it.

Enquiries can be sent to admin@tinyhouse.org.au

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TINY HOUSE ON WHEELS (THOW) REGULATIONS FACT SHEET

COUNCIL LOCAL LAWS

Most frequently a THOW is considered a caravan, due to its mobile nature and is commonly faced with local law restrictions on the period of time a person can 'live' in a caravan. The development of local laws governing 'camping' or living in a 'caravan' is different. As examples local laws may stipulate the requirement to obtain a permit for occupation for a limited period, where the applicant may be able to apply for an extension; allow living in a caravan where no commercial interest; restrict occupation to only 30 or 60 days. In addition, if there is a neighbour 'complaint' the occupant of the THOW may be asked to either remedy the situation or remove the THOW within a short timeframe. This lack of security for permanent dwelling is proving a significant barrier to the uptake of tiny house living.

PLANNING LEGISLATION

There are two levels of planning legislation in Australia. One where local councils can develop and implement their own planning schemes and supporting local policies, and the other where State Governments provide the planning framework that offers a degree of uniformity, but where local councils determine their land use zones and establish local policies. These are well established processes supported by Acts of Parliament. It is important to note that not all land use activities require a planning permit or a development approval, but this will be determined by the land zoning, planning overlays and other planning triggers.

██████████ undertook a review of the planning legislation in 2019 and found that THOWs are not separately defined in any legislation. Rather, there are mentions of moveable, ancillary, transportable, relocatable, manufactured home and secondary dwelling. As a result a development or planning application for the permanent occupation of a THOW would need to be made on an individual case by case basis. This process then lacks consistency and is at the discretion of the local council, which could differ over a council or state border. Failure to have a nationally consistent planning approach to THOWs means that THOW dwellers may need to identify which councils are THOW 'friendly' if they seek to move it.

NATIONAL CONSTRUCTION CODE (NCC) Building Code of Australia (BCA) Volume 2, 2019

The NCC provides a nationally consistent set of performance requirements and standards that the building and construction industry must construct to. The BCA Volume 2 deals with housing and it is this volume that ██████████ has used as a guide for the development of its **THOW Construction Guide**. There are state variations that are allowed, and these may include but are not limited to: climatic differences, definitions, accessibility, administering agencies and other regulations.

THOWs are not currently required to be built to the BCA, as they do not fit the building classified in the BCA for being a permanent structure. Complying with the BCA, assumes that the building would apply for and obtain a building permit for the particular building class, however the THOW builders and do it yourself builders could still use the BCA for construction guidance, without applying for a building permit. Where a THOW is issued with a building permit this will substantially increase the acceptance of THOW across Australia. However, in saying that there are some elements within the BCA Vol 2, which are challenging for THOW to address, particularly where lofts are included. These include but are not limited to: stair access to lofts, minimum ceiling heights in sleeping lofts, minimum ceiling heights in bathrooms and kitchens, balustrading, and laundry washing facilities. In addition, where a THOW is moved from site to site a new building permit would be required each time. However, in some states there may be the opportunity for partial compliance provisions of the regulations, which allow existing conditions to remain subject to certain criteria being met, thereby reducing the regulatory hurdles each time.

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From: [REDACTED]
Sent: Sunday, 24 October 2021 7:18 PM
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First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 207 - Page 2 of 8

Do you represent other people?

No

How does the proposal affect you?

Future housing/planning accessibility for Tiny Houses on Wheels

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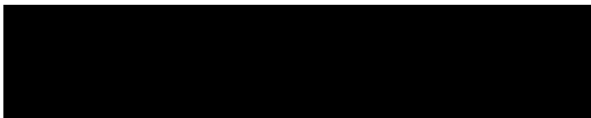
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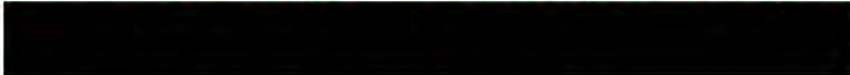


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Submitter 207 - Page 4 of 8



TINY HOUSE FREQUENTLY ASKED QUESTIONS (FAQ) SHEET



Date: Reviewed March 2021 (Original September 2019)

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A Tiny House can be:

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<p>Siting</p>	<p>Where should I site my Tiny House?</p>	<p>Try to locate the Tiny House under or close to trees that are considered safe, and that can provide shading in summer. You will need to be mindful of the location if you have solar panels on the roof, so consider placing them on the ground.</p> <p>Look at the slope of land and assess whether this is acceptable to your needs. Avoid siting the tiny house in areas subject to overland flow, which may become soft making moving the tiny house difficult.</p> <p>Incorporate building structures that respond to your environment. For example if in a cyclone area secure the tiny house to the ground. If you are in intending to site the tiny house in a high bushfire area, look at options to keep as safe as possible such as bushfire shutters on windows, placement of gas bottles and construct with fire retardant materials.</p>
	<p>Will the Tiny House fit on my site?</p>	<p>Measure your trailer and build and go to your site, mark the ground with ground paint. Consider how you will get a vehicle in to its final place, or whether you will need to crane it into place.</p> <p>You will need to consider not only the width of the trailer but also the prospective height and if you have enough clearance from overhanging trees and cables.</p>
	<p>Is it okay to leave my Tiny House sitting on the wheels or should I put blocks under it when it's not in transit?</p>	<p>It is a good idea to stabilise your Tiny House on blocks to remove the pressure spots from your tyres when they remain stationary. This may also assist in levelling the tiny house.</p>
<p>Building</p>	<p>Does the construction of my Tiny House have to comply with the National Construction Code?</p>	<p>Tiny Houses on Wheels are largely considered as caravans as of July 2019, and therefore do not need to be built to housing regulations. However, poor knowledge of building and construction, structural bracing and connection to skids or trailer may lead to an unsafe structure and putting occupants and the public during transport at risk.</p> <p>██████████ has developed a <i>Trial Tiny House Construction Guide</i> and is available for download from the ██████████</p>
<p>Trailer/Skid</p>	<p>What do I need to consider when putting my Tiny House on a trailer or a skid?</p>	<p>You will need to consider if you will be moving it and therefore being exposed to extreme wind loads. ATHA encourages tiny house builders to obtain an engineering certificate for the connections between roof/wall and trailer.</p> <p>██████████ and good Tiny Home builders advocate for a secure fastening / bracing of the frame to the trailer or skids.</p>
	<p>Does my trailer need to be registered, and what are the safety considerations when looking at a trailer?</p>	<p>Your trailer needs to be registered and comply with the relevant state legislation for trailers if you are going to travel on public roads. Some states have much more stringent design requirements than others, so always check with the Road Transport Authority in your State.</p> <p>When you register your trailer it will have a compliance plate that states TARE, size etc.</p> <p>You can build on an unregistered trailer and then on the day or period you wish to move it you apply for a special compliance from your road authority.</p>



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		There are many things to consider relating to a trailer of a tiny home. First and always is safety. Has the tiny house been built to the trailer limit? Can the trailer withstand the weight of the build? Consider the weight ratio and where does the weight sit across the trailer and front to back. Is there an overhang at the rear or over the tow bar?
Certificates	Should I use licensed electricians and plumbers and gas fitters and wood heater installers in my tiny house construction?	Yes. You want to be safe and manage risks that could occur with ill-fitting or non-compliant appliances or services. Not all plumbers are gas fitters and wood heater installers so make sure you employ the right qualified trades people. Many insurers will not insure the building unless you have proof of certifications for these installations.
Transport	What are the things to take note of while transporting a THOW?	Some THOWs can be upto 4.3m in total height, so you will need to plan your route such that you do not tow the THOW into areas with low clearance. You may also need to note any overhang from trees in the more rural areas and include bridges and overpasses that may not allow clearance of your THOW. During transport, take note of places where there is a sharp dip along the route, the tail of the THOW may drag on the ground due to the length.
Local Laws	Will my Local Council allow me to live in a THOWs?	THOWs are commonly treated as Caravans by Local Councils and many have Local Laws that restrict living permanently in caravans. You will need to check with your council about how they treat living in a THOW or THOS. If not favourable to Tiny Houses then consider sending the Council an email asking them to review the Local Law and attach [redacted] position paper "Alternative Local Law to Living in a Tiny House", available on our website.
	What is the difference between grey water and black water?	Grey-water comes from our showers, laundry and vanity sinks. Blackwater comes from kitchen sinks and toilets. You will need to discuss wastewater treatment with your Council.
	Can I use a composting toilet?	Composting toilets reduce water use and you can apply to your Local Council for assessment and approval. Some composting toilets are Council approved and some aren't. The seller should have this information available to the purchaser.
Pricing	How much does a Tiny House cost?	Using a builder or tradespeople on average in Australia ranges from \$70 – \$120k. Some with high quality fit out or larger than standard can go upwards of \$160k. As a DIY the average is approx. \$50 – \$80K. Some research advises there is approx.
Design elements	What type of windows should I have for comfort?	Double glazed windows can help to retain the heat in the Tiny House in winter thereby making it comfortable, but this will add weight to your Tiny House build. Eglass is an alternative to better insulation than single glazing but not as heavy as double glazing. Or mix your windows with double glazing and eglass.
Construction	How long will it take to build a Tiny House?	This will depend if you build it yourself or engage a builder. Tiny House builders tell us between 600 to 800 hours.
	Can I put a deck onto my THOW or THOS?	Yes you will be able to construct a deck as long as it is not a permanent structure into the ground. Or it is one that can be removed quickly.
Services	Should I go off grid with my Tiny House?	This is both a personal preference and a budget consideration as off grid requires a large outlay. It will depend on where you site your Tiny House and whether you have access to grid power. If you need to go off grid you need to consider where the batteries will be stored on the trailer and where the panels will be located to maximize solar generation. If you are going off grid consider placing the panels on a frame that is detached from the house so you can wheel it to face the sun.

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	Will I be able to collect enough water to be self-sufficient?	It is very unlikely that you will be able to capture and store enough water from the Tiny House roof alone and use in the Tiny House. The roof area is small. Therefore consider installing a rainwater tank that can be filled up by a water cart or connect to a permanent water supply.
Insurance	Can I get my THOW insured?	If your trailer is registered it makes insuring your THOW a lot easier. There is a lot of debate on Tiny House pages in regards to who does and who doesn't insure tiny houses. The insurance companies change their stance regularly so best to ring around and make sure you are happy with what is available.
Asset status	Is my Tiny House considered an asset?	You must check with Centrelink regarding asset and rental assistance if you are living in your Tiny House.
	Will allowing someone to put a Tiny House in my backyard, affect my pension?	It may affect your pension if it is considered an income and exceeds your additional income that is allowed income. Check with Centrelink.
	Will a person living in my Tiny House have an inheritance claim if I were to die?	Whenever someone is renting from you, it is advisable to enter into some sort of contract or agreement. If they are considered renters, then they should not have a claim but if they are considered members of the household then they may have a claim. It is advised in this case to enter into a prenuptial type agreement where the renter forgoes any entitlement to your estate. Use a lawyer to set the rental contract up clearly before entering into it.

Enquiries can be sent to admin@tinyhouse.org.au

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TINY HOUSE ON WHEELS (THOW) REGULATIONS FACT SHEET

COUNCIL LOCAL LAWS

Most frequently a THOW is considered a caravan, due to its mobile nature and is commonly faced with local law restrictions on the period of time a person can 'live' in a caravan. The development of local laws governing 'camping' or living in a 'caravan' is different. As examples local laws may stipulate the requirement to obtain a permit for occupation for a limited period, where the applicant may be able to apply for an extension; allow living in a caravan where no commercial interest; restrict occupation to only 30 or 60 days. In addition, if there is a neighbour 'complaint' the occupant of the THOW may be asked to either remedy the situation or remove the THOW within a short timeframe. This lack of security for permanent dwelling is proving a significant barrier to the uptake of tiny house living.

PLANNING LEGISLATION

There are two levels of planning legislation in Australia. One where local councils can develop and implement their own planning schemes and supporting local policies, and the other where State Governments provide the planning framework that offers a degree of uniformity, but where local councils determine their land use zones and establish local policies. These are well established processes supported by Acts of Parliament. It is important to note that not all land use activities require a planning permit or a development approval, but this will be determined by the land zoning, planning overlays and other planning triggers.

██████████ undertook a review of the planning legislation in 2019 and found that THOWs are not separately defined in any legislation. Rather, there are mentions of moveable, ancillary, transportable, relocatable, manufactured home and secondary dwelling. As a result a development or planning application for the permanent occupation of a THOW would need to be made on an individual case by case basis. This process then lacks consistency and is at the discretion of the local council, which could differ over a council or state border. Failure to have a nationally consistent planning approach to THOWs means that THOW dwellers may need to identify which councils are THOW 'friendly' if they seek to move it.

NATIONAL CONSTRUCTION CODE (NCC) Building Code of Australia (BCA) Volume 2, 2019

The NCC provides a nationally consistent set of performance requirements and standards that the building and construction industry must construct to. The BCA Volume 2 deals with housing and it is this volume that ██████████ has used as a guide for the development of its **THOW Construction Guide**. There are state variations that are allowed, and these may include but are not limited to: climatic differences, definitions, accessibility, administering agencies and other regulations.

THOWs are not currently required to be built to the BCA, as they do not fit the building classified in the BCA for being a permanent structure. Complying with the BCA, assumes that the building would apply for and obtain a building permit for the particular building class, however the THOW builders and do it yourself builders could still use the BCA for construction guidance, without applying for a building permit. Where a THOW is issued with a building permit this will substantially increase the acceptance of THOW across Australia. However, in saying that there are some elements within the BCA Vol 2, which are challenging for THOW to address, particularly where lofts are included. These include but are not limited to: stair access to lofts, minimum ceiling heights in sleeping lofts, minimum ceiling heights in bathrooms and kitchens, balustrading, and laundry washing facilities. In addition, where a THOW is moved from site to site a new building permit would be required each time. However, in some states there may be the opportunity for partial compliance provisions of the regulations, which allow existing conditions to remain subject to certain criteria being met, thereby reducing the regulatory hurdles each time.

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From: [REDACTED]
Sent: Monday, 25 October 2021 11:15 AM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

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Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

The proposal may not effectively achieve its two stated purposes, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme.

The proposal effectively privatizes the MPS role of responsibility and accountability for neighbourhood character. This will not end well, as the history of building cladding has shown.

The proposal removes important DDO controls, which will negatively impact the neighbourhood characters on the Peninsula.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s



To view all of this form's submissions, visit



This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

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Summary of Objections

- The proposal may not effectively achieve its two stated purposes, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme.
- The proposal effectively privatizes the MPS role of responsibility and accountability for neighbourhood character. This will not end well, as the history of building cladding has shown.
- The proposal removes important DDO controls, which will negatively impact the neighbourhood characters on the Peninsula.

Introduction

I appreciate the amount of effort that has gone into the review of the planning scheme and recognize the numerous constraints that the MPS faces, including State legislation and policies. I also appreciate the intention of the amendment to maintain and enhance neighbourhood character on the Peninsula.

I have reviewed the available documentation on the proposed C219 amendment and have developed a deep concern that the amendment may not effectively achieve its two stated purposes, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme.

My views are discussed below, under the headings of **Complexity and Process**, **Responsibility and Accountability**, and **Degradation of Controls**, followed by a set of **Recommendations**.

Complexity and Process

The proposed amendment appears to be extraordinarily complex and untransparent.

- The current planning scheme is also complex and there are many issues with compliance. It is, however, not clear at all that the new proposals will improve the situation. I have no confidence in the implementation of the current planning scheme and will certainly not trust the new proposals.
- I am concerned about the changes proposed to the DDOs. The planning process serves the purpose of protecting the distinctiveness of the Mornington Peninsula. The rights of the community to be involved in the planning process must be protected and enhanced.
- In the proposed amendment, the community is seen, *inter alia*, as a problem or hindrance in the planning process. However, the community can also be seen as a positive resource in achieving the aim of maintaining neighbourhood character.

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- The complexity has meant that community consultations have been less than effective. I have applied considerable time in trying to understand the proposals, and still not everything is clear.
- It is not clear how the complexity will be handled by the Registered Building Surveyors (RBS), who will ultimately become responsible for maintaining neighbourhood character.
- Residents have been advised that they can easily search for their property. When they put in their address, the summary statement is that there are minimal changes affecting their property. This has given many a false sense of security. To examine any property fully, one must click on dozens of layers referring to current and proposed circumstances. Only then can comparisons be made, and differences observed. It is imperative that residents can see what C219 looks like on the ground. It is the biggest change to planning on the Mornington Peninsula since the amalgamations in 1996. If this C219 amendment goes ahead, the MP will look like Torquay in less than five years.
- It is nigh on impossible to directly and meaningfully compare the current and proposed NRZs and DDOs. Understanding current overlays and the implications of their removal is not easy if you do not understand the planning scheme, and even then it is difficult.

The proposed amendment appears to function in isolation

- C219 seeks to incorporate the Housing Settlement Strategy and the Neighbourhood Character Study but does not allow referral to other MPS Policies – such as Environmentally Sustainable Design, Climate Change, Biodiversity, and others.

The process of community consultations could have been better

- The MPS organised community forums – but these were presentations only. Questions could be asked but were responded to offline. There were no public question and answer sessions. Community groups and consultants could book a discussion with planning officers – these were helpful but not open to the broader community.

Responsibility and Accountability

The responsibility for maintaining and enhancing neighbourhood character is being transferred from the MPS to the RBS.

- The drive for operational efficiency by pushing certain operational costs of the MPS down to the RBS (and ultimately to their clients) is in direct conflict with the first purpose of the amendment of maintaining and enhancing neighbourhood character.

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- The replacement of the planning process with a modified building process is to the detriment of the MPS and the character of the Peninsula. The MPS is abrogating its responsibility for oversight of planning on the MP by shifting the work to RBS.
- There is real concern whether the RBS sector is well-equipped to perform the role of compliance officer. The private building surveyor profession is in turmoil over the issue of non-compliant cladding installation that has resulted in many RBS leaving the profession due to an inability to obtain Professional Indemnity insurance. Further, premiums have doubled over the last few years.

Compliance with the NRZ or bushfire management overlay (BMO) would be the responsibility of the RBS.

- RBSs are private building surveyors who may have not had adequate planning education to satisfactorily become involved in this process.
- Many RBSs are located in other municipalities and are unlikely to have a satisfactory understanding of the Mornington Peninsula, or the nuances of our unique local conditions.

The non-compliance and recourse process is cumbersome and will likely not lead to the desired outcomes

- The PO may note irregularities and would refer this to the MPS compliance officer. The decision of whether the infringement is “low risk” is subjective and suggests that significant issues of non-compliance will occur.
- It has been suggested that if non-compliance occurs due to the RBS missing a requirement in their assessment, the issue be referred to the RBS who should respond. It is not unusual for an RBS to ignore issues raised as they “only have a responsibility to their client”. The complainant then has recourse to refer to the Victoria Building authority (VBA) which may or may not take up the issue. This suggested process for notifying acts of non-compliance are cumbersome and time consuming, and likely to result in the non-compliance being permitted.
- I also note note that the building system (compared to the planning system) is much more insular: there is limited public consultation; no community input; no advertising; no yellow signs; no call-in opportunities; no appeals to VCAT.

Degradation of Controls

The NRZ zones omit some of the controls that were previously provided.

- It is difficult to consider every one of the 8+ zones and compare them with the previous controls. Based on my current understanding, I continue to be concerned with the following changes

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- Max wall and building heights
- Building setbacks
- External wall cladding
- Colours and reflectivity
- Front fence heights, materials, and permeability
- Side fences
- Landscape plans

Removal of these controls/triggers will detrimentally affect the character of the neighbourhood.

- An increase of building and wall heights will increase the profile of building in detriment to the visual appearance of the neighbourhood. The overall building height of 6m is beneficial for the Mornington Peninsula, with occasionally 4 and 5m on undulating land. An 8m height will destroy the neighbourhood character in many areas
- A decrease in building setbacks will increase the profile of buildings to the detriment of the visual appearance of the neighbourhood
- Not giving guidance to wall finishes and colours will allow unacceptable box-like and bright white single cladding building to proliferate
- Not giving guidance to colours will allow the built form to dominate the natural environment
- Eliminating controls on fence heights and finishes will result in significant changes to the street scape, such as the introduction of solid high fences
- Eliminating controls on side fences will result in significant changes to the neighbourhood, the neighbourhood character and adversely impact habitat corridors/ biolinks. The introduction of solid high fences is impervious to wildlife. Paling fences are typical of suburban subdivisions and at odds with the character of the Mornington Peninsula, which has previously used wire fences and brush fences.
- Landscape plans are key to ensuring that the neighbourhood character is maintained, and biodiversity is enhanced.

C219 proposes pillaging of the DDOs and to hand control to building surveyors

- The relationship between the built form and the landscape is critical to preserving neighbourhood character – the importance of the landscape must be acknowledged and respected. The question to be asked is “can we fit this into the landscape better?”. The proposed C 219 changes will have a detrimental impact on vegetation:

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vegetation loss is already marked on the Mornington Peninsula, C219 exacerbates this further.

Recommendations

1. That the MPS delays the approval of the proposed amendment to allow for further meaningful consultations to ensure that the twin purposes of neighbourhood character and economy can be achieved effectively.
2. That the strong elements of the current planning scheme are recognised and protected, especially when it comes to the role of the existing DDOs.
3. That the proposed responsibility and compliance systems and processes are reviewed, in consultation with the community, to ensure that neighbourhood character is maintained and enhanced.
4. That the existing planning permits application system is maintained and strengthened to allow for advertising and objections to continue.

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From: [REDACTED]
Sent: Friday, 29 October 2021 12:59 PM
To: Strategic Admin
Subject: "Amendment C219morn"

Mornington Peninsula Shire Council

Submission in response to "Amendment C219morn" by [REDACTED] 29/10/2021

This complex "Amendment C219morn" needs to be called out for what it is, which is a classic example of a Council's complete and total lack of empathy, trust, accountability and transparency towards the Property Owner ratepayers it is supposed to serve.

This Amendment is not shaping the Peninsula's future. **The 5 Activity centres will more than do that.**

I write this submission as a long term resident and ratepayer of the Shire, who now has a daughter and son-in law as close neighbours, having recently purchased a property in Rosebud, to which they intend, in the near future to become permanent residents on the Peninsula. That creates a second reason to be concerned about this "Amendment"

"Amendment C219" is a divisive and unworthy proposal to put before the Property Owners of the Shire of Mornington. It is so extensive and complex it is impossible to fully understand it's full intent.

Justification

What is the justification for this "Amendment" as there seems to be no specific mention in the Neighbourhood Character Study and Guidelines, or the Ethos Urban report or recommendations, that there was a compelling need to increase boundary setbacks, suggesting these changes to side and rear boundary may have evolved as a improper and convenient method of inhibiting or preventing unit and town house development (Clause 55), except that the "Amendment" targets house sites (Clause 54) as well as unit and townhouse development sites

Transparency

The manner in which it has been presented to Property Owners (and Property Occupants for some reason) is dishonest in that it in no way explains in the published documentation to the Property Owner the actual content, extent and intent of this very far reaching and intrusive use of Property Owners private land to achieve a very damaging outcome to EVERY dwelling Property Owner in the Shire. It is unrealistic to expect every Property Owner will understand the provided documentation sufficiently to undertake further research to become fully aware of this Amendments scope and extent.

The impact of this Amendment, affecting every dwelling property in the Shire requires that each individual Property Owner should have received a detailed explanation of its intent and content.

A recent similar Bayside SC proposal attempting to stop unit development did just that, but was still rejected by the IPC. To not ensure Property Owners are fully aware of the "Amendments" extent and intent is to be evasive and lacks accountability and transparency.

The Amendment

The problem with the Amendment is that it is supposed to be about "neighbourhood character objectives" but in reality it is about an entirely new Planning Scheme in which the Rescode Clause 54 and 55 current standards are totally revised and which are then applied (individually and can not be varied) to almost every residential property in the Shire through a new property specific Planning Scheme statement.

In reality, the Scheme will only affect about 2-4% of vacant properties, house rebuilds or house extensions Shire wide, as the other 96-98% of properties already have an existing house or unit or town house built on them, but 100% of dwelling properties will be blighted by these unreasonable side and rear setbacks.

To expect the Shires Property Owners to accept this MPSC proposal to incorporate every residential dwelling property into a new MPSC Planning Scheme, then through manipulation of Clause 54 and 55, to impose ridiculous new 2.0 and 3.0m side and 5.0 to 9.0m rear boundary setbacks for the purpose of rendering nearly every dwelling property in the Shire to be less able to support unit and townhouse development due to very much reduced building footprint in order to direct the proposed new residents to the Shire towards the 3 and 4 storey developments within the 5 nominated Substantial Change Areas is simply outrageous.

Rosebud is listed to receive the bulk of these new residents, which will be unfortunate for them.

One of the more serious problems with the new setbacks is that a big percentage of properties below 800 square metres will have a building footprint well below the 50% site cover allowed by Clause 54 and 55, which will severely penalise smaller sized properties. (For a 627 sq metre site, the building footprint is 40.19% or 61.0 square metres below 50%. This scenario will see an increase of two storey housing solutions. A survey of 8 properties between 500 sq m and 820 sq m in the Mc Crae Rosebud area, 5 had areas well below the 50% site cover (56-76 sq metre) compared to a Rescode setback which had building footprint 121sq m more than 50% site cover.

This anomaly means there is a conflict within the standard, resulting in inequity and discrimination to the smaller blocks of land, and they're Owners. A Standard can not have two solutions.

What justification is there in reducing a Property Owners buildable footprint below 50% due to these new setbacks, yet the Standard in Clause 54 and 55 still states that 50% site cover is the Rule. This provision is simply unfair and inequitable to ALL property owners who own a site of around 800 square metres and below, and are subject to 2.0m, 3.0m and 5.0m side and rear setbacks.

I would suggest that the above single issue on its own should invalidate this Amendment.

Another issue is the use of new side and rear setbacks throughout the Shire to inhibit/prevent unit development Shire wide which is a serious misuse of Clause 54 and 55 and ethical planning principles, that should also invalidate this Amendment.

Statement by [REDACTED]

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It is important to consider the statement by the Shire's Planning and Infrastructure Director, who stated in the MPnews on the 20th October 2021 as follows.

██████████ said the **proposed controls** would direct the predicted housing growth to the "right locations, near existing shops, services and facilities, and ensure that the development respects and protects the special values and character of the Peninsula"

The Amendment's **design requirements** for housing may constrain development potential in some areas, while in other areas it may increase or maintain development potential.

This may affect a person's decision to buy a property. However, the **design requirements** are intended to protect and enhance local character and prevent inappropriate development.

This may further increase the desirability of the Peninsula's neighbourhoods as unique and distinct from metropolitan Melbourne and there-fore, support property values."

This statement, in the context of the proposed boundary increased setback controls, seems to validate Councils intent, through this Amendment, to make every Dwelling site in the Shire, irrespective of its location, much less able to support unit development and infers that this reduction in unit potential would direct any housing growth for new residents towards the 5 designated Activity Centres.

That this would protect and enhance local character and prevent "inappropriate development" is nonsense as it appears the potential for future dwelling expansion in the Shire is minuscule due to lack of vacant land, and inappropriate development to date has been approved by Town Planning.

This Amendment appears to be all about taking control of 100% of dwelling properties in the Shire and its first action is to penalise the entire Dwelling Property Owners with harsh side and rear setbacks to help justify the massive 5 Activity Centres with 3 and 4 storey town house and apartment buildings within and around these centres.

To create a planning Scheme that inhibits unit development, penalises property owners land usage, reduces the type of new housing availability, renders some properties compromised in terms of rational planning would seem to be seriously questionable on the basis of justification, fairness, and sound planning principles and possibly legality.

The above scenario then raises the further question of economics, in that a lot of land which had a certain build footprint, and there-fore a certain valuation in the market, will not have that same valuation once the proposed setbacks apply to a vast number of MPSC dwelling properties, and the building footprint is seriously reduced. This will apply to both one dwelling on a lot, or a lot that had potential fo two or more units/townhouses.

Operational Efficiency

I do not understand how improving "operational efficiency" of the Planning Scheme will improve efficiency when houses are not currently included in the MPSC Planning Scheme, except where MPSC has applied a DDO, and it is also unclear whether the changes to Clause 54 will actually facilitate planning permits for houses.

Character of the Peninsula's residential areas

Apart from completely inhibiting or seriously limiting Unit and Townhouse development in Minimal and Incremental Change Areas, there is no evidence as to how the "Amendment" and the increased boundary setbacks will protect and enhance the Peninsula's residential areas when 98% of the dwelling house sites are already developed. Development of 2% of the randomly spread vacant dwelling sites, even with professionally prepared landscape plans, across the Shire will have little or no impact on local neighbourhood character.

Affects

There will be issues of impact within the local community economy of the MPS in general when the "Amendment" comes into force and drastically reduces unit and Town house developments outside the "Substantial Change Areas". From Architects, Engineers, draughts people, builders, tradesmen, building material suppliers, retailers, service provider, gardeners to the local coffee shops, most of whom are local residents, the instant reduction in construction projects will hit hard, and will Council support those builders and tradies, who become long term unemployed due to this "Amendment".

If this side and rear setback proposal severely limits unit and townhouse developments, as Council obviously intends it will, does this not limit the choice of type of dwellings some retirees and young working couples may prefer. (detached single or two storey low maintenance easy access to surrounding private outdoor living areas)

All the above is predicated on the assumption that the **five 2-3 and 4 storey townhouses and Apartments Activity Centres** planned by MPSC within the Substantial Change Areas to be planned and constructed by the private sector which is going gang busters to meet 2036.

Questions

There is a vast number of other questions in my previous letters to Council staff that have not been addressed by Council staff.

My previous emails to and from ██████████ should form part of my submission, as there were many questions remained unanswered or needed clarification..

An Alternative

The obvious question at this point is what would be a better solution to this "Amendment"

The current solution is unfathomable and seriously anti Property owner, and will not contribute to the aspiration to house a further 38,000 residents by 2036. (1200 houses per year)

From the responses from Council so far, Town Planning believe they have the right solution, even though it is inequitable, discriminates and penalises some properties, both in land usage and valuation.

If the ambition is to suppress unit and Townhouse development, in areas other than "substantial" by applying increased side and rear boundary setbacks, (if is a legitimate tool to achieve that end), then it would make sense to make those setbacks apply to Clause 55 only. Increasing setbacks is actually going to lessen the possibility of accomodating this large influx of new residents. There has to be a spread of all types of accomodation at the same time.

Having some specific new rules and regulation incorporated into Clause 55 in respect of minimum site size and other conditions that help achieve desired outcomes, would be helpful. There will still be a demand for well designed and appropriate unit and Town house development irrespective of the increased setbacks.

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As to houses, which do not create the perceived problems of units and townhouses, other than MC Mansions that are clearly built to Rescode regulations), leave Clause 54 side setbacks as currently stated in Rescode. To push a house envelope a further 2.0 metres away from a Southern boundary, and decreasing the northern outdoor living aspect by 2.0 metres should be the owners decision, not Councils.

The 5.0 metre rear setback to all dwelling sites in Clause 54 and 55 should be abandoned as there seems no justification for that large land grab for vegetation renewal. (unless it is the mechanism to control all house development in Shire's planning Scheme.) It won't apply to 98% of existing houses anyway!

As to unit development, the planning scheme could be modified with some clever initiatives to control the image of boundary to boundary development for 2 units on an existing lot. It just needs a few people in Planning who are not planners,

From Councils attitude the above is wishful thinking as I get the feeling that making the current Governments objectives a reality is more important than the rights of the ratepayers.

If regulators and consultants, who seem to be directing much of these scenarios lived in the Shire they may experience a very different environment, that they are actually trying to change.

Expectation-Solution

That the Amendment will get passed by Councillors who most probably do not understand its implications and it will then go to the Governments review panel who will swiftly deal with in the same way as they dealt with the similarly flawed Bayside proposal.

Conclusion

I believe this is a seriously flawed "Amendment" and should be reviewed by Council to remove the known and possibly unknown unjust provisions that affect Property Owners land use and possible negative impact on property valuations, and or more realistically, just abandon the "Amendment"

I do not understand how this flawed "Proposed Amendment" could have been considered appropriate to be put to Property Owners of the Mornington Peninsula.

I would expect this "Proposed Amendment" will be submitted to the Independent Assessment Panel before being submitted to the Minister.

There are many issues within the "Amendment" that I believe make this document invalid.


I would recommend that this "Amendment" in its current form not be proceeded with.

With respect



Submitter 209 - Page 4 of 5

**Submission to Mornington Peninsula
Planning Scheme Amendment C219morn**



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name

Organisation

Postal address

Email

Phone number/s

Do you represent other people? Yes / No

If yes, who?

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are


SEE ATTACHED

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email stra@pc-admin@mornington.vic.gov.au | Website morpen.vic.gov.au

Page 1 of 2

Submitter 209 - Page 5 of 5

**Submission to Mornington Peninsula
Planning Scheme Amendment C219morn**


**MORNINGTON
PENINSULA
Shire**

SEE ATTACHED

29.10.2021

I have provided my signature Yes No

Signature [REDACTED]

The closing date for submissions is: 5pm, Friday, 29 October 2021

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use Amendment C219morn – submission in the email subject line.

Information Privacy Declaration
The information you provide on this form is collected by the Shire in accordance with the Privacy and Data Protection Act 2014 for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the Planning and Environment Act 1987, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:	Submission No:	Date Received:

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Page 2 of 2

Submitter 210 - Page 1 of 3

[REDACTED]

From: Planning
Sent: Monday, 25 October 2021 3:38 PM
To: Strategic Admin
Subject: FW: C219 submission
Attachments: [REDACTED]

From: Jane <jane@bigpond.com>
Sent: Monday, 25 October 2021 12:37 PM
To: Planning <planning@mornpen.vic.gov.au>
Subject: C219 submission

Dear Team
Please find submission attached
Please acknowledge
Thank you
Kind regards

[REDACTED]

Submitter 210 - Page 2 of 3



Team Leader Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud Vic., 3939

Re: Amendment C219 Housing and Settlement Strategy - Submission

24 October 2021



I have lived and worked on the southern Mornington Peninsula since 1995. I am concerned about the proposed amendments to the current Mornington Peninsula Shire Planning Scheme.

New overlays will remove residents rights to object to the erection of an 8 metre high dwelling on an adjacent property; this development will not require planning permission or advertising. If that proposed dwelling is covered by a Bushfire Management Overlay, the plans will be referred to the relevant authority Fire Rescue Victoria for approval but will not, as under current planning requirements, require public notification or a planning notice displayed on the property.

Under the current planning scheme, when a planning permit is required, the Vegetation Protection Overlay applies with a requirement for a landscape plan, and the application is advertised on the Shire website and adjoining landowners are informed. Under the proposed HSS a new 8 metre high dwelling can be erected without a permit or the requirement for a landscape plan.

The building specifications, materials and standards of the development will be exclusively to the discretion of a private Building Surveyor, and you will not be aware about a new house being built next to you until construction commences. The council will hand the control of issues regarding view sharing and reflectivity to Building Surveyors, who have no obligation to provide any information to neighbours.

Submitter 210 - Page 3 of 3

Submission Amendment C219 Housing and Settlement Strategy October 24 2021 p2/2

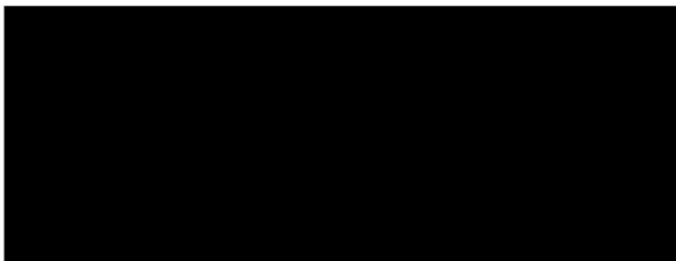
The discussion regarding the potential capacity arising from holiday homes converting into permanent homes is unrealistic; it must take into account the current land values which will make home ownership on the peninsula not an option for most working families.

The C219 Amendment is an amendment to 'refresh' -- to explore opportunities to provide more housing for a growing population on the peninsula. C219 does not explore alternative, creative approaches to the provision of housing. For instance, the occupancy rates of existing shops along Point Nepean Road from Dromana to Rye are decreasing rapidly, yet council still issue planning permits for the development of retail shops with tawdry apartments above. Those apartments are not designed for permanent occupancy. The low occupancy rates are not just the result of a pandemic. The demographics of retail shopping are changing to reflect internet commerce and a preference for shopping at convenient greenfield shopping centres. Coastal towns in Europe often have apartments on the ground floor in town squares as a mix with shops and cafes. Our towns need more planning flexibility to provide a mix of alternative housing and retail areas in the Commercial 1 zone.

The Mornington Peninsula is recognised in Victorian state policy as an area of state significance. I find it difficult to understand how the proposed changes will 'protect the valued character of the peninsula' (C219 Introduction). The current Design and Development Overlays were carefully drafted to protect the environmental and landscape values of a peri-urban peninsula that provides high conservation values, rural Green Wedge zones, with the longest coastline in Greater Melbourne. The peninsula has inadequate public transport. The Mornington Peninsula Shire cannot be regarded as just another part of Greater Melbourne governed by planning statutes that are consistent with densely populated suburbs.

The decision regarding Amendment C219 is up to the elected councillors; they have the power to refuse, amend or compromise, or endorse a flawed planning system.

Thank you for the opportunity to submit my comments.



Submitter 211 - Page 1 of 34

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 9:53 AM
To: Strategic Admin
Subject: C219 Submission
Attachments: [REDACTED]

Attn: [REDACTED] - Manager Strategic Planning

**SUBMISSION TO MORNINGTON PENINSULA SHIRE
PLANNING SCHEME AMENDMENT C219**

Please find attached a copy of my submission to C219 with associated attachments.
I look forward to receiving Council's response.

[REDACTED]

Submitter 211 - Page 2 of 34

27 October 2021

[REDACTED] Manager Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD VIC 3939
Via Email: strategic.admin@mornpen.vic.gov.au

Dear [REDACTED]

**SUBMISSION TO MORNINGTON PENINSULA SHIRE
PLANNING SCHEME AMENDMENT C219**

Background:

It my understanding that Planning Scheme Amendment C219 is proposed in response to the State Government 'Victorian in Future' population projections which estimate that between 2016 and 2036, the population of the Mornington Peninsula will increase by 38,830 people from 161,530 to 200,360.

Based upon these projections, the Mornington Peninsula Shire needs to accommodate approximately 1,200 new homes per year (Source: Housing & Settlement Strategy Refresh 2020-2036) and Planning Scheme Amendment C219 outlines Council's intentions to:

- *"meet the range of housing needed (homes, units, apartments and residential aged care facilities)*
- *direct future housing to appropriate areas*
- *ensure the special values and character of the Peninsula are protected."*

(Source: <https://shape.mornpen.vic.gov.au/planning-scheme-amendment-C219-housing-for-the-peninsula>)

Summary:

Firstly, as a landowner and resident of the Mornington Peninsula I admire the Shire for their review the Mornington Peninsula Planning Scheme in an effort to reduce red tape by removing onerous planning permit triggers (eg. colours & materials 40% LRV requirement) from the DDO's and intentions to protect the Peninsula from inappropriate overdevelopment.

Unfortunately however, upon review of the copious amount of documentation attached Planning Scheme Amendment C219 which is very burdensome, it is my opinion that the intended re-zoning does not allow enough properties across the peninsula to be re-development in order to meet the housing growth projection set out by the State Government.

I therefore object to the proposed re-zoning of my property from General Residential Zone – Schedule 1 (GRZ1) with no planning overlays to the Neighbourhood Residential Zone – Schedule 2 (NRZ2) and it is my suggestion that properties within close proximity to Major Activity Centres, which do not have identified "special character", should remain able to be developed to their maximum potential which would allow for more diverse housing choice.

Submitter 211 - Page 3 of 34

This would reduce pressure and protect more significant townships across the peninsula which have defined neighbourhood character.

C219 Submission:

I am the landowner of [REDACTED] which is currently zoned General Residential Zone – Schedule 1 (GRZ1) with no planning overlays.

For convenience, I attach:

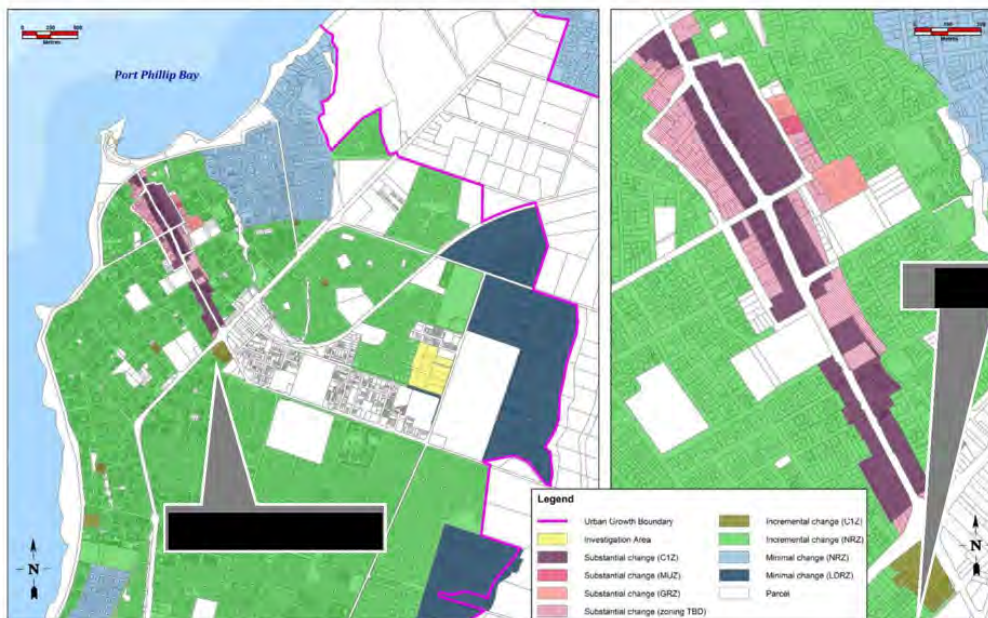
- Appendix 1 the 'report' produced via the Shire's website which summarises the intended changes to my property proposed under C219 & existing planning property report
- Appendix 2 includes copies of existing GRZ1 & proposed NRZ2 provisions including existing and proposed zone mapping for my property area

I oppose Amendment C219 which proposes to re-zone my property into the Neighbourhood Residential Zone – Schedule 2 (NRZ2).

Site Context:

[REDACTED] is identified as being within the 'incremental change area' as shown in Figure 1 of the Housing & Settlement Strategy Refresh 2020-2036 and does not have any special characteristics, namely it is not located in a Bushfire Prone Area, nor is it affected by any vegetation or environmental protection overlays nor is it a heritage place or located nearby any heritage places.

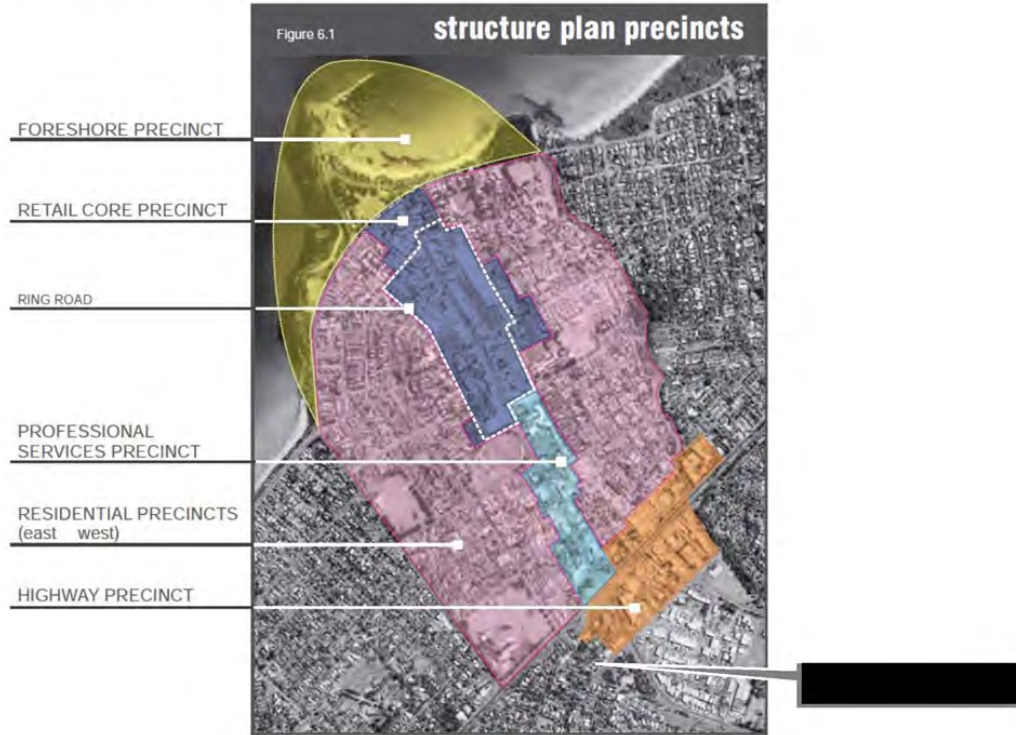
Figure 1: Housing Change Framework Maps



[REDACTED] is located within 50 metres of Mornington's Activity Centre Highway Precinct as referenced in the Mornington Activity Centre, Structure Plan, July 2007 – Refer Figure 2.

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Figure 2: MORNINGTON ACTIVITY CENTRE, Structure Plan July 2007



Ratio Consultants | 51

In addition, I draw Council's attention to the fact that my property is located only one site away from an existing multi-level development at [REDACTED]

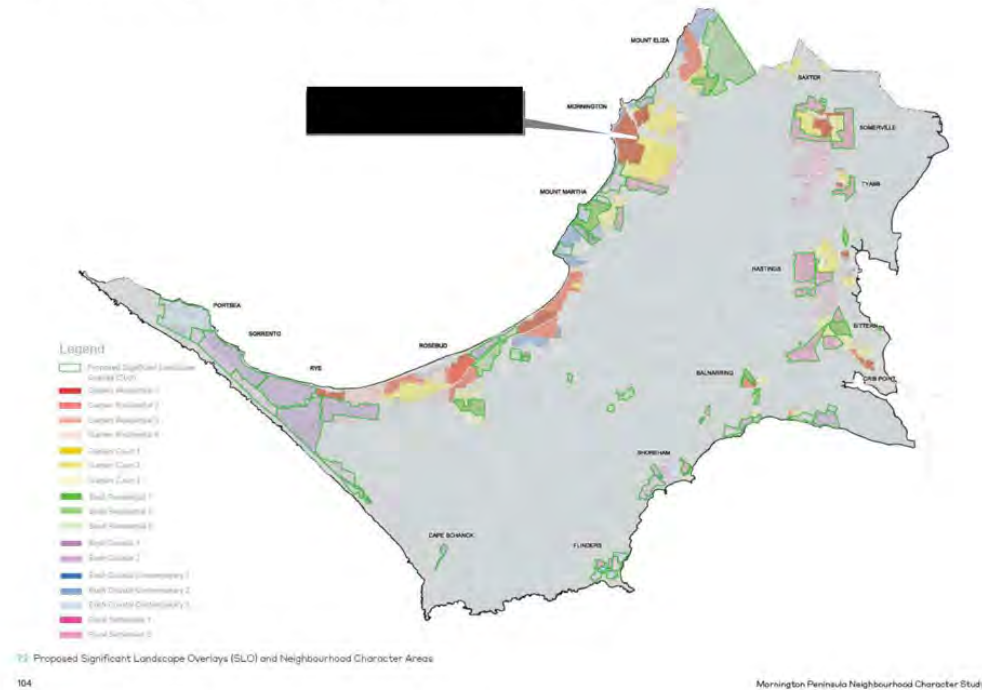


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Neighbourhood Character Study (NCS) Response

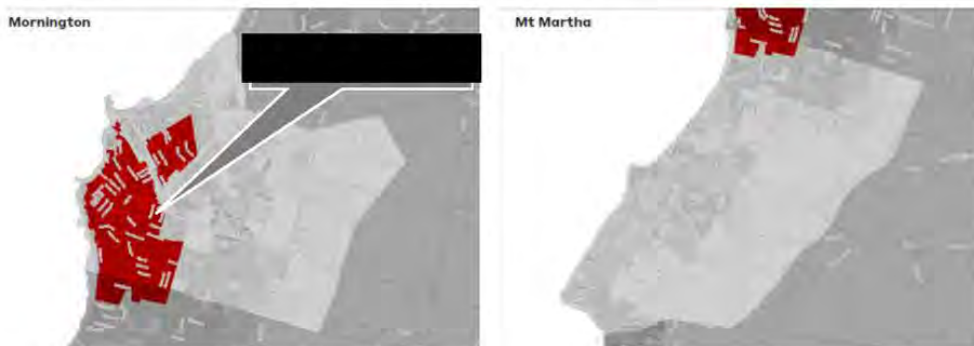
As already identified, my property is designated in the "Incremental Change Area" and it is included within the "Garden Residential 1 Precinct" of the Mornington Peninsula Neighbourhood Character Study (NCS). Refer Figure 4.

Figure 4: Mornington Peninsula Neighbourhood Character Study (NCS)



I understand that the above map, contained within the NCS, was designed to differentiate areas across the peninsula and identify their "special" character to ensure that development responds to the unique values of each. I do not believe my property has the same 'character' as areas in Mt Martha, Rosebud and more broadly Rye & Somerville which are included within the same Garden Residential 1 Precinct as identified below.

Figure 5: Garden Residential 1 Precincts:



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Taking the above into account, I do not accept that my property, which is contained within the Garden Residential 1 Precinct (GR1), should have a greater criterion for building setbacks imposed under the NRZ2 than the Garden Residential Precinct 3 (GR3) which include areas of Rye or Garden Court Precinct 3 (GC3) which includes parts of Mt Eliza & Balnarring, as outlined below.

Figure 6: Section 5.4 of the Mornington Peninsula Neighbourhood Character Study (NCS)

5.4 Minimum Lot Size

The table opposite outlines general minimum lot size recommendations by character precinct.

A review of previous lot size analysis as part of the Neighbourhood Character Background Report formed the basis for the minimum lot size recommendations.

This analysis is approximate in nature, and draws upon several criteria from the range of standards that are recommended by Character Area.

Character precincts are sorted into lot sizes categories ranging from small-extra large based on the following criteria:

- Setbacks
- Landscaping Requirements
- Site Coverage/Permeability

Note: These lot sizes do not consider access to public transport, activity centres or services.

Lot Size Minimum	Criteria	NCS Precinct
Small	<ul style="list-style-type: none"> • Setbacks: 1m on one side • Landscaping: N/A • Coverage/Permeability: N/A 	Garden Residential 3 Garden Court 3
Medium	<ul style="list-style-type: none"> • Setbacks: 1m on one side, 2m other side • Landscaping: N/A • Coverage/Permeability: N/A 	Garden Residential 1 Garden Residential 4 (coverage/permeability requirement) Garden Court 1 Bush Coastal 1 (landscaping and coverage/permeability requirement) Bush Coastal Contemporary 1
Large	<ul style="list-style-type: none"> • Setbacks: 1m one side, 3m other side OR at least 2m both sides • Landscaping: 5x5m area to accommodate at least one canopy tree • Coverage/Permeability: 40% 	Garden Court 2 (no coverage/permeability requirement) Garden Residential 2 (no coverage/permeability requirement) Bush Residential 1, 2 & 3 Bush Coastal 2 Bush Coastal Contemporary 2 (no permeability requirement) Bush Coastal Contemporary 3
Extra Large	<ul style="list-style-type: none"> • Setbacks: 6m on both sides • Landscaping: 5x5m area to accommodate at least one large canopy tree • Coverage/Permeability: 30%/50% 	Rural Settlement 1 Rural Settlement 2 (no landscaping requirement)

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It is my further understanding that the character findings of the NCS apply across all residential land on the peninsula despite the planning scheme already identifying areas with special neighbourhood character eg DDO [REDACTED] and DDO24 [REDACTED]. In areas whereby DDO's have established character, I support the conversion to the NRZ and removal of some unnecessary planning permit triggers eg. colours & materials 40% LRV requirement to reduce burden on the planning system as I have confidence that these areas have undergone rigorous review and assessment.

It seems unreasonable that my property, which is deemed to be GR1, is included within the "Medium" lot size recommendations of the NCS despite the fact that my property does not have any current density controls as no current DDO applies.

Case Study Comparison

Property Address	35 Dundas Street, Rye*	3 Yuilles Road, Mornington
Character Assessment under the NCS	Garden Residential 1 "Minimal Change Area"	Garden Residential 1 "Incremental Change Area"
Proximity to a Major Activity Centre	+5kms to Rosebud Major Activity Centre	50m to Mornington Major Activity Centre (Highway Precinct)
Existing Planning Controls:	GRZ1, DDO4 & VPO1	GRZ1
C219 Proposed Planning Controls:	NRZ2, DDO4 & VPO1	NRZ2

* Refer to Appendix 3 for Property Reports

In the property comparison above I agree that [REDACTED] should be converted to the NRZ and have more onerous Clause 54/55 requirements as the land is currently affected by DDO4 & VPO1 identifying that the site has 'special' character worthy of protection. In addition, the site is not located within close proximity to a Major Activity Centre and DDO4 currently controls subdivision density with minimal change accepted for this area given coastal vegetation is dominant.

My property on the contrary does not warrant a conversion to the same NRZ2. My property is not deemed to have 'special' character and is identified as anticipating incremental change given its close proximity to Mornington Major Activity Centre. The 2-storey requirement with a maximum height limit of 9 metres imposed by the NRZ will stifle any opportunity for re-development currently afforded to my property whereby at present up to 3 storeys with a maximum allowable height of 11m is permissible – Refer to Figure 3 for an existing example at [REDACTED] of a multi-storey development one site away from my property.

This is just one example which demonstrates Council's lack of transparency with regards to the implications of changing the zoning of my property from GRZ1 to NRZ2 and proposal to impose onerous modified Clause 54/55 requirements is not fair and just.

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Issues with C219

Council have failed to clearly explain in their [lack of] 'community consultation' the full implications of Amendment C219 on my property and whilst I wouldn't want or expect my property to be rezoned into the Residential Growth Zone (RGZ), I do not support the broad based approach to adopt all findings of the NCS and convert my property to NRZ2.

The intended approach in re-zoning removes the ability for many sites, including my property, which have good access to infrastructure and services, to be developed to their full potential thus reducing growth opportunities across the municipality.

I accept that the Mornington Peninsula is not a nominated growth municipality, however the Shire has failed to apply the GRZ to appropriate incremental change areas across the Peninsula and it is included within Metropolitan Melbourne therefore, has a role to play with respect to the urban consolidation objectives of the planning scheme namely housing supply, diversity and affordability.

Conclusion & Recommendations:

It is oppressive to impose the Neighbourhood Residential Zones across the majority of all residential areas of the Mornington Peninsula with limited General Residential Zones.

Accepting broad neighbourhood character descriptions which cover multiple and diverse areas across the peninsula does not result in fair and orderly planning outcomes for landowners. Without undertaking a more accurate assessment of individual areas/properties across the peninsula, the proposed amendment C219 currently on exhibition seems premature and in my opinion, will take away opportunities across the peninsula to accommodate housing growth which does not align with the objectives of this amendment.

Amendment C219 should be seeking to apply residential zones in a more coherent manner rather than by stealth removing development opportunities. It is my suggestion that areas currently affected by DDO's controlling density subdivision should be converted to NRZ however GRZ properties with no density requirements should remain to allow growth in these areas where incremental change is anticipated.

I request that Amendment C219 be abandoned, or suitable amendments be made to ensure that [REDACTED] remains in the GRZ1, with no planning overlays.

In closing, the amount of documentation contained within Amendment C219 requiring review is astronomical. Whilst I appreciate that additional time has been given to extend the closing date for submissions, the Mornington Peninsula Shire should have undertaken further engagement with the community to ensure property owners fully understand what the proposed planning scheme changes will mean on the ground both now and into the future.

I love where I live and want to ensure my enjoyment of the Mornington Peninsula is shared with generations to come.

Kind Regards,

[REDACTED]

Submitter 211 - Page 9 of 34

Appendix List:

1.1 The 'report' Council provides which summarises the intended changes to [REDACTED]
[REDACTED] as a result of C219

1.2 Existing planning property report for [REDACTED]

2.1 Existing GRZ – Schedule 1

2.2 Proposed NRZ – Schedule 2

2.3 Existing Zone Map – Mornington

2.4 Proposed Zone Map – Mornington

3.1 The 'report' Council provides which summarises the intended changes to [REDACTED]
[REDACTED] as a result of C219

3.2 Existing planning property report for [REDACTED]

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PLANNING PROPERTY REPORT



From www.planning.vic.gov.au on 27 October 2021 09:29 AM

PROPERTY DETAILS

Address: [REDACTED]
Lot and Plan Number: [REDACTED]
Standard Parcel Identifier (SPI): [REDACTED]
Local Government Area (Council): **MORNINGTON PENINSULA** www.mornpen.vic.gov.au
Council Property Number: [REDACTED]
Planning Scheme: **Mornington Peninsula** planning-schemes.delwp.vic.gov.au/schemes/morningtonpeninsula
Directory Reference: **Melway 145 F2**

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Melbourne Water Retailer: **South East Water**
Melbourne Water: **inside drainage boundary**
Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **MORNINGTON**

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



CTZ - Commercial 1 **GRZ - General Residential** **PPRZ - Public Park & Recreation**
 RDZ1 - Road - Category 1

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 3 YUILLES ROAD MORNINGTON 3931

Page 1 of 3

Submitter 211 - Page 11 of 34

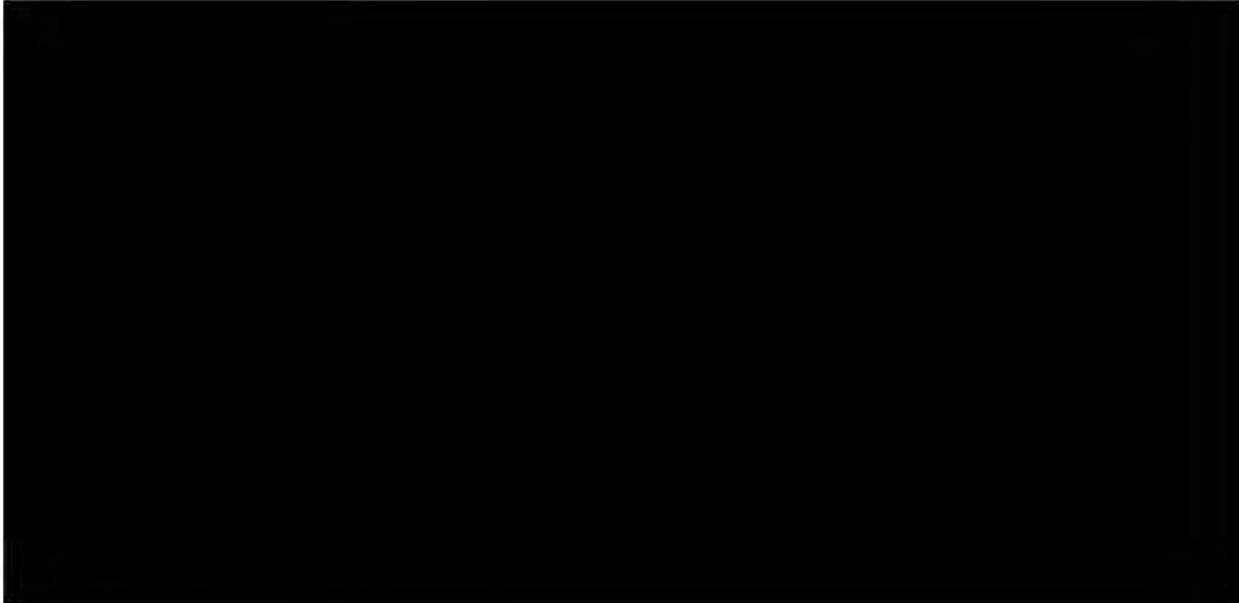
PLANNING PROPERTY REPORT



Planning Overlay

None affecting this land - there are overlays in the vicinity

PUBLIC ACQUISITION OVERLAY (PAO)



Further Planning Information

Planning scheme data last updated on 25 October 2021.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <http://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: 3 YUILLES ROAD MORNINGTON 3931

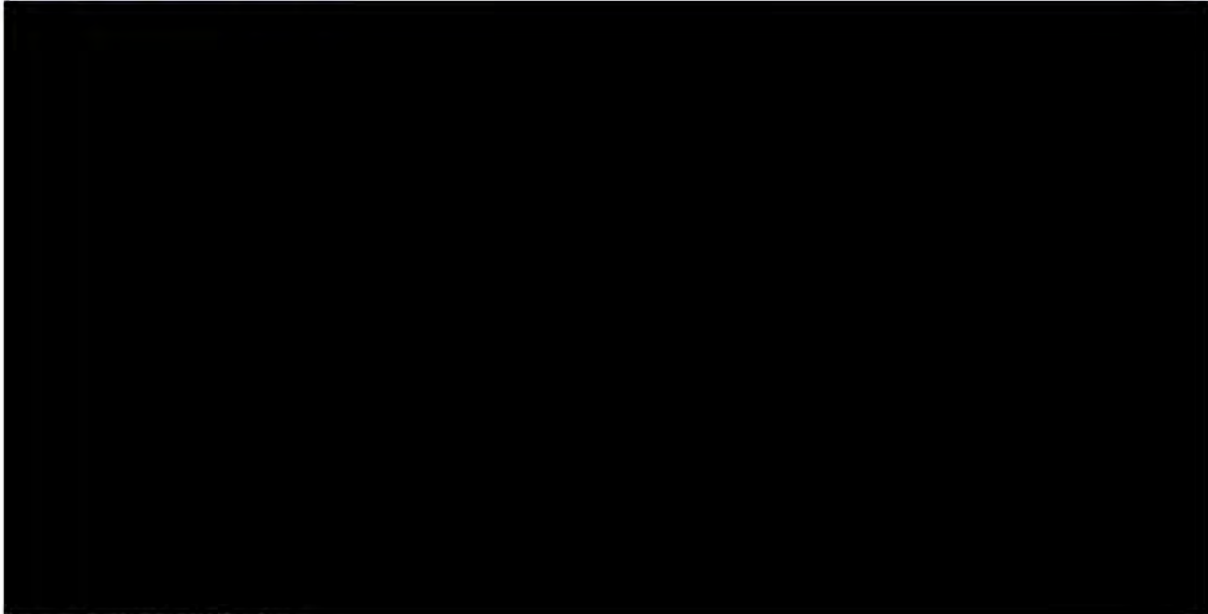
Page 2 of 3

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PLANNING PROPERTY REPORT



Designated Bushfire Prone Area



Designated Bushfire Prone Area

Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <http://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: 3 YUILLES ROAD MORNINGTON 3931

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10/27/21, 9:26 AM

Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...

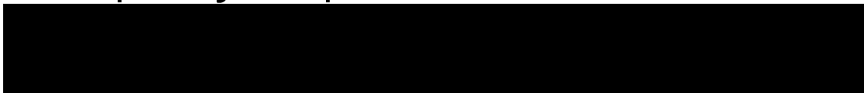
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(<https://shape.mornpen.vic.gov.au/>)

[login / Join](#)(<https://shape.mornpen.vic.gov.au/login>)

🔍 Search

Property Report



Shape our Peninsula (<https://shape.mornpen.vic.gov.au/>) / **Housing for the Peninsula - Planning Scheme Amendment C219morn** (<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula>) / **C219morn Property Address Search** (<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search>)

Housing Change Area

Minimal change

Your property is in an area that is designated for minimal change.

Planning Zone

Neighbourhood Residential Zone (NRZ)

Your property is currently in the General Residential Zone (GRZ)

(https://shape.mornpen.vic.gov.au/download_file/view/2998). This will change to the Neighbourhood Residential Zone (NRZ)

(https://shape.mornpen.vic.gov.au/download_file/view/2999). There will be changes to some built-form standards (e.g. setbacks, site coverage, or private open space),

<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search/report?l...> 1/5

10/27/21, 9:26 AM Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...

landscaping, and front fencing. You can view the current (https://shape.mornpen.vic.gov.au/download_file/view/3003) and proposed (https://shape.mornpen.vic.gov.au/download_file/view/3026) controls for details.

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Planning Overlay

DDO applied

Your property is currently affected by a Design and Development Overlay (DDO) (https://shape.mornpen.vic.gov.au/download_file/view/3001). The current controls will be changed to:

- reduce the number of things that need a planning permit (e.g. wall and building heights, building setbacks from parks and reserves, external wall cladding materials, front fence height and permeability, colours and tone of cladding and trims, reflectivity, and relocatable buildings)
- remove unnecessary controls (e.g. fibro cement sheet materials, dependent person's unit, and solar panels).



Building Height

Proposed height: 8 metres / 2 storeys

The current building height control on your property is 8 metres / 2 storeys.

The proposed building height control on your property is 8 metres / 2 storeys.

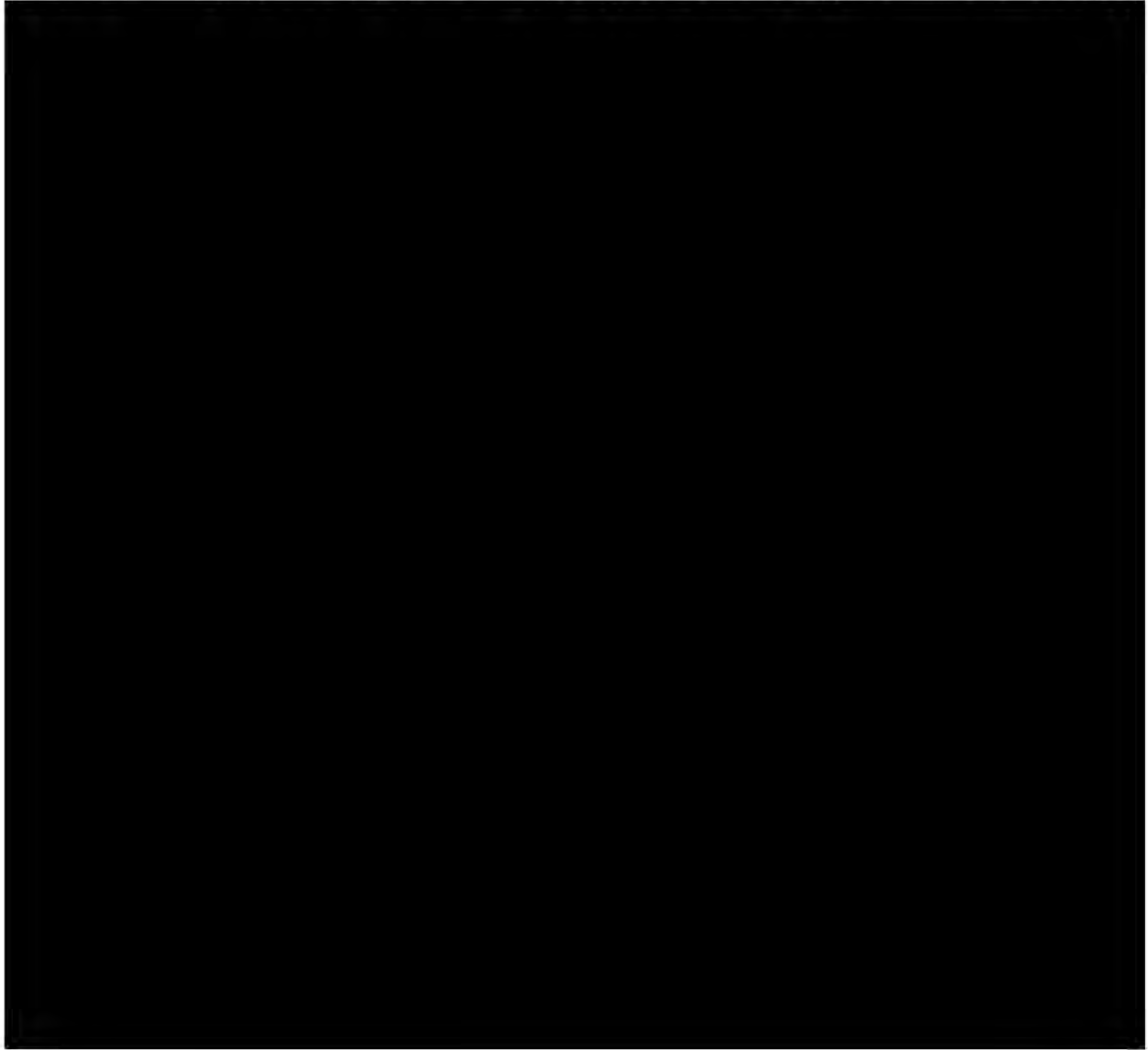
Map






<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search/report?l...> 2/5

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10/27/21, 9:26 AM Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...



- Mornington Peninsula boundary
- Urban growth boundary
-  Substantial change area
-  Incremental change area
-  Minimal change area

Further information and submissions

To read more and make a submission return to Planning Scheme Amendment page.
(<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula>)

Have further questions?

<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search/report?l...> 3/5

10/27/21, 9:26 AM


Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...

Enquire Now (<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/housing-peninsula-enquiries>)

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Property Search

Enter your address below to see if your property is affected by the changes

 Enter an address

Contact us


Mornington Peninsula Shire

Private Bag 1000,

Rosebud, Victoria, 3939

 Phone

03 5950 1000 or 1300 850 600

 Email


customerservice@mornpen.vic.gov.au (mailto:customerservice@mornpen.vic.gov.au?
subject=Website%20enquiry)

*Mornington Peninsula Shire acknowledges and pays respect to the Bunurong / BoonWurrung people,
the traditional custodians of these lands and waters*

 Facebook (<http://fb.com/mornpenshire>)

 Instagram (<https://www.instagram.com/ourpeninsula>)

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 Youtube (<https://www.youtube.com/user/MornPenShire>)

10/27/21, 9:26 AM Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...
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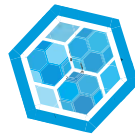
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(<https://the-hive.com.au>)

HiVE

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PLANNING PROPERTY REPORT



From www.planning.vic.gov.au on 27 October 2021 09:25 AM

PROPERTY DETAILS

Address:

Lot and Plan Number:

Standard Parcel Identifier (SPI):

Local Government Area (Council): **MORNINGTON PENINSULA**

www.mornpen.vic.gov.au

Council Property Number: **19566**

Planning Scheme:

Mornington Peninsula

planning-schemes.delwp.vic.gov.au/schemes/morningtonpeninsula

Directory Reference:

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Melbourne Water Retailer: **South East Water**

Melbourne Water: **inside drainage boundary**

Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**

Legislative Assembly: **NEPEAN**

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

 GRZ - General Residential

 RDZ2 - Road - Category 2

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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PLANNING PROPERTY REPORT: 35 DUNDAS STREET RYE 3941

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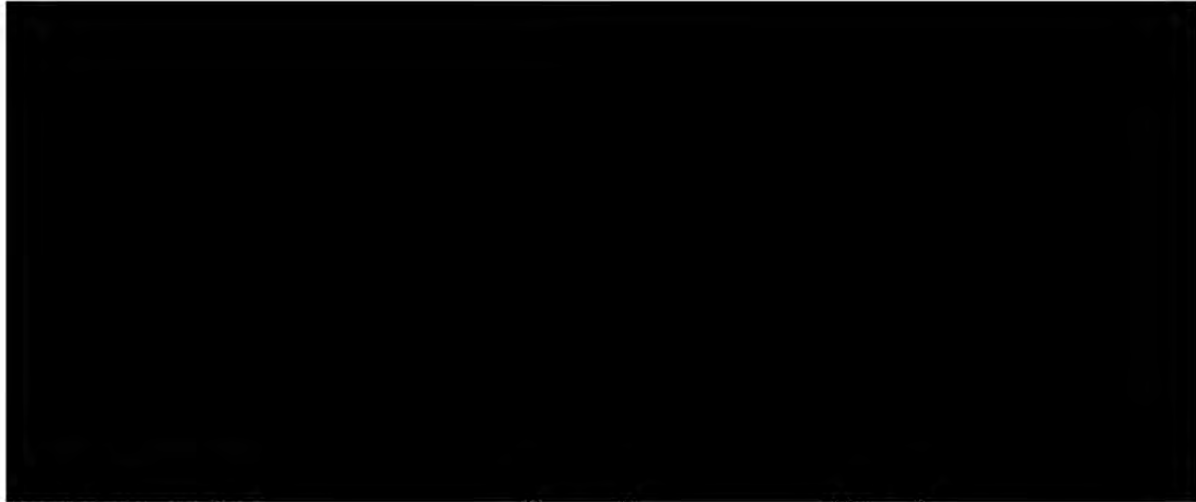
PLANNING PROPERTY REPORT



Planning Overlays

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 4 (DDO4)



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0 50m



DDO - Design and Development

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

VEGETATION PROTECTION OVERLAY (VPO)

VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)



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0 50m



VPO - Vegetation Protection

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

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PLANNING PROPERTY REPORT

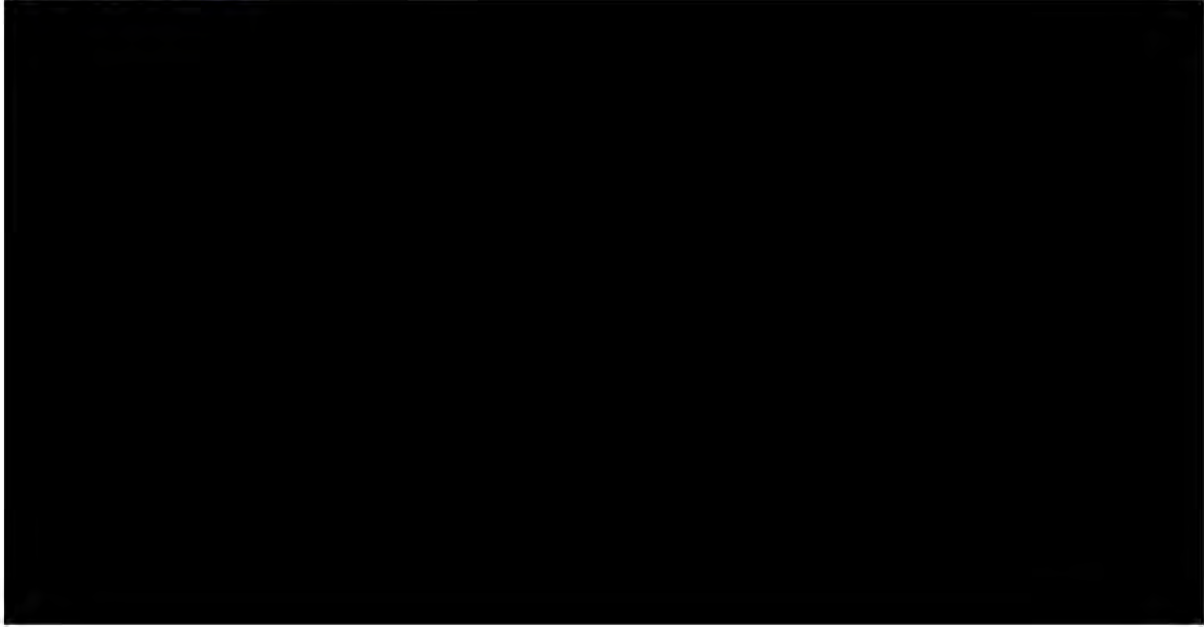


Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

HERITAGE OVERLAY (HO)



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PLANNING PROPERTY REPORT



Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.gov.vic.gov.au/govQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>

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PLANNING PROPERTY REPORT



Further Planning Information

Planning scheme data last updated on 25 October 2021.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <http://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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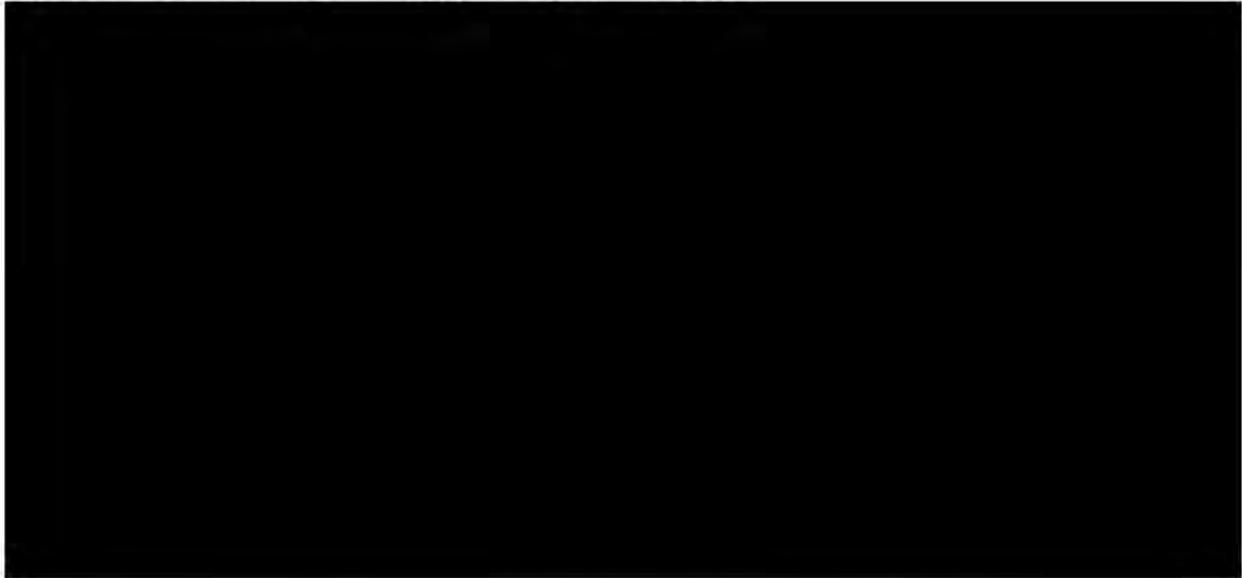
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PLANNING PROPERTY REPORT



Designated Bushfire Prone Area

**This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.**



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <http://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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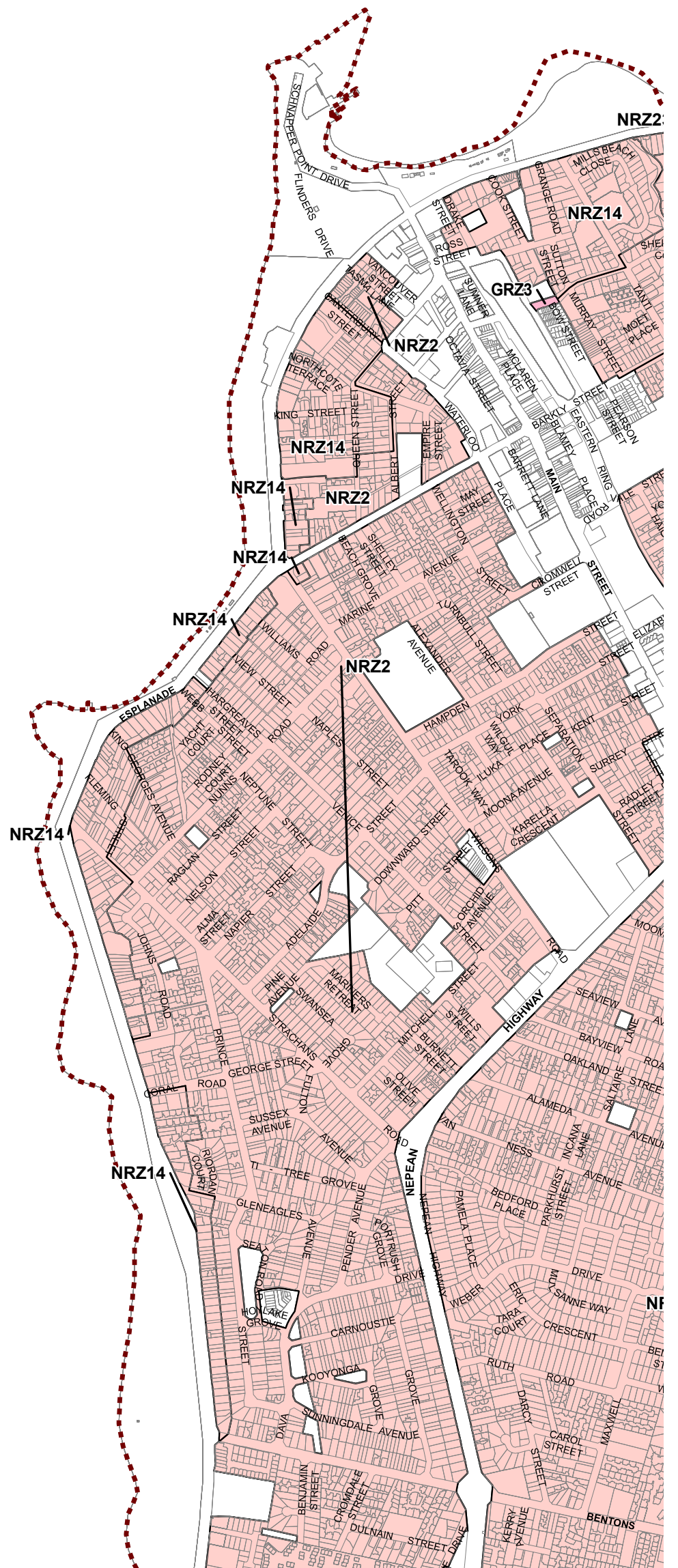
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MORNINGTON PENINSULA PLANNING SCHEME

---/---/---
Proposed C219morn

SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ2**.

GARDEN RESIDENTIAL 1

1.0 Neighbourhood character objectives

---/---/---
Proposed C219morn

To ensure new development reflects the preferred built form, characterised by predominantly small-scale 1-2 storey dwellings with simple building forms and pitched roofs with prominent eaves.

To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that create a sense of openness and space around dwellings.

To maintain and strengthen the formal garden setting of dwellings, characterised by canopy trees, bushes, shrubs and garden beds.

To ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead.

To maintain the openness and minimal delineation between the public and private realms, characterised by absent, or low and permeable, front fences with views to front garden areas.

2.0 Minimum subdivision area

---/---/---
Proposed C219morn

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

---/---/---
Proposed C219morn

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	500 square metres
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	500 square metres

4.0 Requirements of Clause 54 and Clause 55

---/---/---
Proposed C219morn

	Standard	Requirement
Minimum street setback	A3 and B6	<p>If the site is not on a corner, walls of buildings should be set back from the front street at least:</p> <ul style="list-style-type: none"> the average distance of the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 9 metres, whichever is the lesser, if both abutting allotments facing the front street have an existing building. the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser, if only one abutting allotment facing the front street has an existing building. 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. <p>If the site is on a corner, walls of buildings should be set back from the front street at least:</p> <ul style="list-style-type: none"> the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. 7.5 metres for all streets, if there is no existing building on the abutting allotment facing the front street.

MORNINGTON PENINSULA PLANNING SCHEME

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from a side street at least the same distance as the setback of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.
Site coverage	A5 and B8	None specified.
Permeability	A6 and B9	None specified.
Landscaping	B13	None specified.
Side and rear setbacks	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: <ul style="list-style-type: none"> ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 5 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms, an additional ground level private open space area of 20 square metres with a minimum width of 3 metres should be provided for each additional bedroom, with a maximum of 80 square metres of private open space for each dwelling.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: <ul style="list-style-type: none"> ▪ 1.8 metres, for a street in a Road Zone, Category 1. ▪ 1.2 metres, for all other streets.

5.0 Maximum building height requirement for a dwelling or residential building

Proposed C219morn None specified.

6.0 Application requirements

Proposed C219morn The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan, drawn to scale and prepared by a suitably qualified landscape professional. The plan must contain the following information:
 - A survey that shows the location and botanical names of all existing vegetation to be retained and those to be removed.
 - A planting schedule of all proposed trees, shrubs and ground covers, including location, botanical names, common names, pot sizes, width and height at maturity, and quantity of each plant.
 - The per cent of species selection, by type and number, that is indigenous to the local Ecological Vegetation Class (EVC) – the indigenous component should be at least 50 per cent.

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MORNINGTON PENINSULA PLANNING SCHEME

- The pot size and height of all trees and shrubs during installation – trees should have a minimum pot size of 250 millimetres and minimum height of 1.5 metres while shrubs should have a minimum pot size of 200 millimetres.
- The location of easements, both proposed and existing – trees with a mature height over 5 metres should not be planted over easements.
- The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works.
- Details of landscaping and planting within all open areas of the site.
- Details of any tree protection methods required in accordance with Australian Standard *AS 4970-2009 Protection of trees on development sites*.
- Notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

If the application proposes to construct a building or construct or carry out works for one dwelling on a lot, and a permit for the application is required and approved, a landscape plan will form a Condition 1 requirement in the approved permit. For all other applications, a landscape plan must be provided at the time when an application for a permit is lodged.

7.0

Proposed C219morn

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority

- Whether the height, form and siting of the buildings reflect the preferred character of the area.
- Whether the design, form and siting of the buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between the buildings and setbacks from lot boundaries in a multi-dwelling development detrimentally affect the potential to accommodate new landscaping and private open space.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the vegetation and landscaping maintain and strengthen the formal garden setting of dwellings.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the choice of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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MORNINGTON PENINSULA PLANNING SCHEME

09/10/2014
C179

SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ1**.

MORNINGTON PENINSULA TOWN AREAS

1.0

13/02/2014
C182

Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

500 square metres

2.0

13/02/2014
C182

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

3.0

13/02/2014
C182

Maximum building height requirement for a dwelling or residential building

None specified

4.0

13/02/2014
C182

Application requirements

None specified

5.0

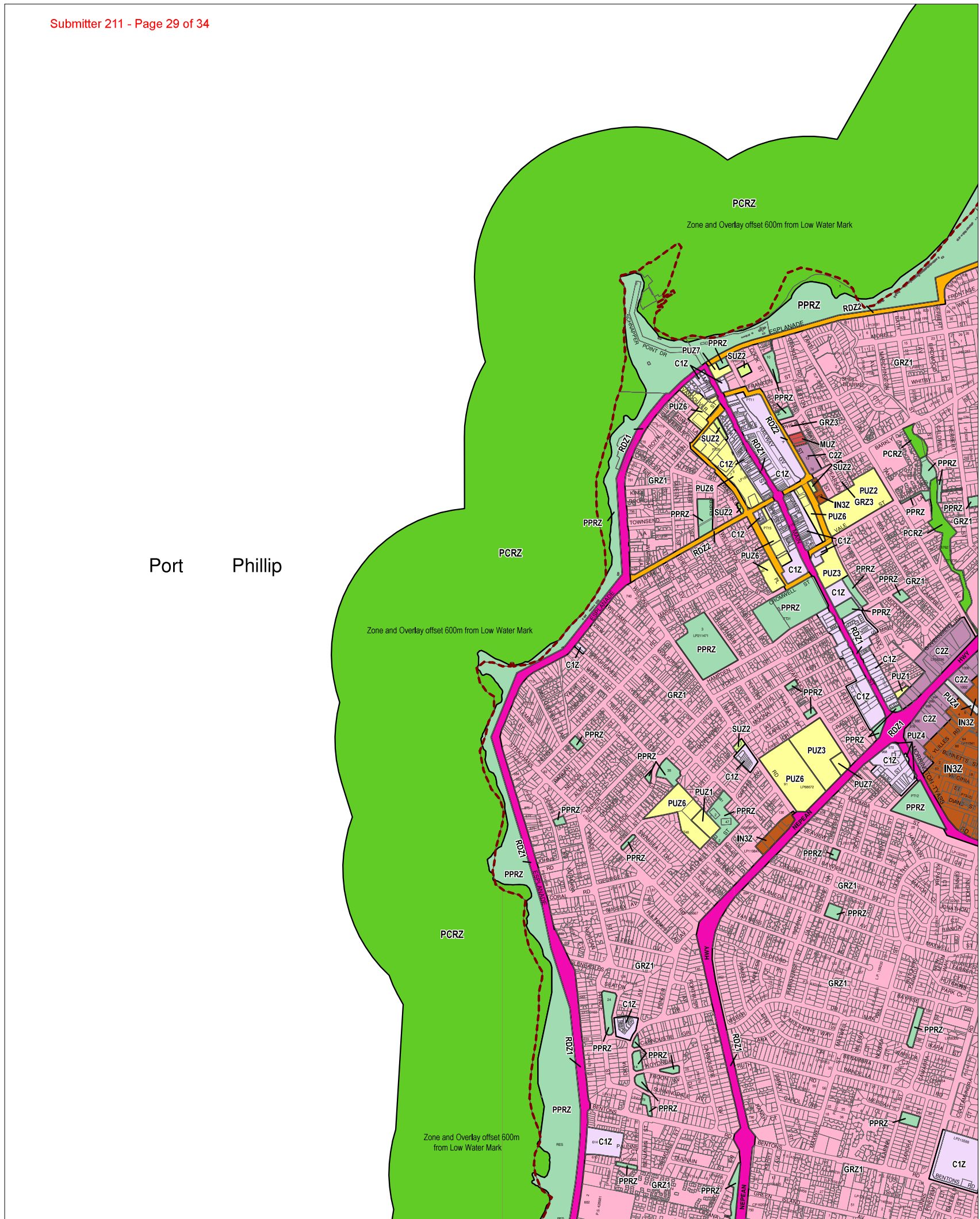
13/02/2014
C182

Decision guidelines

None specified

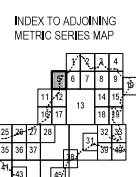
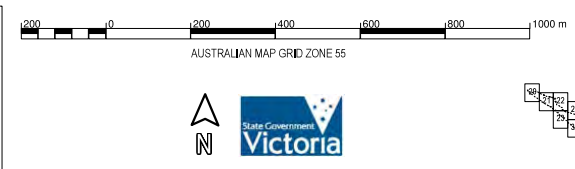
MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

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Commercial	Public Use Zone - Local Government	General Residential Zone - Schedule 3
C1Z Commercial 1 Zone	PUZ6	GR23
C2Z Commercial 2 Zone	PUZ7	MUZ Mixed Use Zone
Industrial	Public Use Zone - Other Public Use	Special Purpose
I1Z Industrial 1 Zone	PUZ1	SUZ1 Special Use Zone - Schedule 2
Public Land	Public Use Zone - Service And Utility	
P1Z Public Conservation And Resource Zone	PUZ2	
P2Z Public Park And Recreation Zone	PUZ3	
P3Z Public Use Zone - Education	PUZ4	
PUZ5 Public Use Zone - Health And Community	PUZ5	
	Public Use Zone - Transport	
	PUZ4	
	Road Zone - Category 1	
	RD1	
	Road Zone - Category 2	
	RD2	
	Residential	
	GR1 General Residential Zone - Schedule 1	



Printed: 15/5/2015

AMENDMENT C184 (PART 1)
MAP No 5

ZONES

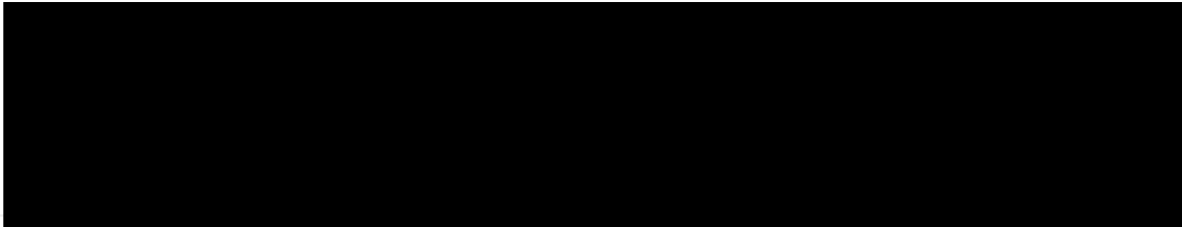
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(<https://shape.mornpen.vic.gov.au/>)

[login / Join\(https://shape.mornpen.vic.gov.au/login\)](#)

🔍 Search

Property Report



Housing Change Area

Incremental change

Your property is in an area that is designated for incremental change.

Planning Zone

Neighbourhood Residential Zone (NRZ)

Your property is currently in the General Residential Zone (GRZ)

(https://shape.mornpen.vic.gov.au/download_file/view/2998). This will change to the Neighbourhood Residential Zone (NRZ)

(https://shape.mornpen.vic.gov.au/download_file/view/2999). There will be changes to some built-form standards (e.g. setbacks, site coverage, or private open space),

<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search/report?l...> 1/5

10/27/21, 8:57 AM Report | C219morn Property Address Search | Housing for the Peninsula - Planning Scheme Amendment C219morn | Shap...

landscaping, and front fencing. You can view the current (https://shape.mornpen.vic.gov.au/download_file/view/3003) and proposed (https://shape.mornpen.vic.gov.au/download_file/view/3026) controls for details.

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Planning Overlay

Not affected by DDO

Your property is currently not affected by a Design and Development Overlay (DDO), which will not change.

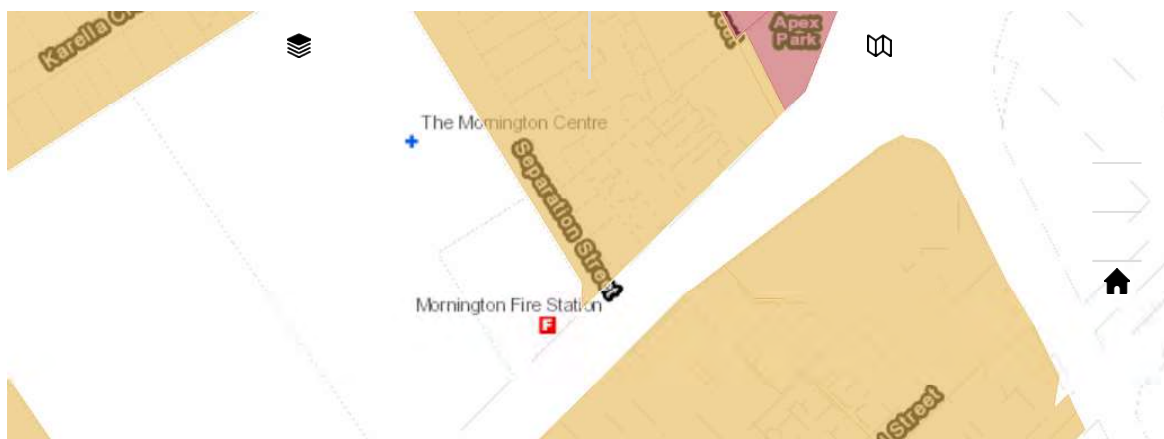
Building Height

Proposed height: 9 metres / 2 storeys

The current building height control on your property is 11 metres / 3 storeys.

The proposed building height control on your property is 9 metres / 2 storeys.

Map

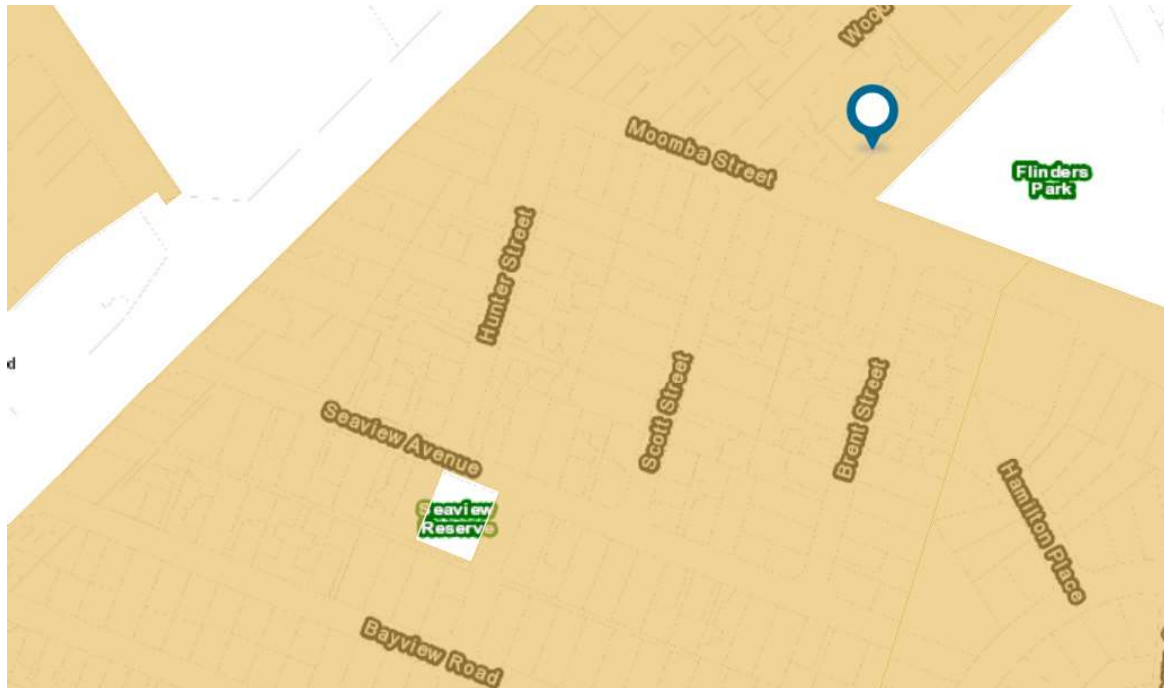


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- Mornington Peninsula boundary
- Urban growth boundary
- Substantial change area
- Incremental change area
- Minimal change area

Further information and submissions

To read more and make a submission return to **Planning Scheme Amendment** page.

(<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula>)

Have further questions?

Enquire Now (<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/housing-peninsula-enquiries>)

Property Search

Enter your address below to see if your property is affected by the changes

<https://shape.mornpen.vic.gov.au/planning-scheme-amendment-c219morn-housing-for-the-peninsula/c219morn-property-address-search/report?1...> 3/5

10/27/21, 8:57 AM

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🔍 Enter an address

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Contact us

Mornington Peninsula Shire

Private Bag 1000,

Rosebud, Victoria, 3939

📞 Phone

03 5950 1000 or 1300 850 600

✉ Email

customerservice@mornpen.vic.gov.au (mailto:customerservice@mornpen.vic.gov.au?
subject=Website%20enquiry)

*Mornington Peninsula Shire acknowledges and pays respect to the Bunurong / BoonWurrung people,
the traditional custodians of these lands and waters*

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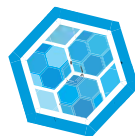
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YouTube Youtube (<https://www.youtube.com/user/MornPenShire>)

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From: [REDACTED]
Sent: Monday, 25 October 2021 9:01 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

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Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please see attached.

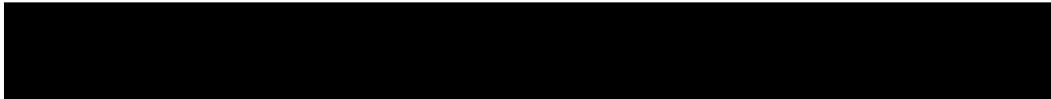
Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s



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Submitter 212 - Page 3 of 4

Team Leader
Re: Amendment C219morn – submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

25 October 2021

Planning Scheme Amendment C219morn Submission

I wish to oppose the Planning Scheme Amendment C219 which seeks to rezone a large area of land located in Portsea within the proximity of my property. This land is known as [REDACTED] and is currently zoned General Residential Zone 1. [REDACTED] is approximately 35 hectares (85 acres) and is in private ownership. The Mornington Peninsula Shire Council (*Council*) website explains that Planning Scheme Amendment C219 aims to “direct future housing to appropriate areas”.

Background

The [REDACTED] adjoins a residential area which is accessed only by Stonecutters Road, Portsea. There are several remnant parcels of land adjoining [REDACTED] which could be used to access any new subdivision of [REDACTED]. Stonecutters Road is an urban collector road (8C) with no footpaths and a winding, sloping character.

Until 2016, inappropriate high density residential subdivision of [REDACTED] was prevented by a 173 agreement numbered [REDACTED] in relation to undeveloped parcels of land adjoining [REDACTED]. The 173 agreement effectively restricted lot sizes to 2 hectares (5 acres) if any subdivision of [REDACTED] was accessed by Stonecutters Road. In 2016, Council removed the 173 agreement at the request of the owners of [REDACTED].

Since 2021, the southern part of [REDACTED] (13.5 acres) has been undergoing subdivision, accessed from Wildcoast Road Portsea, which runs off Stonecutters Road. This area is zoned Low Density Residential Zone. The remainder of [REDACTED] is not Low Density Residential Zone, and the minimum lot sizes in this area are potentially subject to further reduction.

Statement of Grounds for Opposition

1. **No masterplan.** There is no masterplan for the future use or development of [REDACTED]. Incremental, creeping, and piecemeal subdivision of [REDACTED] will be possible through Stonecutters Road and its tributaries (Pembroke Road, Pembroke Place, Tea Tree Rise, Wildcoast Road, etc). This approach to the development

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of this large parcel of land could result in a poor planning outcome if it is not controlled by a masterplan approved by Council with the benefit of community consultation.

2. **Zoning inconsistencies.** The zoning changes proposed by Planning Scheme Amendment C219 are inconsistent with the recent Council decision to grant a planning permit for a winery on [REDACTED] and associated vineyard on [REDACTED]. This land use (commercial/rural industry/agricultural/tourism) is inconsistent with the zoning changes in this amendment and with the proposed future use as residential land because:

- the use of the land as a winery will likely result in soil contamination through the use of agricultural chemicals (such as copper sulphate) which accumulates in the soil and which may have adverse health effects on future residents; and
- the rezoning of the land to neighbourhood residential may increase the land value and its outgoings, and this will pressure the winery operator to substantially increase the scale of their commercial operation in order to be profitable. This may create adverse amenity impacts on the surrounding residents.

3. **Proposed changes to the Amendment.** I propose that Planning Scheme Amendment C219 exclude [REDACTED] until such time as:

- Council develops a masterplan for this land, including community consultation; and
- Council has resolved the inconsistencies between the zoning of this land (proposed as neighbourhood residential) and land uses endorsed by the Council (winery/agriculture/rural industry/tourism). This incompatibility could be resolved by rezoning the land to a more appropriate zoning, such as Green Wedge, if a winery is the Council's preferred land use.

Yours sincerely

[REDACTED]

Submitter 213 - Page 1 of 4

From: [REDACTED]
Sent: Monday, 25 October 2021 9:39 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 213 - Page 2 of 4

Do you represent other people?

No

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

My property is [REDACTED] According to the new proposed scheme it will be rezoned to Neighbourhood residential zone.

I have submitted plans already regarding development of this site.

The subject site is located very close to public transport, parklands, schools and local facilities. The proposed scheme should be encouraging appropriate development for the forecasted population growth.

The new scheme is very restrictive. The rear 5 m setback is way too much for the proposing site. It will limit all the development including single dwelling. The local parks are just near by, there is no need for the 60 square meter SPOS for a 3 bedroom unit and 80 spm for 4 bedroom unit. From the screen shot its clear that the the park is less than 5 mins walking distance.

Units have already been developed close by which do not comply with these rules. Including a recent development on Elizabeth ave. Please see in screen shot in blue box. This will decrease my house value significantly which will impact my financial situatuion.

Submitter 213 - Page 3 of 4

Currently a lot of the houses already maintain boundary building form, therefore the minimum 1 m side setback also seems excessive. The street has maintained the open garden outlook. There is no need to in force a 1 m side setback.

I strongly oppose this planning scheme ammendment.

Would you like to upload a document or image with further details?

Yes

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Submitter 214 - Page 1 of 6

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 26 October 2021 9:27 AM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Good Morning,

I tried to complete an on line submission on line this morning, but the system would not allow me to enter any data.

Please find attached a C219 submission from the [REDACTED] Can you please ensure this gets to the correct destination?

If I need to send this to another email, or submit on line once the system allows, can you please advise.

Thanks, and regards,

[REDACTED]

Submitter 214 - Page 2 of 6



22nd October 2021
Amendment C219

Introduction

The [REDACTED] makes the following submission to the Mornington Peninsula Shire Council's amendment C219. The [REDACTED] understands the amendment has three objectives

1. To plan for additional housing
2. To protect neighbourhood character
3. To simplify and streamline the planning process

We commend and support elements of amendment C219 to protect Shoreham's neighbourhood character. The overarching aim of this submission is to further strengthen the Shoreham Community's aspiration of preserving its unique character and environment. We would like to acknowledge the work that has been undertaken by Council Officers in the preparation and promotion of this amendment.

1. Plan for additional housing

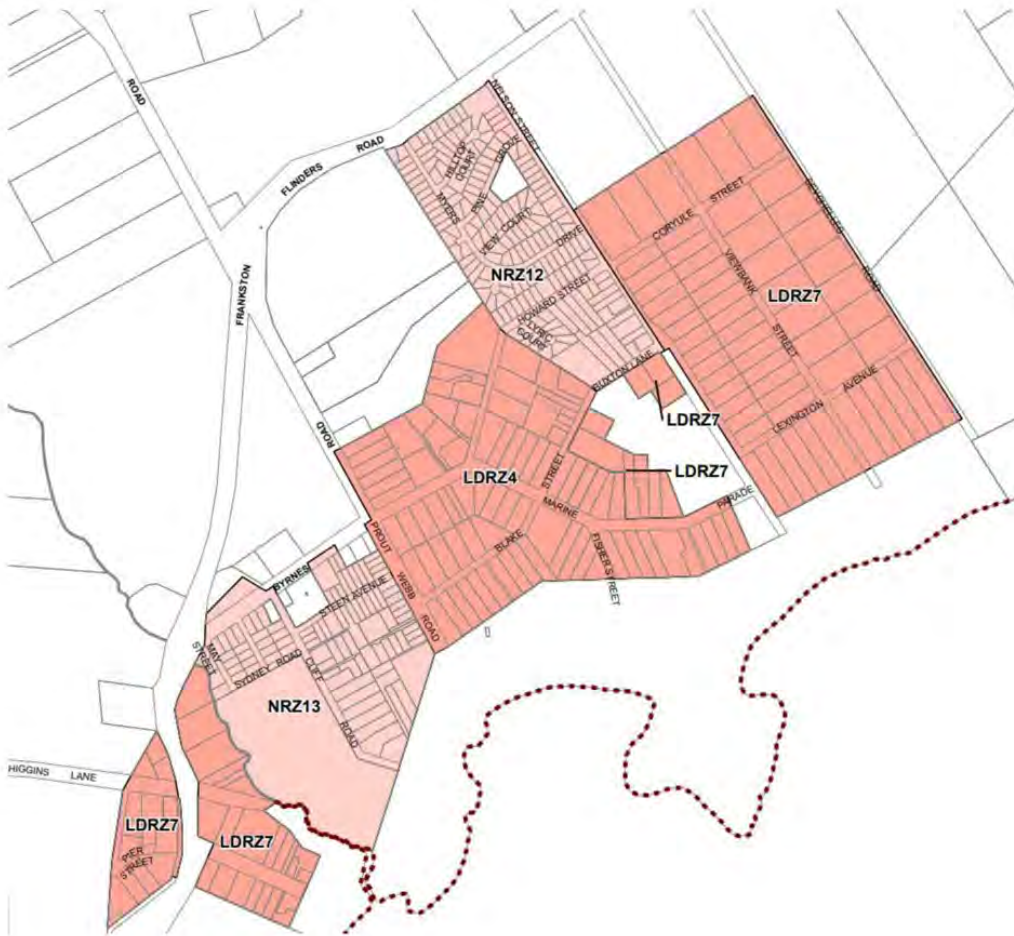
The [REDACTED] supports the plan to accommodate additional housing in the major towns of Mornington, Rosebud and Hastings.

2. Neighbourhood character protection. Changes to Zones, Overlays, and inclusion of precinct profiles

The [REDACTED] is pleased to see the implementation of the 2019 Mornington Peninsula Character Statements and Guidelines report. In particular the conversion of Shoreham's GRZ area to NRZ and the designation of precinct profiles of either BC1 or BC2 applying to Shoreham's coastal village. These amendments are strongly supported and will in principle further protect Shoreham's neighbourhood character. With respect to rural Shoreham, it is noted that there is no change to the GWZ.

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Zones. The [redacted] submits that two separate sections of the proposed NRZ12 and NRZ13 areas be rezoned LDRZ. These are shown on the plan with the areas highlighted yellow. These areas contain mostly larger properties that best fit the LDRZ criteria and are on three sides contiguous with LDRZ areas. Within NRZ12 the area bounded by Buxton Lane, Nelson Street and Howard Street be rezoned LDRZ4 and within NRZ13 the area bounded Sydney Road through to Prout Webb Road, Prout Webb Road, the Foreshore and Stony Creek be rezoned LDRZ4.



Overlays

- **Building Height** In the proposed LDRZ4 area the overlay DD03 has been replaced by DD043. The current DD03 has a general requirement of wall heights to 5.5m and a maximum building height of 6m - subject to variation by permit. There is also a mandatory maximum of 8m and 2 storeys that cannot be varied by permit. The lower level "guidance" does not appear in the proposed DD043 – only the mandatory maxima are present in the proposed

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DDO43. This may encourage taller new constructions in the area in conflict with the goals of fitting in with the landscape, sharing of views

In a similar way the proposed LDRZ27 areas the overlay DD06 has been replaced by DD045 and DD053. DD06 has a mandatory height limit of 8m/2storeys whereas DD045 and DD053 specifies this height limit as a general requirement. Additionally, DD06 mandates one dwelling per block which is not part of DD045 and DD053.

Both these proposed overlay changes have the potential to weaken the neighbourhood and character and the SCA submits that the controls contained in DD03 and DD06 be included in DD043 and DD045/DD053 respectively.

- **Bushfire Management Overlay:** The Shoreham Village is controlled by the Bushfire Management Overlay. Any new development or extension governed by this enables bushland blocks to be cleared. Unfortunately, as a permit is not required, new residents are having mature trees and understory vegetation removed.

The [REDACTED] is aware that Council is participating with Melbourne Metro Council to review the Bushfire Management Plan given the extreme measures now being taken and the loss of tree canopy. Climate Change and protecting biodiversity to be high on the agenda in protecting the Peninsula. The [REDACTED] submits that a permit to clear be put in place to as prevent and control indiscriminate felling of trees and foliage in the BMO.

- **Vegetation Protection Overlay: VPO 1 & VPO 2 Environment Protection Overlay: ESO 21 & 28 Significant landscape Overlay 2: SLO 1, 2 & 4**

Within the Schedule for the village of Shoreham these overlays have major significance as they apply to both zones and for vegetation protection objectives to be achieved.

It is important in the proposed changes to C219, that efforts to tighten controls and strengthen design objectives across the Peninsula, include a climate response in terms of vegetation controls. Shoreham and surrounding Villages are facing increased clearing of trees and vegetation for development. Whilst landscaping is encouraged there should be emphasis on planting of trees.

“Retention of existing vegetation to ensure sufficient space is provided in resident’s gardens to enable retention and planting of canopy trees which can help counteract the Urban Heat Island Effect.” (MP Housing & Settlement Strategy)

- **Non-Compliance**

As stated, the [REDACTED] generally supports the proposed changes to the zones, overlays, and the designation of precinct profiles of BC1 and BC2 for Shoreham. Collectively the current controls and proposed changes should protect Shoreham’s unique coastal village character and environment. Unfortunately, in the past a number of developments and actions have bypassed the planning and management controls adversely impacting the said character and environment. Such non compliances include

- More than one building per lot
- Over size building envelopes
- Heritage overlays breached
- Arbitrary tree removal and foliage removal in contravention of VPO, SLO, and ESO controls both within private property and along road verges
- Planting of cypress trees contrary to the BMO

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If Shoreham's unique character and environment is to be retained the ■■■ submits that the MPS should review management of the planning controls to ensure compliance. This may require community education, regular field auditing and promotion of Snap Send Solve to report non compliances and enforcement deterrents.

Retention of Shoreham's unique character particularly applies to retention of the natural environment. The Neighbourhood Character Study has recognized the importance of the landscape and retention of environmental values as a priority and especially noted the importance of the tree canopy and protecting the vegetation which also contributes to the wildlife corridor in and around Shoreham. These factors contribute to the biodiversity of the region and climate Change. A vital component noted within C219 for Shoreham.

3.Planning control changes.

The ■■■ opposes streamlining the planning process to bypass the planning permit stage as it will lead to inappropriate building developments adversely impacting Shoreham's character. A planning application with requisite disclosure provides third party scrutiny enabling a response to potential inappropriate development. A building permit without a planning permit curtails this opportunity and should only apply for a shed and minor buildings that meet height and building requirements of the Res Code.

Once a building permit is lodged there is no opportunity to contest an application that may be inappropriate for the area as has occurred on many occasions.

Vic Smart Applications: Planning applications can be submitted via the Vic Smart process and do not require advertising if it meets the statutory requirements and is within a 5 metre height limit or will signal a permit trigger. There does not appear any differentiation between the assignation of a building permit and a Vic Smart application in deference to a planning permit.

This furthers the importance of a planning application to ensure compliance and meets satisfactory design elements.

The ■■■ submits that Shoreham be designated as having special character requiring planning permits and that a Neighbourhood Character Overlay be applied. An NCO requires a permit to construct a building, demolish or remove a building, or to remove, destroy or lop trees under given circumstances

Summary

With respect to the three objectives of the C219 Amendment the ■■■ makes the following submission.

Plan for additional housing

The ■■■ supports the plan to accommodate additional housing in the major towns of Mornington, Rosebud and Hastings

Neighbourhood character protection

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The [REDACTED] commends and supports elements of amendment C219 that strengthen the retention of the unique coastal character and environment of the Shoreham Village and surrounds. The [REDACTED] submits that neighbourhood character would be further protected by

- Rezoning two sections of proposed NRZ to LDRZ4 areas
- Retaining DDO3 and DD06 building height controls be retained in the replacement overlays DD043, DD045 and DD053
- Including a permit to clear in the BMO
- Strengthen vegetation controls in response to climate change in VPO, SLO and ESO
- Addressing the range and frequency of non-compliance through education, field auditing, community reporting and enforcement deterrents

Simplification and streamlining the planning process

- The [REDACTED] opposes the proposed planning permit changes and submits that a Neighbourhood Character Overlay be applied to cover Shoreham

Thank you.



Shoreham Community Association Inc. PO Box 73 Shoreham Vic 3916
shorehamcommunity@gmail.com www.shoreham.vic.au

ABN: 52 722 826 930

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[REDACTED]

From: [REDACTED]
Sent: Tuesday, 26 October 2021 12:51 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Your message is ready to be sent with the following file or link attachments:

SUBMISSION C219.pdf

Please find attached a submission on Planning Scheme Amendment C219 from the [REDACTED]
[REDACTED]

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Submitter 215 - Page 2 of 5



MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C219



Introduction/Overview

The proposed planning scheme amendment addresses a perceived future need for additional housing to accommodate a predicted population of 200,000 on the Mornington Peninsula by the year 2036, 15 years hence. Viewing available statistics this increases the need for approximately 1200 residential accommodation outlets per year for the next 15 years.

In the past heritage values of the Peninsula have been protected over time by the Shires of Mornington, Hastings, and Flinders. Since amalgamation of those separate boroughs into the present Mornington Peninsula Shire, the Council has, over the past ten years, conducted heritage reviews to ensure all elements of Aboriginal and non-Aboriginal settlement heritage are identified and protected for their importance in establishing the Peninsula's unique sense of place. This fact must be at the forefront of any decision making through non-intervention of heritage overlays and individual citations already in place. An area of concern in this regard is that the Heritage Review Area IV is, at time of writing, not complete and a real conflict could arise by not allowing this Review to be completed before deciding the final amendment.

Following the colour coding on the map of the advertised material relating to the amendment, it is clear little change from current conditions on the southern Peninsula is planned, which is understandable as infrastructure, transport and employment opportunities are minimal compared with the upper environs and nominated growth centres in the mid to northern areas. Therefore, the bulk of incremental change will affect those northern areas and nominated growth centres more than others. DDO's are in place for small allotments of c.400m² with little impact on these areas as set out in Amendment C219.

It makes sense that higher density levels, i.e. two to three storey structures, would be in close proximity to the main commercial areas to alleviate the need for less vehicle ownership and better employment opportunities, however, these areas currently hold individual and precinct heritage values as they were the genesis of township establishment from the early 1800s. Protection of these elements must be secured from adverse or inappropriate development when considering any proposed height controls or density levels. An option of four storeys is out of character for the Peninsula and the [redacted] would not support such

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a proposal. Other understandable increases are for those areas with large allotment sizes, more able to convert to dual occupancy situations. Dual occupancy is a better prescription than increased height levels as the neighbourhood character is little altered by the increased residential occupation. Adaptive re-use of heritage places in these impacted areas is another option providing the integrity of the original fabric and structure is not compromised.

Neighbourhood character is a prominent feature on the Peninsula which is achieved through its street scapes, garden pride and in many cases the choice of native and indigenous vegetation species. The characteristics of the neighbourhoods differ from area to area and can generally be mapped according to the period of development over time. On the Southern Peninsula there is general choice of bushland planting of the iconic Moonah, Tea Tree and Casuarina species while the township of Rosebud displays many mixed pockets of indigenous coast Banksia and an identifiable 1960s influence, of predominantly native streetscape and garden plantings. More established areas like Mornington lean towards traditional European species for both streetscapes and private gardens while Mt Eliza, with its wonderful exemplar of [REDACTED] is more attuned to native species. Hastings on the other hand displays its past affinity with its development as an orchard growing and marine activity area with an influence on coastal vegetation species due to its close proximity to Western Port. The specific overall characteristics of the Peninsulas areas should be upheld and not influenced by the introduction of metropolitan tendencies with future development over the next fifteen-year period. The Peninsula's individual Neighbourhood characteristics and open space indigenous vegetation of the rural areas is what makes it an appealing residential option for future homeowners and should influence decision making. Continuation of preferred surrounding characteristics in any proposed development that comes before council would further enhance local neighbourhood character and go some way to soften density impacts.

With larger subdivision lots, for example, the current proposal for 250 residential blocks on the corner of [REDACTED] [REDACTED] foresight in design and development of a more integrated natural appearance could be achieved through retention of native vegetation throughout the site rather than fencing off a confined area at one end of the location. Following such ideas through any large allotment subdivision would thereby uphold the bushland essence particular to that part of the Peninsula and prevent the tree canopy loss over a broader area as well as create a bushland garden suburb appeal. To achieve outcomes in this example Council needs to provide incentives to developers to 'think

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outside the square' when it comes to dividing allotments into housing size blocks for subdivision by steering away from uniformity.

The intention to drop planning applications for single dwellings will result in freeing up time in the very busy planning department. It is most likely seen as an area where most building rules will override any discrepancies and not need the added filter of a planning application. There is a concern though as to the strength of the building permit outlets in enforcement, expertise in local neighbourhood character and compliance measures. As an example - going back to the earlier reference of the 250 subdivision [REDACTED] - the neighbourhood character of the vegetation to be removed is local bushland species. As three quarters of what is there will be removed it is vital that the planting guide for those building single houses on those lots are directed to replant species from the former area and not create agapanthus, geranium and ever popular yucca species as predominant garden specimens. This element of neighbourhood character does require a particular expertise and council must be confident that such oversight forms the building permit conditions.

Aged care and retirement living facilities currently occupy many 'housing' options throughout the Peninsula. These facilities play a big part in housing availability with an ageing population choosing to patronise the downsizing option in later years. A recent study by the Branch of such facilities within a very small 10km radius of Mt Eliza found no less than twenty-one such establishments ranging in price from \$390K to \$800K and a high percentage of those facilities had multiple vacancies. As most residents had vacated housing across the Peninsula before entering these facilities it suggests the question of whether or not these situations formed part of the statistics that established the need for 1200 new residences per year.

Protection of the Green Wedge from any residential encroachment must not be considered as a way of achieving the increased housing needs. The environmental role of maintaining clean air or, a breathing space between townships, on the Peninsula is vital to the well-being of residents. This environmental and habitat rich green wedge is critical to preserve, as the loss of vegetation, especially canopy dense vegetation, which will accompany the incremental development envisaged within the amendment is a huge factor in ensuring that 'breathing space' is preserved for the benefit of all residents as well as flora and fauna vital to the ecological wellbeing of the area. The Green Wedge aids climate change effects by reducing temperature through its open spaces and tree cover. The Green Wedge also separates the Peninsula from becoming a

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mere 'outer suburb' of metropolitan Melbourne, which by its very nature and heritage rich attributes it is not.

In summary:

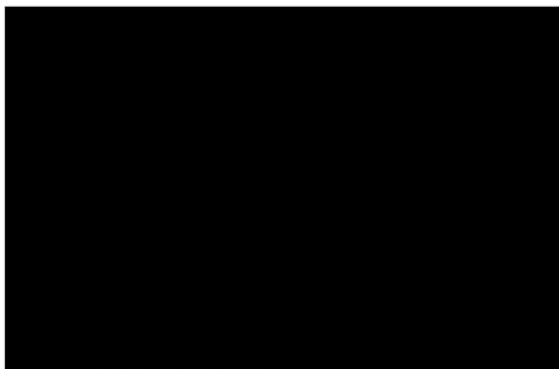
Heritage overlays and heritage precincts respected by no adverse development or changes to current conditions.

Neighbourhood character at the forefront of design and development of current and new areas.

No encroachment into the Green Wedge

No height implementation higher than three storeys. Three storeys only in limited situations and not detrimental to heritage/precinct areas.

Consideration of dual occupancy opportunities rather than height increases where possible.



Submitter 216- Page 1 of 2

Tania Day

From: shape@mornpen.vic.gov.au
Sent: Tuesday, 26 October 2021 12:03 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 216- Page 2 of 2

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

In particular my interest is in having green wedge and park areas preserved, including surrounding properties in which vegetation supports green wedge areas. The many beautiful gardens on private property add great value to the character of the hinterland of Rosebud (Waterfall Gully community) . Adding high density housing destroys this character and drives away wildlife.

Would you like to upload a document or image with further details?

No

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Submitter 217 - Page 1 of 6



From: [Redacted]
Sent: Tuesday, 26 October 2021 1:18 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name



Last Name



Organisation (if applicable)



Postal address



Email



Submitter 217 - Page 2 of 6

Phone number

[REDACTED]

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please refer to submission cover letter

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

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[REDACTED]

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Submitter 217 - Page 3 of 6



29 October 2021

Team Leader
Strategic Planning
Mornington Peninsula Shire
Via Online Submission

Dear Sir / Madam,

PROPOSED PLANNING SCHEME AMENDMENT C219



1. INTRODUCTION

act on behalf of with regard to the land at . This letter is to confirm our client's interest in the future of their site in response to Council's proposed Amendment C219 to the Mornington Peninsula Planning Scheme.

2. CURRENT PLANNING CONTEXT AND BACKGROUND

is located on the southern side of within the existing Mt Martha township. The site is currently located within the General Residential Zone – Schedule 1 (GRZ1) and is not affected by any overlays.

Our client has recently submitted a planning permit application seeking approval for the use and development of the site for a

3. PROPOSED PLANNING CONTEXT

Amendment C219 proposes to implement the findings of the *Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036 (adopted July 2020)* and associated documents through substantial changes to zones, overlays and policies affecting the Shire's residential areas.

This includes the rezoning of the land at to the Neighbourhood Residential Zone – Schedule 6 (NRZ6). In addition, the Amendment inserts new Clauses to the Planning Policy Framework – Clause 15.01-5L and Clause 16.01-1L.

3.1. NEIGHBOURHOOD RESIDENTIAL ZONE – SCHEDULE 6 (NRZ6)

The Neighbourhood Residential Zone – Schedule 6 relates to the 'Garden Court 1' area and includes the following objectives:

- *To ensure new development reflects the preferred built form, characterised by predominantly low-scale 1-2 storey dwellings with simple building forms and low-pitched roofs with prominent eaves.*



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- *To maintain and reinforce the predominant building siting and rhythm of the streetscape, characterised by setbacks that provide space for native vegetation and contribute to the sense of openness.*
- *To maintain and strengthen the formal garden setting of dwellings, characterised by large native canopy trees, bushes, shrubs and garden beds.*
- *To ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead.*
- *To retain the spaciousness of the streetscape, characterised by absent, or low and permeable, front fences with views to front garden areas.*

The NRZ6 includes the following mandatory requirements for a dwelling or residential building:

- Maximum building height of 9 metres, or 2 storeys (subject to the slope of the land)
- Minimum garden area provision of 35% (applicable to a lot size greater than 650 sqm)

The NRZ6 also includes a number of variations to the ResCode Standards, including:

- Standard B6 – Front Setback
- Standard B17 – Side and Rear Setbacks
- Standard B28 – Private Open Space
- Standard B32 – Front Fence Height

3.2. PLANNING POLICY FRAMEWORK

3.2.1. Clause 15.01-5L

Proposed Clause 15.01-5L outlines policy for 'Neighbourhood Character in Mornington Peninsula' and applies to all residential development in the General Residential Zone, Neighbourhood Residential Zone or Low Density Residential Zone.

The objectives of this Clause are:

- *To ensure new development reflects the preferred built-form in terms of siting, massing and articulation, building design and building materials.*
- *To maintain and strengthen the garden setting of dwellings.*
- *To encourage fencing choices that are consistent with the open streetscape quality of the Mornington Peninsula's townships and villages.*

3.2.2. Clause 16.01-1L

Proposed Clause 16.01-1L outlines policy for 'Housing Supply in Mornington Peninsula' and applies to all residential development in the General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Commercial 1 Zone or Mixed Use Zone.

The Clause includes 'Housing Change Framework Maps' for the residential areas of the municipality. As shown at Figure 1,  is identified within a 'Minimal Change' area.

The Clause seeks to ensure that residential development is consistent with the housing change category identified for the area as shown in the relevant framework map. With regard to 'Incremental

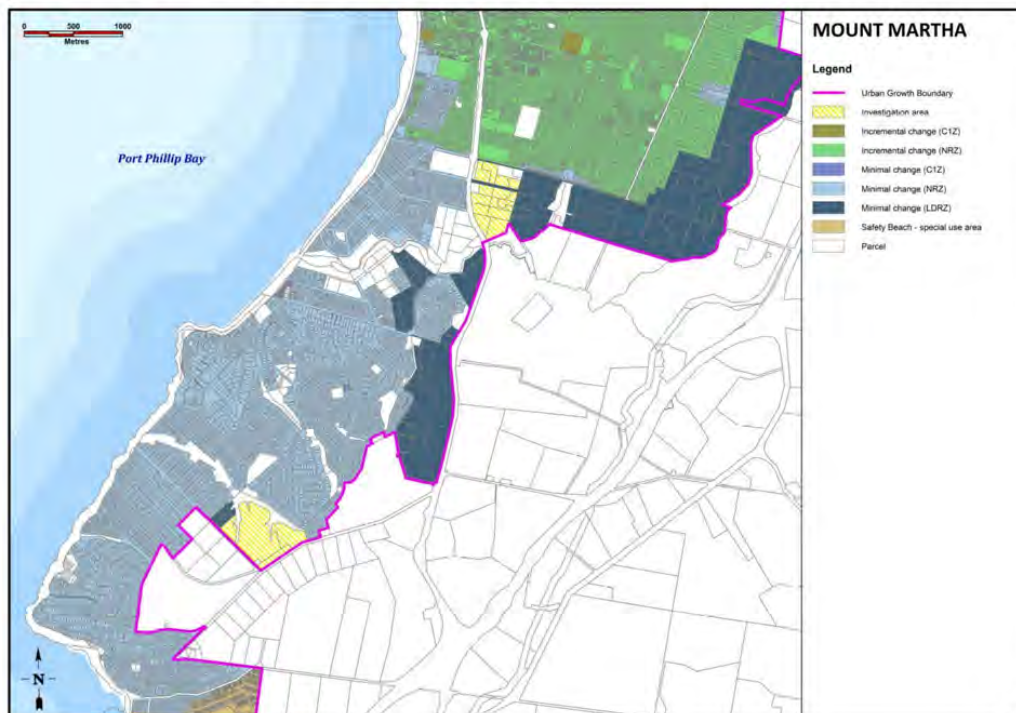


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Change' areas, the Clause seeks to maintain a character of detached dwellings, units and townhouses.

Figure 1 - Housing Change Framework Map - Mt Martha



4. SUBMISSION

On behalf of our client, we make the following submission to Amendment C219 to the Mornington Peninsula Planning Scheme:

- The Neighbourhood Residential Zone – Schedule 6 and associated character of 'incremental change' is not considered an appropriate outcome for the site at [REDACTED]
- It is acknowledged that the NRZ6 that is proposed to be applied to the site is not site-specific and applies to the broader site surrounds. However, it is submitted that larger sites, such as [REDACTED], present an opportunity for alternate and higher density development than what would be considered responsive to the proposed 'Incremental Change' policy and objectives of the NRZ6.
- The site at [REDACTED] provides a unique opportunity to provide for a range of housing types within an established area, that is located with proximity to existing services and amenities. Application of the NRZ6 would encourage more of the same type of development limiting opportunities for diversity.

[REDACTED]

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- Similarly, it is highlighted that larger sites have not been considered for strategic redevelopment as part of the *Mornington Peninsula Housing and Settlement Strategy*. Rather, such sites are described as a threat to the maintenance of neighbourhood character in established townships.
- With appropriate controls, larger sites, including [REDACTED] could significantly contribute to the provision of housing in the Mornington Peninsula, while still providing an appropriate response to the surrounding residential character. It is considered that such a provision of additional housing may not be able to be achieved on larger sites, where an adequate response to the objectives NRZ6 is also required.
- With consideration for our client's current application, it is noted that Aged Care is subject to the provisions of Clause 53.17 and Retirement is not limited by height controls or subject to ResCode. However, should the site be rezoned to the NRZ6, the proposal would need to have regard to the objectives of the Zone. This includes the preferred low scale of development (1 – 2 storeys), which would be in conflict with the proposed development, which includes buildings of up to 4 storeys.
- It is clear from the design response of our client's current application, that the existing interfaces and character of the surrounding area can be carefully considered and responsive to the neighbourhood character, without the need for more restrictive zoning controls.
- Consideration should also be given to the positive alignment that the current proposed development application before Council would have with key policy outcomes of the draft Southern Framework Plan, that forms part of Melbourne's Future Planning Framework. As such, the zoning of the land should be considered in balance with the contribution the site could have to the region's growing ageing population.

It is noted that the draft Framework Plan identifies that:

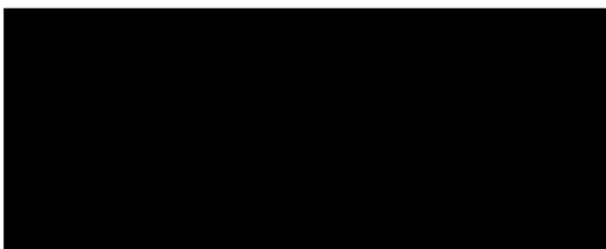
- by 2051, the largest age group in the region will be people over 60 years old;
- housing will need to respond to an ageing population and should provide opportunities for residents to 'age in place' and remain in their existing communities; and
- additional residential aged care capacity will be required to provide for an expanding and ageing population in Melbourne's South Eastern Growth Corridor.

5. CONCLUSION

In considering the above, it is understood that planning controls are required to preserve the residential character of established townships within the Mornington Peninsula Shire; however, we consider the land can continue to contribute to the residential fabric of this area of Mt Martha, as demonstrated in the current application, without the requirement for a more restrictive zone outcome. It is submitted that large sites such as [REDACTED] should be treated differently.

Should you wish to discuss this matter further please do not hesitate to contact me on [REDACTED]

Yours sincerely,



Submitter 218 - Page 1 of 3



From: [Redacted]
Sent: Tuesday, 26 October 2021 2:26 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[Redacted]

Last Name

[Redacted]

Postal address

[Redacted]

Email

[Redacted]

Phone number

[Redacted]

Submitter 218 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I want to restore the land at [REDACTED] to the original status of the original two blocks in the Wonga Grove development. I have been trying to do this for the past twenty years without success, and am hoping that the proposed planning amendments will enable me to achieve my objective.

The attached document provides the history of the consolidation in the initial instance.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

To view all of this form's submissions, visit

[REDACTED]

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Submitter 218 - Page 3 of 3

I own a property in [REDACTED] This property was purchased by my parents in the 1960's as two transactions; the first being the house and land at [REDACTED] and the second the adjoining block of land at [REDACTED] and they were fenced to create one property.

In the early 1980's we wanted to build a garage on the vacant block and applied to the then Flinders Shire Council for the appropriate permit. Their response to our request was that we could not erect a garage on a vacant block even though it was fenced as one property.

We queried this and were advised that, at that time, garages and large sheds were being used as weekenders without the appropriate services connected.

After discussing our needs for the garage (to house a boat) and advising the council that we had no intention of inhabiting the garage or selling the land in the immediate future they suggested that we could consolidate the properties to erect the garage on the vacant block.

Our response to this idea was "what happens in the future when we wish to sell the land only and not the large consolidated property". The reply from the Flinders Shire council was "not a problem, just remove the garage and subdivide the property back to the original two properties". We accepted this information in good faith and proceeded to erect our garage.

When the time came some twenty years later and I wanted to subdivide and return the property to the original two titles due to the lifestyle change and no further need to house a boat, the Mornington Peninsula Shire council advised that the land was too small to be subdivided and refused my requests. If we had been able to foresee into the future and know then what could possibly happen with a change of shire boundaries and council rules and regulations, we obviously would not have proceeded with the consolidation.

I have been making enquires to the council since the early 2000's regarding the restoration of the property back to the state of the original Wonga Grove development of the two blocks of land, but have only been told that it cannot be done because of current size regulations and overlays.

The vacant block is now completely redundant to my needs and is just "dead" land which could be utilised to enhance the ambience of the Outlook Road area.

My submission and question to the Strategic Planning Authority of the Mornington Peninsula Shire is could the land be restored to the original development state of two titles under the proposed Amendment C219morn and if not why not?

I trust the authority will give this submission your earnest consideration.

Yours Faithfully

[REDACTED]

Submitter 219 - Page 1 of 5

[Redacted]

From: [Redacted]
Sent: Tuesday, 26 October 2021 3:14 PM
To: Strategic Admin
Subject: C219 Submission
Attachments: [Redacted]

Hi [Redacted]

Please find attached my submission to C219 with a further, combined submission from the industry group to follow.

Kind regards

[Redacted]

We are now working remotely and can be contacted via email or on the mobile number below.

[Redacted]

Submitter 219 - Page 2 of 5



26th October 2021

Team Leader, Strategic Planning
Attention: [REDACTED]
strategic.admin@mornpen.vic.gov.au

Dear [REDACTED]

Amendment C219morn – submission

Thank you for the opportunity to provide commentary on the proposed changes contained within C219.

The review of redundant and unnecessary permit triggers within the Mornington Peninsula Planning Scheme is welcome and is in many ways, overdue.

However, the following issues are identified for consideration and review in the further progression of the C219 documentation,

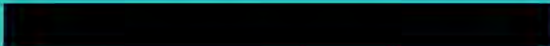
- **Expanse of changes**

As identified in our recent meeting, the extent of changes are extensive and are the single largest review and change to the planning scheme since the introduction of the new format planning schemes and creation of the Mornington Peninsula Planning Scheme in 1999. Therefore, the consequences of these changes and the results that will be achieved 'on the ground' requires careful consideration and evaluation. The level of community understanding around the 'on the ground' changes appears to be minimal even with the useful tool provided on Council's website enabling searching of individual addresses to ascertain the current and proposed changes.

Due to the complex nature of the Victorian Planning Scheme which is acerbated by the complexity of the current Mornington Peninsula Planning Scheme, the community have, at best, a peripheral or minimal understanding of how the current provisions operate, other than to know that they will see a yellow sign in their street if a development is proposed. The removal of so many permit triggers will be a fundamental shift in the community's level of engagement in the planning system. The exhibition of C219 has not explained this nor has it detailed the implications of removed permit triggers within the DDO being replaced by scheduled requirements in the Zone, relocating the discretion from the planning system to the building system.

- **8m 'as of right' of building heights**

The wall and building heights permit triggers have been in operation for decades, particularly in the southern areas of the Peninsula where the Flinders Planning Scheme set the foundations for Council's consideration of building height in the assessment of development. This approach was reflective of the limited height of vegetation due to the sandy soils, salt laden winds and the undulating topography.



Submitter 219 - Page 3 of 5



Requiring development to respond to the uniqueness of the characteristics recognised with the Wildcoast areas of St Andrews Beach or clifftop areas of Sorrento and Portsea, has over time, enabled the design objectives to be implemented through Council's assessments of planning applications. The removal of permit triggers within these sensitive areas combined with the introduction of new requirements such as increased setbacks and open space will, over time, fundamentally alter the character of these areas.

This is particularly concerning in areas where views form a significant and valued part of the character. To permit development to a height of 8m without a planning permit will undermine years of planning negotiations and outcomes that have achieved the 'reasonable and practical' sharing of views through Council and VCAT decisions. This is a significant potential loss of amenity to residents within these areas that has not been articulated in the exhibition of C219.

The uniqueness of the Mornington Peninsula has been recognised through the creation of a Localised Planning Statement that seeks to protect the distinctive character of our townships. To enable development to be constructed to 8m without a planning permit will profoundly alter the character of these areas and impact upon the amenity of Peninsula residents.

- **Removal of opportunity for development to exceed 8m north of Ellerina Road**
The current opportunity for development to exceed the 8m height requirement on property north of [REDACTED] has established an acceptable character on lots that are often quite steep and surrounded by development in excess of 8m. Council's website misrepresents that this opportunity currently exists for development north of [REDACTED] with the search function advising the community that there will be no change to the mandatory height controls in these areas. As such, the community falsely understands that there is no impact to the height controls proposed under C219.

There appears to be no justification for the removal of this opportunity and it is therefore recommended that it be reinstated in these areas where there is clearly an established character and acceptance of development, where appropriate, exceeding 8m in height.

- **Complexity of changes**
It is challenging to understand how the creation of 37 schedules to the Neighbourhood Residential Zone and the 53 schedules to the Design and Development Overlay is a simplification of the Mornington Peninsula Planning Scheme. In many instances the boundaries of the new zone and overlay schedules do not align with the current DDO boundaries which due to their varied minimum lot size requirements, setbacks and height requirements have been instrumental in influencing the varied character of our townships.



Submitter 219 - Page 4 of 5



- **Workload distribution**

The removal of permit triggers and therefore planning approvals from the planning department is welcomed in one sense. However, the relocation of the approval process into a chronically under resourced building department is of significant concern. The ability to source and retain a Municipal Building Surveyor is currently having a significant impact upon the Building Departments ability to assess and consider the extent of building dispensations within the current system that sees the Planning Department consider and approve variations to the Clause 54 requirements as well as flood consents. To remove the permit triggers and increase the Clause 54 requirements thereby significantly increasing the likelihood of additional dispensations within the building system appears counterintuitive to creating a more streamlined and efficient approval process.

- **Lack of Transitional Provisions**

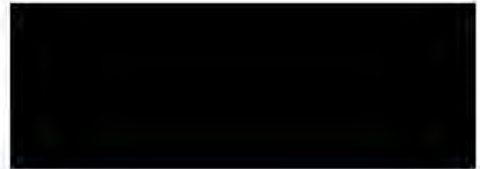
The distinct lack of transitional provisions to provide guidance on when and how these provisions will affect current applications is of significant concern given the scale of the changes proposed. Any changes proposed require consideration of how they will impact applications currently being considered by Council and should include transition provisions to guide decision makers and permit applicants. This is of significantly more relevance and importance in regard to C219 given the expanse of changes proposed.

In conclusion, our concerns are summarised as:


- The expanse of changes and the inability of the community to comprehend the changes and how they will be impacted by them.
- An 8m 'as of right' building height will fundamentally alter the unique and distinctive character of the townships of the Mornington Peninsula and dissolves the 'sharing of viewlines'.
- The removal of opportunity for development to exceed 8m in height north of [redacted] and Council's representation of the current opportunity that exists in this area to develop above 8m has been falsely represented to the community.
- C219 adds rather than removes complexity within the Mornington Peninsula Planning System by the creation of significantly more DDO's and Schedules to the residential zones.
- The relocation of the workload from the Planning Department to the Building Department appears counterintuitive if the objective is to streamline the approval process.
- C219 lacks transitional provisions to guide decisions makers on when and how the proposed changes impact upon applications in the planning system upon adoption of the changes.



Submitter 219 - Page 5 of 5



Thank you for the opportunity to provide a submission and we welcome the opportunity to further contribute to the progression of the amendment in due course.

Should you require any further information I can be contacted on 

Kind regards



Submitter 220 - Page 1 of 3

From: [REDACTED]
Sent: Wednesday, 27 October 2021 8:41 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 220 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I own [REDACTED] The property is:

- almost 1,000m²
- devoid of significant vegetation
- well served by public transport
- approximately 400metres to the Rye Town Centre
- in close proximity to a range of schools, the foreshore, schools and community infrastructure
- connected to reticulated sewerage/electricity/water & gas
- not in a location that has a consistent neighbourhood character

As a consequence of the above attributes and locational advantages, this is not an area where housing growth should be restricted or constrained. This is an area where moderate and incremental housing growth must be encouraged by the planning controls. Our property is not in an area where single dwellings are the only housing typology. There are a number of properties within close proximity to our property that have been developed with multiple dwellings.

I object to :

- our property being located within a Minimal Change Area; and
- the single dwelling requirement (and any reference to single dwelling) contained in the DDO2 applying to my property and along this section of Richardson Street.

Our property, and this section of [REDACTED], should be located within the Incremental Change Area. Due to the locational attributes of [REDACTED] the

Submitter 220 - Page 3 of 3

General Residential Zone is the appropriate planning control that should be applied.

In principle, I am not opposed to the DDO2 or the Neighbourhood Character Overlay. However, I will propose amendments to both of these Overlay at the Panel Hearing.

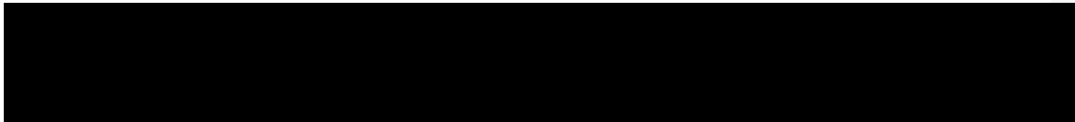
Thank you



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Submitter 221 - Page 1 of 5

From: [REDACTED]
Sent: Tuesday, 26 October 2021 4:46 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 221 - Page 2 of 5

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

The C219morn proposal may not effectively achieve its two stated aims, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme.

The C219morn proposal effectively privatises the Mornington Peninsula Shire's role of responsibility and accountability for neighbourhood character to Building Surveyors.

The proposal removes important DDO controls, which will negatively impact neighbourhood character across the Peninsula.

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Submitter 221 - Page 4 of 5

Dot point summary of concerns:

1. Removal of Planning Application Triggers: There is deep concern over the removal of key planning triggers as the applications are moved from the planning to the building department. This will result in
 - No advertising therefore no objection process (cannot object at Building Permit stage)
 - No advertising at Building Permit Stage including yellow sign and notice to nearby neighbour is not possible under current legislation.
 - No community engagement
 - No facility for councillors to “call in” applications to Council
 - No appeal to VCAT
 - No transparency in the process or checks and balances in design
 - No protection of vegetation as the only trigger is the Bush Fire Management Overlay (BMO)! And we have seen what a devastating impact the BMO has had on indigenous vegetation loss.
 - No consideration of key MPS policies (such as ESD, Biodiversity and Climate Change)
 - No landscape plan required

2. Dealing with planning applications. Officers have not adequately explained why they are unable to deal with applications in a timely manner. They say for instance:

“..... 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.”(refer p39, “A Desktop Review of the Strategic Work Underpinning Amendment C219morn)

There is a need to look at departmental efficiency in processing applications. That is evaluating if they have enough staff and/or staff with the right knowledge and skill set to process applications efficiently; and assessing if there is a need to streamline application processes. For example, if applicants do not provide all the required information the application should be sent back to the applicant immediately for completion. A simple form could be provided for sign off by the applicant and checked by a receiving officer.

3. Removal of Controls: The removal of controls means:

- Extending the mandatory height from 6.5 m to 8m as a right, is wrong. This should not be an administrative ease decision. It will impact the existing views on or near ridgelines to the coastline from nearby properties and public areas and means there is no provision for the reasonable sharing of views.
- An overall building height of 6m is beneficial on the Nepean Peninsula, with sometimes 4 and 5 m on undulating land. An 8m as of right will destroy neighbourhood character.
- A decrease of building setbacks will increase the profile of building in detriment to the visual appearance of the neighbourhood
- Not giving guidance to wall finishes and colours will allow unacceptable box like single cladding building to proliferate
- Not giving guidance to colours will allow the built form to dominate the natural environment

Submitter 221 - Page 5 of 5

- Eliminating controls on fence heights and finishes will result in significant changes to the street scape, such as the introduction of solid high fences
- Eliminating controls on side fences will result in significant changes to the neighbourhood, the neighbourhood character and adversely impact habitat corridors/ biolinks. The introduction of solid high fences is impervious to wildlife. Paling fences are typical of suburban subdivisions and at odds with the character of the Nepean Peninsula, which has previously used wire fences and brush fences.
- Landscape plans are key to ensuring that the neighbourhood character is maintained and biodiversity is enhanced.
- Removal of excavation controls will have an impact on the primary dune system and ground water aquifers.
- No protection of vegetation as the only trigger is the Bush Fire Management Overlay (BMO). And we have seen what a devastating impact the BMO has had on indigenous vegetation loss.

4. DDOs - Comments

- The terminology for the proposed DDOs has changed from the word 'ensure' to 'encourage' which sounds as though developers can basically please themselves.
- The slippage in the DDOs is unacceptable. The DDOs have given the Nepean Peninsula the possibility of a "low" building form, nestled among the trees, with silhouettes within the tree line. The 8m 'as of right' height should be removed and replaced with 6m mandatory height, measured to the gutter.
- The relationship between the built form and the landscape is critical to preserving neighbourhood character – the importance of the landscape must be acknowledged and respected. The question to be asked is "can we fit this into the landscape better?".
- The proposed C 219 changes will have a detrimental impact on vegetation: vegetation loss is already marked on the Nepean Peninsula, C219 exacerbates this further.

5. Delegation to Building surveyors

- Diverting the role of Planning controls from Shire to private Building Surveyors is extremely problematic
- The scheme relies heavily on Building Surveyors and the Shire Compliance Department and in turn the minimum standards of Building legislation. Are these departments adequately resourced to deal with their increased workloads?
- We question the impartiality of the RBS. Building Surveyor's client is the developer. Their loyalty lies with the person who pays their fee

6. Time extension. The Council decision on the C219 amendment should not be rushed. We suggest given the volume of submissions already received before the closing date that the Independent Panel hearing is rescheduled (currently 28 February 2022 and 28 March 2022) so that Council can give proper consideration to community concerns and ensure that the amendment is redrafted appropriately.

Submitter 222 - Page 1 of 5

From: [REDACTED]
Sent: Tuesday, 26 October 2021 6:46 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 222 - Page 2 of 5

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I have read the proposed C219 Mornington Peninsula Planning Scheme Amendment and although acknowledging the considerable amount of work that has gone into this scheme amendment and the intention of the revisions I would advise that I found it very difficult to navigate and therefore feel some concern that I may not have totally understood the full impacts.

The following points outline my particular concerns which are founded on my uncertainty that the amendment will achieve its aim of protecting and enhancing the neighbourhood character of the Peninsula, and improve the operational efficiency of the planning scheme.

1. Can the complexity of the proposed scheme be handled by the Registered Building Surveyors (RBS), who will it seems ultimately become responsible for maintaining neighbourhood character and is it appropriate that they should be given this responsibility as they are private commercial businesses.
2. An increase of building and wall heights will highlight the profile of a building in detriment to the visual appearance of the neighbourhood. The overall building height of 6m is in line with the neighbourhood character of the Nepean Peninsula. An 8m height will destroy this sense of character in many areas.
3. A decrease in building setbacks will increase the profile of buildings to the immediate detriment of the visual appearance of the neighbourhood.
4. Eliminating controls on fence heights and finishes will result in significant changes to the street scape, such as the introduction of solid high fences, especially where swimming pools are placed on the front residential boundary and very high safety fences are required.
5. Landscape plans are key to ensuring that the neighbourhood character is

Submitter 222 - Page 3 of 5

maintained, and biodiversity is enhanced. The relationship between the built form and the landscape is critical to preserving neighbourhood character and more importantly to allow continued biodiversity links.

I have attached photos of two homes recently built in the street where I live which demonstrate the existing change to our local built and landscape environment.

The amendment changes as proposed may see a further reduction in protections, which is opposite to its intention to maintain and enhance the neighbourhood character on the Peninsula.

Yours sincerely

[Redacted signature]

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[Redacted attachment area]

To view all of this form's submissions, visit

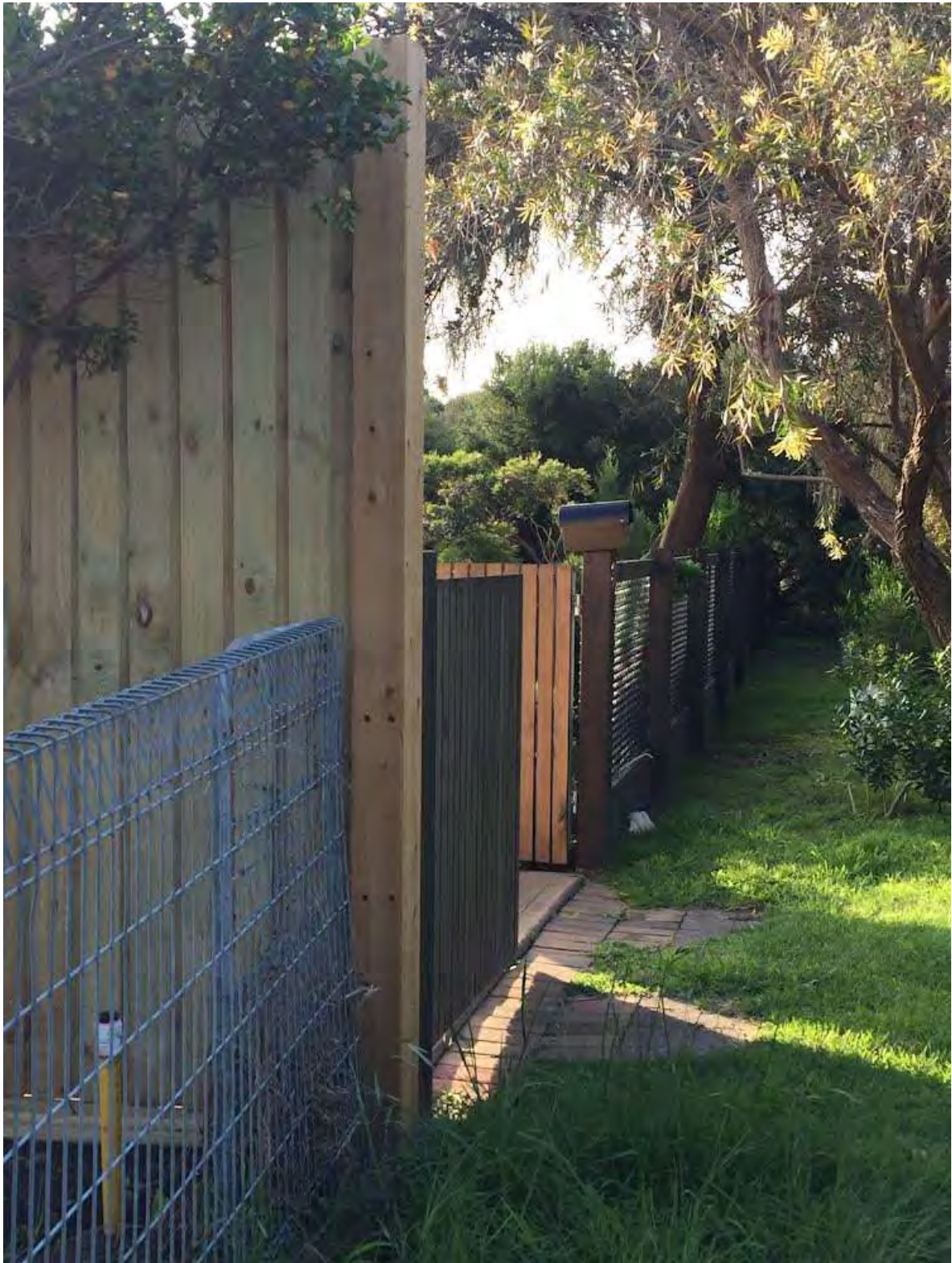
[Redacted link]

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Submitter 222 - Page 4 of 5



Submitter 222 - Page 5 of 5



Submitter 223 - Page 1 of 5

From: [REDACTED]
Sent: Tuesday, 26 October 2021 9:11 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



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PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 223 - Page 2 of 5

Do you represent other people?

Yes

Who do you represent?

My family

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Amendment C219 : Creating more housing in the Mornington Peninsula to meet predicted demand

Background

I understand that modelling pre-COVID-19 suggests the need for 1,200 new homes per year in the Mornington Peninsula Shire and that this is the impetus for the proposals to vary to Planning Scheme. I would suggest however, that since the modelling was done, the demand for more housing in the Peninsula may well be stronger given people can work from home. Property prices in the area have surged. Scarcity of land in face of increasing demand is the driving the huge increase in prices. The demographic modelling upon which the proposed changes are based is outdated and more people want to live in the Peninsula than originally thought. I consider your proposals should account for the increased demand.

I have owned [REDACTED] for over 20 years and consider my corner 1002 sqm block located within minutes to shops and the bay beach by foot, should be able to be subdivided into two portions of approx. 500sqm each. My home however has been designated "minimal change" under your proposals- falling outside incremental change by just 1 street.

I'd like you to consider the following revisions to the proposed changes by:

1. extending the incremental change area in and around Rye to include my property

Submitter 223 - Page 3 of 5

in the ways and for the reasons outlined below (this is my preferred outcome); or
2. revising the subdivision requirements in minimal change to allow subdivisions into no more than 2 blocks of a minimum of 500 sqm (revised from the current proposal of 650 sqm); or

3. Permit exceptions to the subdivision requirements in the proposal and allow a property such as mine, on a corner block, close to all amenities, to be subdivided for the reasons stated below.

1. Extending incremental change around Rye

My house, which is one street from the proposed Incremental change area IS NOT prone to environmental risks like other homes in the minimal change area- in fact the Council confirmed this to me when I asked for a permit to maintain the property during lockdown. I was told it is not in a bushfire prone area and so I was unable to obtain a permit.

My property is in a flat area, like the surrounding streets which are in the incremental change area. In the housing behind me, beyond [REDACTED] these homes are rightfully in the minimal change area- the blocks are massive, built on sand dunes, very hilly and there is a distinct typography to the region which is lacking around my home. My home belongs in the incremental change area. Close to amenities, flat, residential blocks where there has already been subdivision in the past.

As many of the homes in between mine and the incremental change area have already been subdivided, I ask that the boundary for incremental change be extended as follows:

- from [REDACTED] is approx 1 km away from Rye infrastructure (public transport, shops, church etc) and is very walkable. Starting the boundary at [REDACTED] is in accordance with the start of the Rye township which is sign posted by the "welcome to Rye" sign at [REDACTED] or
- The gap that currently exists between Rye and Rosebud incremental change area be bridged so that incremental change runs from Truemans Road to Government Road to Alma/Field Street to accommodate new housing while not forsaking the peninsula's values and character. As mentioned above, the typography beyond Field Street is different to the land closer to the Rye foreshore. The blocks closer to Point Nepean Road are a bit smaller, many places have already been subdivided,

Submitter 223 - Page 4 of 5

the ground is flat and there is less vegetation. These properties are also closer to public transport as well as to other infrastructure unlike those beyond Alma/Field Street.

Extending incremental change in this way will create affordable housing while preserving the streetscape.

2. In the Minimal change areas allow no more than a subdivision into two blocks with a minimum block size of 500 sqm minimum

When I bought my property on a corner allotment in 1999, the vendor's agent told me that once sewerage became available in the area, I'd be able to subdivide my block.

I built a new home in or around 2010, connected it to sewerage and gas and have a block of around 500 sqm at the back of my 34 square house – which is ripe for development.

Blocks in and around Rosebud township are typically 500sqm and even smaller and this has allowed affordable housing without changing the character of the area. I suggest this should be permitted in areas close to the Rye township.

3. Exception to allow the subdivision of [REDACTED] and like properties
Given the proximity of my property to the incremental change area, the walkability of the property to Rye's infrastructure, the fact the property is on a corner block (so easy accessibility for garaging) and that the existing home does not require all the space it has in the back yard, I ask that you allow us to subdivide my property.

Other comments

Asking people to maintain large allotments when land close to infrastructure is needed for housing is inappropriate. It is in the council's interest to allow development of affordable homes on land.

When mowing the vast space which is my current back yard, passers-by have asked me if they could buy my block. One person said his daughter's family would love to build on it, others have said their siblings or family friends have wanted to relocate to the peninsula and would like to build a home, on a low maintenance, flat allotment; in walking distance to all amenities. When I tell them I can't subdivide it off, they are gobsmacked!

The high rise suggested in the substantial change area should be avoided. It is through providing housing on good sized allotments of 500 sqm in walkable areas

Submitter 223 - Page 5 of 5

that more people can enjoy living in the peninsula without compromising the character and feel of the seaside township.

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Submitter 224 - Page 1 of 3

From: [REDACTED]
Sent: Tuesday, 26 October 2021 10:32 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



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PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

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First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 224 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Around 2014 Mornington Peninsula Shire Council conducted an extensive study of Precinct 6 and it's surrounds; now around 6 to 7 years later it appears that it is being reworked and identified as new proposed C219morn: Proposed DDO schedule 24: NRZ schedule 24. Fortunately it appears two fundamental characteristics remain current: it is acknowledged Precinct 6 forms part of a green backdrop to Mornington and secondly current minimum Lot sizes of 700 square metres per dwelling is still effective, however this should be a minimum of 1000 square metres per dwelling if we are to be honest as to preserving the real character and importance of this precinct. With much focus and specifics on the type, size and location of trees, it does not gel with a tiny front yard. C219morn is to have a minimum set back from front boundary of 7.5 metres; with this proposal actually stating from front street which is vague. Also, maximum building height is proposed at 10 metres. With current architecture and trends this could result in a 10 metre flat wall 7.5 metres from front fence line on both sides of the road. We are potentially looking at a streetscape with a harsh and at times heavily shadowed lane or arcade of extremely limited vegetation, and possibly more cars parked near and on the street. This clearly contradicts and makes a mockery of the supposed green backdrop to Mornington. Entering Mornington from the North East we are lucky to drive through a brief but significant rural setting, along with glimpses of the Bay and the Golf Course. Precinct 6 more or less borders this green backdrop or buffer zone with one tending to compliment the other; combined, Precinct 6 and particularly Precinct 3, provide some very popular walks, and not just for locals. Large trees, colourful gardens, a variety of birdlife, sounds and smells of nature, direct access to the cliff walk and the beach, most streets clear of parked cars with houses more often than not set well back. It's all part of Mornington's appeal and

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what makes it special. Too good to lose. To preserve the integrity of Precinct 6, again Lot sizes should be a minimum of 1000 square metres per dwelling, as most Lot sizes on LP7120, or Precinct 6, are around 1240 square metres. The following should apply, minimum set back from front boundary for dwelling, garage or carport: 12 metres. Maximum dwelling height: 8 metres. Side boundary set back: 1.8 metres for single storey and 2.4 metres for 2 storey. Minimum set back rear boundary: ideally 12 metres.

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Submitter 225 - Page 1 of 2

From: [REDACTED]
Sent: Tuesday, 26 October 2021 11:22 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Do you represent other people?

[REDACTED]

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How does the proposal affect you?

I own property in the shire and which would be affected by the amendment.

In summary, my comments are:

I strongly object to the proposed increases in the maximum building heights in the "minimal change area" to "8-9m" and in the "incremental change area" to "9m".

No argument has been presented for the necessity of increasing from the existing 8m limit, and there is no reasonable argument able to be presented.

1/ It achieves nothing for new builds that is not achievable with the 8m limit.

2/ It retrospectively discriminates against properties built to the 8m limit, and indeed those built to the 6m building permit limit. Again, for no justifiable reason.

3/ It will retrospectively damage sight-lines of existing properties, especially those that did not seek planning approval and abided by the 6m building permit limit.

4/ The "8-9" introduces a totally unnecessary discretion that will lead to discrimination, misuse and potential corruption.

In sum, the increased limits are completely unnecessary; there has been no attempt to provide even a sliver of justification for them; and they must be withdrawn.

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[Redacted]

From: [Redacted]
Sent: Wednesday, 27 October 2021 7:51 AM
To: Strategic Admin; Corporate E-Mail Enquiries
Cc: [Redacted]
Subject: [Redacted]
Attachments: [Redacted]

Dear Sir/Madam,

Please find attached correspondence which comprises Submissions requesting modification of Mornington Peninsula Amendment C219MORN in relation to [Redacted]

If you have any further queries, please contact my Office to discuss.

Yours faithfully

[Redacted]

Submitter 226 - Page 2 of 4

[REDACTED]

[REDACTED]

26th October 2021

Our Ref: 22/2021

Strategic Planning Team Leader
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD 3939

Dear Sir/Madam

**AMENDMENT C219MORN
WRITTEN SUBMISSIONS ON BEHALF OF THE LAND
OWNER/BUSINESS PROPRIETOR**

[REDACTED]

I refer to Amendment C219MORN which has recently been placed on public exhibition by Mornington Peninsula Shire Council. It is understood that written Submissions with regard to C219MORN must be lodged by Friday 29th October 2021.

[REDACTED] represents both the land owner of [REDACTED] and the majority shareholder and Director of [REDACTED] who is the proprietor of the Convenience restaurant and take away food premises on the land. My Office has authorisation to act on their behalf in making these Submissions to Mornington Peninsula Shire Council with regard to C219MORN.

[REDACTED] is currently located within the General Residential Zone - Schedule 1 and exhibits direct frontage to a Road Zone - Category 1 (Point Nepean Road), with a street sideage abuttal to the northern "arm" of Jetty Road (Foreshore access).

A two (2) storey building used as a Convenience restaurant & take away premises (with an associated residential component) since the early 1990's occupies the subject land. At grade car parking to the rear of the building is accessed/egressed via Jetty Road. My clients have owned the land since 1997 and for a majority of this time period, have been the proprietors of the Convenience restaurant and take away food premises.

As part of Amendment C219, Mornington Peninsula Shire Council proposes to place [REDACTED] into a Minimal Change Area and a Neighbourhood Residential Zone - Schedule 2 (Garden Residential 1). This housing change designation and residential Zone is considered manifestly inappropriate for the subject land based on accepted planning principles.

My clients submit that [REDACTED] should have been identified for Substantial Housing Change and believe that the General Residential Zone - Schedule 4 (Jetty Road, Rosebud) would be the appropriate Zone for their land, based on the following Submissions:

1. For nearly 30 years, the subject land has been primarily used for commercial purposes, which has prevented the land from exhibiting any substantive residential built form character or identifiable residential amenity.

Placing the subject land in a Minimal Change Area and Neighbourhood Residential Zone, both of which are designed to significantly restrict/limit future development, fails to acknowledge the current and well - established land use, the physical context of the subject land and accepted planning principles underpinning urban consolidation.

2. The subject land is located in close proximity to the Rosebud Activity Centre, providing exceptional access to a broad range of commercial facilities and services. This part of Rosebud is a prime location where Mornington Peninsula Shire Council should be actively promoting and facilitating housing growth/diversity, as opposed to significantly restricting the strategic potential of this landmark property.

.....2/

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3. The subject land exhibits direct frontage to a Road Zone - Category 1 which carries high volumes of traffic both into and out of the Mornington Peninsula.

Based on this level of exposure as a "gateway site" in Rosebud, the Neighbourhood Residential Zone – Schedule 2 (Garden Residential 1) is a fundamentally erroneous Zone for the property in terms of the principles of orderly planning and development.

The Neighbourhood Residential Zone is a Planning Scheme tool designed to limit development, minimise housing growth and provide planning outcomes which are more indicative of sensitive, remote and intimate residential environments.

This robust urbanised environment is considered a more suitable location for a General Residential Zone – Schedule 4 which acknowledges and supports the main road frontage of the subject land.

4. The subject land is located on the corner of the northern "arm" of Jetty Road which connects Point Nepean Road with the Foreshore Reserve (car parking, playground and amenities), Rosebud Pier and the Bay Foreshore Trail.

This physical context is a node of intensive activity for local residents and visitors to the Mornington Peninsula that should be strengthened with mid-range housing development opportunities under the General Residential Zone – Schedule 4.

Rather than producing a planning outcome that recognises the physical and location advantages of ~~the site~~, Mornington Peninsula Shire Council has sought to diminish and erode the future vibrancy and diversity of this important node of activity by applying the Neighbourhood Residential Zone – Schedule 2.

5. The owners of ~~the site~~ have watched the opposite corner of Point Nepean Road/Jetty Road evolve with several Convenience restaurants/take away food premises and a more intensive/diverse form of respectful housing since 2016.

It is noted that ~~the site~~ has been formally identified as part of the Jetty Road Café precinct under clause 11.03 - 1L (Rosebud Activity Centre) and that this clause includes a strategy that promotes the precinct as "an appropriate location to establish food and drink premises associated with residential development."

Due to the contextual proximity of the three (3) storey development (Banksia Point) at ~~the site~~ to the subject land, it would be an incongruous planning and urban design outcome for land on the opposite corner of Point Nepean Road/Jetty Road to be potentially constrained to a single storey built form outcome in the future.

A Purpose of the Neighbourhood Residential Zone is:

"To recognise areas of predominantly single and double storey residential development".

A proposed Neighbourhood Character Objective of NRZ – Schedule 2 is:

"To ensure new development reflects the preferred built form, characterised by predominantly small – scale 1 - 2 storey dwellings with simple building forms and pitched roofs with prominent eaves".

There appears to be a fundamental absence of planning justification contained in Amendment C219 for the proposed application of NRZ – Schedule 2 to ~~the site~~ given the building and housing typology which has been activity facilitated by Mornington Peninsula Shire Council immediately opposite the subject land.

.....3/

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6. [redacted] forms part of a small pocket of residential properties (including Rosebud Pet Vet) located between Jetty Road and the Southern Peninsula Community Support Centre at [redacted]

It is relevant that the Community Support Centre is located in a Public Use Zone 6 and is not subject to Amendment C219.

This context clearly isolates [redacted] within a sub - precinct that requires a more nuanced and site specific response with regard to future housing and built form, as opposed to the generic approach of simply applying NRZ – Schedule 2 to every property fronting this section of Point Nepean Road (apart from Banksia Point).

In summary, my clients submit that Amendment C219MORN is flawed in its attempt to apply the Minimal Change designation and Neighbourhood Residential Zone – Schedule 2 to [redacted]

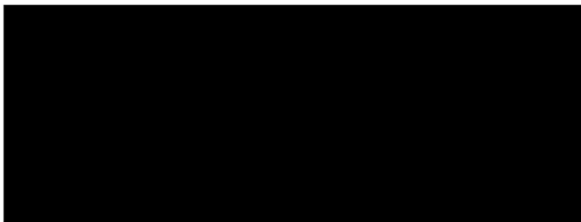
It is my client's position that the [redacted] should be designated for Substantial Change and that the General Residential Zone – Schedule 4 be applied to deliver a more appropriate housing outcome having regard to accepted planning principles.

The owner/occupier of [redacted] requests that Amendment C219MORN be modified in accordance with these written Submissions. A designation for Substantial Change and application of the General Residential Zone – Schedule 4, would represent a satisfactory outcome for my clients.

If Amendment C219MORN is not modified by Mornington Peninsula Shire Council, the owner/occupier of [redacted] request the opportunity to present these and any additional Submissions to an Independent Panel Hearing at a future date.

Should you have any queries regarding my client's position with regard to Amendment C219MORN, please do not hesitate to contact my office to discuss.

Yours faithfully



Submitter 227 - Page 1 of 13

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 12:42 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: Submission to Proposed Amendment C219 to the Mornington Planning Scheme
Attachments: [REDACTED]

Attn: Manager Strategic Planning

Dear Sir / Madam,

Please find attached our submission, on behalf of our client [REDACTED], to proposed amendment C219 to the Mornington Planning Scheme.

Please feel free to contact me if you have any questions,

Regards,



lost because this email has been sent to you by mistake.

Submitter 227 - Page 2 of 13



27 October 2021

Manager Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Submitted via: strategic.admin@mormpen.vic.gov.au

Dear Sir / Madam,

SUBMISSION TO PROPOSED AMENDMENT C219 TO THE MORNINGTON PLANNING SCHEME

INTRODUCTION

- [Redacted] acts on behalf of [Redacted] with regard to the land at [Redacted] Amendment C219 to the Mornington Planning Scheme (the Amendment).
- The properties that form the Site are shown in [Redacted]
- This letter is to confirm our client's objection to Amendment C219 to the Mornington Planning Scheme (the Amendment).
- The surrounding properties are residential in nature and developed predominantly with single and double storey dwellings. Significant infill development of a variety of densities and scale has occurred in the surrounding area.

THE SUBJECT SITE & ITS CONTEXT

- The site is located on the south-east side of Point Nepean Road, Dromana as shown in [Redacted]
- The site comprises multiple parcels and has street frontages to [Redacted]
- Collectively, the site comprises an area of approximately 18,500 square metres.
- Most of the site is currently used for the purpose of a [Redacted]

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- The site is currently located within the General Residential Zone – Schedule 1 and the portion of the site abutting Point Nepean Road is affected by the Environmental Significance Overlay – Schedule 25. The zone and overlays maps are shown in **Appendix C**.

AMENDMENT

Amendment C219 proposes to implement the *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020) and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by making substantial changes to zones, overlays and policies affecting the Shire's residential areas.

With regard to the site, the Amendment specifically proposes to:

- Require consideration of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by inserting a new Clause 15.01-5L. The portion of the site not fronting Point Nepean Road appears to be located within the 'Garden Residential 1 – GR1' Character Area.
- Designate the land as being within a partial a minimal change area, for properties fronting Point Nepean Road) and partial incremental change area (for the balance of the Site) in accordance with the *Housing and Settlement Strategy: Refresh 2020-2036* by inserting a new Clause 16.01L
- Rezone the land from General Residential Zone – Schedule 1 (GRZ1) to Neighbourhood Residential Zone – Schedule 2 (NRZ2) and Neighbourhood Residential Zone – Schedule 35 (NRZ35).
- Vary the Standards of Clause 54 and 55 through the schedules to the Neighbourhood Residential Zone.

SUBMISSION

We make the following submission to Amendment C219 on behalf of our client, 

- The implementation of a Housing Change Strategy and Neighbourhood Character design guidelines is supported as it provides guidance for development of residential land in Mornington Shire.
- The designation of the site as being within partial Minimal Change Area and partial Incremental Change Area and rezoning of the entire site to a Neighbourhood Residential Zone is not appropriate as it ignores the existing built form character of the area, physical context of the site and cadastral makeup of the site.
- The site is supported by planning policy and Strategic Directions of the Mornington Peninsula Shire Council which amongst other things, seeks to *Encourage greater housing diversity in established areas*.
- The site is located within close proximity to the Dromana Activity Centre and is guided by local policy and Strategic Direction to accommodate moderate housing increases. These development guidelines are not aligned with the Neighbourhood Residential Zone (NRZ), which fails to recognise the sight as suitable for moderate increases in housing density. Specifically, the NRZ only seeks:
 - *To recognise areas of predominantly single and double storey residential development.*

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- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics

HOUSING CHANGE

- The site is located within 200 metres of the Dromana Township, a Large Township in the hierarchy of activity centres listed in Clause 02.03 (Strategic Directions). Clause 02.03 considers that Neighbourhood Centres of this size are equipped to accommodate housing diversity, where residents will have access to services, facilities and employment opportunities. The provision of increased population in Large Neighbourhood Centres also reduces the pressure for more dispersed development that is incompatible with the Peninsulas other strategic priorities.
- Clause 02.03-1 ‘Settlement’ encourages *greater housing diversity in established areas*. Housing diversity will further contribute to moderate increases in housing density in an area where the prevailing housing stock consists of detached single and double storey dwellings. This is to be complimented by the emerging mixed character, which consists of contemporary and moderate infill development.
- The designation of the portion of the site fronting Point Nepean Road as a Minimal Housing Change area is at odds with the need to provide increased housing density and diversity proximate activity centres.
- The Minimal House Change area also ignores the sites abuttal to Point Nepean Road, a road within a Road Zone, Category 1 where typically higher order development is encouraged.
- It is submitted a more appropriate response to the site’s context is to apply the Incremental Housing Change designation to the entirety of the site.
- The General Residential Zone provides the built form controls which ensure that new development appropriately responds to the emerging character of moderate infill development. Infill development within minimal change areas mildly increases housing density while balancing the need to respect existing neighbourhood character.
- The moderate infill character for minimal change areas is aligned with the future vision of this area as per the *Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36*.
- A contextual review of the surrounding area features traditional dwelling types as well as more recent infill developments. The following is a summary of infill developments proximate the site:

	Development
	Two triple storey dwellings
	One triple storey dwelling
	Two double storey dwellings
	Double storey dwelling with a roof top terrace
	Two double storey dwellings, one with a roof top terrace
	A triple storey dwelling containing multiple dwellings

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ZONING

- The rezoning of the site from General Residential Zone to Neighbourhood Residential Zone, with variations to the Standards of Clause 54 and 55, will severely restrict the ability to provide housing density and diversity proximate Dromana Town Centre.
- The restrictive controls sought under the proposed Neighbourhood Residential Zones will also severely impact housing affordability in the area as housing density will be reduced.
- It is submitted the current zoning of the land, within the General Residential Zone is a suitable response to the need for increased housing whilst respecting neighbourhood character. Specifically, the General Residential Zone seeks:
 - To encourage development that respects the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- These objectives are aligned with the broad intent of Mornington Peninsula's Planning Policy Framework (as it relates to residential development). This policy seeks to moderately increase and diversify housing provision to meet forecasted growth, whilst respecting existing neighbourhood character. This strategic direction seeks for residential development to occur in existing townships and centres.
- It is also submitted the rezoning of the site from General Residential Zone to Neighbourhood Residential Zone ignores the housing change designation of the site in the Housing and Settlement Strategy: *Refresh 2020-2036*, which is for Incremental Housing Change to the majority of the Site.

NEIGHBOURHOOD CHARACTER

- The implementation of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by inserting a new Clause 15.01-5L is generally supported as it provides guidance to ensure development respects the existing or preferred character of the area.
- It is submitted the Key Characteristics nominated in Garden Residential 1 in the *Neighbourhood Character Study and Guidelines* to not take into consideration the prevalence of two to three storey dwellings located in the area, and instead indicate the heights are 'predominantly single storey (occasional double storey)' This is inconsistent with our review of the site and its context and of the emerging character of the area.
- It is submitted the Design Objectives and Design Responses of the *Neighbourhood Character Study and Guidelines* are too prescriptive and instead refer to the elements of the character that should be respected, rather than detailing the exact method that future development should designed, to allow for flexibility in responding to a site's surrounding context.

CONCLUSION

In considering the above, it is requested that additional consideration be given to the housing change designation, the rezoning of the site and the variations to the Standards of Clause 54 and 55, with an aim to ensuring future planning controls allow for an increase in housing density and diversity, whilst

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still respecting the surrounding character of the area, through the retention of the General Residential Zone for the entirety of the Site.

We would like the opportunity to appear before any Planning Panel appointed. Should you wish to discuss this matter further please do not hesitate to contact me on [redacted]

Yours sincerely,

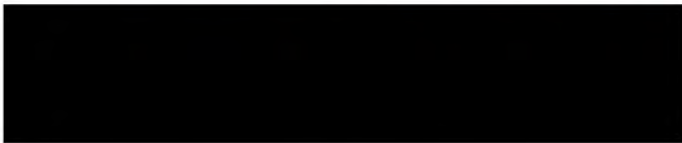


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AERIAL SITE MAP

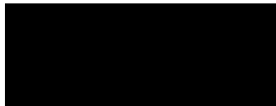
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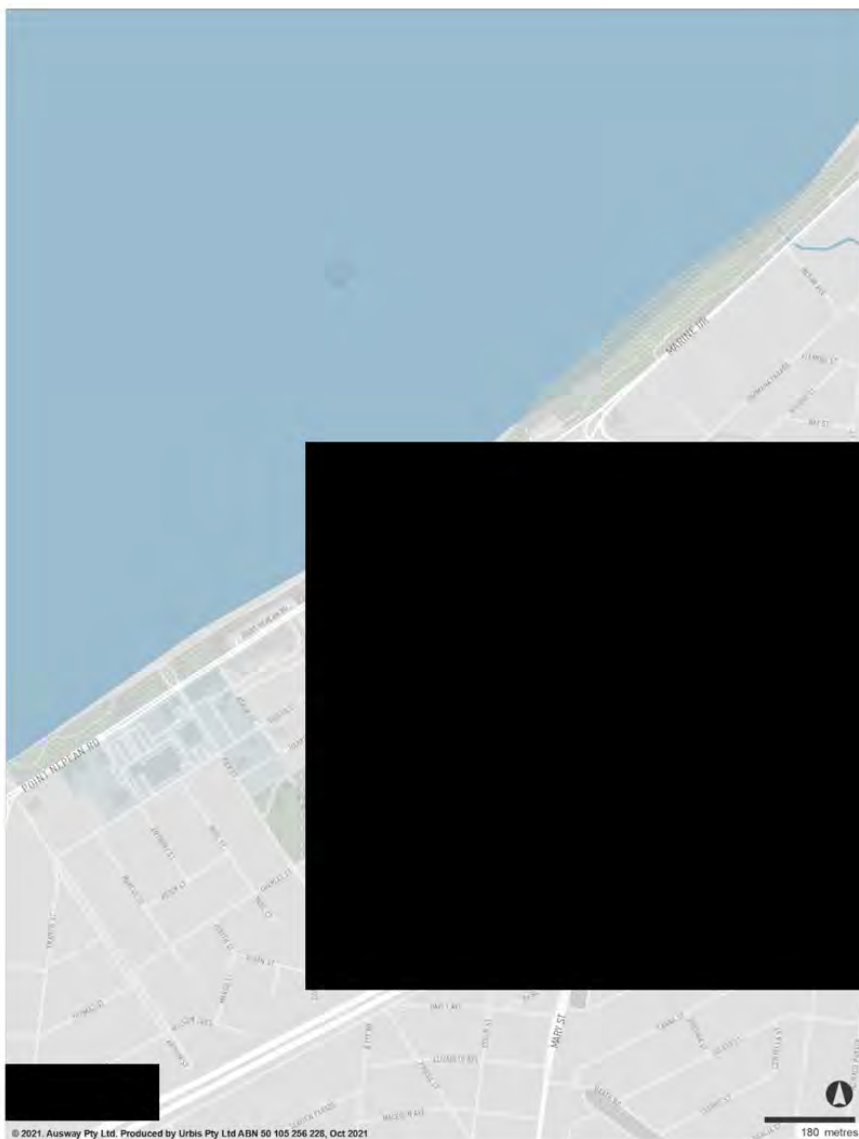
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SITE LOCATION MAP

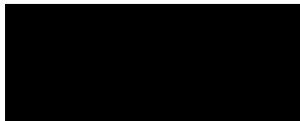
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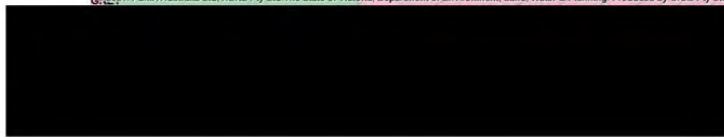
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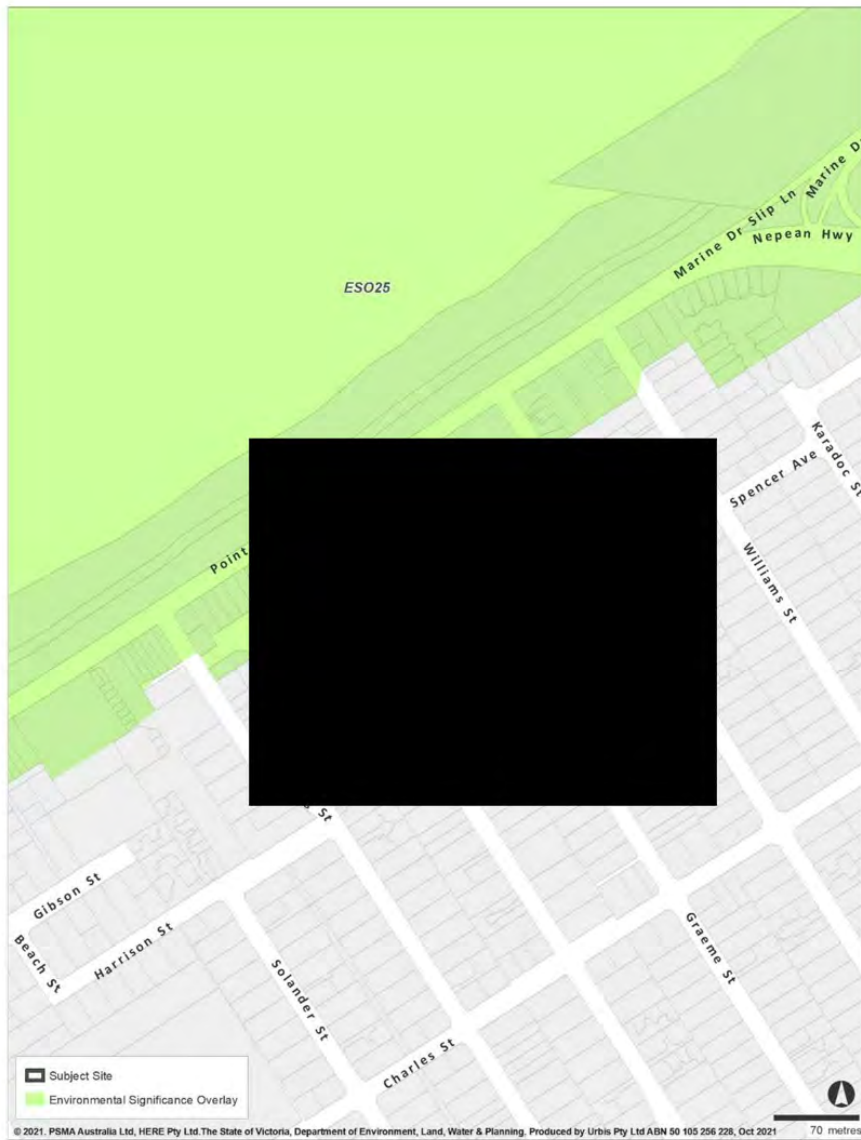


CURRENT ZONES AND OVERLAYS

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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 2:17 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

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Phone number

[REDACTED]

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

The proposed deletion of the planning permit trigger that applies to the 6m building height requirement (as per current DDO3) will allow future development proposals that meet all the General Requirements of the revised DDO3 to be exempted from the planning permit application process.

Concerningly, the exemption from this application process, will bypass the requirement to provide notice and information to property owners and occupiers affected by the proposed development, precluding them from making an informed assessment of it's likely impact.

In addition, there would be no consultation and negotiation process between the permit applicant , the council planner and property owners affected by a building proposal available.

Given that building height is an important aspect of both character and amenity of residential areas, the proposed changes to the current DD03 are significant and the potential negative impact raises genuine and significant concerns.

The removal of the 6m building height trigger point simply to expedite and reduce the cost of proposed developments will be to the detriment of the property owners and occupiers who are negatively impacted; removing any opportunity to state concerns and seek negotiated positive outcomes between key stakeholders.

We strongly believe that the current 6m building height trigger needs to be retained to ensure that proposed buildings are not obtrusive, nor dominate the landscape of the surrounding area.

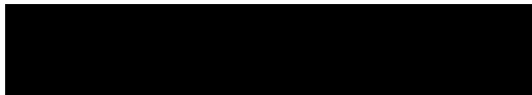
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It has been effective in providing a process of ensuring that the height and design of building proposals is appropriate and meets the objectives of the DDO3 in protecting both the character of the area and the amenity of properties in the area. On a final note, the consequences of a change to the planning scheme as proposed by C219Morn are enduring and need to be made with due consideration, care, and purpose.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s



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We object to the proposed Mornington Peninsula Planning Scheme amendment C219Morn.

REASONS

The proposed deletion of the planning permit trigger that applies to the 6m building height requirement (as per current DDO3) will allow future development proposals that meet all the General Requirements of the revised DDO3 to be exempted from the planning permit application process.

Concerningly, the exemption from this application process, will bypass the requirement to provide notice and information to property owners and occupiers affected by the proposed development, precluding them from making an informed assessment of it's likely impact.

In addition, there would be no consultation and negotiation process between the permit applicant, the council planner and property owners affected by a building proposal available.

Given that building height is an important aspect of both character and amenity of residential areas, the proposed changes to the current DD03 are significant and the potential negative impact raises genuine and significant concerns.

CONCERNS

Our property located at [REDACTED], is part of the **Bush Coastal Contemporary 1 precinct** [as defined in section 4.6.1 of the *Mornington Peninsula Neighbourhood Character Study and Guidelines September | 2019 | Ethos Urban*] where the proposed changes to DDO3 will impact the existing amenity of our property, other properties in the area and as well as both the preferred and valued character our area.

The photo below provides an aerial view of the location of our property and the neighbouring properties.

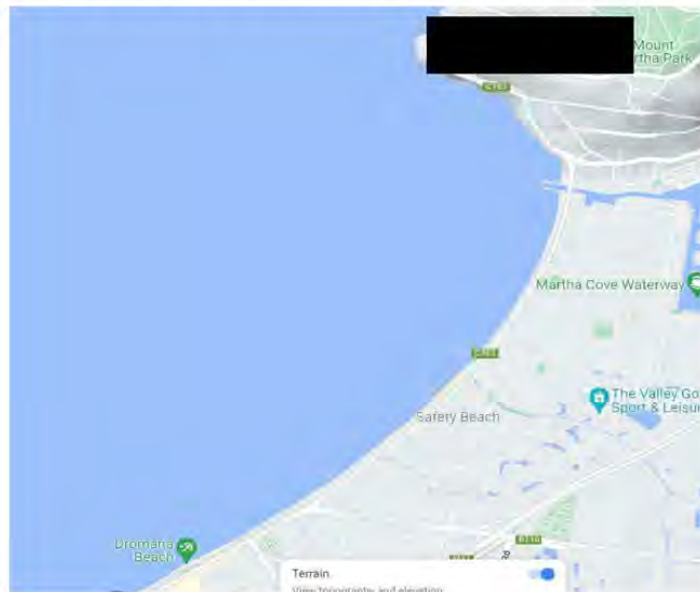


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Currently

The properties in this precinct have been designed and built to maximise views to the south, with the most significant views being over Dromana Bay and encompassing panoramic views towards Safety Beach, Dromana and Arthurs Seat.

The grey shading in the topographical map below highlights the degree of the slope, which is a significant feature of the area. The properties along this section of [REDACTED] are situated on a narrow wedge of landform, that is referred to as Martha Point. This landmark is commonly identified and nominated for its unique features and characteristics.



The dominant feature of the area when viewed from townships along the Dromana Bay coastline and the surrounding neighbourhood is the landscape, with its significant native vegetation. The dwellings sit **within** the landscape, are **unobtrusive** and are in harmony with the bush coastal character of the area.

View of area from Safety Beach foreshore



The siting, height and bulk of the buildings in this area have been successfully guided over many years by the function and application of the current local planning controls, design objectives and decision guidelines of the current DDO3.

Appropriately, and as a consequence, our property and other properties in the area share views to the bay and coastline by ensuring that buildings are not obtrusive, nor do they dominate the landscape of the surrounding area.

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EXAMPLE

A current planning application [redacted] for a permit to develop additions and alterations to a property located at [redacted] will affect our property and neighbouring properties.

Applying the DDO3 under C219Morn to this planning application as an example, provides insight of how this development would be assessed if the revised planning controls were applied and the associated concerns it raises.

photos [redacted]



Currently

With the application, of design objectives and decision guidelines of the DDO3, the current dwelling height is **6.3m** (a negotiated compromise) and has a **split level** and **flat roof** design which minimises the building height and bulk.

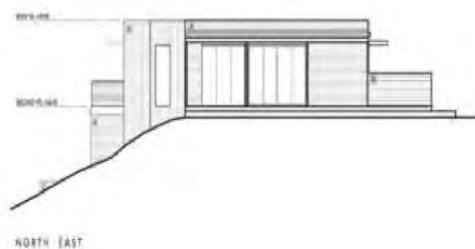
The building is staggered over **three levels** following the contour of the land and has been **cut into the slope** of the site ensuring that the building form sits within the landscape.

It is not obtrusive whilst capturing significant views of Dromana Bay, the associated coastline and Arthurs Seat, over **two levels** that are **uninterrupted by other buildings** due to the nature and location of the site.

In addition the building height, design and siting has considered the amenity of our property along with neighbouring properties on Bradford Rd, north of this site, to **share views** from their second level living rooms/balconies.

Current front Elevation

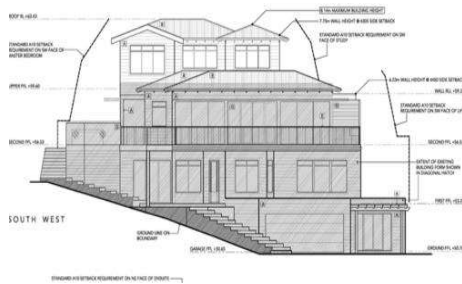
Current Rear Elevation



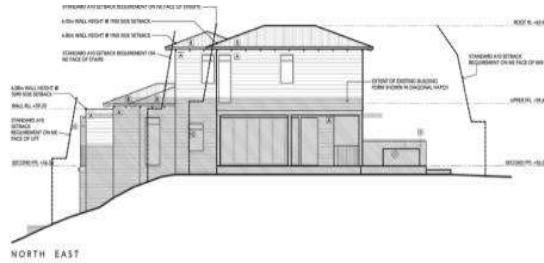
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The proposed additions and alterations are depicted in the unshaded areas of elevations.

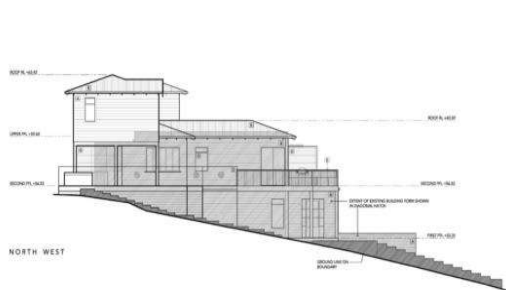
Proposed Front Elevation



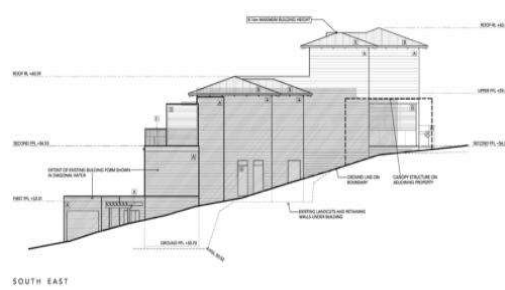
Proposed Rear Elevation



Proposed North West Side Elevation



Proposed South East Side Elevation



Assessment using the Design Objectives and Decision Guidelines of the revised DDO3 proposed in C219Morn

Building Design	ASSESSMENT
<p>Substantial increase in building height- From 6.3m to around 8m</p> <p>Addition of 2nd storey (forth level) to the rear of the Existing building</p> <p>Design and Building Form – proposed pitched roofline and an overall Four Level Building</p>	<ul style="list-style-type: none"> <p>Visually Obtrusive- building will be above the existing tree canopy line when viewed from surrounding streets and properties. This is inconsistent with the character or the area.</p> <p>Whilst the addition of another level meets the definition of a two storey building, visually it presents overall as, four levels, which is out of character with neighbouring properties and visually obtrusive when viewed from the surrounding streetscape and properties.</p> <p>Dominates the Landscape- siting, height and bulk does not allow the building sit within the landform. It does NOT integrate with the site and surrounding area, dominating the relationship with existing buildings and existing landscape.</p> <p>View sharing/Loss of Amenity to surrounding properties- does NOT provide reasonable sharing of views to the coastline and reduces existing amenity. The addition of a 2nd storey (forth Level) will provide a third level of uninterrupted views by the applicant whilst compromising the shared views to the coastline of neighbouring properties. Building design is NOT considerate of existing views to the coastline from nearby properties and does NOT to provide reasonable sharing of the view.</p>

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ISSUES

The inability to consider the above planning issues threatens the future character of the area and the proposed additions and alternations will not align with the preferred character Statement of the Bush Coastal Contemporary 1 area where:

- *Buildings are designed to sit within the landform.*
- *New development is sited to retain the public views to the water and makes **reasonable effort to ensure view sharing between neighbouring properties**.*

[Mornington Peninsula Neighbourhood Character Study and Guidelines September/2019]

This example highlights the negative impact the incremental change to the height requirements will pose. This will be most significant in areas where the development pattern of the existing buildings has predominantly been kept around the 6m height due to the application of the DDO3.

Increasing the height limit from 6m to 8m represents an excessive addition to three key considerations, namely height, scale, and bulk of the building.

Properties that have had height limits enforced, negotiated, or determined by a VCAT ruling in an effort to meet the design objectives of the DDO3 potentially will be those most negatively affected by the proposed change to the DDO3.

Providing an 'as of right 8m height requirement' to future building proposals would remove the responsible authority from the decision making process, thus allowing unvetted development solely in relation to the height and thus bulk and scale of buildings.

How is the responsible authority going to ensure buildings are designed and sited to avoid being visually obtrusive against a skyline or existing tree canopy line, when viewed from surrounding streets and properties, and provide reasonable sharing of views to the coastline?

With the loss of control in to achieve these planning objectives, we strongly believe that responsible authority's ability to deliver the desired and positive planning outcomes is severely undermined.

This extract from The *Mornington Peninsula Planning Scheme Review No. 4 (19 November 2018)* concludes that the local policies in place have been successful in the decision making process in protecting view sharing objectives of the DDO3.

4.3. Conclusions and recommendations

4.3.1. VCAT

The VCAT proceedings discussed in Section 4.1 provide insights into the effectiveness of the Shire's planning scheme in delivering desired planning outcomes for the Mornington Peninsula. Specific local policies that have proved successful in guiding decision making by the Tribunal in supporting Council's objectives for the municipality include:

- **The protection of shared views objectives in specific DDOs gained significant support as demonstrated in *Charlton v Mornington Peninsula SC* and *Watkins v Mornington Peninsula SC*.**

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Summary

The removal of the 6m building height trigger point simply to expedite and reduce the cost of proposed developments will be to the detriment of the property owners and occupiers who are negatively impacted; removing any opportunity to state concerns and seek negotiated positive outcomes between key stakeholders.

We strongly believe that the current 6m building height trigger **needs to be retained** to ensure that proposed buildings are not obtrusive, nor dominate the landscape of the surrounding area.

It has been effective in providing a process of ensuring that the height and design of building proposals is appropriate and meets the objectives of the DDO3 in protecting both the character of the area and the amenity of properties in the area.

On a final note, the consequences of a change to the planning scheme as proposed by C219Morn are enduring and need to be made with due consideration, care, and purpose.

Submitter 229 - Page 1 of 2

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 3:28 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 229 - Page 2 of 2

Do you represent other people?

Yes

Who do you represent?

Family and friends

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

The council decision on C219 amendment is being rushed. I do not support private building contractors issuing permits. The process removes advertising of intent, objection process, community engagement, vegetation protection. Controls are removed on building heights, set backs, fence heights and finishes. Landscape plans not advised and vegetation removal not supervised. The C219 amendment will lead to a change in neighbourhood character. Stated aim of Mornington Shire Council will not be prioritised. Process should be slowed down and reviewed.

Would you like to upload a document or image with further details?

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Submitter 230 - Page 1 of 4

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 6:36 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: AmendmentC219-Submission
Attachments: [REDACTED]

Dear Team Leader, Strategic Planning,

Please find attached my Amendment C219morn-submission and a photo.

The photo was taken from one of my north facing living room windows.

It shows the close proximity of my home to [REDACTED] and illustrates how my home would be completely overshadowed by a two-story dwelling if built on this block in the future.

The photo also shows the three townhouses built on [REDACTED] approved by VCAT in 2018. Further details are included in my submission.

Thank-you for reading my submission.

Sincerely,

[REDACTED]



Submitter 230 - Page 3 of 4



Dear Mornington Council,

I am writing to you regarding the Housing for the Peninsula, **Planning Scheme Amendment C219morn.**

I reside at [REDACTED], classified as an Incremental Change Area.

My **first concern** is regarding the proposed amendment permitting the construction of two story dwellings without need for a Mornington Council permit. I believe this change will have a detrimental effect on the livability of my home.

My home is a single story residence with a 6 star energy rating. It has north facing living room windows allowing plenty of sunlight to enter, keeping my home light and warm. My energy bills are low as I need little heating and lighting during the day.

My house has been built very close to the fence-line of the next-door property of [REDACTED]. The living room windows are less than one metre from the fence.

My concern is regarding the future possibility of a two-story dwelling being built on the next-door property of 105 Rymer Avenue, Safety Beach, without need for council approval or consideration of impact on my home.

My reasons for concern are: -

- A two-story dwelling would overshadow my home and block natural sunlight from entering my living spaces.
- My 6 star energy rating would be reduced, as I would have greater need for more heating and lighting of my home.
- Higher usage of gas and power to light and heat my home would increase my carbon footprint and have a negative environmental impact.
- I would lose privacy in all my internal, external living spaces as well as my bathroom, as residents in a two- story dwelling would be able to look directly into my home.

I understand the need to make plans for increasing housing availability on the Mornington Peninsula. However, I strongly urge you to please consider the impact of this proposal on existing properties such as mine. While the change may not affect some, exemptions should be made for existing homes that will be affected negatively by this proposal.

Proposals for consideration: -

- Neighbours should still be notified by the Mornington Council of proposed building projects so that they have the opportunity to voice

Submitter 230 - Page 4 of 4

concerns regarding the impact of building two story homes before plans are finalized.

- Build more single story dwellings. Two can be built on one sub-divided block to increase housing availability and would have less impact on neighbouring properties.

My **second concern** is regarding the negative impact of **VCAT** decisions on the Mornington Peninsula.

In 2018 VCAT overruled a Mornington Council decision regarding a townhouse development on the corner of [REDACTED]. Mornington Council refused the application for three townhouses to be built due to insufficient land size. VCAT subsequently permitted this development to take place and in 2020 a block of three townhouses was built. These homes have been built approximately one metre from the fence-line and have no back yard space for trees and plants to be grown to soften the exterior. My living room faces these townhouses.

This very dense development has had a negative impact on my home for the following reasons: -

- I have lost my green, tranquil views of Mt Martha from my living room windows.
- My view now is of three unattractive townhouses and their air-conditioning units.
- This development has devalued my home.

If VCAT continues to permit these dense developments on the Peninsula, I am concerned about the future impact on current residents and the environmental effect on the Mornington Peninsula.

Building of dense developments on the Mornington Peninsula: -

- Negatively impacts current residents.
- Reduces privacy.
- Decreases greenery and garden space.
- Subtracts from the natural beauty of the Peninsula.
- Threatens the fragile environment of the Peninsula.
- Negatively impacts climate change as a reduction of trees and plants raises heat causing a higher usage of power for air conditioning.

Proposal for Consideration

Mornington Council to forward a submission to VCAT emphasizing the negative impact of building dense developments on the Peninsula and urging them to consider the environmental effects when making future decisions.

Thank-you very much for considering my concerns and proposals.
I look forward to your response.

Regards,

[REDACTED]

Submitter 231 - Page 1 of 3

From: [REDACTED]
Sent: Wednesday, 27 October 2021 9:01 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 231 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Dear Sir/Madam,

Our property is on the east side of [REDACTED] We have a land size of 13,500 sq m. The houses directly opposite on the west side of [REDACTED] have a land size of approx 850 sq m. Despite our larger land size, we are unable to subdivide our land as we are covered by a low-density residential overlay (the opposing properties have a general residential overlay). We would like to change our current overlay to "General Residential" to match our neighbour's properties and in so doing, help to improve housing availability on the peninsula but preserve the character and natural landscape of [REDACTED] Mount Martha has excellent services and resources, and is better placed to cope with an increasing population than other already high-density population areas.

I appreciate that [REDACTED] is listed in the planning amendment as a "minimal change area" but I feel our property, and the other properties on the east side of [REDACTED] deserve further investigation, ideally a dedicated study into the zoning change to general residential.

Best Regards

[REDACTED]

Would you like to upload a document or image with further details?

Yes

Submitter 231 - Page 3 of 3

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Submitter 232 - Page 1 of 2

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 2:39 PM
To: Strategic Admin
Subject: Amendment C219morn - submission
Attachments: [REDACTED]

Please find attached our updated submission in relation to Amendment C219morn.

Regards

[REDACTED]

-----Original Message-----

[REDACTED]

Sent: Wednesday, 27 October 2021 9:01 PM
To: strategic.admin@mornpen.vic.gov.au
Subject: Amendment C219morn - submission

Please find attached our submission in relation to Amendment C219morn. I would appreciate acknowledgement of receipt.

[REDACTED]

Submitter 232 - Page 2 of 2

27th October 2021



Team Leader
Strategic Planning
Mornington Peninsula Shire

Amendment C219morn – submission

On behalf of



We own land affected by the proposed Amendment C219morn and object for 2 reasons: proposed changes to Low Density Residential Zone (LDRZ) and for the absence of any transitional provisions.

1. Subdivision requirements

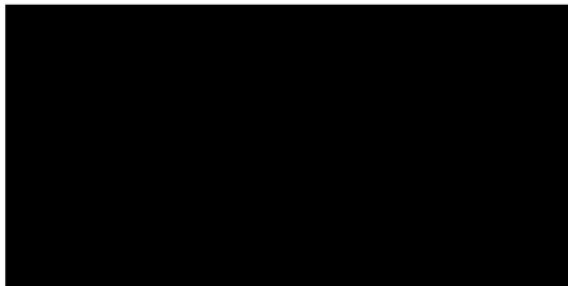
The existing controls in LDRZ are appropriate as they allow some flexibility in the configuration of lot sizes depending on the specific circumstances of the site. It is commonplace for existing lots within this zone to be of irregular shapes, and this flexibility allows for better planning outcomes for the areas within a subdivision and also for the areas immediately surrounding the site.

The current controls for the land (including DD06) specify that the minimum area for any lot is 0.4ha, and the average area of each lot must be no less than 1ha.

The proposed Amendment C219morn advocates a minimum lot size of 1ha. This is a substantial change from existing, which provides much less flexibility to cater for specific circumstances of a site. This more restrictive specification may result in less successful and desirable planning outcomes particularly for irregular shaped sites.

2. Transitional provisions

There are no transitional provisions included in Amendment C219morn for existing planning applications made to Council. Transitional provisions should be included in the new controls to provide more clarity in the planning process in the short to medium term.



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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 October 2021 9:42 PM
To: Strategic Admin
Subject: MPRRA Submission - Housing for the Peninsula - Amendment C219morn
Attachments: [REDACTED]

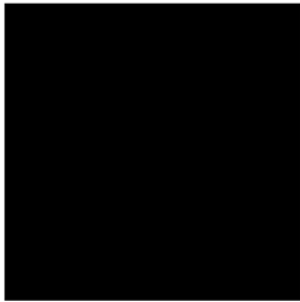
Housing for the Peninsula- Amendment C219
Mornington Peninsula Shire
Besgrove Street, Rosebud Vic 3939

Dear Strategic Planning

Please find attached a submission on Amendment C219 from the [REDACTED]
[REDACTED]

Yours faithfully
[REDACTED]

Submitter 233 - Page 2 of 7



27 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000, Rosebud, Victoria, 3939

Dear Strategic Planning

Amendment C219morn

The Mornington Peninsula [REDACTED] generally supports Amendment C219. Over the years our Association has supported the Shire on many occasions at VCAT.

While we support the Amendment, we have two matters we would like to be considered; (a) retention of existing DDO's where the height limit of 8 metres currently applies, and (b) removal of the maps currently proposed in clause 16.01-1L, *Housing supply – Mornington Peninsula*. Further details are as follows:

(a) Retention of existing DDO2 Schedules

We oppose increasing the allowable height limit in Neighbourhood Residential Zones to 9 metres where an existing DDO height limit of 8 metres applies.

We suggest that increasing this height limit is inconsistent with the stated neighbourhood objectives of some of the Schedules to clause 32.09. For example, the proposed Schedule 12 to Clause 32.09 states the neighbourhood character objectives are to:

- "To ensure new development provides reasonable sharing of views to the coastline....."; and
- "To ensure ensure new development neither dominates the streetscape nor dominates the tree canopy....."

Increasing the height limit is inconsistent with the above stated objectives.

In many areas a DDO2 has applied for 20+? years. These areas are already well developed and residential development over this period has complied with the 8

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metres limit. It is unnecessary and unfair to the residents who have complied to possibly now have their view affected because of the selfishness of a new development. That is, why should new developments be given priority over existing property owners who have complied?

We fail to see what the gain or benefit is by allowing an increase to 9 metres where to current limit of 8 metres applies. It does not allow an extra storey nor does it increase the occupancy rate. Tens of thousands of developments have been previously able to comply which proves it is not an imperative to increase the height by 1 metre.

Because of its hilly terrain affording sea views it should be noted that the Mornington Peninsula is different from most other suburban local government areas. This is because the terrain around Port Phillip from Frankston to Geelong is relatively flat. In these areas, apart from the residential properties which are adjacent to the foreshore, other properties are generally not afforded water views. Increasing the height to 9 metres in these areas makes little difference to the views of others behind (as they do not have a view in any case).

(b) Removal of maps shown in clause 16.01-1L

We suggest that the maps included in clause 16.01-1L are superfluous and not necessary. We are aware of at least one inconsistency with the zoning maps and there may be many others. The zoning maps will be the official maps in the Mornington Peninsula Planning Scheme ordinance and Vicplan. It is confusing to have another set of maps in the Planning Scheme.

Clause 16.01-1L references the *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020) contains explanatory detail and maps, and it is not necessary to include extra maps which only serve to increase the complexity of the Planning Scheme ordinance

Including these plans would also be inconsistent with, for example, clause 11.03-5S, Distinctive areas and landscapes where only the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) is referenced and not its contents.

Support for the Amendment

General

We have attended a number of forums including those on neighbourhood character, the early public meetings which initiated the Amendment, made submissions and have written to the Minister supporting the introduction of mandatory height limits on the Peninsula, and assisted with the collection of the 11,000 petitions submitted to parliament which support the Amendment.

Widespread community support

Our Association has been in existence for about 25 years. During that time the community has consistently advocated support for the Mornington Peninsula to be different from metropolitan Melbourne, specifically for the retention of its beaches, foreshores, less dense and low-rise development, and Green Wedge.

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The statement is often made that "this (the Mornington Peninsula) is not the Gold Coast, Frankston, St Kilda, Dandenong or Box Hill and that is why we live, visit or holiday here".

The difference between Metropolitan Melbourne was recognised in 2014 with the inclusion of the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) in the Planning Scheme.

Since then, the Victorian and Peninsula community has continued express support for the strategic direction through various forums and studies. The most recent being Plan 2040 where over 3,000 people provided feedback via surveys, online workshops, township pop-ups, postcards and drawings on their vision for the future of the Peninsula. One of the visions of the community is to enhance all elements of our natural land, sea and biodiverse environments.

It is unlikely that any other **Victorian local government community has expressed support** for preservation of its neighbourhood and low rise building character **to the extent that has occurred on the Mornington Peninsula**. Examples include:

- **2021.** Peninsula 2040: help shape our future, where over 3,000 people provided feedback via surveys, online workshops, township pop-ups, postcards and drawings on their vision for the future.
- **2018/19** Mornington Peninsula Neighbourhood Character Study involving extensive community consultation. 1500 pieces of information were collected from a wide cross-section of the community including interviews, public surveys, submissions, and workshops.
- **2017/18. Eleven thousand petitions** submitted to the Victorian parliament supporting the preservation of the neighbourhood character of the peninsula (see Appendix 1)
- **2016.** Peninsula Speaks Inc independent online community survey open to all residents which obtained public opinion on a broad range of topics. Peninsula. Over 3,000 respondents indicated that the beaches (92%), country feel (78%) and absence of high rise buildings (78%) made living on the Mornington Peninsula special.
- **2012.** Plan Peninsula Conversations. The Shire conducted 15 Plan Peninsula Conversations to listen to local communities talk about the things they most value about their towns – and the peninsula as a whole – and what concerns they had for the future. Thousands of people participated in these sessions and online, and their feedback formed the basis of a Council submission to the state government.
- **2009.** Rosebud Town Centre Structure and Foreshore Plan. General public consultation and the use of focus groups. A community 'open day' was organised during the summer period, which enabled tourists and campers to have input.

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- **2007 – 2019.** Support for the Shires refusal for inappropriate developments opposite the bay foreshore from Dromana to Capel Sound.
 - McCrae community - 800 objectors to VCAT [P1720/2007];
 - McCrae community - 750 objectors to VCAT [P2847/2008];
 - Dromana community - 400 objectors to VCAT [P3179/2008];
 - Rosebud community - 300 objectors to Amendment C175, cnr Pt Nepean/Jetty Rd;
 - Peninsula community - 7 community groups and 230 objectors to VCAT [P2314/2018]

The Peninsula's difference from Melbourne is vitally important for Victoria (and Australia)

The Mornington Peninsula and was one of the first areas to be formally recognised by the Victorian Government as being different from metropolitan Melbourne because of its "distinctive area and landscape"¹. Amendment C219 will contribute to preserving this important edict.

The Government's planning website² states:

"Victoria is home to a number of unique and sensitive landscapes and distinctive places that are highly valued for their environmental, social, cultural and economic assets. These areas are vital to the functioning of our urban areas, providing people with clean air, drinking water, food, resources and recreational opportunities.

These areas are under increasing pressure for development because of their attractiveness, accessibility and proximity to our cities, and because of environmental factors like the impacts of climate change.

These areas are being protected so that they can continue to be enjoyed by current and future generations."

The importance to preserving the unique character and difference of the Peninsula for all Victorians through sensible planning such as Amendment C219 is evidenced by:

(i) The Number of Tourists and its impact on the region's economy

The Mornington Peninsula (including Frankston) Regional Tourism Summary indicates that approximately **4.6 million** domestic (overnight and daytrip) and international overnight visitors visited the Peninsula in 2020.

In 2018-19, tourism was estimated to be worth \$1.1 billion to the region's economy (in direct and indirect Gross Regional Product), representing 9.3 per cent of the region's economy. Tourism generated employment of approximately 12,200 people or 10.4 per cent of the region's employment (direct and indirect jobs).

(ii) The Peninsula's importance to making Melbourne a "Liveable City"

¹ Mornington Peninsula Planning Scheme, section 11.03-5S

² DELWP website. <https://www.planning.vic.gov.au/policy-and-strategy/distinctive-areas-and-landscapes>

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The difference of the Peninsula's character from suburban Melbourne performs a significant role in making Melbourne "a liveable city" as it contributes to maintaining the health and well-being of Melbournians by providing a break from city living. This is supported by numerous studies throughout the world including a study by the World Health Organisation (Europe).

The intense, dense wall to wall development, dominating bitumen roads and concrete footpaths of the loud, busy, and crowded Melbourne suburbs can make living overwhelming and stressful. There is a clear link between city living and mental illness. A group of Dutch researchers found that living in a city roughly doubles the risk of schizophrenia. At the same time urban living was found to raise the risk of anxiety disorders and mood disorders by 21% and 39% respectively.

The Victorian health indicators survey³ reported:

"Residents of neighbourhoods with abundant green space tend to enjoy better general health (Maas et al. 2006). Neighbourhoods with comparatively more walkable green space have been correlated with a lower mortality risk (Takano et al. 2002).

The percentage of green space in people's living environments, and its proximity to people's homes, are positively associated with self-perceived health (Maas et al. 2006).

Contact with green space has been found to be 'restorative', both psychologically and physiologically, reducing blood pressure and stress levels (Hartig et al. 2003, Pretty et al. 2005) and potentially promoting faster healing from surgery (Ulrich 1984)."

City dwellers have an almost 40% increased risk of depression, over 20% more of anxiety, and double the risk of developing schizophrenia compared to people who live in the rural areas⁴

██████████ indicate⁵ that cities provide benefits that attract individuals to both live in and travel to them however, city environments also contain many problems that increasingly impact on the psychological wellbeing of Australians. Some of these issues include stressors associated with crowding, disturbance due to noise, the impact of traffic, pollution, exposure to crime and traumatic incidents, housing costs and pressures related to apartment living, as well as less access to restorative natural environments.

The important difference of the Peninsula from Melbourne, its role in making Melbourne "a liveable city", and how it affects the local economy is often overlooked by planners and state governments because of their preoccupation with population increase which focuses their attention on suburban Melbourne and the Peninsula becomes an afterthought.

³ Victorian Health Promotion Foundation, www.vichealth.vic.gov.au

⁴ Design Council of UK

⁵ Are cities bad for you? InPsych 2019 Vol 61 Issue 6. Australian Psychological Association

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Summary

The Mornington Peninsula Ratepayers' and Residents' Association Inc supports Amendment C219 subject to the changes outlined in (a) and (b) above.

Yours faithfully



ATTACHMENT 1. Eleven thousand petitions submitted to Parliament

11,000 petitions were submitted to the Victorian Parliament in 2017/18 by Peninsula Speaks Inc. Parts of the petition which is shown below back Amendment C219.

PETITION - To the Legislative Assembly of Victoria. *The Petition of the Residents of the Mornington Peninsula, draws to the attention of the House the need to **protect the Mornington Peninsula from inappropriate development** by:*

- Removing 'as of right' approvals which now allow three storey developments and buildings up to 11 metres high within our General Residential Zone
- Repealing recent changes which have expanded the scope of VicSmart planning applications, removing residents rights to be aware of future developments in their neighbourhood
- Ensuring our existing Design Development Overlays, which prohibit three storey developments within General Residential Zones, are protected in perpetuity
- Implement mandatory controls to strengthen and enforce the intent of our 2014 Mornington Peninsula Localised Planning Statement to override, in unambiguous language, any changes to the planning scheme, thereby providing a clear direction for decision making
- Protecting and strengthening local Council control within the Green Wedge Zone and Rural Conservation Zone by limiting, or where necessary, preventing commercial and industrial developments on rural land, including accommodation complexes.

Submitter 234 - Page 1 of 3



From: [Redacted]
Sent: Thursday, 28 October 2021 12:57 AM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name



Last Name



Postal address



Email



Phone number



Submitter 234 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I oppose the changes with respect to Side and rear setback (A10 and B17) and Private Open Space (B28). I own a property located at [REDACTED] [REDACTED] and I feel that some provision needs to be made for people who own small blocks - my block is 272sqm and is part of a subdivision of a larger corner block. I have my own street frontage and was at some point in the future planning to do a knock down rebuild. Under the proposed amendment I would be severely impacted by these new requirements because I would be extremely restricted what I could build on this block. I think it's extremely unfair to impose these restrictions when the MPS allowed the sub-division initially and then years later make it so restrictive. I currently live in a 3 bedroom single story house on the plot but to meet the requirements set out in the amendment when I redevelop the property I would only be able to build a very small 2 bedroom property or a double story property which I do not want. On a block this size having a 5 metre rear set-back and 2 metre side set backs and 40sqm private open space is a ridiculous requirement. I request that some provision is made for plots under 300sqm that were subdivided before this amendment came into affect to protect owners from these restrictions and allow more flexibility. At the very least you should be able to build something on par with the existing setbacks and open space. I understand that these requirements are reasonable if imposed on larger blocks but not a 272sqm block.

Furthermore, I do not agree with making it easier by reducing red tape for one dwelling on a lot. After my experience with my neighbours planning to build on the boundary line, adjacent to my garage - they are building a straight wall 1.3 metres higher than my existing wall and the Private Building Survey [REDACTED] tell me that they don't need to abide by the ResCode planning standards because they are

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building one dwelling on the lot and planning is not required. He told me they just need to adhere the building regulations and because the wall is under under 3.6m it's allowed. Despite the fact that the land is higher and my wall is only 2.4 metres. So I don't think you should make it easier for them, I think that everyone should have to go through planning and adhere to the planning guidelines.

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No

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Submitter 235 - Page 1 of 3

From: [REDACTED]
Sent: Thursday, 28 October 2021 9:03 AM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 235 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Dear Sir/Madam,

My property is on the east side of [REDACTED] in Mount Martha. We have a land size of 8,000sq m. The houses on the other side of [REDACTED] have much smaller land sizes. Despite our larger land size, we are unable to subdivide our land as we are covered by a low-density residential overlay (the opposing properties have a general residential overlay).

Im requesting a review into changing our current overlay to "General Residential" which would match the other side of hopetoun avenues rules. This no doubt would help to improve housing availability on the peninsula with a booming population.

Mount Martha and our street [REDACTED] is ideally placed to deal with this rising influx of population.

I feel it makes complete sense and is somewhat overdue for this side of [REDACTED] [REDACTED] to be classed general residential.

Any feedback or if you can please look into this that would be fantastic.

Much appreciated.

[REDACTED]

Submitter 235 - Page 3 of 3

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Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn	
Full Name	[Redacted]
Organisation	
Postal address	[Redacted]
Email	[Redacted]
Phone number/s	[Redacted]
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
See attached letter.	

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 236 - Page 2 of 5

I have provided detailed comments on attached sheets		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
Signature		Date
		28 October 2021

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:	Submission No:	Date Received:
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Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

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28 October 2021

██████████ Manager Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD VIC 3939

Via Email: strategic.admin@mornpen.vic.gov.au

Dear ██████████

**PLANNING SCHEME AMENDMENT C219
SUBMISSION TO MORNINGTON PENINSULA SHIRE**

The property at ██████████ has been in our family for 60 years and we currently reside at the property full time. The land is currently zoned General Residential Zone – Schedule 1 (GRZ1) with no planning overlays and we **object to Amendment C219 which proposes to re-zone the property into the Neighbourhood Residential Zone – Schedule 3 (NRZ3).**

Upon review of the copious amount of documentation attached to C219, it is our understanding that the basis of the planning scheme amendment has derived from the findings and recommendations of Housing & Settlement Strategy Refresh 2020-2036 & Mornington Peninsula Neighbourhood Character Study (NCS) which suggests our property is located within an “Incremental Change Area” and it is included within the “Garden Residential 2 Precinct” – extract from the NCS character description below for convenience.

Figure 1: Garden Residential 2 Precinct Description (NCS)

4.2.2 Garden Residential 2

Precinct Description

This character area consists predominantly of modern, single storey detached dwellings. Materials are primarily brick with occasional rendered finishes, and roof forms are hipped and tiled.

The key attribute of this precinct is the high level of vegetation present in both the private and public realms. Nature strips within this precinct generally contain medium to high levels of native, informal vegetation, including bushes, shrubs and canopy trees. High levels of established native vegetation are also present within the private realm, generally more formal in appearance than adjacent nature strips.

Consistent front and side setbacks provide for a spacious and uniform streetscape.

Preferred Character Statement

The bushy garden setting is retained by siting the low scale dwellings with spaces for dense planting including canopy trees, bushes, shrubs and garden beds.

New development is consistent with the predominantly small scale dwellings of 1-2 storeys using simple building and pitched roof forms with eaves.

Existing, informal native vegetation within nature strips is retained, enhancing the bush garden character of the precinct.

Absent or low and transparent front fencing adds to the spaciousness of the streetscapes.



Garden Residential 2 Streetscape - Somers



Garden Residential 2 Streetscape - Somers

Mornington Peninsula Neighbourhood Character Study

59

We disagree with the above description for our immediate area and in our opinion, Capel Sound is emerging as suitable to accommodate additional housing growth given no DDO (density controls) or VPO (vegetation protection) apply to majority of residential properties.

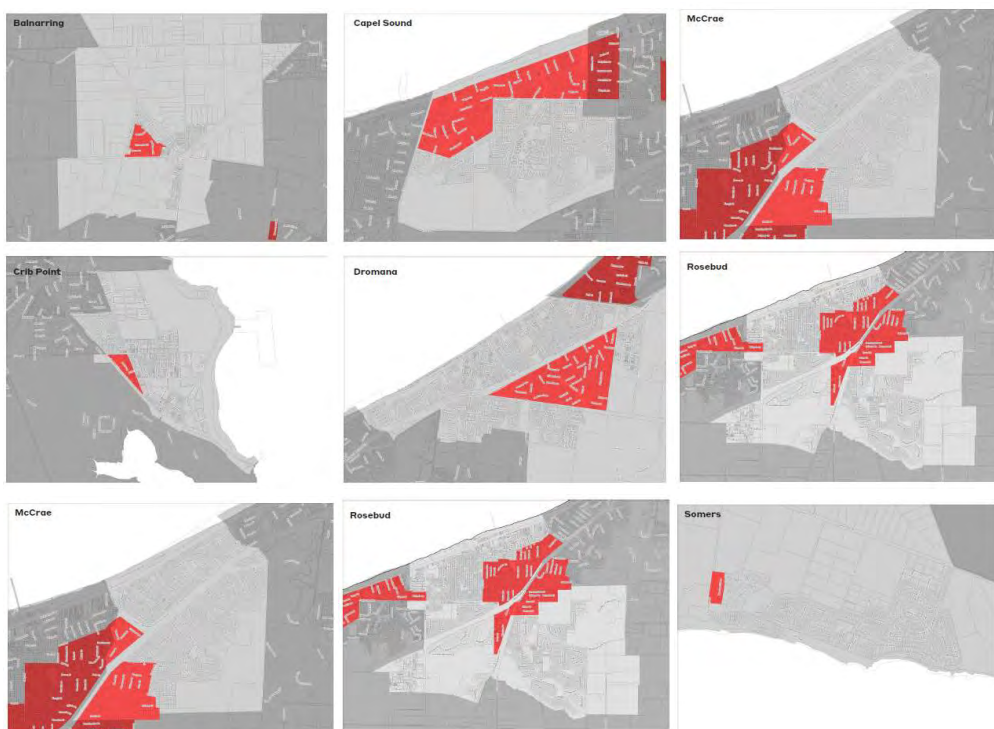
Submitter 236 - Page 4 of 5

Whilst we agree that housing is predominately single and double storey in form, newly constructed dual occupancies and multi dwelling developments are well represented with sizes of subdivided lots ranging from as little as 150m2 to 400m2. The stated preferred “bushy garden setting” of Garden Residential 2 Precinct in our opinion is a far cry from the existing conditions of Capel Sound.

Moreover, our property is conveniently positioned only 100m to Port Phillip Bay (the foreshore), 1km from Rosebud Plaza (Major Activity Centre) and 300m to Capel Sound shops along Point Nepean Road, making it an ideal location to accommodate growth to ensure housing supply, diversity and affordability of housing.

Critically therefore, **we do not believe our property has the same ‘character’ as other areas across the Peninsula including but not limited to Somers, Balnarring or Mt Elia which are also included within the same Garden Residential 2 Precinct** as identified below.

Figure 2: Garden Residential 2 Precincts across the Peninsula within the NCS:



We do not accept the above broad application the Garden Residential 2 Precinct (GR2) and we do not believe our property should have a greater criterion imposed through the intended modified Clause 54 / 55 requirements proposed by re-zoning our property to NRZ3, namely:

- Reduction in site coverage to a maximum of 50%
- Increased Side & Rear Setback requirements of:
 - o 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres.
 - o 5 metres from a rear boundary
- New Landscaping requirement for a 5mx5m area at the front

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- Increased SPOS requirement of 40m² per dwelling with min.5m dimension and additional requirement for 20m² for each additional bedroom upto a maximum of 80m²

By stealth, these proposed modified Clause 54/55 requirements, stifle any opportunity for re-development currently afforded to our property and will take away opportunities to accommodate housing growth. Given our property is earmarked to support 'incremental' growth, we believe this outcome does not align with the objectives of amendment C219 to:

- *"meet the range of housing needed (homes, units, apartments and residential aged care facilities)*
- *direct future housing to appropriate areas*
- *ensure the special values and character of the Peninsula are protected."*

(Source: <https://shape.mornpen.vic.gov.au/planning-scheme-amendment-C219-housing-for-the-peninsula>)

Council's lack of transparency with regards to the implications of changing the zoning of our property from GRZ1 to NRZ3 and proposal to impose onerous modified Clause 54/55 requirements is not fair and just.

Whilst we acknowledge that the Mornington Peninsula is not a nominated growth municipality, in our opinion, the Shire has failed to apply the appropriate zone & schedule to our property.

Capel Sound has been well known to be considered more disadvantaged area than the Australian Average and we are aware that the State Government aims to priorities this area for renewal however, C219 is at odds with this vision by seeking to introduce onerous additional setback and open space requirements under NRZ3 reducing opportunity for additional infill development.

We therefore request that Amendment C219 be abandoned, or suitable amendments be made to ensure that our property remains in the GRZ1, with no planning overlays.

Kind Regards,



Submitter 237 - Page 1 of 3

From: [REDACTED]
Sent: Thursday, 28 October 2021 10:01 AM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 237 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I currently have a planning application with Council to subdivide my land and build a second dwelling on the lot. My land is 1,375sqm in total. I understand that the amendments that are proposed to DDO2 would mean that a second lot less than 650sqm would not be allowed under the proposed new policy. It would be good if some flexibility/discretion could be maintained with the minimum lot size based on performance standards. For example, with my land, a better design outcome can be achieved with a slightly smaller second lot of 580sqm rather than 650sqm given the constraints of existing trees, and the existing dwelling I want to retain on the land which has recently been renovated. A smaller lot size of 580sqm still achieves all of the other objectives of the new policy through a careful design response. In terms of neighbourhood character within the DDO area, there is quite a bit of existing variation in terms of lot sizes in the area. It is not clear in neighbourhood character terms what the reasoning is for Council making a hard 650sqm minimum lot size in the DDO area.

Would you like to upload a document or image with further details?

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Submitter 237 - Page 3 of 3

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Submitter 238 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 11:43 AM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Please find attached a submission from the [REDACTED] regarding the C219

Regards

[REDACTED]

Submitter 238 - Page 2 of 3



C219 Submission

The [redacted] congratulates the MPSC on the work done in conjunction with the community in relation to the development of the Neighbourhood Character Overlay. The introduction of the Neighbour Character Overlay will support and enhance the look and feel of the peninsula and how the community wishes to see the development of the peninsula in the future.

However, this Association has a number of concerns over the removal of key planning triggers as the applications are moved from the planning to the building department.

1. Removal of Planning Application Triggers:

This will result in

- No advertising therefore no objection process (cannot object at Building Permit stage)
- No MPSC website advertising at Building Permit Stage including yellow sign and notice to nearby neighbours
- No community engagement
- No facility for councillors to "call in" applications to Council
- No appeal to VCAT
- No transparency in the process or checks and balances in design

2. Removal of Controls:

The removal of controls means:

- Extending the height from 6.5 m to 8m should not be mandated. NRZ 12, 13 and 16 speaks to "*ensure new development provides reasonable sharing of views to the coastline*". Mandatory 8 m will impact the existing views on or near ridgelines to the coastline from nearby properties and public areas and means there is no provision for the reasonable sharing of views.
- Not giving clear direction to wall finishes and, in particular colours, will allow unacceptable colours to be introduced to residential buildings.
- Consideration should be given to the style of fences as solid high fences (particularly front fences) will result in significant changes to the street scape and solid high fences are impervious to wildlife. Paling fences are typical of suburban subdivisions and at odds with the character of the Nepean Ward, which has previously used wire fences and brush fences.
- Landscape plans are key to ensuring that the neighbourhood character is maintained. Again NRZ 12, 13 and 16 states "*ensure new development does not dominate the streetscape but sits well below the existing tree canopy*".
- Removal of excavation controls will have an impact on the primary dune system and ground water aquifers.

3. Delegation to Building surveyors

- Diverting the role of Planning controls from Shire to private Building Surveyors is extremely problematic
- The scheme relies heavily on Building Surveyors and the Shire Compliance Department.
- This Association questions the impartiality of the Building Surveyors. The Building Surveyor's client is the developer. Their loyalty lies with the person who pays their fee.



Submitter 238 - Page 3 of 3

- There is no transparency in this process. Approval for building effectively is out of the hands of the Shire and in the hands of private individuals.

The Design and Development Overlays have been substantially amended, in particular deleting the clauses in relation to fencing and setbacks. These have now been written into the Neighbourhood Residential Zones and it is therefore essential that the NRZ be approved and form part of the MPSC Planning Scheme.

- 4. Dealing with planning applications.** Officers have not adequately explained why they are unable to deal with applications in a timely manner.

"..... 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."(refer p39, "A Desktop Review of the Strategic Work Underpinning Amendment C219morn)

This issue could be resolved in either of two ways. If there are inefficiencies within the Planning Department, the department could be restructured to deal with this Department's inability to process applications in a timely manner.

Alternatively, Building Surveyors could be given secure access to the Department's advertising page which would allow the uploading of plans for exhibition on the MPSC website. This would allow "real time" access by Building Surveyors to the objections or comments on a particular build. The Building Surveyors would be able to potentially remedy any concerns of neighbours or the community and at the conclusion of the "advertising period" if there are no objections, could issue a Building Permit. Any objections that are unresolved could then be referred to a Planner within the MPSC. This would allow neighbours and the community to have input and maintain the transparency of the planning process.

The other issue is the wholesale removal of vegetation on vacant blocks prior to building. It has, and continues to be of considerable concern to the community that developers routinely de-nude blocks.

It would be a very simple task for planners to use one of the commercially available mapping programmes to check "before and after" views of the subject land. This would ensure that, often very old and established, moonahs or other native vegetation are saved from destruction.

Clause 42.02 –

- 2.0 To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

and

- 3.0 No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
Vegetation is only removed from the building footprint or within 2 metres of the proposed building

The above clauses are routinely ignored by developers and tighter controls should be in place to protect vegetation particularly now that NCOs are to be introduced.

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From: [REDACTED]
Sent: Thursday, 28 October 2021 12:15 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 239 - Page 2 of 2

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Owner and residence at [REDACTED], we live on 5 acres next to 10 acres and 3 acres and 2 acre neighbourhood properties.

We are all adjoining properties that is are from 700sqm to around 1000sq..

We would like to have the opportunity in the future to divide the property into smaller allotments.

With the new school , beach access and need for more living on the peninsula it seems the perfect choice to allow to divide our road.

Would you like to upload a document or image with further details?

No

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[REDACTED]

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Submitter 240 - Page 1 of 1

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 2:03 PM
To: Strategic Admin
Subject: Mornington peninsula planning scheme amendment C219morn - submission

[REDACTED]

The areas shown as 'other' on your map include foreshore which I understand is protected from development. These areas should be designated as protected and not included in a general category which is subject to incremental development.

[REDACTED]

Submitter 241 - Page 1 of 5

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 2:26 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]
Importance: High

Mornington Peninsula Shire Council
Strategic Planning Unit
Att: [REDACTED] *Manager Strategic & Infrastructure Planning*
[REDACTED] *Team Leader Strategic Planning*

Dear [REDACTED]

Amendment C219morn – Submission [REDACTED]

[REDACTED] and submit this written submission in response to C219 on their behalf.

We trust that you will consider the key themes raised within as part of your further review of C219morn.

Should you have any questions or seek any further clarification, I invite you to get in touch.

[REDACTED]

Submitter 241 - Page 2 of 5

27 October 2021

Mornington Peninsula Shire Council

Manager Strategic & Infrastructure Planning

Dear

C219morn WRITTEN SUBMISSION

AFFECTED LAND:

INTRODUCTION

as well as interested parties in other land across the Mornington Peninsula.

Having developed many projects across the Peninsula including quality infill (two dwellings on a lot) and substantial single dwellings, our clients are most interested in Amendment C219morn (C219) and the suite of the proposed changes contained within.

Whilst the removal of permit triggers for a single dwelling is supported where opportunities exist, key concerns raised by our clients include:

- The extensive application of the Neighbourhood Residential Zone (NRZ) and the limited application of the General Residential Zone (GRZ), including areas within walking distance of an Activity Centre.
- The modified standards to the proposed neighbourhood residential zones will, through application, reduce the development potential for future infill development on land that would otherwise support additional housing growth.

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- The restrictive nature of the modified standards to the proposed neighbourhood residential zones and the flow-on effects of the Report and Consent process should one or more standards be varied.
- The introduction of a new mandatory 8 m maximum building height to the northern Peninsula in that area currently benefiting from the Design and Development Overlay (DDO2, DDO3 and DDO4) height exemption.
- The introduction of Neighbourhood Character Overlay (NCO1) to the Ranelagh Estate.
- The lack of clarity around transitional arrangements.

REDUCED INFILL OPPORTUNITIES

The broad application of the NRZ is not supported.

We encourage that the GRZ be more liberally applied, especially to areas within proximity to an Activity Centre (Mornington, Rosebud and Hastings) and neighbourhood activity precincts (including Mt. Eliza).

Further, where NRZ is considered appropriate, the modified standards are expected to significantly reduce infill development opportunities when considering the onerous requirements for:

- Site Coverage (Standards A5 and B8)
- Permeability (Standards A6 and B9)
- Landscaping (Standard B13)
- Side and Rear Boundary Setbacks (Standards A10 and B17)
- Private Open Space (Standards A17 and B28)

And, through reduced infill opportunities, detrimental impacts are expected to result when considering housing diversity.

MANDATORY HEIGHT CONTROLS

To introduction of a new mandatory 8 m maximum building height for residential dwellings to the northern peninsula in that area defined in DDO2, DDO3 and DDO4 '*north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington- Flinders Road, Bittern-Dromana Road and Disney Street*' is not supported.

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Dwellings in the northern peninsula often exceed 8 m height and the neighbourhood character reflects such. Due to the sloping topography north of [REDACTED] it is often very challenging from a design perspective to achieve a two-storey dwelling within 8 m above natural ground level.

There does not appear to be any justification for the introduction of the new mandatory height into the proposed DDO's and no rationale as to why the height exemption currently found in DDO2, DDO3 and DDO4 has been removed. As such, we are hopeful that the deletion of this important 'exemption area' was an administrative error and will be re-introduced in the final versions of the proposed DDO's.

NEIGHBOURHOOD CHARACTER OVERLAY – NCO1

We understand that C219 seeks to introduce three new NCO's, including NCO1 to the [REDACTED]

We talk to NCO1 in more detail.

We acknowledge that the [REDACTED] is of state significance from a heritage perspective [REDACTED] and Heritage Overlay Schedule [REDACTED]. However, the heritage protection is limited to the roads, road reserves and parklands within the estate.

It is assumed that to warrant NCO1 the residential character within the Estate is unique. We respectfully challenge that notion.

Currently, the [REDACTED] is affected by DDO2 and DDO3, both of which have strongly influenced character when considering matters of siting and form. These same DDO's apply to residential areas across the wider Peninsula.

This is reinforced through the *Neighbourhood Character Study and Guidelines* (NCS) prepared by Ethos Urban, 2019 whereby the Estate is identified as 'Garden Residential 2'.

Garden Residential 2 is also found in the following townships, as presented within the NCS.

- Safety Beach
- Crib Point
- Balnarring
- Safety Beach
- Dromana
- Rosebud
- Capel Sound

Submitter 241 - Page 5 of 5

The NCO's as proposed, upon our reading of the provision, will require a planning permit for:

- All buildings and works
- Demolition
- Native vegetation removal

The introduction of NCO's will result in additional permit triggers and is not supported.

Pursuant to DDO2 'as existing' a planning permit is not required for the development of a single dwelling or associated works where the general requirements are varied.

Pursuant to DDO3 'as existing' a planning permit is required to develop a new dwelling. However, a planning permit is not required for dwelling additions / alterations or an outbuilding where the general requirements are met.

As such, ample opportunity currently exists to avoid planning approval for development associated with a single dwelling in the estate.

Through the introduction of NCO1, no opportunity appears to exist to avoid a planning permit – which, we submit, is onerous and departs from the intent of the broader objectives of C219.

TRANSITIONAL ARRANGEMENTS

Noting that C219 appears to remain silent on transitional provisions, should any version of C219 be approved, it should be subject to generous transitional arrangements allowing for (not limited to):

- Consideration of Applications currently on foot against the controls applying prior to the introduction of the Amendment.
- Opportunity for extension of time to existing Planning Permits that may conflict with changes introduced through the Amendment.
- Opportunity for additions and alterations to an existing dwelling constructed prior to the approval date.

We thank you for taking the time to consider this submission.

Kind Regards,



Submitter 242 - Page 1 of 2

From: [REDACTED]
Sent: Thursday, 28 October 2021 4:07 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 242 - Page 2 of 2

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I support the protection of neighbourhood character purpose of C219.

I do not support the "efficiency" purpose. Simplification of the permit process by removing planning controls and outsourcing / privatising permit approval is strongly opposed. The removal of key planning triggers creates risk of uneven, inconsistent decision-making. Reliance on the Shire Compliance Department to counteract that is unrealistic. These changes are likely to undermine/compromise the positive protective purposes of the amendment.

Independent Council oversight of development at the planning stage is critical, and more likely to promote the preservation of neighbourhood character than what is proposed.

C219 is far-reaching and complex- more time is needed for community consideration and comment .

Would you like to upload a document or image with further details?

No

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https://shape.mornpen.vic.gov.au/index.php/dashboard/reports/forms_new/data/140

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[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 5:19 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Dear Sir/Madam,

We act on behalf of the landowner at [REDACTED]

Please find **attached** our submission in relation to Amendment C219.

We ask that you please provide confirmation that the submission has been received and will be considered.

Kind Regards,

[REDACTED]

Submitter 243 - Page 2 of 4



28 October 2021

Dear Sir/Madam,

**Amendment C219 to the Mornington Peninsula
Planning Scheme**

We act on behalf of the owner of the land at [Redacted]
(Subject Site).

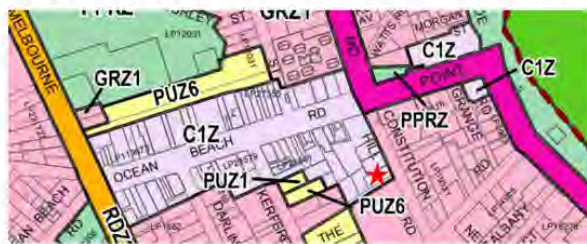
Our client seeks to make submissions in respect of Amendment C219 to the Mornington Peninsula Planning Scheme (**Amendment**), seeking to raise the following primary concerns:

1. The Subject Site should be nominated as a substantial change area, having regard to its zoning and overlay and the development outcomes which could be achieved in the alternative
2. The Subject Site is included within the Commercial 1 Zone and therefore inclusion in a policy directed at residential zoned land (in terms of mapping) is inappropriate and creates confusion; and
3. The wording of the proposed control is clear that this policy should not apply to these areas and therefore the mapping should be updated to reflect same.

The basis for this view is set out in detail below.

Subject Site

The Subject Site is in the Commercial 1 Zone, Schedule 1 (C1Z):



It is affected by Design and Development Overlay, Schedule 28 (**DDO28**). DDO28 affects the Ocean Beach Road Commercial Precinct in Sorrento and the overlay has a number of design objectives including *to ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs*. The overlay allows for the subject site, which is in the Central sub-Precinct, to build up to 8 metres (no more than 2 storeys) at road frontage and up to 11 metres (no more than 3 storeys) with a minimum set back of 8 metres from the front building line of the second storey.



Amendment C219

The Explanatory Report states that the Amendment seeks to implement Housing Policies by making substantial changes to zones, overlays and policies affecting the Shire's residential areas.

The land affected by the Amendment, as outlined in the Explanatory Report, is as follows:

- all land in the General Residential Zone (GRZ) except those affected by concurrent amendments, i.e. amendments C227morn, C269morn and C275morn
- all land in the Low Density Residential Zone (LDRZ)
- all land affected by Schedules 1 to 7, 11, 17 to 20, and 22 to 24 to the Design and Development Overlay (DDO).

The Explanatory Report and Instruction Sheet to the Amendment do not make any changes to the C1Z or DDO28 affecting the Subject Site.

The Amendment seeks to introduce an additional Housing Supply local policy at Clause 16.01-1L (**Policy**). This is the only policy change which includes reference to the C1Z. The policy applies to *all residential development in the General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Commercial 1 Zone or Mixed Use Zone*. The Policy categorises land in these zones as either minimal change, incremental change or substantial change. As seen from the below the purple denotes minimal change C1Z areas:



In the exhibited document titled "A Desktop Review of the Strategic Work Underpinning Amendment C219morn (2021)", the change areas are to be applied as follows:

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

Having regard to the current zoning and overlays which affect the land, it is entirely inappropriate to include it in a minimal change area and instead given the height that can be achieved based on the above table it should in fact be included in a substantial change area. In the alternative, we submit it is entirely inappropriate for commercially zoned land to be included in a residential policy at all,

Given the current DDO28 is not proposed to be varied via the Amendment and continues to apply to the Subject Site, including it in the Policy as a minimal change area creates confusion. This is due to the minimal change area only allowing 8 to 9m (2 storeys) whilst the current zone allows up to 11 metres/3 storeys (albeit setback from the street).



Submitter 243 - Page 4 of 4

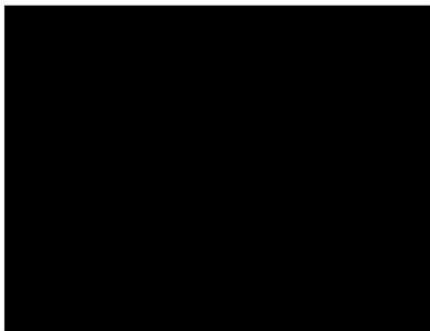
- 3 -

28 October 2021

Conclusion

One of the pillars of planning in Victoria is that there should be consistency and clarity in both landowners and responsible authorities. For this reason, we submit that the inclusion of the Subject Site and indeed any land zoned C1Z in the Policy under this Amendment creates confusion and should be removed from the mapping and policy. In the alternative, the Subject Site should be noted as being in a substantial change area.

In our view, the Amendment would be inconsistent with the current controls and zoning that apply to the site (which have not been considered by this Amendment).



Submitter 244 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 5:22 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 244 - Page 2 of 3

Phone number

[REDACTED]

Do you represent other people?

No

How does the proposal affect you?

[REDACTED]

In summary, my comments are:

That the Mornington Peninsula Shire ensures sufficient controls exist to protect the historic character of the townships and heritage overlays. A detailed submission is attached.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

To view all of this form's submissions, visit

[REDACTED]

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Submitter 244 - Page 3 of 3

Mornington & District Historical Society Inc.

Mornington Peninsula Planning Scheme Amendment C219morn

[REDACTED] covers the areas of Mornington, Mount Eliza, Mount Martha and Moorooduc. One of the purposes of the Society is to encourage the preservation of historic places and buildings.

Thank you for inviting the Society as a Stakeholder to comment on the Planning Scheme Amendment C219morn.

We are concerned that the increased pressure to provide additional housing will pose a threat to the character of our townships and Heritage Overlays particularly in Mornington.

- We welcome the additional controls to protect neighbourhood character.
- Increased pressure for housing, particularly in Mornington, increases the likelihood of demolition of buildings at a greater rate, including properties on the Heritage Overlay. There will be a greater risk of buildings in Heritage Overlays being neglected, so that eventually demolition is approved.
- Properties previously considered in Heritage Reviews, but not included in the Heritage Overlay and properties that in future would be considered worthy of inclusion in future Heritage Reviews will be at a greater risk of demolition or extensive alteration.
- We understand most of Main Street Mornington is zoned Commercial 1 Zone and the C219 Amendment is not proposing changes to that zone. However, we are concerned three storey residential developments could be built on land behind the main shopping area in Main Street, currently zoned General Residential. The inner areas of Mornington contain much of the valued character and heritage and there is more potential for purchase of multiple sites for large scale high density residential developments which greatly detract from the character of the townships.
- We are concerned about a greater risk of inappropriate/less sensitive development on properties adjacent to Heritage Overlays if only one dwelling is being constructed, as a Planning Permit will no longer be required. If a Planning permit is not required there is obviously a concern about the lack of advertising and no opportunity to make an objection. We hope there are sufficient controls to protect the character of our townships if private Building Surveyors are given the power to make more decisions, where a Planning Permit is not required.
- We are concerned about the impact removal of controls on fence heights will have on streetscapes, particularly in more historic streets.
- We don't support 4 storey developments; structures of this height are not in keeping with the character of the entire Mornington Peninsula.

Thank you for continuing to protect the valuable character and heritage of our townships and the Peninsula's Green Wedge.

Submitter 245 - Page 1 of 4

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 7:22 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

To Whom It May Concern

Please find my Submission for Amendment C219 attached.

Yours sincerely

[REDACTED]

[Submission to the Mornington Peninsula Planning Scheme Amendment C219](#)

[REDACTED]

How does the proposal affect you? Other: I live in the area.

In summary my comments are:

Generally I am disappointed with the lack of more stringent objectives and guidelines in this amendment. While I believe the urban growth boundary should be reinforced, the Green Wedge protected and building and housing should be restricted in type and design to particular zones (residential, commercial, industrial), and urban villages in different degrees, the current propositions don't go far enough. Given 90% of land is privately held, regulation on the use of that land must be very strong to enable the production and maintenance of clean air, stable water cycles and clean soil within the region for our own health. This can only occur by maintaining the topography, vegetation and wildlife essential to our own health. Humans must live within the landscape impinging on that landscape no more than 30% with 70% for the maintenance of our ecosystems*. Even in an urban area.

Submitter 245 - Page 2 of 4

Relying on the Green Wedge for healthy air, water and soil for our own health is grossly insufficient as people form attitudes that the environment is only 'out there' rather than under them, next to them and around them, and distance themselves from responsibility to their Aboriginal heritage, local ecosystems and other people. They fail to learn about, look after and appreciate the history and nature vital for their essential needs. Their perspective is restricted, particularly in regard to Aboriginal land management, and narrowed to a 3-metre vegetable plot, one shade tree or a window view. Their knowledge, perspectives and attitudes become limited, crippled then destructive. Hence the current preoccupation with building fence to fence concrete, steel, cement and glass boxes; walled fortresses; mulching all ground life to death or creating fire hazards. All becomes a carbonised heat bank adding to climate change and industrial complexes where life is extinguished and social dystopias prevail.

Planning has a responsibility (which is extending legally) to include indigenous people in its advisor, employment, operations and monitoring roles, educate and inform the public of our regional environmental, heritage and design needs and to maintain, regulate for and enhance these ecosystems (given their degradation since European settlement) on all private and public land for the benefit of all.

Finally, many of the areas in this zone were subdivided in the 1950s and much planning design is unsuitable for 21st century climate change disasters. Let's not make the same errors for the next 70 years.

Some of the detailed issues I am concerned with in the proposed schedule and overlay in our area (and I presume other neighbourhood zones as well) are the following

1. A permit should still be required for a building and any modifications: outbuildings, an additional unit, extensions; and adjacent landholders informed of the potential changes for objection. Too often structural creep, noise, light, removal of vegetation, etc., is expanded on occupation or investment to the detriment of all.
2. Site coverage should be no more than 35% (not 50%) as mentioned. This is still not optimum as [REDACTED] has mentioned in his publications, but for over twenty years has been an expectation ecologically (State of the Environment reports, 2000). Even a 10% loss of vegetation causes species loss and they don't "go somewhere else" as one natural resource person told me at the Shire; they haven't got anywhere to go these days. They stop breeding and they die out. Hence our woeful extinction rate regionally, along with our simultaneous lack of attention to removing introduced species (weeds, pests and diseases).
3. Fencing needs to be non-existent or open / mesh / lattice to enable the movement of skinks, bluetongues, birds, etc. Brush fencing should be banned in our area as it is only a fire hazard and ember catcher. Walls should only be allowed if there is no disadvantage to occupiers or a serious heat bank or to advantage fire or water retardation or realignment perhaps. Wildlife tunnels may be built in the case of a community agreed / approved wall.
4. Landscaping should be thought of in terms of clusters / clustering a number of layered plants from the local ecosystem. "One tree" does not provide meaningful biological advantage and in fact is more likely to become drier in droughts and a fire hazard; or dangerous in storms as a missile without surrounding plants to hold its roots in the ground. Plants work together from their underground root, bacteria and fungi systems protecting and nourishing each other through droughts, fires and floods. A layered clustering of local plants should be the standard. Again a minimum 65% to 35% should be the ratio of indigenous plants to introduced species to maximise natural water use efficiency.

In addition introduced pines and cypresses must be removed, heritage or not, as they are subject to the same stresses as an isolated tree (many are already dying on the peninsula from climate change extremes which their genetics are not built for). They also have the added problems of increased bio-density and provide more fuel for fires and, being taller than many indigenous shrubs and trees, project missiles into the air in fires to fuel more fires through embers and burning branches.

Submitter 245 - Page 3 of 4

5. I still believe in a maximum of 8-metre building heights from natural ground to roofline in our area and in a minimum 1.5-metre, preferably 2-metre side and 5-metre rear setbacks (and agree with the front setbacks) for event or maintenance access. I agree no buildings should be built on ridge lines as they are environmentally damaging in that position re wind, creation of a heat bank, and disturbing wildlife breeding, feeding and navigation. Reducing vegetation about each property to 10 metres is often a useless requirement as outlined by decade old research from New South Wales fire services (need 800 metres razed about properties to be 'safe' from fire) and German research (which found that vegetation loss not only increases the water and shade loss but creates a heat bank which encourages the triggering and occurrence of fires. It also results in decreased rainfall, thus increased drought.). Fire prevention is best done in larger sections along main roads but not necessarily by removing the indigenous vegetation which is more fire resistant than the introduced weeds which have now been encouraged to accumulate along the road verges with the inappropriate use of herbicides and unseasonal mowing regimes). Current fire prevention strategies here are unhelpful at best and incendiary at worst. And surely with the increased frequency of contraction and expansion now in soil and topographic elements, the distance from cliff edges needs to be expanded to 12–18 metre distance or even more? Future thinking and prevention of problems is still very limited.
6. Erosion has been removed as factor for consideration in the proposals which is serious. Erosion is a major consideration presently with outbursts from storm cells, vegetation removal and unsuitable paving, concreting and asphaltting of driveways and roads. All exacerbate the torrents of water and debris and drains are not able to cope already. Additionally erosion contributes to dust and respiratory illnesses and thus erosion needs to be returned as a factor in the proposals.

Coastal vegetation remains the best protection for erosion protection on the coast and more work needs to be done to establish people power to support in cluster plantings of appropriate ecosystems. Plants have a natural resistance and protection about the tips of their roots and along with the bacteria this capillary fringe resists the incursion of salt water, retains the soil and builds up dunes and organic material for example.

Likewise wind tunnelling needs to be a consideration in the placement and building of dwellings.


7. All building should be built with the provision of energy, water, sewerage and waste recycling on the block, if not immediately, for within the next decade. Townships need to be more self-sufficient in all. And the technology for these needs to be fire resistant and, like the buildings, built to last 50–100 years unlike the current very inadequate reticulation scheme which can be damaged in a fire.

I am generally dissatisfied with the inability of the ordinary person to object to quite obviously objectionable or illegal modifications or fail to have those objections confirmed. Too many permits are still issued with social or environmental considerations overridden. Also factors such as noise, inappropriate or night lighting (both of which are destructive to wildlife), the commercial operation of family homes as Airbnbs are unacceptable re noise, traffic, litter, vandalism (deliberate and unintentional). Commercial, vacant and investment properties should bear a deterrent tax; over 50% are rarely used in our area or only as capital investments. VCAT is no address, particularly for ordinary people. One wonders what the local planning regulations are for if they are not enforced and certainly, as many people greater than I have noted, our Mornington Peninsula planning laws are some of the weakest in the country.


To date we have been lucky on the Mornington Peninsula with three bodies of water (Port Phillip Bay, Devilbend and Bass Strait) and our Green Wedge maintaining an equitable temperature and a regional environmental and weather stability not enjoyed in many other areas of Australia. But that has changed in this last decade and more destructive forces are compounding rapidly.


Submitter 245 - Page 4 of 4

If more stringent planning regulation is not introduced, extinction is not only inevitable but far sooner than you all expect. Certainly far sooner than 2040! And no matter how good our small band of knowledgeable and committed ecologists has been in retarding this ominous destruction over the past seven decades, they cannot keep saving us from ourselves forever. Planning and the local population have to join them to avert the torrents of climate crisis.

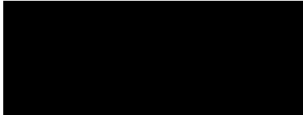
 publication 'How much habitat is enough?' provides a summary of some of the wildlife impacts on vegetation removal.

Submitter 246 - Page 1 of 1



From: 
Sent: Thursday, 28 October 2021 9:52 PM
To: Strategic Admin
Subject: Re: Amendment C219morn

In regards to above mentioned Planning Scheme Amendment C219morn we oppose the new changes.



Submitter 246 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 October 2021 9:54 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]
Importance: High

Dear Team Leader,

Please find attached my submission regarding the Amendment C219.

I would greatly appreciate if you could acknowledge receipt of this submission.

Kind regards,

[REDACTED]

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 246 - Page 2 of 3

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [REDACTED]

Organisation N/A

Postal address [REDACTED]

Email [REDACTED]

Phone number/s [REDACTED]

Do you represent other people? Yes / No

If yes, who? [REDACTED]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

Dear Sir/ Madam,

I have long term connections to Mount Martha, having owned a house in the area since 2005. I am also a senior [REDACTED] and have strong links to the Peninsula.

My concerns about the Amendment C219 are as follows:

1. It appears that less new building applications will go through Planning permit approval and will instead go through Building approvals.
2. This can result in new builds not being notified to neighbours, resulting in them not being made aware of the plans for these new builds.
3. Mount Martha, in particular, has some larger plots of lands, often with houses that have tennis courts. An unscrupulous developer could purchase one of these properties and sub-divide to maximise their returns.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 246 - Page 3 of 3

4. On top of that, a savvy developer could employ a building surveyor who is aware of "loop holes" to get around height restrictions of 8-9 meters and site coverage of 60%. This appears to have occurred at [REDACTED]
5. Also, an unscrupulous developer can get around "character" restrictions by applying through the Building approvals process, rather than the Planning permit process. Again, this appears to be the case for [REDACTED] as it is not in keeping with any of the "character" of the area.
6. I reside at [REDACTED] and live directly opposite [REDACTED]. This is a single story property on approximately 2,300 square meters of land. This property is currently advertised for sale. My concern, and that of my neighbours, is that this property is bought by a developer who potentially could create 3 separate titles with 3 separate properties. If a building surveyor is engaged, there is the potential that planning permits are not required and similar structures to the adjacent properties of [REDACTED] are constructed. Not only would this obstruct the views of Port Philip Bay of my neighbours and I, but it could also potentially change the "look and feel" of the area.
7. Residents do not want to see low density areas, such as Mount Martha attract lots of developers who create sub divisions and have inappropriate developments constructed. We do not wish to see these unique areas becoming like the Gold Coast.
8. I would greatly appreciate the opportunity to discuss this further with the Council.
- Regards
[REDACTED]

I have provided detailed comments on attached sheets

Yes / No

Signature

Date

28/10/2021

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received:

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submitter 248 - Page 1 of 2



From: [Redacted]
Sent: Thursday, 28 October 2021 11:54 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[Redacted]

Last Name

[Redacted]

Postal address

[Redacted]

Email

[Redacted]

Phone number

[Redacted]

Submitter 248 - Page 2 of 2

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

1) The document does not properly recognise the C189 amendment & VPO covering the [REDACTED] precinct by having two definitions within the one short street [REDACTED]

The significant majority of properties in [REDACTED] are classified as "minimal impact" yet a small section at the Esplanade end is classified as "incremental change."

The proposal does not appropriately consider the C189 Planning Panels accepted recommendations for the protection of this area and should be reviewed accordingly

2) Should these Victorian Government orders be incorporated into the Mornington Peninsula Planning Scheme it will be absolutely vital that a more pro-active, stringent & competent building & vegetation compliance team be established throughout the shire.

Would you like to upload a document or image with further details?

No

To view all of this form's submissions, visit

[REDACTED]

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Submitter 249 - Page 1 of 11

From: [REDACTED]
Sent: Friday, 29 October 2021 10:31 AM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 249 - Page 2 of 11

Phone number

[REDACTED]

Do you represent other people?

Yes

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please see the attached submission prepared by [REDACTED]

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 249 - Page 3 of 11

To view all of this form's submissions, visit



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Submitter 249 - Page 4 of 11



29 October 2021

Planning Department
Mornington Peninsula Shire Council

To Whom it May Concern,

RE: Planning Scheme Amendment C219

I confirm that [redacted] owns the properties at [redacted]
[redacted] act on our behalf in relation to our objection to the
above proposed planning scheme amendment.

Kind regards



Submitter 249 - Page 6 of 11

The Housing and Settlement Strategy: Refresh 2020-2036 (Mornington Peninsula Shire 2020) ('the Strategy'), Neighbourhood Character Study and Guidelines (Ethos Urban 2019) ('the Study and Guidelines'), and Mornington Amendment C219mon ('the Amendment') will have an adverse and unreasonable impact on the future development opportunities of the site.

We have prepared the following submission to express our client's objection to Amendment C219mon to the Mornington Peninsula Shire Planning Scheme.

Outline of submissions

Overview / General

We note the amendment applies to all land in the General Residential Zone (GRZ) except those affected by concurrent amendments, all land in the Low Density Residential Zone (LDRZ) and all land affected by Schedules 1 to 7, 11, 17 to 20, and 22 to 24 to the Design and Development Overlay (DDO). It proposes numerous changes to zoning, overlays and built form controls.

Our client generally supports the Council's endeavours to update its application of various residential zones and rationalise the overlay controls affecting various township areas of the Mornington Peninsula.

However, while the special attributes of the Mornington Peninsula have some statutory recognition (e.g. Clause 12.05-1S referenced in 'Mornington Peninsula Localised Planning Statement', Victorian Government, 2014), and the Mornington Peninsula is not a nominated growth area/corridor, it remains part of Metropolitan Melbourne. It therefore still has a role to play with respect to the urban consolidation objectives of the planning scheme (housing supply, diversity and affordability).

Ultimately, a balance must be achieved.

We do not, for instance, accept that a multi-dwelling development will inherently detract from the region's values (including character/vegetation and amenities). On the contrary, well-conceived and site-responsive design can deliver many benefits to the Mornington Peninsula, including increased demand for services and facilities (schools, shops etc), provisions of more homes for people seeking to live in the area (thus reducing the challenges of 'seasonality') and increased community access to amenities.

While we appreciate the complexity of the task being undertaken, the approach guiding this premise seems to be entrenched in ideas that further growth to the area is neither necessary nor desirable, development exceeding two storeys is inappropriate, most locations for residential development should be placed in areas designated for



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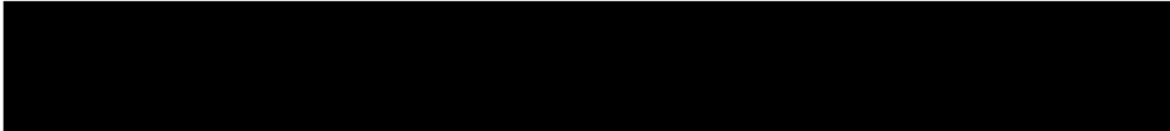
'minimal change', and overlay controls are to be adjusted rather than formulated from scratch.

As it stands, we believe the approach undertaken is unnecessarily complex and restrictive. We believe a more appropriate approach would have been to:

- Identify areas where substantial, incremental and limited change should reasonably occur (having regard to matters such as proximity to activity centres; employment nodes, and public transport).
- Apply reasonable locational criteria/proximity parameters to designate 'change levels' for the different areas (e.g. substantial change only within or directly proximate to activity centres, incremental change within a comfortable walking distance of activity centres – say 400 metres, and limited change beyond this).
- Applying the residential zones in a conventional manner (i.e. MUZ / RGZ for substantial change, GRZ for incremental change and NRZ / LPRZ for minimal change).
- Tailoring overlay controls and/or policy provisions to identify and protect the existing values and characteristics of a locale.

As a consequence of the approach undertaken, our client has the following general concerns (some of which relate to their property, as we will expand upon below):

- The inclusion of the NRZ as proposed will limit the ability to have multi-dwelling developments in appropriate locations, as well as the potential for three-storey development (where warranted).
- A criterion for including land in the NRZ is when the land is affected by overlays like the HO, SLO, VPO or ESO. However, some of these overlays are applied extensively on the Mornington Peninsula, creating the false narrative that multi-dwelling developments cannot be achieved in these areas.
- The Amendment seeks to apply the NRZ to 'limited' and 'incremental' growth areas, and the GRZ to substantial change areas, which is unnecessarily restrictive.
- Based on our cursory review it appears that there are far too many schedules for the zones, DDO's and different character areas.
- The proposal for more Secluded Private Open Space than is required for the rest of Victoria is misguided. If the intention is to limit density and achieve 'greener' outcomes, this should be done through the vegetation/site coverage provisions (if warranted).

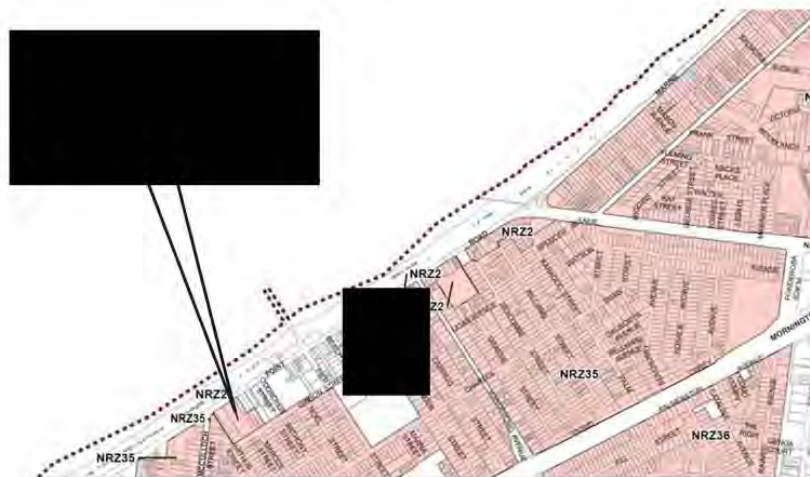


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Specific Concerns

Our client's site, at land at [REDACTED] is approximately 7,000 sqm in size. It is presently occupied by a double-storey heritage dwelling with outbuildings, and has two road frontages.

The Amendment proposes to rezone the site from General Residential Zone – Schedule 1 (GRZ1) to Neighbourhood Residential Zone – Schedule 2 (NRZ2) (as pictured below). As a consequence, the site is proposed to be included in a 'minimal change' area.



Our client's site and the surrounding area are excellent examples of the shortcomings of the proposed approach advanced by Amendment C219. The provision of a diversity of well-located housing having regard to community services and public transport remains at the forefront of the policy agenda.

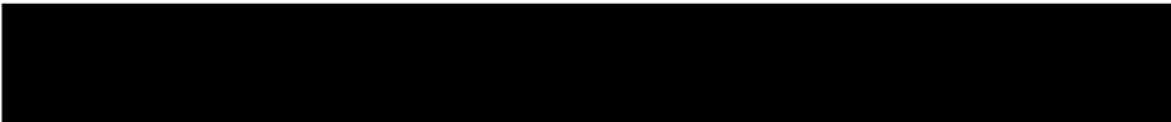
For example, our client's site has various contextual attributes that make it worthy of incremental, or even substantial, change. In particular, we note:

- The site effectively abuts the commercial component of the Dromana Activity Centre, which is a 'large township activity centre' with a wide array of goods and services (including the nearby Dromana Hub with associated supermarkets and speciality shops). Planning policy:
 - Seeks to direct growth in and around the activity centres (commensurate with their role in the hierarchy).

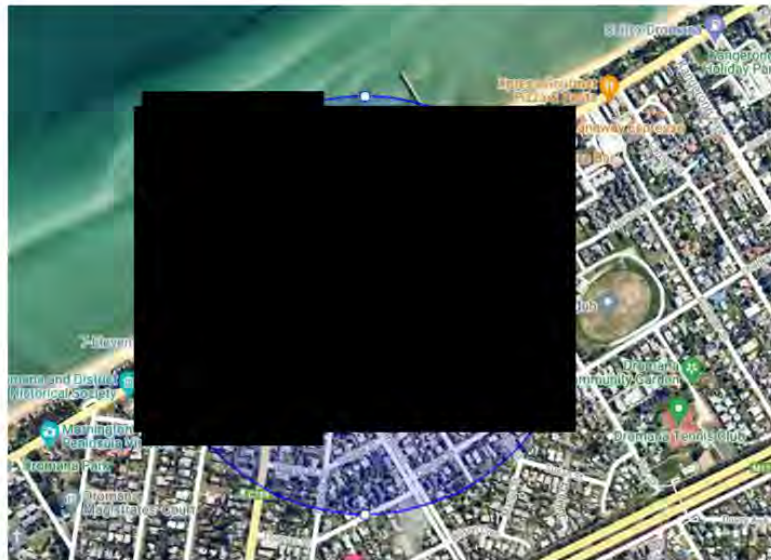
[REDACTED]

Submitter 249 - Page 9 of 11

- Acknowledges that directing growth in and around activity centres with their associated services and facilities prevents dispersed population growth throughout the Peninsula's rural area, and thereby protects the unique characteristics of small coastal townships and rural villages.
- The site abuts a major road (Point Nepean Road) which carries large volumes of traffic. It is commonly accepted that taller and more robust buildings can be comfortably absorbed abutting wide and busy main roads.
- Point Nepean Road has multiple bus services. Planning policy encourages urban consolidation and housing diversity proximate to public transport facilities.
- The site is opposite Port Philip Bay, which is a major recreation facility.
- The site has a combined area of approximately 7,000sqm, thereby representing a rare and valuable infill development opportunity. We specifically note a substantial area behind the existing building on the site (nearly 3,500sqm) is not affected by the Heritage Overlay.
- The site has dual road frontages to both [REDACTED] with the part of the site abutting [REDACTED] not substantially affected by the Heritage Overlay. Multiple access options enhance the strategic credentials of the site.
- The Subject Site is not affected by the environment and built form control overlays such as DDO, VPO, SLO, BMO or subject to bushfire risk, flooding or erosion.
- There are no special characteristics that distinguish them from other parts of the municipality of surrounding areas.



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We acknowledge the site is partly affected by ESO25 and HO168. However:

- ESO28 seeks to 'protect and enhance the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats'. None of these features would be impacted by the redevelopment of the subject site. Future development could readily be designed to achieve 'excellence in design', and to ensure it respects the coastal character of the area. ESO25 is not a reason to include the site within an NRZ / 'minimal change' area.
- The heritage values of the host building are well documented and proudly protected and enhanced by our clients. While we appreciate any future development would need to preserve the heritage values that are sought to be protected and enhanced by [REDACTED] it is not the case that no redevelopment can occur on the site. On the contrary, there are many examples of redevelopments around valuable heritage buildings that achieve a balance between urban consolidation and ensuring the heritage asset continues to be protected and admired. One needs to look no further than the nearby [REDACTED] to appreciate this. Indeed, such redevelopment can assist with financing the sustainable upkeep of such assets. The HO will provide protection for the heritage asset, and is therefore also not a reason to include the site within an NRZ / 'minimal change' area



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(again noting the rear of the site in particular has no heritage values and is well suited to more intensive development).

We acknowledge that ESO25 and HO168 may to some degree temper the development potential of the land. However, these controls include specific design objectives which will be considered as part of a merits assessment for any future development proposal. Given the significant size and dimension of the land, there is an increased capacity to address ESO and HO design objectives in any design response for the land. We, therefore, submit that these controls should not have undue influence on the preferred building height for the site or precinct more generally.

Conclusion

We strongly oppose the rezoning of the Subject Site from GRZ1 to NRZ2 and introducing a maximum height of 2 storeys / 9m and other built form controls to the site.

The Subject Site and surrounds should remain in the GRZ with no additional overlays, and be included in an incremental change area.

We look forward to the Mornington Peninsula Shire's consideration of this submission. We would be pleased to discuss and meet in person.

Should you have any queries, please do not hesitate to contact the undersigned at [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 11:19 AM
To: Strategic Admin
Subject: Submission to amendment C219morn

Submission about LDRZ and DDO51 affecting [REDACTED]

Issue 1 - lot size should be 0.4ha

Comments:

- minimum subdivision size should be 0.4ha as per the standards provisions of the zone
- the purpose of the zone is to provide dwellings "in the absence of reticulated sewerage"
- clause 32.03-3 stipulates that the minimum area is 0.4ha for unsewered (I note that the schedule does control green wedge land)
- The clear purpose and inference of the zone is to retain wastewater on-site and that this is possible on sites of 0.4ha.
- The existing DDO6 introduced a minimum subdivision size of 1 ha.
- there is no justification for the increased minimum lot size.
- It does not change the need to retain waste water on site. This requirement remains, regardless of the DDO.
- The DDO with respect to minimum lot sizes merely introduced confusion and unnecessary complexity into the provisions which combine to control subdivision.
- This amendment C219morn exacerbates the existing flawed DDO6 subdivision minimum lot size by proposing to now insert it into the zone provisions .
- In my submission the existing DDO6 provisions should not be carried back into the zone, that is there is no justification to change the existing provisions of the 0.4ha minimum lot size in the zone.
- therefore the amendment should delete minimum lot size and the zone provision of 0.4ha minimum lot size should remain.
- It is emphasized that this in no way changes the fundamental requirement to demonstrate retention of wastewater both sewerage and drainage on site.

Issue 2 - Battleaxe subdivision requirements

Comments:

- The existing DDO6 states that battleaxe lots must "have a minimum frontage of 20m" with reference to sharing this frontage by up to 4 lots.
- there is a 'let out' provision in that the RA can allow a frontage of less than 20m.
- This let out provision is not carried over to the proposed DDO51.
- Many battleaxe blocks have one or two lots served by the axe handle accessway. Particularly in these cases of one or two lots frontages less than 20m can clearly be acceptable - our driveway is 10m and could easily service another lot.
- This submission requests the retention of this clause in DDO51.

Issue 3 -wording - a minor point

Comments:

- The DDO51 at Table 2 has clumsy wording
- It could be simplified to read "For land in Point Leo or Merricks - the number of dwellings on a lot must not exceed one"

Issue 4 - Approval date

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Comments:

- In the schedule 7 to LDRZ please confirm that the approval date is the date of approval of amendment c219morn?

Regards



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[REDACTED]

From: [REDACTED]
Sent: Monday, 1 November 2021 9:29 AM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Hello,

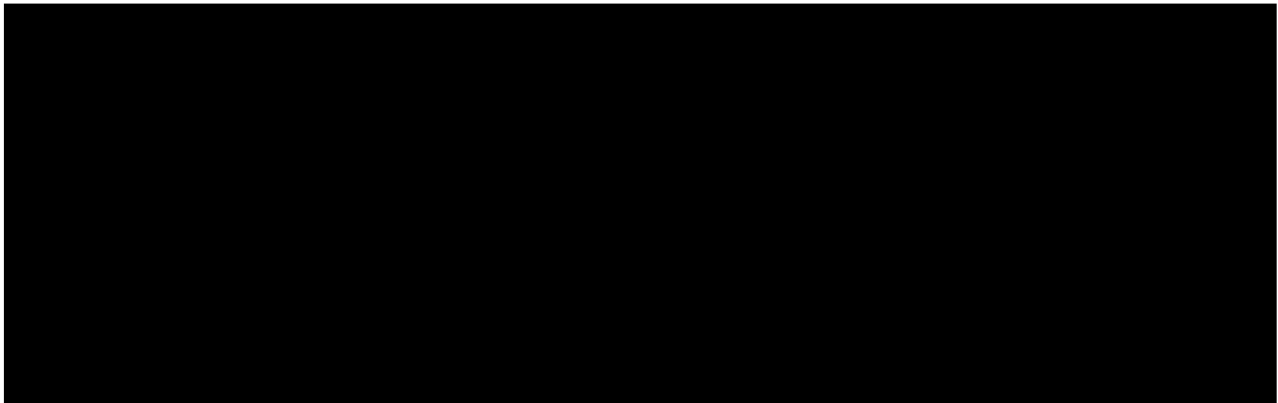
I request your assistance in correcting my foolish mistake in submitting the wrong draft of my submission last Friday.

I had intended to finish editing my submission on Friday morning but, like many others, I was left without electricity or NBN connection for most of the day, preventing me from using my computer.

Being very conscious of the approaching 5.00pm deadline I eventually borrowed a generator to get my computer powered up but in my flustered state I realised later that I had sent in the wrong, unedited draft.

I have attached the correct draft in the hope that it can be substituted for the one I sent in erroneously.

Thank you.



Submission to Mornington Peninsula Planning Scheme Amendment C219morn



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Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [Redacted]

Organisation [Redacted]

Postal address [Redacted]

Email [Redacted]

Phone number/s [Redacted]

Do you represent other people? Yes / No

If yes, who? [Redacted]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

PLEASE SEE ATTACHED WORD DOCUMENT

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

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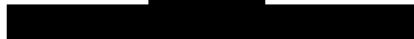
29 October, 2021

Manager, Strategic Planning
MPSC
P. Bag 1000
Rosebud

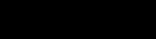
Re: Proposed Amendment C219morn

Disclosures:

My name is [redacted] and my company, [redacted], is the owner of



This submission is also made on behalf of



1. Introduction:

1.1. Amendment C219morn proposes, inter alia, that the LDRZ area bounded by [redacted] [redacted] be subject to the planning controls of a, to be, newly created DDO53, which will replace the current DDO6.

1.2. That LDRZ is, in fact, comprised of 2 functionally distinct areas, being:

1.2.1. Precinct 3, as identified in the MNDP, is the westernmost part of the above LDRZ and is situated on the east side of Racecourse Rd.

1.2.2. Precinct 4, being the significantly larger area to the east of Precinct 3, and situated on



1.3. On reading DDO53 it is apparent that its planning control provisions have been drafted to be specifically relevant to Precinct 4 and that expedience, rather than relevance, could have motivated the decision to apply the same DDO53 controls to Precinct 3. For Precinct 3, it seems DDO53 will merely perpetuate the shortcomings of past planning decisions and the unwelcome consequences of them.

1.4. Precinct 3 may be small, consisting of only 6 properties, but its position on [redacted] and the fact it that strategic planning has earmarked it for a variety of commercial uses sets it apart from the low density residential housing areas close by. This should dictate that it be treated as a separate and distinct entity in regard to planning controls.

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1.5. Precincts 3 and 4 are so dissimilar in so many ways that it is appropriate for Precinct 3 to be afforded an alternate and new DDO which should be drafted with specific consideration given to its unique features and location.

1.6. Evidence is submitted detailing the peculiarities of Precinct 3 and their relevance to the planning controls which are most appropriate to it.

1.7. DDO53 is not the first inconsistency to have affected Precinct 3. In light of this, a broader discussion is provided which suggests that a re-evaluation of Precinct 3 and the effects of previous strategic planning decisions is warranted. It is submitted that Precinct 3 and the industries it is supposed to service, continue to be manifestly misunderstood and that the precinct's role and the interests of landowners have been compromised in the process.

2. Precinct 3 Overview:

2.1. Precinct 3 is a small rectangular precinct of LDRZ land, approx. 82,500m² in total, with a total frontage to [REDACTED] of approx. 430m, a depth of 192m west to east, and consisting of 6 individual properties.

2.2. One of those properties, [REDACTED] is currently subject to Amendment C228morn which proposes to apply a new DPO23 schedule to that land.

2.3. A second, [REDACTED] is the site of the recently completed [REDACTED] [REDACTED] Although recently completed, it was first granted a planning permit prior to the MNDP coming into being.

2.4. In all practical respects, the 2 properties identified above are not directly impacted by C219morn and are therefore only relevant to the discussion for providing context and for comparative purposes.

2.5. The remaining "unspoken-for" properties are:

2.5.1. [REDACTED] is sandwiched between [REDACTED]

2.5.2. [REDACTED] Each of these is the former business premises of their long-time owners

2.6. [REDACTED] has undergone transformational character change in recent years which is in stark contrast to the adjoining Precinct 4 area of [REDACTED] Precinct 4 has experienced negligible change over the past 20 – 30 years and its "Rural Settlement" tag appears to be accurate. Sufficient reason in itself not to have one set of planning controls apply to both Precinct 3 and Precinct 4.

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2.7. However, the inescapable reality today is that Precinct 3 is an emerging commercial area in an urban streetscape. It is not, as DDO53 would have it, "Rural Settlement" That characterisation, and all the mental images and connotations that stem from it, are now unrepresentative, and could well compromise the achievement of good planning outcomes.

2.8. Over the years long-term owners in Precinct 3 have seen progressively more restrictive constraints placed on their properties which haven't improved the tangible benefits for the Mornington community. The MNDP and its allocation for "Low Density and Complimentary Uses" for Precinct 3 surely can't be deemed a planning success when most properties have been left unimproved for years (and ongoing) because the sanctioned "complimentary uses", and the planning controls behind them, are just not the right fit for the location. See Section 7 – "Preferred Uses need re-evaluation".

The soon-to-be formalised Amendment C228morn for [REDACTED] will certainly be no "poster child" for the Precinct 3 planning controls working satisfactorily, either. The proposed site plan with 8 individual buildings seems to be more an exercise in creating gaps rather than creating a cohesive and community focused development. It has the fingerprints of a speculator / developer anxious to tick all the planning control boxes to just get some proposal, *any* proposal, across the line. It has all the potential to be a commercially unviable white elephant that people in the future will lament.

3. Historical Context:

3.1. In the 1980's and 90's, nearly every property (approx. 20 in number) along both sides of the [REDACTED] was a Thoroughbred racehorse training stable. Exceptions were [REDACTED] which were both poultry farms, which closed down during the 1990's.

3.2. Around 20 years ago a quite spectacular transformation started along the northern section of [REDACTED], which led to the extinction of racehorse training there.

3.3. Every property along the western side of [REDACTED] was purchased by one developer [REDACTED] and subsequently amalgamated. Collectively these properties are now the site of the [REDACTED] and [REDACTED] and directly face the full length of Precinct 3.

3.4. [REDACTED] also purchased nos. [REDACTED] which form part of Precinct 3. Today those two combined properties are the site of [REDACTED]

3.5. Today, not one property along the [REDACTED] is used for the keeping or training of racehorses. Not one is a "lifestyle" property, either.

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3.6. [REDACTED] was completed in 2018. It has a site area of 33,300m² and has a frontage to [REDACTED] of approx. 160m, which is approx. 37% of the total frontage Precinct 3 has to [REDACTED]

3.7. The pictures below show the “then” and “now” of the [REDACTED]. They highlight the present-day reality of what Precinct 3 is, and are representative of the future direction development will inevitably take there.

3.8 I first heard the expression, “Rural Settlement” area when I read Amendment C219morn. I have never previously heard Precinct 3 referred to as that in 34 years of ownership. Perhaps 34 years ago it was a reasonable description but to start calling it “Rural Settlement” now, when the character of the area has become markedly more urbanised, seems incongruous and simply conjures up a misleading mental image of the area in peoples’ minds.



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Clearly a picture is worth a thousand words:

4. The “Soft Edge” – Fact or Fiction in Precinct 3:

4.1. The MP Shire has long championed the role of LDRZ in providing a “soft edge” (or buffer) between residential areas and the Green Wedge.

4.2. The unmistakable inference from DDO53 is that Precinct 3 is still relevant to the “soft edge” and enhanced planning controls are therefore required to protect it, but the facts indicate otherwise.

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4.3. Viewed objectively, as outlined below, the only valid conclusion should be that Precinct 3 has no material role to play with regard to the “soft edge” and it’s time, if community benefit is really the aim, for the planning mindset to be revised in acceptance of that fact.

4.5. There is a preponderance of dissimilarities and only marginal similarities when comparing Precinct 3 directly with known successful areas of “soft edge”.

4.6. Consider:

4.6.1. [REDACTED] runs 4.3km south-north from [REDACTED] to just beyond [REDACTED]. Over that distance there are multiple examples of how properly conceived planning controls have resulted in an attractive, functional-in-practice soft edge result within the LDRZ.

4.6.2. Comparison of Precinct 3 and successful soft edge areas (SSEA) head-to-head:

4.6.2.1. SSEAs are all situated along one of the main arterial roads running west to east, those being [REDACTED]. Only in the west to east orientation can the transition from residential to low-density to Green Wedge be readily appreciated by anyone leaving Mornington eastwards.

Precinct 3: [REDACTED] runs south–north and therefore has the opposite directional orientation to the [REDACTED]. People travelling along [REDACTED] do not have the same sense of transitioning through residential to low-density to Green Wedge.

Rather they see the high-density retirement housing on the west side of the road and on the east side they see the nursing home bookended by the dated looking properties awaiting an alternate use.

4.6.2.2. [REDACTED] areas consist of a preponderance of lifestyle properties, with the single variation to that being that the [REDACTED] LDRZ also has a significant number of racehorse training properties, where they have direct access to the Mornington racetrack.

Precinct 3: There are no lifestyle properties in Precinct 3 because it is inherently unattractive to the type of people who aspire to them due to the high traffic volumes, safety and noise considerations. The remaining dated Precinct 3 properties can’t be referred to as lifestyle properties; they were formerly the business premises of their current owners.

4.6.2.3 [REDACTED] are all located on no-through roads or courts with low volumes of traffic, which makes them safer and quieter and ensures that few non-locals drive there. [REDACTED] has the additional safety feature of being gated at each end with restricted access.

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Precinct 3: [REDACTED] is a busy thoroughfare with most vehicles originating outside the local area. It is, by comparison, not quiet, and is inherently less safe for children to play or for horses to be walked or ridden etc. because of traffic.

4.6.2.4. [REDACTED] driveways do not have direct access to any of the main east-west roads; rather, they exit onto access roads which then connect with one of the main roads. This makes each area a virtual enclave.

Precinct 3: All property driveways exit directly onto the high traffic volume, and now congestion-prone, [REDACTED]. There are no access roads as exist elsewhere. Compared to successful “soft edge” areas, it is less safe, less quiet and less conducive to relaxed semi-rural living.

4.6.2.5. [REDACTED] streetscapes are consistent with the description of them as “Low Density Rural Settlement” and accordingly the proposed DDO53 would appear to be an acceptable match for these properties. Houses are set well back from the road and properties have a, more or less, similar open space appearance and built form density.

Precinct 3: The [REDACTED] streetscape is now most accurately described as predominantly “urban” and transitioning irrevocably further in that direction. The “Rural Settlement” definition is only superficially, and irrelevantly, applicable because the 4 unimproved properties are destined for re-development.

4.6.2.6. None of the [REDACTED] areas have any high-density housing or commercial developments.

Precinct 3 [REDACTED] is a large development with a large building profile and a wide frontage which dominates the streetscape. C228morn will add to this. On the other side of the road, it is impossible to “not see” the expansive [REDACTED]

4.6.2.7. The [REDACTED] areas of M-T [REDACTED] are all positioned behind i.e., to the east of, a tract of GRZ land along the east side of Racecourse Rd. Notably, this suggests that a “soft edge” with frontage to [REDACTED] was deemed un-necessary in these areas by statutory planning.

Precinct 3: The obvious question is “Why the ongoing insistence that Precinct 3 needs to play a role in the “soft edge” when there are compelling precedents which support the contention that it would not have any material benefit?” Given the obvious inconsistency, it seems the soft edge imperative for Precinct 3 is exaggerated and could be dispensed with without loss of amenity.

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4.7. Precinct 3 has features which are so dissimilar in both appearance and functionality to those of the truly representative “soft edge” areas described above, that it is appropriate to consider it fundamentally incapable of contributing in any meaningful way to the “soft edge”. The only genuine contributor to the LDRZ “soft edge” in Mornington North is the Robert’s Rd & Leilani Court LDRZ. These days Precinct 3 presents a “firm edge”, and it doesn’t need to be a soft one.

4.8. The Mornington North LDRZ, of which Precinct 3 is a part, is significantly wider from west to east than any other area of LDRZ land along the entire length of [REDACTED]. Given the evidence that the “soft edge” / “rural” neighbourhood character of this area would be perfectly satisfactory without Precinct 3, there seems little justification for insistence that it be retained.

4.9. From a practical point of view, the boundaries of Precinct 3 form a perfect rectangle so its excision, figuratively, from the LDRZ to its east, could be achieved neatly without creating an irregular border between the two.

4.10. Precedents exist which suggest that a “soft edge” is not obligatory between high density uses and Green Wedge. The [REDACTED] partly directly abuts the Green Wedge Zone and the residential area off [REDACTED] between M-T Rd and [REDACTED] has no adjacent LDRZ, and therefore directly abuts the GWZ as well.

4.11. DDO53 will help perpetuate the questionable mindset that a “soft edge” is the holy grail of transitioning from residential to Green Wedge when, in practise, discretion can obviously be applied. Precinct 3 is an area where such discretion would be beneficial.

5. Residential vs Commercial uses:

5.1. Amendment C219morn is tasked with changing planning controls as they relate to “Residential” land and the majority of the discussion is directed towards “dwellings”.

5.2. Precinct 3 is a small and unique designated *commercial* precinct now, which deserves to have planning controls which take into account that the small amount of current low-density residential use will not be relevant to it in the medium or longer-term. With regard to present residential use, the best that can be said about it is that it is “paying some bills”.

5.3. Controls which are fundamentally designed to cover low-density residential land uses in genuinely semi-rural areas are therefore inappropriate for Precinct 3, so I would urge a fresh approach be taken and planning controls be drafted which reflect its commercial reality.

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6. C219morn and Neighbourhood Character

6.1. While C219 undoubtedly must be capable of being applied broadly across the Peninsula and embrace many variables, it should/must also be capable of adapting to individual circumstances and locations to ensure that small precincts, such as Precinct 3, receive due consideration which is evidence based and results-driven.

6.2. In other words, it is important that the overarching considerations and objectives of the document as a whole do not overshadow or overlook the nuances and details which are only to be found at a location specific level.

6.3. In reference to Proposed DDO Conversions, the MPH&S Strategy states: *“The existing provisions of the areas identified here are considered inadequate in terms of reflecting existing conditions and protecting the character of the areas.”* Pg.25. This statement specifically referenced land on the eastern edge of Mornington.

6.4. While DDO53 may seek to address this inadequacy, such an attempt may not produce satisfactory planning outcomes from a resident’s point of view, if *“reflecting existing neighbourhood character and protecting the character of the areas”* is replaced by ill-defined, vague terminology such as *“preferred character”* as has crept into the language used in DDO53.

6.5. What is *“Preferred”* is a subjective concept which could mean virtually anything. It does suggest that *“existing neighbourhood character”* no longer has the status it has had up to now. *“Preferred”* would be limited only by the imagination of whoever got the job of deciding. Landowners certainly couldn’t have any confidence in such a process no matter how much reassurance might be given that it would be applied reasonably. Applying protective measures by way of such *“fluid”* planning control changes, is simply a recipe for inconsistencies and failure.

6.6. Neighbourhood character, or streetscape, use to be described in specific physical terms that could be objectively understood by everyone – such as housing appearance, heights and density and number and position of trees etc. It was for the most part an unambiguous and quantitative methodology. That seems to be changing, with more abstract and ambiguous words being used which cannot be beneficial when certainty should be pursued.

6.7. DDO53 is specific and brings certainty in regard to Buildings and Works only where a permit is NOT required. The efficiencies and time savings it will bring seem reasonable insofar as they are designed to apply, in essence, to lifestyle properties for which there is no contemplation on the part of either owners or the Shire for changes to occur. The neighbourhood character doesn’t change and they like it that way.

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6.8. The same cannot be said of situations where a permit will be required under Clause 43.02 for Buildings and Works. In that case there is insufficient clarity. More certainty / less ambiguity is required to be included in a new DDO.

7. Precinct 3 Preferred Uses Need Re-evaluation:

7.1 The primary reason for this submission is to draw attention to the fact that Precinct 3 appears to have fallen off the strategic planning “radar”. C219morn, and more specifically DDO53, is indicative of the way Precinct 3 has been routinely overlooked for focused consideration in regard to planning controls.

7.2 In addition to commenting on DDO53, it is also informative to comment on the broader strategic planning issues which have not served Precinct 3 well. Principal among those is the manner in which strategic planning has selected a group of “Preferred Uses”, the suitability of which is contentious, and which, overall, have not led to favourable results.

7.3 The end result has been that Precinct 3 has fallen well behind every other precinct within the [REDACTED] area.

7.4. It is appropriate to compare how the 6 [REDACTED], have fared since the MNDP was created in 2010:

7.5 Comparison of the 6 [REDACTED] since the MNDP in 2010:

- Precinct 1A. Now contains [REDACTED]. Win/ Win
- Precinct 1B Subdivision approved for semi low-density residential housing a few years ago. Blocks sold rapidly and many new homes built since. Big Win / Win
- Precinct 2. Site of the [REDACTED] h/ Win
- Precinct 3 1 Nursing home built. Best described as stagnant with lack of vision – No winners
- Precinct 4 Lifestyle properties and horse trainers – exactly what they want. Win / Win
- Precinct 5. Site of the [REDACTED] – unchanged, as is to be expected
- Precinct 6. [REDACTED] LDRZ area earmarked by MPSC in 2020 for residential development. Undoubtedly a Win / Win is imminent.

7.5.1. These results indicate Precinct 3 has fared terribly compared to other precincts in [REDACTED] since the MNDP was enacted. The Shire’s list of preferred uses for this precinct has been proven to be mis-conceived. Above all else, the area will just not be commercially viable for most of the preferred type of businesses.

7.5.2. Strategic Planning has fundamentally misjudged and/or misunderstood the actual markets it should have been directing land resources to. The process fails if supply is allocated to areas where demand is at best questionable.

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7.5.3. Current list of preferred uses:

Medical Centre / Hospital
Place of Assembly/ Function Centre
Place of Worship
Indoor Recreation Facility
Function Centre
Child care Facility
Education Facility
Motel
Veterinary Clinic

7.5.4. Factors relevant to these preferred uses:

1. Lot size – minimum 1Ha (10,000m²) in Precinct 3
 - 1.1. Child care, medical clinic and veterinary clinic are, by modern norms, fundamentally incompatible with this size lot. Demand in these sectors is only for lot sizes in the range of 1000 – 1200m² because this is all they need for the optimum sized buildings they want to operate from.
 - 1.2. This type of business is typically found in general residential areas among houses and often close to shopping centres. Operators have no interest in siting them in LDRZs.
 - 1.3. The horse vet clinic which has been on [REDACTED] for 34 years has been vacant for years because vet services are now all mobile with hospital cases sent to specialised referral centres.

2. Size of the potential customer pool
 - 2.1. [REDACTED] has a preponderance of elderly residents who live in retirement villages or nursing homes. It was assumed these residents would create local demand for medical and other health related services but, even with near full capacity at these places, demand is insufficient to justify a single practitioner to be based in the area.

 - 2.2. A large multi-practitioner medical/wellness centre was in the original plans for the [REDACTED] development at [REDACTED] It was later reduced in size to about 30% of the original, but today not a single doctor or physiotherapist etc. practices from there despite the facility being finished 3 years ago. The facility advertises only that it has a visiting medical service and pharmacy service – and a hair salon.

[REDACTED] and the other nursing home, and therefore has a monopoly on the majority of potential customers but, tellingly, even they have recognised that the demand just does not exist. Moreover, it is unlikely to ever exist because there is far too little capacity to increase the population of the area significantly.

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3. Several of the preferred uses such as a school, church, and motel are, *maybe*, once in 10, 15 or 20 year possibilities. It is simply not sensible to divert land resources away from more community-beneficial or in-demand uses (predominantly housing). Has anyone ever heard the Shire say “We don’t have enough churches or motels etc?”

The Shire itself has stated consideration was given to these uses simply because they are not permitted in Green Wedge areas. So, “let’s put them to Precinct 3 just in case”, seems to have been the approach.

4. Catchment area and buyer behaviour patterns
People develop behaviour patterns which are predictable. One such behaviour is that, when shopping or seeking services, they generally gravitate towards central areas. Their inclination is not to travel away from central areas to fringe areas where they think there is less likelihood their needs will be met.

The Mornington North area is not one which has any endearing features which would draw in customers. In fact, the approaches to Mornington North send subliminal messages to potential customers that the area is too isolated or that there’s not enough there to bother visiting it.

Because there are no shops in Mornington North to cater for people’s day-to-day needs (in particular, a supermarket or other food shops), the perception is that it generally won’t have what they want.

- Consider the southern approach. People driving north along [REDACTED] would pass by the [REDACTED] the Shire’s depot and tip, the sparse areas around [REDACTED], the industrial estate, a garden supplies business and a big truck repair business. That’s not particularly inviting
- To the west there is a perception of a border created by the old railway line. It is as if when you cross the railway line you are passing to the outskirts of town where there’s few goods or services likely to be available.
- To the east there is predominantly open land
- To the north there are only a few dozen houses, with no through roads.

7.6. These facts show that Precinct 3 has been set up to fail simply because the powers-that-be seek to provide services to a demographic which will always be way too small.

7.7.1. There is an urgent need for Strategic Planning to re-evaluate Precinct 3 to either identify some other commercial uses that might be viable, or treat the precinct like the [REDACTED] area and set the wheels in motion for denser residential use.

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7.7.2. The Shire's "drip feed" approach to housing supply is hard to understand given that the provision of housing is always top of the list of future needs and there is a known lack of availability of suitable land. The Shire itself has stated that, particularly in [REDACTED], the existing LDRZ land within the UGB represents some of the few areas available which are suitable for denser residential development.

7.8. If the end game is genuinely the best possible planning outcomes for the [REDACTED] community and proper allocation of land resources, the situation could be remedied if a commitment was made to really understand the significant changes to the Precinct 3 area in recent times, the urban streetscape reality as opposed to the romantic illusion of "Rural Settlement and ranch style houses".

7.9. It seems incongruous that residential housing is demonised as a destroyer of the soft edge when the Shire's own preferred uses of such things as schools or churches recreation centres are probably more likely to. Boundary setbacks and landscaping requirements can apply to any use so they are not relevant.

7.10. Reticulated sewerage became available to the east side of [REDACTED] several years ago with a main now located at the front of No 424.

8. Vegetation & Landscape:

8.1. Quite reasonably, retention of significant existing vegetation figures prominently in any discussion about planning changes to LRDZ areas.

8.2. In the case of Precinct 3 however, that is a moot point as the landscape is not "vegetation dominated". There is no significant vegetation or landscaping to be considered on any of the properties in question. These properties were cleared decades ago and have been minimally treed since then. The predominant vegetation is weeds and none of the properties have formal landscaping.

8.3. The row of Cypresses along the front boundaries isn't noteworthy and aside from a few gum trees. This could be subject to an arborist's report to satisfy everyone in that regard.

8.4. With appropriate boundary setbacks and planning/development permits conditional on an approved tree planting program, all of the properties can be improved in the future in conjunction with development.

Summary:


- Precinct 3 can be of far bigger benefit to the [REDACTED] community if now-irrelevant notions of the role it should play, are looked at through fresh eyes.



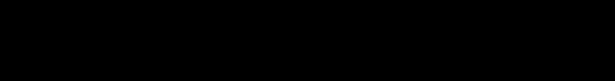
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- At the very least this should dictate that even more restrictive planning controls will be detrimental.
- [REDACTED] has been a resounding, but isolated, success for Precinct 3.
More
- needs to be done to create other success stories, but that is being hindered by the present idealistic and not results-driven image of the area.
- Irrespective of whether Precinct 3 is used for commercial or denser residential developments, more flexibility and a more objective and pragmatic approach should be exercised which is not reflexly dismissive of good alternative usage options.

[REDACTED]

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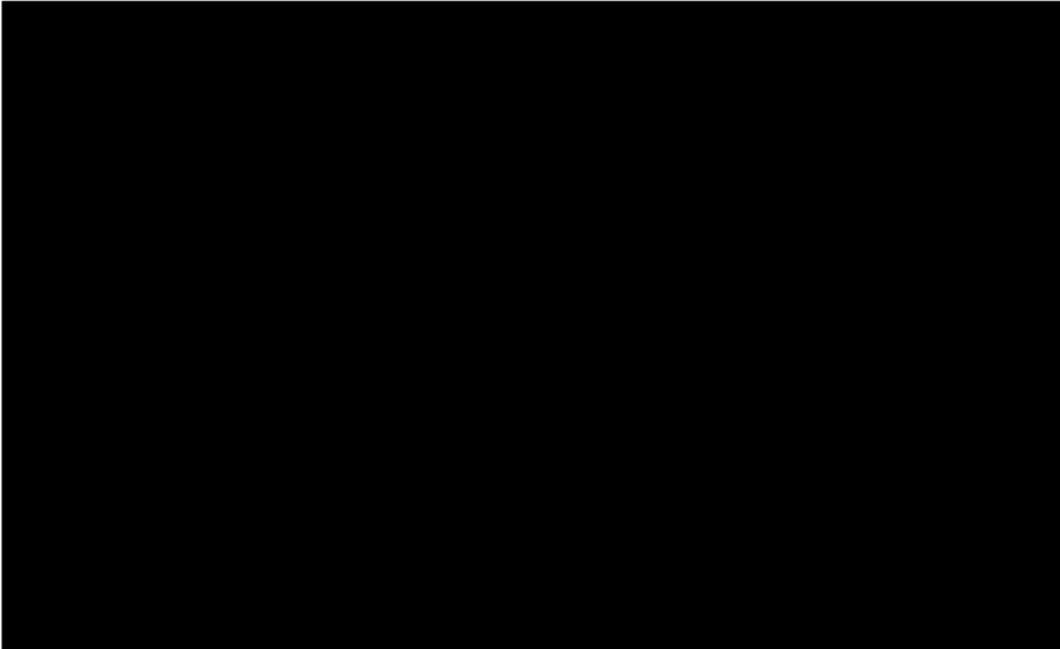


From: 
Sent: Friday, 29 October 2021 12:10 PM
To: Strategic Admin
Cc: 
Subject: Amendment C219morn - Submission
Attachments: 

Attn: Strategic Planning

We are pleased to provide a submission on behalf of our client to Amendment C219morn. Please find our submission (letter) and form attached.

Please don't hesitate to get in touch if you have any queries.



Submitter 252 - Page 2 of 8



Team Leader
Strategic Planning
Mornington Peninsula Shire

29 October 2021

via email: strategic.admin@mornpen.vic.gov.au

Attn: Strategic Planning

Amendment C219morn – Submission

acts on behalf of in regard to the above matter. is the owner of the land at ('the Site').

Having received notice of the proposed Amendment C219 to the Mornington Planning Scheme (Amendment), it is our client's position that the proposed extent of the application of the Neighbourhood Residential Zone (NRZ), including to the Site, demonstrates a lack of nuance in regard to specific site contexts and will unnecessarily restrict reasonable development. This will impact the ability of the municipality to provide housing in accordance with expected growth, and to provide for much needed housing diversity throughout the municipality.

This submission sets out the reasons for this view.

Preliminary Matters

We understand that the broad aim of the Amendment is as follows:

- To meet the range of housing needed (homes, units, apartments and residential aged care facilities).
- To direct future housing to appropriate areas.
- To ensure the special values and character of the Peninsula are protected.

We further understand that the Amendment proposes to implement the *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020) and *Neighbourhood Character Study and Guidelines* by making substantial changes to zones, overlays and policies affecting the Shire's residential areas.

Site Context and Background

The Site comprises eight contiguous allotments of varying sizes (ranging from around 560sqm to 1.47ha), resulting in an irregular shaped landholding of approximately 18,370sqm.

Aside from the CFA fire station, land immediately surrounding the Site is residential in nature and the locality comprises a mix of both one and two storey detached houses, townhouse or unit developments with some examples of three storey built form.

The Site is located approximately 150m east of the and is well connected to vehicular and pedestrian road links.



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With an address to [REDACTED] the Site has direct frontage to the Dromana Foreshore Reserve, affording scenic viewlines from the Site to Port Phillip Bay.

The Site is currently zoned General Residential Zone, Schedule 1 (GRZ1).

The Mornington Peninsula Housing and Settlement Strategy (HaSS) underpinning Amendment C219 identifies the Site as part 'minimal change' (along Point Nepean Road) and part 'incremental change', which are described as follows:

Minimal change areas have characteristics that are 'sufficiently special' to a municipality, metropolitan Melbourne or Victoria, and should be protected because of their special neighbourhood, heritage, environmental or landscape characteristics.

Incremental change areas are where housing growth occurs within the context of existing or preferred neighbourhood character.

As part of Amendment C219morn, the Site is proposed to be rezoned from GRZ to NRZ (Schedules 2 and 35).

Several ResCode (Clause 54/Clause 55) variations are proposed to apply to the Site under NRZ2 and NRZ35.



Site Plan

[REDACTED]

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Aerial Plan – Site outlined in red / Commercial 1 Zone land highlighted in blue with 400m and 800m radius distances in dashed lines.

Statement of Grounds

We wish to object to the Amendment on the following grounds:

1. **The extent of the application of the Neighbourhood Residential Zone (NRZ)**

The broad application of the NRZ does not reflect the nuances within the municipality that exist between different residential areas. The roll out includes no application of the Residential Growth Zone (RGZ) and a very limited retention of the General Residential Zone (GRZ).

With regard to the purpose of the NRZ, nearly all of Mornington’s residential area is set to restrict housing growth.

As set out in the Housing and Settlement Strategy, the increase in population of the Shire from 2016 to 2036 will require an additional 24,010 dwellings (1,200 dwellings per year). The dominance of the NRZ and limited retention of the GRZ, will make this target challenging to realise.

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2. The application of variations through NRZ schedules will stifle the ability to provide desired housing outcomes.

The proposed variations to ResCode standards including increased setbacks, increased permeability, decreased site cover, increased private open space requirements and the like will further restrict the ability to provide for contextually appropriate density. This reduces the potential to deliver the greater housing diversity and affordability that is recognised as essential within the Housing and Settlement Strategy, particularly in areas that can reasonably accommodate sensitive intensification.

3. The NRZ is not an appropriate zone for the Site.

The Site, comprising a total area of 18,370sqm and being located within a walkable catchment of the Dromana Town Centre, should be fitted with a zone and control that allows for sensitive intensification.

Whilst the GRZ and NRZ are both subject to the same garden area requirement with no specific 'density control', the purpose of the zone creates certain expectations within the community. Where the NRZ speaks to consistency with and preservation of existing built form, the GRZ promotes sensitive intensification/'incremental change' where appropriate.

Applying the NRZ to this land in the same way that it is proposed to the surrounding land (which comprises generally regular blocks in the order of 650sqm), suggests that there has not been a thorough review of potential strategic development sites.

The specific attributes of this Site and its context clearly weigh in favour of a different approach. We note:

- The atypical size of the Site allows for offsite amenity impacts to be managed in a masterplanned built form outcome for the Site.
- The Site's proximity to the Dromana Activity Centre/ Commercial Area renders it an appropriate location strategically for an increased density of housing.
- The Site's three frontages to [REDACTED] will allow for multiple access points.
- The surrounding context includes sites with three storey built form on Point Nepean Road.

If the NRZ is being applied to control the building height, we suggest that for a site of this size this would be more appropriately managed via a Design and Development Overlay (DDO) or a Development Plan Overlay (DPO).

This could be used to facilitate the development of the Site in a way which responds to the surrounding character at its boundaries whilst allowing for an incremental increase in density within the centre of the Site. We note Council has adopted this approach for the Rye Activity Centre through Amendment C275.

Proposed Changes

With regard to the above submissions, we propose that the amendment should be withdrawn and further work undertaken, including:

- A review of the extent of the NRZ with reference to the ability to meet the housing targets set out within the Housing Strategy. Capacity modelling should take into account the variations contained within the various schedules to the NRZ.
- A review of landholdings throughout the municipality which may be suitable for more intensive development, including sites which are within 500m of activity centres and sites of larger size.

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Failing this, we propose that the Site should be excluded from the proposed rezoning and we would welcome the opportunity to discuss site-specific controls for the Site.

We reserve our right to make further submissions to the amendment.

Yours sincerely



Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 252 - Page 7 of 8

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name

Organisation

Postal address

Email

Phone number/s

Do you represent other people? Yes / No

If yes, who?

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

Refer to attached document.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



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I have provided detailed comments on attached sheets		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
Signature		Date 29/10/2021

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:	Submission No:	Date Received:
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Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

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From: [REDACTED]
Sent: Friday, 29 October 2021 12:17 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

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Do you represent other people?

No

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

No

How does the proposal affect you?

have previously lived on the Peninsula and frequently stay at the family home at [REDACTED]

[REDACTED]

In summary, my comments are:

In relation to the proposed changes to DDO3, in particular the dilution of current requirement for a planning permit for a dwelling.

The dilution of this current control and further, a no permit requirement for up to 8 metres in height is contrary to the objectives sought in DDO3, specifically in relation to the reasonable sharing of views. The availability of Bay views from private property and streets is a key characteristic of the area. Removing the requirement for a planning permit and allowing as of right 8 metres (rather than the current 6 m general height requirement) will lead to a loss of this much valued element of the character of the area and is inconsistent and contrary to what the objectives are purporting to do. The requirement for a planning permit for a new dwelling and additions to an existing dwelling must be retained, together with discretion over 6 metres in height, to ensure the proposed objectives of DDO3 can be achieved.

Would you like to upload a document or image with further details?

No

To view all of this form's submissions, visit

[REDACTED]

Submitter 253 - Page 3 of 3

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

Submitter 254 - Page 1 of 52

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 12:51 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: Amendment C219morn – submission
Attachments: [REDACTED]

Importance: High

Team Leader, Strategic Planning
Mornington Peninsula Shire
strategic.admin@mornpen.vic.gov.au

Submitted via email.

Subject: Amendment C219morn – [REDACTED]

Please find attached the [REDACTED] C219morn submission. This consists of four documents, our submission supported by three appendices:

1. C219morn [REDACTED]
2. Appendix A C219 – DDO 2 [REDACTED]
3. Appendix B C219 – [REDACTED]
4. Appendix C C219 – [REDACTED]

Thank you for the opportunity to review and respond to C219morn. If you have any questions, or need for clarifications, please do not hesitate to contact me.

Yours sincerely

[REDACTED]

[REDACTED]

Submitter 254 - Page 2 of 52



29 October 2021

Team Leader, Strategic Planning
Mornington Peninsula Shire
strategic.admin@mornpen.vic.gov.au

Submitted via email.

Subject: Amendment C219morn – submission

Please find attached the [redacted] C219morn submission. This consists of four documents, our submission supported by three appendices:

1. C219morn [redacted]
2. Appendix A C219 – [redacted]
3. Appendix B C219 – [redacted]
4. Appendix C C219 – [redacted]

Thank you for the opportunity to review and respond to C219morn. If you have any questions, or need for clarifications, please do not hesitate to contact me.

Yours sincerely

[redacted signature]



Submitter 254 - Page 3 of 52



Introduction

The [REDACTED] is committed to ensuring that the unique qualities of the Nepean Peninsula pertaining to natural and cultural heritage are recognised, retained, nurtured, and enhanced. The [REDACTED] in advocating for the environment supports the Mornington Peninsula Shire's Biodiversity and Climate Change policies and their implementation.

This C219 planning scheme amendment incorporates the MPS Housing Settlement Strategy and the MPS neighbourhood character strategy. C219 proposes changes to the existing residential zones and planning controls to ensure housing occurs in appropriate locations and respects the Peninsula's special values and character. These controls relate to, for example, building height and design, siting, landscaping and fences.

The amendment also proposes to simplify existing planning controls to make them easier to understand and reduce the need for planning permits, particularly for one house on a lot. This means more applications will be processed under the Building Regulations, without needing a planning permit.

There are 8 Residential zones proposed for the Nepean Peninsula:

NRZ 2- Garden Residential 2 -which covers the Rye township and close surrounding areas

NRZ 12- Bush Coastal 1 - which covers areas where predominately 1 storey will dominate in Sorrento, Blairgowrie and Rye to approximately White Cliffs, north of Melbourne Rd. Also Rye south of Melbourne Rd From Whitecliffs Rd to Truemans Rd except for the Rye township (NRZ 2)

NRZ 13- Bush Coastal 2 -which covers areas where predominately 2 storey will dominate and covers the Portsea and Sorrento area north of Hotham Rd

NRZ 16- BUSH COASTAL CONTEMPORARY 3 -which covers the Portsea and Sorrento north of Hotham Rd and close surrounding areas

NRZ 18- RURAL SETTLEMENT 2 -which covers St Andrews and close surrounding areas

NRZ 37- SPECIAL NEIGHBOURHOOD CHARACTER AREA -which covers Tootgarook and close surrounding areas

LDRZ 5- LOW DENSITY RESIDENTIAL ZONE -which covers ocean coastal areas from Portsea to Blairgowrie and St Andrews

LDRZ 7- LOW DENSITY RESIDENTIAL ZONE -which covers St. Andrews and a section of Rye north of Browns Rd

There are 10 Development overlay areas proposed for the Nepean Peninsula:

DDO 41- Low density coastal bush B - Rye Ocean Beach

DDO-42 - Low density coastal bush C - Rye north of Browns Rd

DDO2 - Bayside and Village area

DDO 4 - LOW DENSITY BUSH COASTAL E - Blairgowrie ocean coast

DDO 48 - Portsea ocean coast

DDO 53 - Back of Tootgarook

D-DDO 1 - Rye township and environs

D-DDO 4 - St Andrews

D-DDO 5 - St Andrews

D-DDO 6 -- St Andrews

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The [REDACTED] appreciates the effort that has gone into the review of the planning scheme and recognises the numerous constraints that the MPS faces, including State legislation and policies. The [REDACTED] also appreciates the intention of the amendment to maintain and enhance neighbourhood character on the Peninsula.

The [REDACTED] has reviewed the available documentation on the proposed C219 amendment and has had discussions with MPS planning officers. Out of this process came a deep concern that the amendment may not effectively achieve its two stated purposes, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme.

The views of the [REDACTED] are discussed below, under the headings of **Complexity and Process**, **Responsibility and Accountability**, and **Degradation of Controls**, followed by a set of **Recommendations**.

Complexity and Process

The [REDACTED] has major concerns around the processes relating to the C219 planning amendment. The proposed changes are huge across the whole of the Mornington Peninsula. **The proposed amendment appears to be extraordinarily complex and lacks transparency.**

- There are major issues with compliance under the current planning scheme – and the community has no confidence that this will improve in the proposals being put forward under the current C219 planning amendment.
- The [REDACTED] is concerned about the changes proposed to the triggers and controls in the DDOs. The planning process serves the purpose of protecting the distinctiveness of the Mornington Peninsula. The rights of the community to be involved in the planning process must also be protected and enhanced.
- In the proposed C219 amendment, the community is seen, *inter alia*, as a problem or hindrance in the planning process. However, the community should be seen as a positive resource in achieving the aim of protecting, maintaining and /or enhancing neighbourhood character; and working with planning officers to achieve the best outcomes for the MP.
- The complexity has meant that community consultations have been less than effective. The [REDACTED] has applied considerable time and resources in trying to understand the proposals, and still not everything is clear.
- It is not clear how the complexity will be handled by the Registered Building Surveyors (RBS), who will ultimately become responsible for maintaining neighbourhood character.
- Residents have been advised that they can easily search for their property. When they put in their address, the summary statement is that there are minimal changes affecting their property. This has given many a false sense of security. To examine any property fully, one

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must click on dozens of layers referring to current and proposed circumstances. Only then can comparisons be made, and differences observed.

- It is critical that residents have a holistic understanding of C219 – encouraging people to simply look at their own property is misleading.
- It is imperative that residents can see what C219 looks like on the ground. It is the biggest change to planning on the Mornington Peninsula since the amalgamations in 1996. If this C219 amendment goes ahead, the MP will look like Torquay in less than five years.
- It is nigh on impossible to directly and meaningfully compare the current and proposed NRZs and DDOs. Understanding current overlays and the implications of their removal is not easy if you are familiar with the planning scheme, and well-nigh impossible if you are not cognisant with it.

The proposed amendment fractures the Peninsula

- C219 does not allow similar concerns and issues to be considered across different parts of the peninsula, e.g., across the villages of the Peninsula from Mt Martha, Portsea, Sorrento, Blairgowrie, Balnarring, Sommers, Flinders etc, etc

The proposed amendment appears to function in isolation

- C219 seeks to incorporate the Housing Settlement Strategy and the Neighbourhood Character Study but does not allow referral to other MPS Policies – such as Environmentally Sustainable Design, Climate Change, Biodiversity, and others.

The process of community consultations could have been better

- The MPS organised community forums – but these were presentations only. Questions could be asked but were responded to offline. There were no public question and answer sessions. Community groups and consultants could book a discussion with planning officers – these were helpful but not open to the broader community.

Responsibility and Accountability

The responsibility and accountability for planning on the Mornington Peninsula lies with the Mornington Peninsula Shire. C219 shifts that responsibility to Registered Building Surveyors.

- The MPS is abrogating its responsibility for oversight of planning on the MP by shifting the work to RBS.
- The drive for operational efficiency by pushing certain operational costs of the MPS down to the RBS (and ultimately to their clients) is in direct conflict with the first purpose of the

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amendment to protect, maintain and enhance neighbourhood character across the Mornington Peninsula.

- The replacement of the planning process with a modified building process is to the detriment of the MPS and the character of the Peninsula.
- The [REDACTED] notes that the building system (compared to the planning system) is much more insular: there is limited public consultation; no community input; no advertising; no yellow signs; no call-in opportunities; no appeals to VCAT.
- There is real concern around whether the RBS sector is equipped to perform the role of compliance.

NRZ zones and Overlays:

Introducing new NRZ zones is to allow proposed development that complies with the zone requirements and therefore to not require lodging of an application for a planning permit.

However, a large portion of the shire is covered by overlays. For instance, most of the Nepean Ward is covered by a Vegetation Protection Overlay [VPO1]. (A planning application would only be required where a bushfire management overlay [BMO] exists that would trigger an application).

- The planning officer (PO) will only consider issues regarding the BMO. Any issues regarding the NRZ or other overlays would not be considered.
- Compliance with the NRZ or BMO would be the registered building surveyor's (RBS) responsibility. The PO may note some irregularities and would refer this to the MPS compliance officer.
- Some recourse is available through the issue of a non-compliance notice.
- Another recourse would be available through the RBS Professional Indemnity Insurance (PI)
- MPS advise they have reached out to the top 100 RBS in Victoria to inform them of the proposed process.

The [REDACTED] considers that off-loading the MPS Planning Scheme responsibilities to RBS is extremely problematic:

- RBSs are private building surveyors who may have not had adequate planning education to satisfactorily become involved in this process.
- Many RBSs are located in other municipalities and are unlikely to have a satisfactory understanding of the Mornington Peninsula, or the nuances of our unique local conditions.

The development process usually proceeds as follows:

- The applicant contacts a RBS or the Planning Department and is advised of the MPS zoning and overlays and is informed if a planning application is required
- The applicant can ring the Planning Department for verbal advice or request for \$130 a general planning enquiry which would be written advice on what the requirements are.

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- It is common for RBS to request an applicant to obtain a general planning report [GPR] from Council
- If there is compliance with the zoning and overlays in a zone, the applicant can proceed directly to a Building Permit Application (BPA)
- The RBS will need to assess compliance
- Some controls are expected to be transferred into the Building Regulations
- If there is a request for dispensation, this would be sent to the Municipal Building Surveyor [MBS]
- There will be no requirement to advertise or to notify those properties immediately affected or the broader community (there will be no yellow notices).

For example, NRZ 12 states:

- *To ensure new development reflects the preferred built form, characterised by predominantly small-scale 1-2 storey dwellings with simple building forms and pitched roofs with prominent eaves.*
- *To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that create a sense of openness and space around dwellings.*
- *To maintain and strengthen the formal garden setting of dwellings, characterised by canopy trees, bushes, shrubs and garden beds.*
- *To ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead.*
- *To maintain the openness and minimal delineation between the public and private realms, characterised by absent, or low and permeable, front fences with views to front garden areas*

C219 represents a real LOSS to the MP through the replacement of the planning process with a building process.

C219 delegates authority to the RBSs.

- It should be noted that the private building surveyor profession is in turmoil over the issue of non-compliant cladding installation that has resulted in many RBSs leaving the profession due to an inability to obtain PI insurance. Further, premiums have double over the last few years. An RBS may be hesitant to take on responsibilities outside of their field of expertise.
- It has been suggested that if non-compliance occurs due to the RBS missing a requirement in their assessment, the issue be referred to the RBS who should respond. It is not unusual for an RBS to ignore issues raised as they "only have a responsibility to their client". The complainant then has recourse to refer to the Victoria Building authority (VBA) which may or may not take up the issue.
- This suggested process for notifying acts of non-compliance are cumbersome and time consuming and are likely to result in the non-compliance being permitted.

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The advice [emailed to the [REDACTED] on acting on non-compliance is:

"We may not act on structures that pose a low risk to the community even if they don't meet the siting requirements, i.e. sheds, carports, garages, fences etc".

"We are unable to issue infringement notices and the only way to enforce a non-compliance is via the magistrate's court which is a lengthy and costly process".

The decision of whether the infringement is "low risk" is clearly subjective and suggests that significant issues of non-compliance will occur should C219 be implemented in its current form.

Degradation of Controls

The NRZ zones omit some of the controls that were previously provided.

It is difficult to consider every one of the 8+ zones and compare them with the previous controls, however, following discussions with MPS Planning officers the [REDACTED] continues to be concerned with the following changes:

- Max wall and building heights
- Building setbacks
- External wall cladding
- Colours and reflectivity
- Front fence heights, materials, and permeability
- Side fences
- Landscape plans
- Loss of vegetation controls

Removal of these controls/triggers will detrimentally affect the character of the neighbourhood.

- An increase of building and wall heights will increase the profile of building in detriment to the visual appearance of the neighbourhood. The overall building height of 6m is beneficial for the Nepean Peninsula, with occasionally 4 and 5m on undulating land. An 8m height will destroy the neighbourhood character in many areas
- A decrease in building setbacks will increase the profile of buildings to the detriment of the visual appearance of the neighbourhood
- Not giving guidance to wall finishes and colours will allow unacceptable box-like and bright white single cladding building to proliferate
- Not giving guidance to colours will allow the built form to dominate the natural environment
- Eliminating controls on fence heights and finishes will result in significant changes to the street scape, such as the introduction of solid high fences
- Eliminating controls on side fences will result in significant changes to the neighbourhood, the neighbourhood character and adversely impact habitat corridors/ biolinks. The

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introduction of solid high fences is impervious to wildlife. Paling fences are typical of suburban subdivisions and at odds with the character of the Nepean Peninsula, which has previously used wire fences and brush fences.

- Landscape plans are key to ensuring that the neighbourhood character is maintained, and biodiversity is enhanced.
- The proposed C219 changes will have a detrimental impact on vegetation: vegetation loss is already marked on the Nepean Peninsula, C219 exacerbates this further.

C219 proposes pillaging of the DDOs and to hand control to building surveyors

- The terminology for the proposed DDOs has changed from the word 'ensure' to 'encourage' which sounds as though developers can basically please themselves.
- The slippage in the DDOs is unacceptable. The DDOs have given the Nepean Peninsula the possibility of a "low" building form, nestled among the trees, with silhouettes within the tree line. The 8m 'as of right' height should be removed and replaced with 6m mandatory height, measured to the gutter.
- The relationship between the built form and the landscape is critical to preserving neighbourhood character – the importance of the landscape must be acknowledged and respected. The question to be asked is "can we fit this into the landscape better?".

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Recommendations

1. That the MPS delays the approval of the proposed amendment to allow for further meaningful consultations to ensure that the twin purposes of protection of neighbourhood character and economic efficiencies can be achieved effectively.*
[*Note that timelines have been extended from Feb/March to April/ May 2022 – email from [REDACTED] [REDACTED] 26 Oct 2021. The [REDACTED] considers these should be extended further depending on the work required to amend C219 post submissions. The recommendations to approve, amend, reject C219 is the responsibility of the eleven MPS Councillors and hinges on their understandings of C219].
2. That the strong elements of the current planning scheme are recognised and protected, especially when it comes to the role of the existing DDOs. The [REDACTED] strongly recommends that existing controls and triggers remain.
3. That the proposed responsibility and compliance systems and processes are reviewed, in consultation with the community, to ensure that neighbourhood character can be maintained and enhanced across the Mornington Peninsula.
4. That the existing planning permits application system through the planning department is maintained and strengthened to allow for advertising and objections to continue.
5. That departmental efficiency in processing applications is reviewed to assess if there is a need to streamline application processes. For example, if applicants do not provide all the required information, the application should be sent back to the applicant immediately for completion. A template could be provided for sign off by the applicant and checked by a receiving officer, before going to a planning officer.

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
1.0 Design objectives			
To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal and bayside residential areas and rural villages.	To retain the existing subdivision pattern and ensure new subdivision provides sufficient space to accommodate a dwelling, existing vegetation cover, new landscaping and private open space where substantial vegetation cover is a visually and environmentally dominant feature of the bayside and village area.		Similar wording. Topography and coastal character not mentioned
To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater onsite and the impact of development on ground water conditions.	To maintain and strengthen the predominant 'single dwelling per lot' character of the bayside and village area.		Carrying capacity is not addressed
Particular attention must be given to the impact of development on streamlines, waterways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.	To ensure buildings are designed and sited to avoid being visually obtrusive against a skyline or existing tree canopy line, when viewed from surrounding streets and properties, and provide reasonable sharing of views to the coastline.		Two different clauses
To recognize areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.			No mention of vegetation retention this must be included
To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.	To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting. To encourage development densities that are compatible with the environmental, infrastructure and service capacities of the area,		Change from ensure to encourage is not acceptable The original should be kept

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
	including the capacity of local streets and sewerage, and minimize site disturbance and development impacts on the landscape.		
To protect shared view lines where reasonable and practical.	To ensure buildings, works and subdivision proposals enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape		?
To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.			Ensure “avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line” is covered by rewording
To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the [REDACTED]			Heritage not mentioned
To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape,			Covered by rewording
To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.			Not mentioned
To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation			Not mentioned

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
2.0 Building Works			
No permit required			
A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met. A single dwelling. A dwelling extension. An outbuilding. A dependent person's unit			
Permit required			
An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the			
responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.			
<i>Note: The Mandatory requirements of this schedule also apply.</i>			<i>Note: The Mandatory requirements of this schedule also apply. Are these all removed?</i>
In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
2.0 Building Works			
Must comply with Clause 54.01.			
Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3,54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.			Non compliance with clause 54 is missing. If it is intended for the RBS to take on the responsibility to check compliance with this section this adds a level of inspection by non planners that should not be considered.
Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1. A permit is required to construct a fence if:			
The side or rear fence is more than 2.0 metres in height. The front fence is more than 1.8 metres in height.			Fences and their controls are critical to maintaining NC. Front fence conditions are an important tool to protect streetscapes and should be retained.
The front fence is less than 50 per cent transparent.			
The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face. The fence is constructed of fibro cement sheet materials.			
General requirements			
No building may exceed a wall height of 5.5 metres or a building height of 6 metres.			No building may exceed a wall height of 5.5 metres or a building height of 6 metres. This should be retained Building height specifications in M is preferred to storey specification as the height is better defined.

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
2.0 Building Works			
The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.			An important requirement to ensure sites are not over excavated resulting in vegetation loss.
All buildings must be located at least 10 metres from land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8 or Road Zone and at least 6 metres from any cliff edge.			
Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where all adjoining lots fronting the same road have been developed, the			Should be retained
frontage setback may be reduced to the average setback of development on the adjoining lots.			
A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.			Should be retained
More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.			Should be retained

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
<p>2.0 Building Works</p> <p>All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority.</p> <p>The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.</p>			<p>Should be retained</p>
<p>A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.</p>			
<p>Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.</p> <p>Within the [REDACTED] precinct shown in Map 1 below:</p>			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
<p>2.0 Building Works</p> <ul style="list-style-type: none"> - The total site coverage of all buildings must not exceed 50 per cent. - At least 40 per cent of the site must remain open/permeable. - There must be provision for at least 90 square metres of private open space for each dwelling. 			
<p>permit is required.</p> <p>Sewerage and drainage All new dwellings must be connected to: A reticulated sewerage system or an alternative approved by the responsible authority. A reticulated drainage system or an alternative approved by the responsible authority. These requirements cannot be varied with a permit.</p> <p>Maximum building height A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following: A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level. A place of assembly building A leisure and recreation building A utility installation building A hospital</p>			


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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
<p>2.0 Building Works An education centre A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay. Alteration to or extension of a lawfully existing building but only if all of the following requirements are met: The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level. - The maximum building height of the existing building is not exceeded. - The external bulk of the existing building is not significantly increased. - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%. These requirements cannot be varied with a permit</p>			
<p>Number of dwellings No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. A permit to vary the requirement that no more than one dwelling be constructed on a lot must meet the following requirements: The proposal involves no more than two dwellings for every 1300 square metres of site area.</p>			<p>Covered elsewhere</p>

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	NCG Comments
<p>2.0 Building Works</p> <p>Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule. This provision has not been previously applied to any of the land involved in the application. These requirements cannot be varied with a permit except for land that has frontage to  Avenues precinct, where all of the following requirements are met: The lot has an area of 900 square metres or greater. The application proposes no more than two dwellings on the lot. The total site coverage of buildings is not more than 50%. At least 40% of the site remains open/permeable. There is provision for at least 90 square metres of private open space for each dwelling. Existing vegetation is retained as far as practical. The development is served by a single driveway, except on corner lots, with a width of no more than 4.5 metres.</p>			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
<p>3.0-Subdivision</p> <p>The average area of all lots within a subdivision must be no less 1300 square metres, and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04. Land that is capable of further subdivision is excluded from the calculation of average lot area.</p> <p>The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot area.</p>	<p>A permit cannot be granted to subdivide land which is not in accordance with the following requirements:</p> <p>Each lot created by the subdivision must be at least 650 square metres.</p> <p>The frontage of battle-axe lots must be at least 6 metres.</p> <p>The number of battle-axe lots sharing the frontage must not exceed 4.</p> <p>These requirements do not apply to:</p> <ul style="list-style-type: none"> lots that comply with a restructure plan under Clause 45.05 or a development plan under Clause 43.04. land set aside as common property. land to be transferred to Council as public open space contribution in accordance with section 18 of the <i>Subdivision Act 1988</i> and any other public open space contribution requirement in this scheme. a subdivision that realigns the boundary between existing lots if no new lot or additional subdivision potential is created. two or more dwellings that have lawfully existed on a lot at the approval date and the subdivision proposes to create separate lots for each dwelling. a subdivision that excises land for a road, utility installation or other public purpose. 		<p>Rewording reasonable</p>
<p>Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots. The minimum</p>			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
<p>3.0-Subdivision</p> <p>dimension of the rectangle contained within a battle-axe lot may be reduced to 18 metres.</p> <p>These requirements cannot be varied with a permit unless either:</p> <p>All of the following requirements are met:</p> <ul style="list-style-type: none"> - The subdivision is proposed in conjunction with an application for the development of more than one dwelling on a lot. - Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule to the satisfaction of the responsible authority. - The subdivision creates no more than two lots for every 1300 square metres of site area or no more than two lots from any existing lot with an area of 900 square metres or greater that has frontage to [REDACTED] <p>- Each of the lots is to contain a single dwelling, except that a dependent person's unit may also be constructed on a lot.</p> <p>- This provision has not been previously applied to any of the land involved in the application.</p> <p>Any of the following requirements are met:</p> <ul style="list-style-type: none"> - The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created. 			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
<p>3.0-Subdivision - Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling. -The subdivision excises land for a road, utility installation or other public purpose</p>			

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
4.0 Signs	4.0 Signs		
Not in the original DDO2	None specified		Reasonable

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
5.0 Application Requirements	5.0 Application Requirements		
Not in the original DDO2	The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: In areas where reticulated sewerage is not available, a report from a suitably qualified wastewater professional that demonstrates the feasibility of treating and retaining effluent on-site without contaminating groundwater in accordance with State Environment Protection Policies		Reasonable

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
<p>4.0 Decision Guidelines</p> <p>Before deciding on an application the responsible authority must consider: The design objectives of this schedule. Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause. Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area. Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling. The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion. The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space. In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies. The need to ensure that the design of development has adequate regard to fire</p>	<p>6.0 Decision Guidelines</p> <p>The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: Whether the design and siting of buildings detract from views to the skyline and existing tree canopy line. Whether the buildings are designed and sited with consideration of existing views to the coastline from nearby properties and public areas to provide reasonable sharing of views. Whether the design and siting of buildings minimise the need for site excavation and filling. Whether the proposed buildings, works or subdivision detrimentally affect the environmental and landscape values of the site, including cliff edges, streamlines, foreshores and remnant vegetation. Whether the development is compatible with the environmental, infrastructure and service capacities of the area. Whether the proposal enables new buildings to be integrated with their site and the surrounding area.</p>		<p>Change from must consider to must be enforced.</p>

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MORNINGTON SHIRE PENINSULA PLANNING AMENDMENT C219 DDO2 COMPARISON

Existing DDO2	Proposed DDO 2	MPS explanation	Comments
4.0 Decision Guidelines	6.0 Decision Guidelines		
risk and includes appropriate fire protection measures.			

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Appendix B

DDO4 review of a typical current application

The [REDACTED] have provided a submission relating to the proposed amendments to the planning scheme amendment C219morn. In this appendix the [REDACTED] provide a review of a current application [REDACTED] to reinforce our concerns. Divesting control triggers from the MPS planning scheme and expecting the review of planning applications to undertaken by others, is fraught with danger.

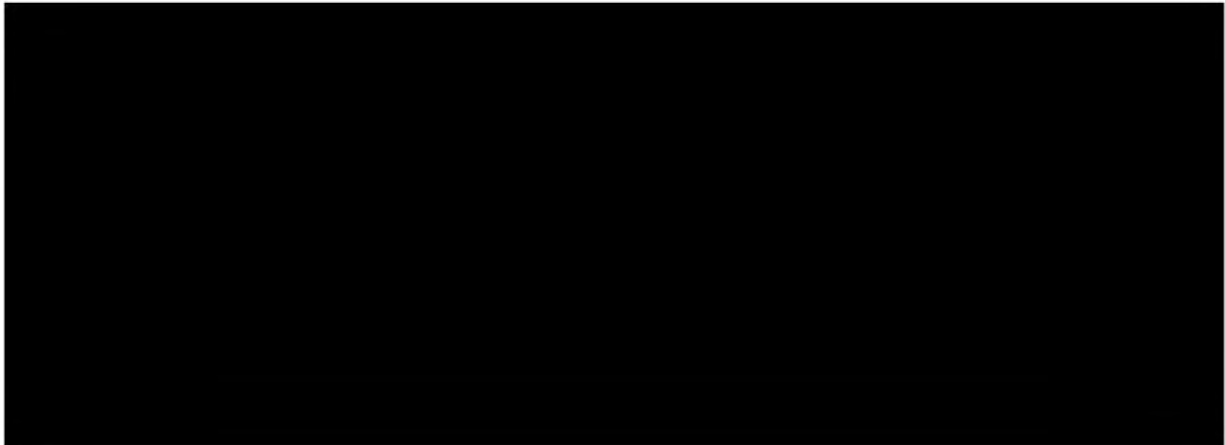
It is our contention that the complexity of the present controls is not adequately reviewed by current staff. Planning applications are put up for advertising before the applicant has fully addressed all the requirements, and prior to the application being adequately analysed by the officers.

We provide an analysis of an application in October 2021 which we believe should have been sent back to the applicant for design modification.

The issues noted are:

- The design does not respect the existing neighbourhood character as it is of a contemporary design incorporating features and finishes not used on buildings in the neighbourhood.
 - Burnt timber
 - Steep roofs
 - No eaves
 - Dark colour
- No justifiable reason is given for the building height to exceed the required height by 2.5M.
- Reference to DDO2 is incorrect, as the proposed building is in DDO4
- A loss of amenity will occur due to the proposed design that is not in keeping with the neighbourhood character.

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The issue of neighbourhood character often seems to be overlooked by planning officers with results as below:



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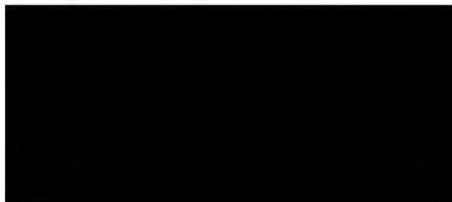
Such examples of the contemporary urban style of construction have no place in our neighbourhood. The contrast to adjacent acceptable designs is stark.

It is our contention that the MPS planning department should provide all applicants with the relevant Clauses, zones and overlays in a table form and request all relevant information be provided.

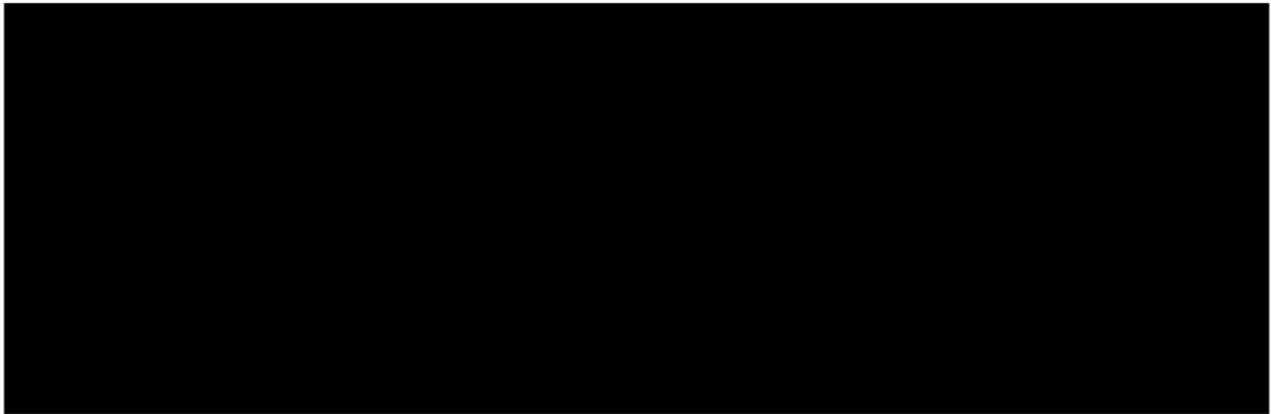
It would then be able to be reviewed systematically by the planning officer, giving detailed concerns and non-compliance or providing reasons for acceptance that would be transparent to the public at advertising.

As the expectation of the proposed changes in C219 is to remove this process, there will be no assessment, and the ability of the community to comment, input or object would be lost until construction is well underway.

Our Review is provided below:

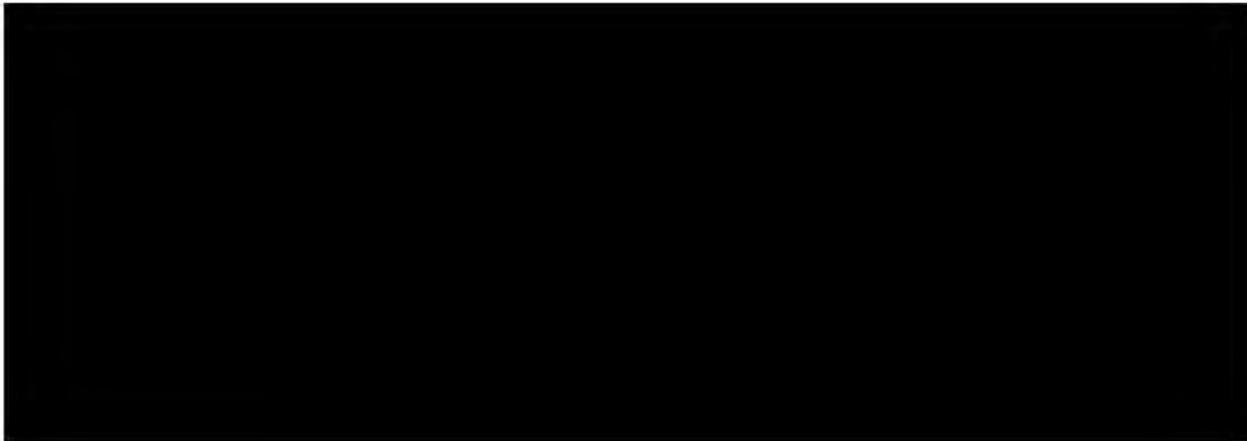


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DDO4	Applicant-Urban edge	NCG Comments
<p>1.0 Design objectives</p> <p>To ensure the appropriate design of subdivision and housing in areas of semi stabilised dunes where the danger of soil erosion in steep and sandy conditions requires that particular care be exercised in the carrying out of all building and works and the clearing of existing natural vegetation. To minimise the extent of earthworks in areas prone to erosion.</p> <p>To ensure that any works associated with detached housing development within the environmentally sensitive Wildcoast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.</p> <p>To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.</p> <p>To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.</p> <p>To recognise areas, including Mt Eliza, where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial</p>		

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DDO4	Applicant-Urban edge	NCG Comments
<p>areas for new landscaping and open space. To ensure that subdivision and development proposals have proper regard to heritage values. To recognise the landscape character of environmentally sensitive areas, including the National Trust recorded landscape of the Mt Eliza escarpment.</p> <p>To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.</p> <p>To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.</p> <p>To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.</p> <p>To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.</p> <p>To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.</p>		<p>The design does not respect the existing neighbourhood character as it is of a contemporary design incorporating finishes not used on buildings in the neighbourhood.</p> <ul style="list-style-type: none"> • Burnt timber • Steep roofs • No eaves • Dark colour <p>The scale is overwhelming</p>

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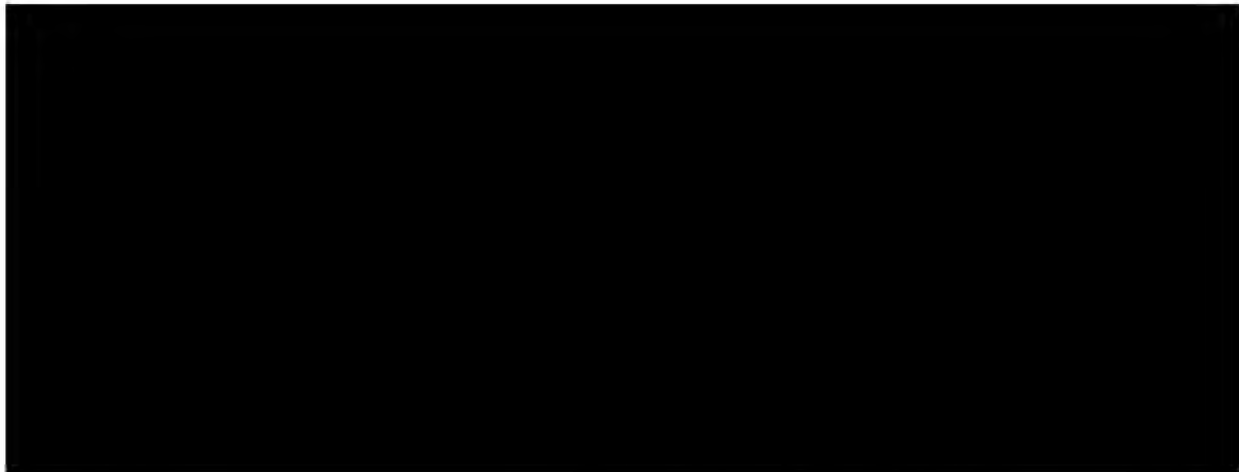
DDO4	Applicant-Urban edge	NCG Comments
<p>2 Building and works A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.</p> <ul style="list-style-type: none"> • A single dwelling. • A dwelling extension or alteration. • An outbuilding. • A dependent person’s unit. <p>Permit required An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no loss of amenity will result. Note: The Mandatory requirements of this schedule also apply.</p> <p>In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:</p> <ul style="list-style-type: none"> • Must comply with Clause 54.01. Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1. Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1. <p>A permit is required to construct a fence if:</p> <ul style="list-style-type: none"> • The side or rear fence is more than 2.0 metres in height. • The front fence is more than 1.8 metres in height. 	<p>Fence not mentioned</p>	<p>Addressed in document MPS Planning Scheme clause 54</p> <p>Existing fence should be retained</p>

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DDO4	Applicant-Urban edge	NCG Comments
<ul style="list-style-type: none"> The front fence is less than 50 per cent transparent. The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face. The fence is constructed of fibro cement sheet materials 		
<p>2.0 Building works General requirements Wall and building heights must comply with the following table:</p> <p>The land bounded by Truemans Road, the proposed Mornington Peninsula Freeway, Melbourne Road, Hotham Road, Back Beach Road, London Bridge Road and the boundary of the Mornington Peninsula National Park</p> <ul style="list-style-type: none"> Wall height: 4.5 metres or less Building height: 5 metres or less <p>All other land</p> <ul style="list-style-type: none"> Wall height: 5.5 metres or less Building height: 6 metres or less Buildings and works must not be located on a ridge top. The difference between finished ground level and natural ground level as a result of 	<p>See p 40 The maximum building height at any given point is 7.95m as shown on the east and west elevations. It is considered that the additional height sought by</p>	<p>No justifiable reason for the building height to exceed the required height by 2.5M is provided. Reference to DDO2 is incorrect is the</p>

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DDO4	Applicant-Urban edge	NCG Comments
<p>excavation and filling must not exceed one metre and must be properly battered or retained.</p> <ul style="list-style-type: none"> All buildings must be located at least 10 metres from any Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge. Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary. This may be reduced to 7.5 metres from a road frontage where the lot has an area of less than 1500 square metres. A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey. More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority. All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development. 	<p>the proposal over the prescribed 6m height under 'General Requirements' of DD02 is acceptable as it still accords with Clause 2 to the Schedule under the Zone which states: 'Maximum building height A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level.'</p> <p>As the proposal provides a maximum height of 7.95m, this is considered to be an acceptable outcome which accords with the outcomes sought under the Zone.</p> <p>The design has also sought to minimise the scale and form the additions will have to the street, with a maximum height of 4.6m (as measured from NGL, refer to TP-10) noted at the section where the built form fronts Dana Avenue. As per above, the proposals height of 7.95m satisfies this requirement,</p>	<p>proposed building is in DDO4</p>

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DDO4	Applicant-Urban edge	NCG Comments
<ul style="list-style-type: none"> A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building. <p>Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances</p> <p>Mandatory requirements</p> <p>The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.</p> <p>Sewerage and drainage</p> <p>All new dwellings must be connected to: A reticulated sewerage system or an alternative approved by the responsible authority. A reticulated drainage system or an alternative approved by the responsible authority. These requirements cannot be varied with a permit.</p> <p>Maximum building height</p> <p>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:</p> <ul style="list-style-type: none"> A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern- Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level. A place of assembly building A leisure and recreation building A utility installation building A hospital 		<p>See above . The relevant height is 5.5M</p>

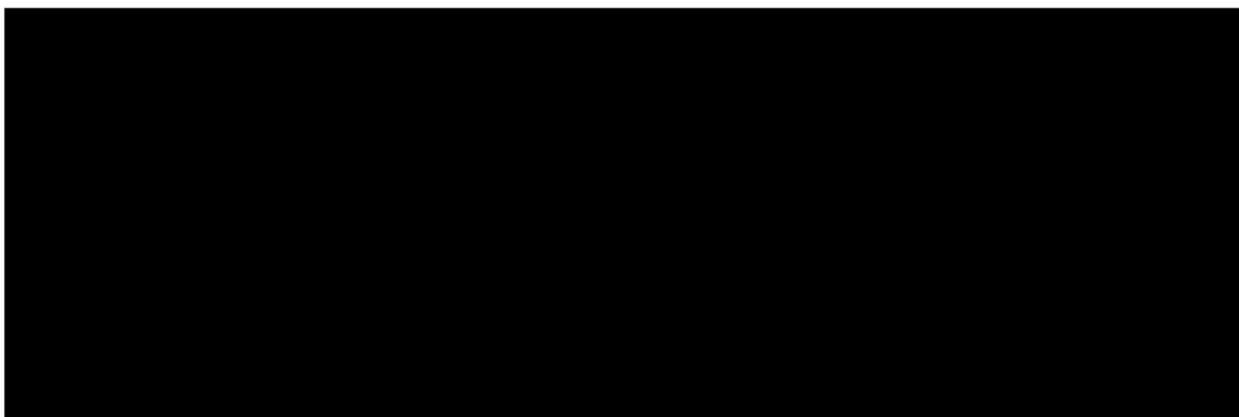
Page 9 of 12

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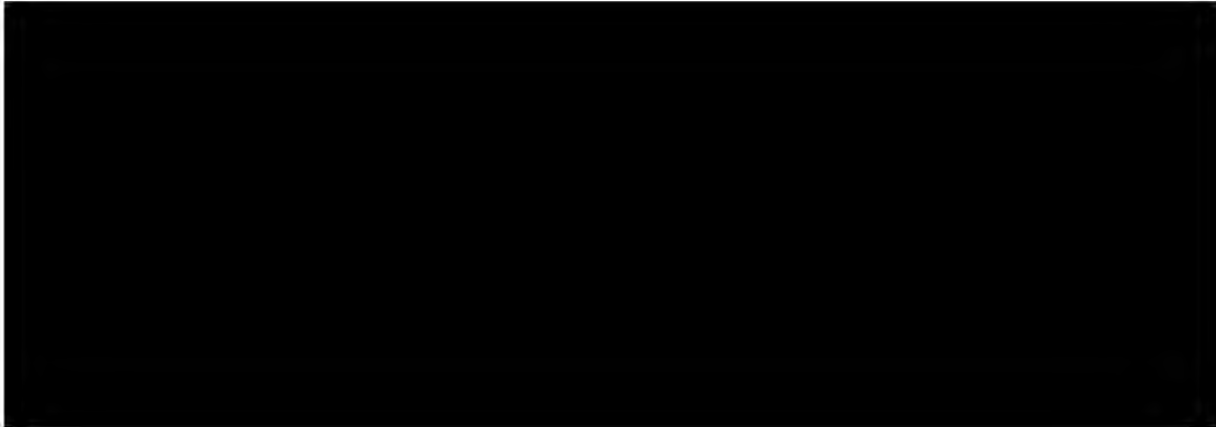
DDO4	Applicant-Urban edge	NCG Comments
<ul style="list-style-type: none"> • An education centre • A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay. • Alteration to or extension of a lawfully existing building but only if all of the following requirements are met: <ul style="list-style-type: none"> – The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level. – The maximum building height of the existing building is not exceeded. – The external bulk of the existing building is not significantly increased. – The footprint of the upper storey, existing at the approval date, is not increased by more than 10 per cent. <p>These requirements cannot be varied with a permit.</p> <p>Number of dwellings</p> <p>No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This requirement cannot be varied with a permit unless the land is located within one of the following areas and the specified requirements are met:</p> <ul style="list-style-type: none"> • The land is located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza and no more than one dwelling is proposed for every 2600 square metres of site area. • The land is located east of Canadian Bay Road, Mt Eliza (other than in the area between Jacksons Road and Williams Road, West of Watts Parade, Mt Eliza) and no more than two dwellings are proposed for every 2600 square metres of site area. • The land is located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye and no more than one dwelling is proposed for every 2000 square metres of site area. 		<p>All the remaining requirements are either not relevant or satisfied by the application</p>

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DDO4	Applicant-Urban edge	NCG Comments
<ul style="list-style-type: none"> This provision has not been previously applied to any of the land involved in the application. 		
<p>3 Subdivision A subdivision must meet all of the requirements specified for the land in the table to this schedule. This does not apply to any of the following: A subdivision in accordance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04. A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created. For land that contains two or more dwellings that lawfully existed at the approval date, a subdivision that proposes to create a separate lot for each of those dwellings. A subdivision to excise land for a road, utility installation or other public purpose. Further requirements specified</p>		All the remaining requirements are either not relevant or satisfied by the application
<p>4 Signs None specified</p>		
<p>5 Application Requirements None specified</p>		
<p>6 Decision Guideline The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</p> <ul style="list-style-type: none"> The design objectives of this schedule. Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause. 		

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DDO4	Applicant-Urban edge	NCG Comments
<ul style="list-style-type: none"> • Whether any loss of amenity will result from a variation to the requirements of this schedule. • Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area. • Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling. • The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space. • In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies. • The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures. <p>Page</p>		<p>A loss of amenity will occur due to the proposed design that is not in keeping with the neighbourhood character, nor respectful of the streetscape, or the precinct.</p>

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DDO 4 states

Must comply with Clause 54.01.

Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.

Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>54 ONE DWELLING ON A LOT Purpose To implement the Municipal Planning Strategy and the Planning Policy Framework. To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character. To encourage residential development that provides reasonable standards of amenity for existing and new residents. To encourage residential development that is responsive to the site and the neighbourhood.</p> <p>Application These provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of: A Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.</p>		

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>A Neighbourhood Character Overlay if the land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.</p> <p>Operation The provisions of this clause contain:</p> <p>Objectives. An objective describes the desired outcome to be achieved in the completed development.</p> <p>Standards. A standard contains the requirements to meet the objective.</p> <p>A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.</p> <p>Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.</p> <p>Requirements A development: Must meet all of the objectives of this clause. Should meet all of the standards of this clause. If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies. If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies. If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.</p>	<p>No comment provided by the applicant.</p>	<p>No comment needed.</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>54.01 16/01/2018 VC142</p> <p>NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE</p> <p>An application must be accompanied by: A neighbourhood and site description. A design response.</p> <p>54.01-1 16/01/2018 VC142</p> <p>Neighbourhood and site description</p> <p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</p> <p>In relation to the neighbourhood:</p> <ul style="list-style-type: none"> - The built form, scale and character of surrounding development including front fencing. - Architectural and roof styles. - Any other notable features or characteristics of the neighbourhood. <p>In relation to the site:</p> <ul style="list-style-type: none"> - Site shape, size, orientation and easements. - Levels of the site and the difference in levels between the site and surrounding properties. - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site. - The use of surrounding buildings. - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres. - Solar access to the site and to surrounding properties. - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known. - Any contaminated soils and filled areas, where known. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - Any other notable features or characteristics of the site. <p>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</p> <p>Satisfactory neighbourhood and site description</p> <p>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</p> <p>The responsible authority must not require notice of an application to be given or decide an</p>	<p>Adjoining dwelling are single storey and set back min. 7.9 & 9.6 M respectively.</p> <p><i>Most dwellings are located behind driveway that are heavily vegetated and are obscured from the street by substantial vegetation on the kerbside and private properties</i></p> <p><i>It is proposed to demolish the existing dwelling on the subject site (no permit required) and construct one (1) new double storey dwelling in a contemporary style and pitched roof and flat roof profile.</i></p>	<p>Architectural and roof styles not mentioned</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 and is satisfactory.</p> <p>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</p> <p>54.01-2 19/01/2006 VC37</p> <p>Design response</p> <p>The design response must explain how the proposed design:</p> <p>Derives from and responds to the neighbourhood and site description.</p> <p>Meets the objectives of Clause 54.</p> <p>Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</p> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>		
<p>54.02 19/01/2006 VC37</p> <p>NEIGHBOURHOOD CHARACTER</p> <p>54.02-1 19/01/2006 VC37</p> <p>Neighbourhood character objective</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that the design responds to the features of the site and the surrounding area.</p> <p>Standard A1</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p> <p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>54.02-2 19/01/2006 VC37</p> <p>Integration with the street objective</p> <p>To integrate the layout of development with the street.</p> <p>Standard A2</p> <p>Dwellings should be oriented to front existing and proposed streets.</p>	<p>Provided, see page 27</p>	<p>The design does not respect the existing neighbourhood character as it is of a modern design incorporating finishes not used on buildings in the neighbourhood.</p> <ul style="list-style-type: none"> • Burnt timber • Steep roofs • No eaves • Dark colour s <p>Complies</p>



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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>High fencing in front of dwellings should be avoided if practicable. Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces. Decision guidelines Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. Page</p>		
<p>54.03-3 15/07/2013 VC100 Site coverage objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. Standard A5 The site area covered by buildings should not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent. Decision guidelines Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The existing site coverage and any constraints imposed by existing development or the features of the site. The site coverage of adjacent properties. The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.</p>	<p>See page 27</p>	<p>Complies</p>
<p>54.03-4 15/07/2013 VC100 Permeability objectives To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. MORNINGTON PENINSULA PLANNING SCHEME Standard A6 The site area covered by pervious surfaces should be at least:</p>	<p>See page 27</p>	<p>Complies</p>



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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>The minimum area specified in a schedule to the zone; or If no minimum area is specified in a schedule to the zone, 20 per cent of the site. Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. The existing site coverage and any constraints imposed by existing development. The capacity of the drainage network to accommodate additional stormwater. The capacity of the site to absorb run-off. The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.</p>		
<p>54.03-5 09/04/2020 VC178 Energy efficiency protection objectives To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. Standard A7 Buildings should be: Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. Living areas and private open space should be located on the north side of the dwelling, if practicable. Dwellings should be designed so that solar access to north-facing windows is maximised. Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. The size, orientation and slope of the lot. The existing amount of solar access to abutting properties. The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed</p>	<p>See page 7</p>	<p>Complies</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>by existing buildings or other permanent structures. Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot. The availability of solar access to north-facing windows on the site.</p>		
<p>54.03-6 19/01/2006 VC37 Significant trees objectives To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site. Standard A8 Development should provide for the retention or planting of trees, where these are part of the neighbourhood character. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Decision guidelines Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The health of any trees that were removed or are proposed to be removed. Whether a tree was removed to gain a development advantage. Page</p>	<p>Two (2) trees are proposed to be removed at the site's frontage (as indicated on Drawing TP-02). All other vegetation that has been recently removed, has been removed or is to be removed in accordance with planning permit (1³19/1782).</p>	<p>The removal of trees to the front elevation should be avoided as the trees will screen any development from the street. Any removal for access should be replaced with substantial indigenous trees</p>
<p>54.04 10/12/2013 VC99 AMENITY IMPACTS 54.04-1 10/12/2013 VC99 Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. Standard A10 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic</p>	<p>Setbacks: - A setback of 15.2m from I [REDACTED] with a setback of 7.5m from the edge of the car port to the street front; - A setback of 2.39m from the [REDACTED] - A setback of 2.67m from the [REDACTED] and - A setback of 6.8m from [REDACTED]</p>	<p>Complies</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Diagram A1 Side and rear setbacks</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. Page 1018 of 1272</p> <p>MORNINGTON PENINSULA PLANNING SCHEME The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. Whether the wall abuts a side or rear lane.</p>		
<p>54.04-2 10/12/2013 VC99</p> <p>Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard A11 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary: For a length more than the distance specified in a schedule to the zone; or If no distance is specified in a schedule to the zone, for a length of more than: - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary. A building on a boundary includes a building set back up to 200mm from a boundary.</p>	<p>See plans p 7 and above</p>	<p>Complies</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The extent to which walls on boundaries are part of the neighbourhood character. The visual impact of the building when viewed from adjoining properties. The impact on the amenity of existing dwellings. The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. The orientation of the boundary that the wall is being built on. The width of the lot. The extent to which the slope and retaining walls or fences reduce the effective height of the wall. Whether the wall abuts a side or rear lane. The need to increase the wall height to screen a box gutter.</p>		
<p>54.04-3 19/01/2006 VC37</p> <p>Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p> <p>Standard A12 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p> <p>Diagram A2 Daylight to existing windows Decision guidelines</p>	<p>See plans p 7</p>	<p>Complies</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>Before deciding on an application, the responsible authority must consider: The design response. Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings</p>		
<p>54.04-5 19/01/2006 VC37 Overshadowing open space objective To ensure buildings do not unreasonably overshadow existing secluded private open space. Standard A14 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced. Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. The impact on the amenity of existing dwellings. Existing sunlight penetration to the secluded private open space of the existing dwelling. The time of day that sunlight is available to the secluded private open space of the existing dwelling. The effect of a reduction in sunlight on the existing use of the secluded private open space.</p>	<p>See p 15</p>	<p>Excessive overshadowing of the deck at no. 6 occurs.</p>
<p>54.04-6 19/01/2006 VC37 Overlooking objective To limit views into existing secluded private open space and habitable room windows. Standard A15 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room</p>	<p>See elevations p 12</p>	<p>Complies.</p>

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or Have sill heights of at least 1.7 metres above floor level, or Have obscure glazing in any part of the window below 1.7 metres above floor level, or Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be: Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary. Diagram A4 Overlooking open space Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. The impact on the amenity of the secluded private open space or habitable room window. The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. The internal daylight to and amenity of the proposed dwelling.</p>		
<p>54.05 <small>15/07/2013 VC100</small> ON-SITE AMENITY AND FACILITIES 54.05-1 <small>19/01/2006 VC37</small> Daylight to new windows objective To allow adequate daylight into new habitable room windows. Standard A16 A window in a habitable room should be located to face: An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and</p>	<p>See p 7</p>	<p>Complies</p>



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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
<p>minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. Whether there are other windows in the habitable room which have access to daylight.</p>		
<p>54.05-2 <small>15/07/2013 VC100</small></p> <p>Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard A17 A dwelling should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider: The design response. The useability of the private open space, including its size and accessibility. The availability of and access to public open space. The orientation of the lot to the street and the sun.</p>	See plans p 7	Complies
<p>54.05-3 <small>19/01/2006 VC37</small></p> <p>Solar access to open space objective To allow solar access into the secluded private open space of a new dwelling.</p> <p>Standard A18 The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p> <p>Diagram A5 Solar access to open space Decision guidelines</p>	See plans p 7	Complies

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MPS Planning scheme Requirement	Applicant-Urban edge	NCG comment
Before deciding on an application, the responsible authority must consider: The design response. The useability and amenity of the secluded private open space based on the sunlight it will receive. Page		

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From: [REDACTED]
Sent: Friday, 29 October 2021 1:42 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

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Do you represent other people?

No

How does the proposal affect you?

I live in an affected street

In summary, my comments are:

Myself and my husband live in [REDACTED], in the rear section of an old 1980s subdivision of number [REDACTED]. [REDACTED] and surrounding streets, part of Precinct 6, play an important role in Mornington's character due to the minimal subdivision of larger blocks. This area is one of the last that retains the historic character of 'old' Mornington, with some of the few remaining private gravel roads, significant indigenous trees and wildlife habitat. We believe it is extremely important for the whole suburb to retain this buffer between the green wedge and the more highly densely populated area, as acknowledged in the existing regulations that were reviewed in 2014. These streets provide access for the widely-acclaimed Cliff Path and surrounding area of natural beauty, constituting renowned walking and recreation opportunities for all Mornington residents, not just those who reside here.

We believe the minimum lot size in this area of 700 square meters should be preserved for perpetuity, and that there should be NO amendments to the current heights and set-backs for this Precinct. Opening the door for future subdivision and changes to heights and set-backs in this area will be the beginning of the end of the significant character and history of this area, and it will never be able to be reinstated once it is gone.

Thank you for the opportunity to comment.

Would you like to upload a document or image with further details?

No

To view all of this form's submissions, visit

[REDACTED]

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This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

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[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 1:23 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Dear Strategic Planning

Please find attached a submission to the above Planning Scheme Amendment C219 on behalf of [REDACTED]

Kind regards,

[REDACTED]

Submitter 256 - Page 2 of 3



29 October 2021

Attention | Team Leader Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

By email: strategic.admin@mornpen.vic.gov.au

**Mornington Peninsula Planning Scheme Amendment C219
Notice of Preparation of An Amendment**

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cities of tomorrow.

We refer to the above Planning Scheme Amendment currently on public exhibition. We act for [REDACTED] who are the owners of the land at [REDACTED]. The Subject Site has been owned by our client (and retained within family of many years) and is used for residential purposes.

The land holding comprises three (3) titles and has an approximate area of 11.74ha. The property is located at the interface between the existing urban area of Shoreham and the natural coastal landscapes of the Shoreham beach foreshore. The topography of the land is undulating and property is densely vegetated at present with mature native vegetation and canopy trees throughout. The property is largely undeveloped, containing a primary residential dwelling and a number of ancillary outbuildings and guest accommodation. At present the land is subject to the General Residential zone (schedule 1) and eight (8) different Overlays (including 11 separate schedules).

We understand that the proposed Amendment includes to rezone the subject land (and the majority of existing urban residential land within all townships across the municipality) to a Neighbourhood Residential zone, apply various Neighbourhood Character schedules and amend the existing Design & Development Overlay schedules. None of the existing environmental or landscape overlays or schedules that apply to the land are proposed to be amended or replaced. The Amendment essentially provides a further layer of more stringent design controls relating to subdivision, siting of new dwellings and landscaping on land already subject to significant and complex layers of planning ordinance.

Our client welcomes the ongoing strategic planning being undertaken Council, including the preparation of the Mornington Peninsula Housing and Settlement Strategy (Refresh 2020) and Neighbourhood Character Study (2019). In principle they support the intent of these strategies to balance the protection of the valued characteristics unique to the Mornington Peninsula townships and appropriately plan for incremental housing growth (in the right locations) to meet the changing requirements of the existing and incoming population.

However, our client is concerned that the proposed Amendment will place unnecessary additional planning restrictions on all urban land within the wider Mornington Peninsula and does not adequately plan for necessary housing supply, including on 'appropriate' land that may be capable of delivering the modest residential growth likely to be required.

As per the Victorian Government's Victoria in Future 2019 (DELWP, 2019) (VIF2019), the Mornington Peninsula's Estimated Resident Population (ERP) is projected to grow to 200,360 people by the year 2036. The 2016 ABS Census of Population and Housing, estimates approximately 24,010 net new dwellings need to be added to the Mornington Peninsula by the year 2036, at an average of 1,200 net new dwellings per year. We note this data and the Housing and Settlement Strategy was prepared before Covid 19 pandemic and therefore the population and growth assumptions are now likely under-estimated. As you will be aware there has been a significant increase in demand for housing on the Mornington Peninsula with many residents moving



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from inner Melbourne since the start of the pandemic. As a result, there is now unprecedented pressure on property prices, leading to substantial increases in landholding costs, land management costs and housing affordability issues for existing and incoming residents.

From our review, the Housing and Settlement Strategy only identifies a limited number of potential residential infill opportunities throughout the municipality and strategic investigation sites where the supply of new dwellings may be directed to meet the projected population increases. Further, in our view, placing more stringent 'blanket' planning restrictions across all residential land within the municipality will unnecessarily constrain the supply of housing, in particular in locations appropriate to accommodate the modest growth required.

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Applying additional layers of planning controls to land already significantly constrained by multiple planning overlays (that may compete and / or contradict each other) will add unnecessary complexity to an already complex planning evaluation and administrative process. Even the most basic of planning approvals requires extensive and complex justification under the current planning regime that applies to the subject site. For example, our client recently sought planning approval for a tennis court on the Subject Site (a relatively uncontroversial matter on a property of this size). The application required significant supporting documentation to address the excessive planning ordinance that applied to the land and required public notice, taking over 12 months to obtain approval. This is an added and unnecessary burden and cost to the landowner, Council and ultimately the wider community.

In our view, if Council are to pursue the Amendment as proposed a thorough review of all other existing overlays (including landscape and environmental overlays) should also be undertaken to simplify the planning controls / regime that applies to all urban residential land (existing and potential) in the municipality. Subsequently the Amendment should remove redundant provisions that may layer unnecessary and complex planning constraints over land that may otherwise be appropriate or identified for urban residential development infill or renewal under the current planning controls.

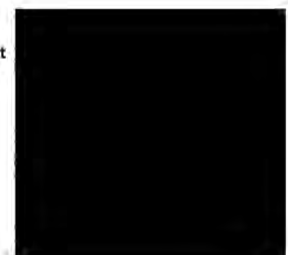
We note changes to the proposed Design and Development overlays that apply to the Subject Site (DDO schedules 2 & 3) by the Amendment includes to apply fixed minimums for lot sizes, rather than apply an approach of limiting lot sizes utilising an average lot size to be achieved. It is unclear why the change of approach is proposed by the Amendment. It is considered important that some flexibility is available for the application of development and subdivision controls to enable site responsive design outcomes to be applied under circumstances where land is subject to complex layers of environmental and landscape ordinance exist (such as the Subject Site).

Our client therefore does not support the proposed change of zoning regime across the Municipality (and as applied to the Subject Site) proposed by the Amendment, nor do they support changes to the proposed Design and Development Overlay without further review and simplification of all existing controls that apply to the land (including review of existing environment and landscape overlay controls).

We would be pleased to be kept informed by the progress of the Amendment and any changes proposed in response to submissions received. Our client reserves the right to make further submissions to the Amendment should they arise from their ongoing review.

Should you have any questions of wish to discuss these matters further please do not hesitate to contact the undersigned on [REDACTED]

Kind Regards



Submitter 257 - Page 1 of 14

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 1:37 PM
To: Strategic Admin
Cc: Corporate E-Mail Enquiries; 'Michael Tasevski'
Subject: [Redacted]
Attachments: [Redacted]

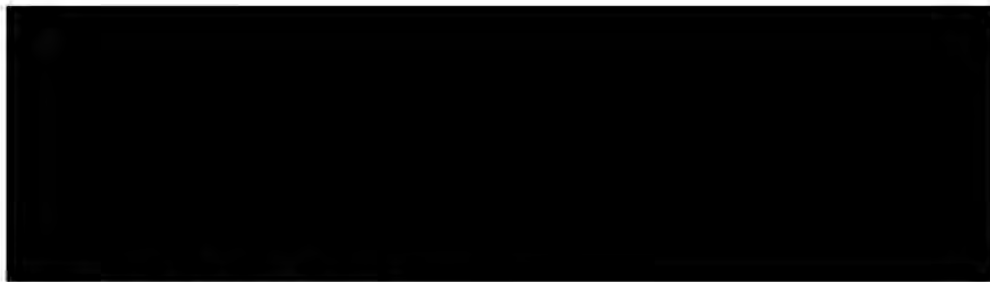
Team Leader, Strategic Planning
Re: Amendment C219morn - submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Please find attached submission to Amendment C219.

Regards,



Submitter 257 - Page 2 of 14



Team Leader, Strategic Planning
Re: Amendment C219morn – submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Via email customerservice@mornpen.vic.gov.au

29 October 2021

Dear Sir/Madam,

**RE: Amendment C219
Housing for the Peninsula - Planning Scheme Amendment C219morn**

I refer to the above proposed planning scheme amendment. This firm represents the owners of the land at [REDACTED] who object to planning scheme amendment C219 to the Mornington Peninsula Planning Scheme.

Council's proposal to update its planning scheme and apply various residential zones and rationalise the overlay controls affecting various township areas of the Mornington Peninsula, is to be expected and required by state directives. While the Mornington Peninsula is not a nominated growth area/corridor, it remains part of Metropolitan Melbourne and has a role to play with respect to the urban consolidation objectives of the planning scheme (housing supply, diversity and affordability). The amendment purports to facilitate the process to provide 1,200 homes per year to provide enough housing to meet the anticipated demand for new homes by 2036, the amendment essentially proposes unreasonable controls which will essentially create a prohibition on development opportunities and is overly burdensome on residential land closest to the area where increases in housing make the most strategic sense, ie. Closest to the commercial areas.

We welcome the opportunity to put our concerns to an independent panel, however, in the meantime if you have queries, please do not hesitate to contact me on [REDACTED]

Yours faithfully,



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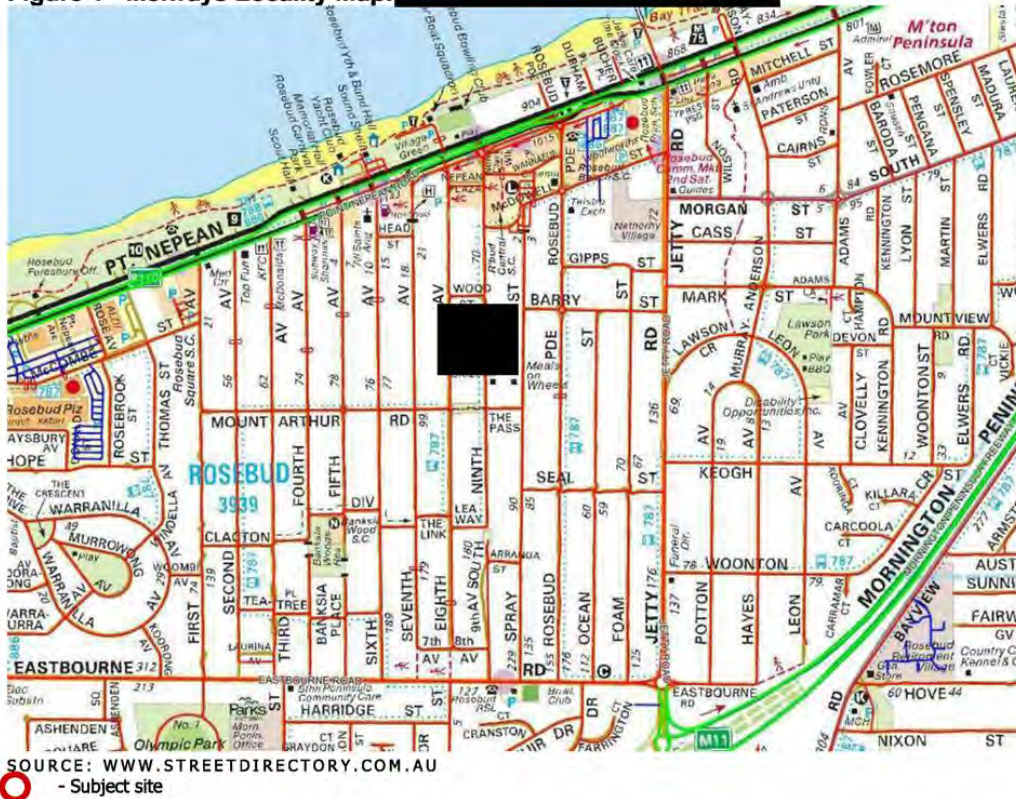
1.0 The land and context

The subject site is located on the east side of [REDACTED] approximately half way between the [REDACTED] is local traffic road that runs along a north-south axis. Unrestricted on-street parking is allowed along the sites [REDACTED] frontage. There are no pedestrian footpaths on either side of the street. The immediate surrounding street network are all two way streets. The surrounding dwelling stock represents 1970/1980's to 1990s era architecture, with the majority being fibre cement sheeting or weatherboard with metal sheeting roofs. The site is currently vacant land. Landscaping at the site consists of a few grassy ground coverings only.

The site comprises two lots totalling 956.91 square metres and is rectangular in shape and has fall from the street to the rear of the site of approximately 2 metres. the land has a frontage of 21.32 metres and a dept of 44.93 metres. The site abuts road the reserve to the west and two residential dwellings to the north and south and two residential dwellings to the east which have their frontage to [REDACTED] Abutting land have areas significantly less than the site at [REDACTED] being 479 square metres, [REDACTED] having a lot size of 479.86 square metres, [REDACTED] street being 551 square metres, [REDACTED] being 551 square metres and [REDACTED] being 503 square metres in area. On the western side of [REDACTED] lots have a smaller lot size than those on the eastern side of the road with the properties at [REDACTED] having a lot area of 389.28 square metres.

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Figure 1 - Melways Locality Map: [REDACTED]



2.0 Current Planning Scheme Controls

The site currently enjoys the benefits and protections of being within a General Residential Zone 1 with no overlay controls applying to the land.

The current controls do not require a planning permit to construct one dwelling on the land. Constructing one dwelling on the land is provided with the benefits and protections of Part 5 of the Building Regulations 2018 relating to siting.

A planning permit is required to construct 2 or more dwellings on the land and up to a height of 11 metres.

Part 5 of the Building Regulations 2018 contains requirements for siting matters that apply to the construction of single Class 1 buildings, Class 10a buildings (e.g. sheds) and Class 10b structures (e.g. fences). The requirements in Part 5 are equivalent to those under Victoria Planning Schemes and clause 54 of the Victorian Planning Provisions (VPP).

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The current controls allow a dwelling to be constructed with the following siting allowances which are the same as that under Clause 54 (if a permit was required under Clause 54) being:

Part 5 of the Building Regulations 2018

- 73. Maximum street setback
- 74. Minimum street setbacks
- 75. Building height
- 76. Site coverage
- 77. Permeability
- 78. Car parking
- 79. Side and rear setbacks
- 80. Walls and carports on boundaries
- 81. Daylight to existing habitable room windows
- 82. Solar access to existing north-facing habitable room windows
- 83. Overshadowing of recreational private open space
- 84. Overlooking
- 85. Daylight to habitable room windows
- 86. Private open space

Figure 2- Zoning Map: [REDACTED]



The Public Use Zone is the *Rosebud Over 50s Senior Citizens Club Rooms*.

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The current planning policies relevant to the site for residential development where a planning permit is required for more than two dwellings on a lot are as follows:

Municipal Planning Strategy

- Clause 02.02 Vision
- Clause 02.03-1 Settlement
- Clause 02.03-5 Built environment and heritage
- Clause 02.3-8 Infrastructure

Planning Policy Framework (PPF)

- Clause 11 Settlement
- Clause 11.01-1R Settlement
- Clause 11.01-1L-01 Settlement – Mornington Peninsula
- Clause 11.02-1S Supply of urban land
- Clause 11.03-5S Distinctive areas and landscapes
- Clause 13.01 Climate change impacts
- Clause 13.01-1S Natural hazards and climate change
- Clause 13.01-1L Natural hazards and climate change - Mornington Peninsula
- Clause 15 (Built Environment and Heritage)
- Clause 15.01-1S & R (Urban design)
- Clause 15.01-1L (Urban design – Mornington Peninsula)
- Clause 15.01-2S (Building design)
- Clause 15.01-2L (Building design - Mornington Peninsula)
- Clause 15.01-4S (Healthy neighbourhoods)
- Clause 15.02-1S (Energy and resource efficiency)
- Clause 15.01-4R (Healthy neighbourhoods Metropolitan Melbourne)
- Clause 15.03-2 (Aboriginal cultural heritage)
- Clause 16.01-1S (Housing Supply)
- Clause 16.01-2R (Housing supply - Metropolitan Melbourne)
- Clause 16.01-2S (Housing affordability)
- Clause 18.01-1S (Land use transport planning)
- Clause 18.01-2 (Transport system)
- Clause 18.02-1 (Sustainable personal transport)
- Clause 18.02-4S (Carparking)
- Clause 19-03-3S (Integrated water management)
- Clause 19.03-3L (Integrated water management – Mornington Peninsula)

General Provisions

- Clause 65 Decision Guidelines

3.0 Proposed Planning Scheme Controls

3.1 Zone

It is proposed to rezone the land from General Residential 1 Zone to a Neighbourhood Residential Zone and apply a Neighbourhood character overlay on the land.

The current controls allow a dwelling (or more than one dwelling) to be constructed up to a height of 11 metres/3 storeys while the proposed building height is to limit height to 9 metres/2 storeys.

The application of Neighbourhood Residential Zone in the area of the Avenues will require a planning permit for any development on a lot less than 500 square metres. While the subject site is greater than 500 m² it is only because the land encompasses 2 lots. There are a significant number of lots in the Avenues that are under 500 square metres which will create a greater cost and time delay to construct a dwelling or extension to one dwelling or construct a fence.

3.2 Overlay

The Neighbourhood Character Overlay is complex and confusing.

Where the zone provision only applied to sites over 500 square metres, the proposed Overlay will introduce a requirement for a planning permit for the construction of one dwelling on the land regardless of the size of the land. This control is burdensome and unreasonable.

A planning permit is not required currently for the

- Demolition of a dwelling;
- Removal of vegetation;
- Construction of one dwelling and outbuildings.

The proposed Neighbourhood Character Overlay will require a planning permit for the above matters.

The amendment proposes to reduce the cost and time to develop or extend one dwelling on a lot by updating specific Design and Development Overlays (DDOs) by removing:

- permit requirements that deal with noncurrent issues

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- unnecessary or overly complex permit requirements
- superfluous or redundant provisions.

However, the introduction of the Neighbourhood Character Overlay specifically introduces red tape and flies in the face of what is sought by the reduction in DDO's by requiring a planning permit in a NCO.

3.3 Schedule to the Overlay

Schedule 2 to Clause 43.05 Neighbourhood Character Overlay has a number of variations to the standards of Clause 54 and 55.

Standard	Modified requirement	Comment
Minimum street setback A3 and B6	<p>If the site is not on a corner, walls of buildings should be set back from the front street at least:</p> <ul style="list-style-type: none"> • the average distance of the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 9 metres, whichever is the lesser, if both abutting allotments facing the front street have an existing building. • the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser, if only one abutting allotment facing the front street has an existing building. • 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. 	

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	<p>If the site is on a corner, walls of buildings should be set back from the front street at least:</p> <ul style="list-style-type: none"> • the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. • 7.5 metres for all streets, if there is no existing building on the abutting allotment facing the front street. <p>If the site is on a corner, walls of buildings should be set back from a side street at least the same distance as the setback of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser</p>	
Site coverage A5 and B8	The site area covered by buildings should not exceed 50 per cent.	
Permeability A6 and B9	The site area covered by pervious surfaces should be at least 30 per cent.	
Significant Trees A8 Landscaping B13	<p>Buildings and works should be sited to: retain existing native coastal trees and understorey. accommodate vegetation, including trees, around dwellings.</p> <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>	
Side and rear set		

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<p>back A10 and B17</p>	<p>A new building, other than a garage or carport, should be set back at least: setbacks</p> <ul style="list-style-type: none"> • 1 metre from one side boundary. • 2 metres from the other side boundary. • 5 metres from a rear boundary. 	
<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>Private open space B2</p>	<p>A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room.</p> <p>If a dwelling has more than 2 bedrooms, an additional ground level private open space area of 20 square metres with a minimum width of 3 metres should be provided for each additional bedroom, with a maximum of 80 square metres of private open space for each dwelling.</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>	

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	<p>scale and form; roof form and pitch; number of storeys; façade articulation; building siting; and siting and design of driveways, garages or carports.</p> <p>New buildings should: complement the simple building forms, materials and siting of older, original dwellings. articulate the front façade through the use of setbacks, recesses, windows and materials. use contemporary design details that do not mimic those of earlier architectural styles. use lighter finishes and incorporate timber or fibreboard. provide a low-pitched roof with prominent eaves. locate solar panels, air conditioning units, rainwater tanks, bins and storages to minimise their visual impact. Second storey elements should be recessed from the front façade above the ground level. A garage, carport or car space constrained by walls should: be located to the side or rear and behind the line of the front dwelling façade. minimise the need for paving in front yards. A vehicle crossover should: 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>	
<p>Front fences A20 and B32</p>	<p>A front fence within 3 metres of a street should:</p>	

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	<p>be of an open style. be constructed of steel and wire mesh. not exceed 1.2 metres in height.</p>	
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The immediate context of [REDACTED] is comprised of single dwellings per lot. Dwellings are mostly single storey, and located to the front of the land with open space to the rear. Scattered vegetation is present within frontages and rear open spaces, with development framed by vegetation. Majority of lots are 390 square metres, as part of a uniform subdivision pattern, approximately 10.7 metres wide and 37 metres deep. The eastern side of [REDACTED] is slightly larger at 480 square metres, the depth increased to 45 metres. The introduction of the character overlay will result in these lots not being able to be developed with medium density housing, due to the modified requirements outlined in the schedule to the overlay.

For example on a 10.7 metre wide lot with a 37 metre depth.

Require a minimum of 7.5 metre front setback, in some instances like the subject site, the setback will be greater because the average of the 2 setbacks is 8.3 metres.

Requires a minimum 1 metre setback to one side boundary, and 2 metres to the other side boundary. Allow 7.7 metre breadth of dwelling frontage.

Requires a minimum 5 metre setback to rear boundary.

50% site coverage (within the 50% site coverage a minimum of 30% permeability should be able to be achieved).

Landscaping space for trees.

No walls on boundary (except for a garage).

40 m2 open space for a 2 bedroom dwelling
60 m2 open space for a 3 bedroom dwelling
80 m2 open space for a 3+ bedroom dwelling

These controls allow a building footprint of 7.7 metres breadth with a 24.5 metre length which does not allow for medium density housing to be constructed on the site, with the exception of an apartment style with basement car parking.

The Neighbourhood Character Overlay is effectively quarantining the lots in this area to be single dwelling lots which is contrary to state policy where change should include a role to play with respect to urban consolidation objectives in the planning scheme with respect to housing supply, diversity and affordability.

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4.0 Conclusion

The methodology of a desk top audit of the areas for residential zones is flawed and doesn't take into account the nuances for micro areas within restrictive zone areas. While Council endeavours to update its application of various residential zones and rationalise the overlay controls affecting various township areas of the Mornington Peninsula, is expected, it remains part of Metropolitan Melbourne and has a role to play with respect to the urban consolidation objectives of the planning scheme (housing supply, diversity and affordability). It is recognised that a functional balance must be achieved in balancing policies.

We submit that Amendment C219 the balance between regional growth and preservation has not been achieved. It is acknowledged that a multi-dwelling development will not inherently detract from the region's values (including character/vegetation and amenities). On the contrary, well-conceived and site-responsive design can deliver many benefits to the Mornington Peninsula, including increased demand for services and facilities (schools, shops etc), provisions of more homes for people seeking to live in the area and therefore reducing the challenges of holiday home owners and seasonality occupancy and increased community access to amenities.

It is recognised that the complexity of the amendment review seems to take the approach to limit further growth to the area that, development exceeding two storeys are inappropriate, most locations for residential development should be placed in areas designated for 'minimal change', and overlay controls.

Concerns arising from Amendment C219 include:

- The inclusion of the NRZ as proposed will limit the ability to have multi-dwelling developments in appropriate locations particularly within close proximity to Activity Centres in Rosebud undermining the 20 minute suburbs and climate change impacts.
- Criteria for including land in the NRZ is that the land must be affected by overlays like the NOC which creates the perspective that multi-dwelling developments cannot be achieved in these areas.
- The Amendment seeks to apply the NRZ to limited and incremental growth areas, and the GRZ to substantial change areas, which is unnecessarily restrictive.
- An cursory review of the amendment appears that there are far too many schedules for the zones, DDO's and different character areas, and the proposal for more Secluded Private Open Space than is required for the rest of Victoria is misguided and overly onerous and detrimental to land redevelopment. If the intention is to limit density and achieve 'greener' outcomes, this should be done through the vegetation/site coverage provisions.

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It is considered that the approach undertaken is unnecessarily complex and restrictive. It is suggested that a more appropriate approach would have been to:

- Identify areas where substantial, incremental and limited change should reasonably occur (having regard to matters such as proximity to activity centres; walkability, employment nodes, and public transport).
- Apply reasonable locational criteria/proximity parameters to designate 'change levels' for the different areas (e.g. substantial change only within or directly proximate to activity centres, incremental change within a comfortable walking distance of activity centres – say 800m, and limited change beyond this).
- Applying the residential zones in a way that has been applied in other municipalities such as MUZ / RGZ for substantial change, GRZ for incremental change and NRZ / LPRZ for minimal change.
- Individualising overlay controls and/or policy provisions to identify and protect the existing values and characteristics of a locale with careful consideration in the micro level, rather than a blanket controls over thousands of lots.

The Amendment places too much land in the NRZ and the layers of controls to support this are too numerous, complex and limiting. For the subject site the proposed zone and overlay controls are not well reasoned and does not provide a satisfactory balance between sometimes-competing policy objectives and it is submitted that this has not been achieved.

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[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 1:33 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Dear Strategic Planning

Please find attached a submission to the above Planning Scheme Amendment C219 on behalf of [REDACTED]

Kind regards,

[REDACTED]

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29 October 2021

Attention | Team Leader Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

By email: strategic.admin@mornpen.vic.gov.au

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cities of tomorrow.

**Mornington Peninsula Planning Scheme Amendment C219
Notice of Preparation of An Amendment**

We refer to the above Planning Scheme Amendment currently on public exhibition. We act for [REDACTED], who are the owners (by contract of sale) of the land at [REDACTED]. [REDACTED] also act on behalf of the owners at [REDACTED]. For the purposes of this submission these landholdings are referred to as the Subject Site.

Background

The Subject Site comprises six (6) separate titles with an approximate area each of 1ha, or 6ha in total. The Subject Site forms part of a wider existing residential area located to the eastern end of the Mornington township (approximately 2km from the town centre), known as the [REDACTED]. The Precinct is bounded by [REDACTED] the rear of established residential properties to the west and the rear of commercial properties to the north. Overall, the Precinct comprises 11 titles and has a total area of 11.33ha.

The topography of the land within the Precinct is generally flat and there is limited significant or native vegetation located throughout. Each property contains an existing dwelling and associated outbuildings. A number of the properties also contain existing stables and other infrastructure associated with former or existing connections to the [REDACTED]. Refer below image of the Subject Site and Precinct.



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The Precinct is currently zoned Low Density Residential and is subject to a Design and Development Overlay (Schedule 6) and Vegetation Protection Overlay (Schedule 1).

The Mornington North Outline Development Plan (the ODP) applies to the Precinct and is a listed policy document at Clause 11.03-6L of the Planning Scheme. The ODP was prepared and adopted by Council in July 2013, which predates Amendment C219 (including the Mornington Peninsula Housing and Settlement Strategy - Refresh 2020) and current State Planning policy, including Plan Melbourne. Refer to Mornington North Outline Development Plan Precinct Plan (note: Precinct 6) below:

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PRECINCTS



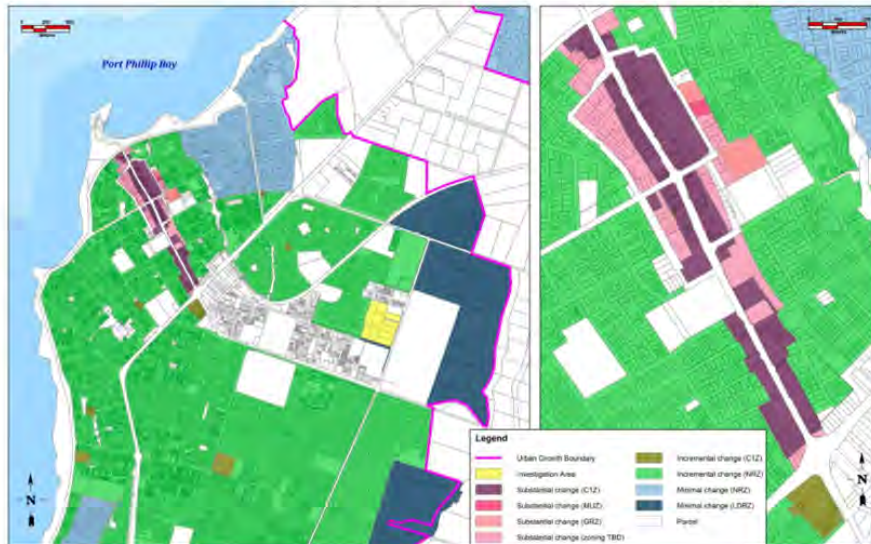
Within the ODP the Precinct is identified as forming part of a 'low density' residential area that was retained to 'minimise conflicts between residential and nearby non-residential uses', including industrial uses (north and south) and the [redacted] to the east.

Within the Housing and Settlement Strategy (Refresh - 2020 and previous iterations) the Precinct is specifically identified as an 'Investigation Area' to be considered for future housing growth. 'Investigation Area's' are defined in the Strategy as 'areas within low density residential zone that are undeveloped or relatively isolated and where redevelopment would not compromise the landscape breaks between townships or the objectives of landscape protection and environmental conservation' (p. 32). However, the Strategy states that these sites will not be given a change category (ie. minimal, incremental or substantial growth) 'due to the need for further investigation'.

Refer below to Housing Change Framework Map (Appendix B of the Mornington Peninsula Housing and Settlement Strategy).



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We note the Housing Change Framework Plan shows the Precinct as the only land area identified in Mornington as potentially being suitable for change and / or urban residential growth (outside land that is already zoned for urban residential purposes). Areas identified as substantial change are limited land holdings that form part of the existing Mornington town centre.

The Precinct is the subject of a proposal that is supported by all landowners in [redacted] area to rezone the land to urban residential purposes in response to the Mornington Peninsula Housing and Settlement Strategy (2020). [redacted] (as representative of 6 of 11 of the properties in the Precinct) is working closely with other landowners (including 4 properties represented by [redacted]) to formally lodge the rezoning request with Council.

We note that the landowners (and their representatives) have been working with Council officer's for over 18 months as part of a 'pre-lodgement investigations' to confirm the merits of the proposed rezoning and determine the development potential for urban residential purposes. The rezoning request will be formally submitted in November 2021.

Consideration of the Amendment on the Subject Site and Precinct

We understand that the proposed Amendment seeks to rezone the majority of the existing urban residential land within all townships across the municipality to a Neighbourhood Residential zone, applying 'minimal' or 'incremental' change category restrictions. In addition, the Amendment will apply various new Neighbourhood Character schedules and introduce new Design & Development Overlay schedules aimed at protecting valued urban character outcomes throughout the Peninsula.

Specific to the Precinct and the Subject Site, we note that the Amendment does not propose any change to the current zoning of the land. However, the Amendment proposes changes to the existing Design and Development Overlay Schedule, via the introduction of a new Schedule 53 to the DDO (Low Density Settlement D) and removal of the existing Schedule 6. The new schedule proposes additional controls on subdivision and development to respond to the low density and sensitive environs at the edge of the Mornington township.



Submitter 258 - Page 5 of 7



The Amendment also proposes to introduce a number of new local strategic directions that would give effect to limit the potential for substantial urban renewal and density to occur in areas identified for growth within 'Investigation Areas' identified by the Settlement Strategy. In particular we note the following proposed Clauses:

'Clause 02.03-6 (Housing):

- Encourage non-constrained areas with capacity and service capability to accommodate housing growth and housing diversity as incremental change areas.
- Support non-constrained areas with capacity and service capability to accommodate housing growth and housing diversity in proximity to jobs, services and facilities under a structure plan that supports 3 storeys or more as substantial change areas.

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And ...

Clause 16.01-1L (Housing supply - Mornington Peninsula):

- Ensure development in investigation areas reflects the housing change category of surrounding residential areas. '

While [redacted] supports the ongoing strategic planning being undertaken by Council, including the preparation of the Housing and Settlement Strategy (2020) and Neighbourhood Character Study (2019), they are concerned that the proposed Amendment fails to adequately plan for and act on providing adequate future housing supply. This includes the bringing forward of suitable land that is identified as being capable of delivering the residential growth likely to be required.

As per the Victorian Government's Victoria in Future 2019 (DELWP, 2019) (VIF2019), the Mornington Peninsula's Estimated Resident Population (ERP) is projected to grow to 200,360 people by the year 2036. The 2016 ABS Census of Population and Housing, estimates approximately 24,010 net new dwellings need to be added to the Mornington Peninsula by the year 2036, at an average of 1,200 net new dwellings per year.

We note this data (and the Housing and Settlement Strategy) was prepared before Covid 19 pandemic and therefore the population and growth assumptions are now likely under-estimated. As you will be aware there has been a significant increase in demand for housing on the Mornington Peninsula with many residents moving from inner Melbourne since the start of the pandemic. As a result, there is now unprecedented pressure on property prices, leading to substantial increases in landholding costs, land management costs and housing affordability issues for existing and incoming residents.

From our review, the Housing and Settlement Strategy identifies only a limited number of potential residential infill opportunities throughout the municipality where the supply of new housing may be directed to meet the projected population increases.

Key Submissions

It is considered that the proposed Amendment fails to balance competing objectives of State Planning Policy to deliver adequate housing supply with local policy aspirations aimed at protecting character and landscape outcomes. In our view the 'blanket rezoning' of all General Residential zoned land will unnecessarily constrain housing supply and that Council should review the approach by facilitating urban growth in appropriate and identified locations as part of this Amendment.



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██████████ therefore submits that the proposed change of zoning regime across the Municipality should be reconsidered to retain the existing approach and application of the General Residential zone on land identified for incremental or substantial change. ██████████ accepts that there may be merit in the application of the Neighbourhood Residential zone (and associated schedules and Overlays) in area's identified as sensitive or unique value to the Peninsula, therefore minimal change applied. However, it is submitted that area's (such as the Precinct and Subject Site) that are identified for potential urban renewal and do not present significant character or landscape constraints should be considered as opportunities for greater change to contribute to the necessary supply of new housing.

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While it is acknowledged that the Amendment supports the potential 'investigation' of change to the Precinct, it does not propose any change to the zone at this stage. It is considered that the merits of the Precinct for rezoning are well known to Council through the extensive investigations to date and that the rezoning of the land to a potential General Residential zone should be assessed on merits as part of Amendment C219.

In relation to the Subject Site and Precinct, our client's key submissions include, prior to proceeding with the Amendment the following changes should be applied, including:

1. The Mornington Peninsula Housing and Settlement Strategy (2020) should be reviewed and the population / housing projections reconsidered in the strategic context of the post Covid 19 environment;
2. Proposed Clause 02.03-6 (Housing) and Clause 16.01-1L (Housing supply - Mornington Peninsula) should be redrafted to acknowledge the role of 'Investigation Areas' is to deliver potential 'substantial change'; the supply significant new housing; and diverse dwelling outcomes, whilst respecting (but not replicating) the valued character of adjoining land;
3. Existing policies contained within the Planning Scheme that relate to the Mornington North Outline Development Plan Area should be updated to acknowledge the land forming part of the ██████████ ██████████ as an identified 'Investigation Area' within the Housing and Settlement Strategy.
The existing policies should also be redrafted to acknowledge that the Precinct may be suitable for 'substantial change' and that site specific character outcomes should be delivered that acknowledge (but not replicate) the existing context and character of the surrounding land;
4. The proposed Schedule 53 to the Design and Development Overlay should be removed from application to the Precinct or amended to acknowledge that the Precinct is identified as an 'Investigation Area' under the Housing and Settlement Strategy and therefore may be subject to 'substantial change' and future urban development, including increased dwelling density and diversity outcomes in this location.
5. The land forming part of the ██████████ ██████████ should be rezoned as part of Amendment C219 to a General Residential Zone in order to deliver an immediate opportunity for renewal of the land and supply of substantial new housing required by the Housing and Settlement Strategy (and any post-Covid 19 updates);
6. The development of the Precinct should be guided by a site specific Development Plan Overlay to be implemented as part of the Amendment. The schedule to the Overlay should acknowledge that the Precinct will undergo 'substantial change' (including provision of medium density housing) and that site specific character outcomes should be delivered that respect (but not replicate) the nearby context and character, having regard for both surrounding residential and non-residential land.



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We would be pleased to be kept informed by the progress of the Amendment and any changes proposed in response to submissions received. Our client reserves the right to make further submissions to the Amendment should they arise from their ongoing review.

Should you have any questions or wish to discuss these matters further please do not hesitate to contact the undersigned on [REDACTED]

Kind Regards



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cities of tomorrow.



Submitter 259 - Page 1 of 4

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 1:45 PM
To: Strategic Admin
Cc:
Subject:
Attachments: [REDACTED]

Dear Sir/Madam,

We act on behalf of the landowner at [REDACTED]

Please find **attached** our submission in relation to Amendment C219.

We ask that you please provide confirmation that the submission has been received and will be considered.

Kind Regards,

[REDACTED]

Submitter 259 - Page 2 of 4

[REDACTED]

29 October 2021

Team Leader, Strategic Planning
Mornington Peninsula Shire

By email only: strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

[REDACTED] **Amendment C219 to the Mornington Peninsula
Planning Scheme**

We act on behalf of the owner of the land at [REDACTED]
(**Subject Site**).

Our client seeks to make submissions in respect of Amendment C219 to the Mornington Peninsula Planning Scheme (**Amendment**), seeking to raise the following primary concerns:

1. The Subject Site should be nominated as a substantial change area, having regard to its zoning and overlay and the development outcomes which could be achieved; in the alternative
2. The Subject Site is included within the Commercial 1 Zone and therefore inclusion in a policy directed at residential zoned land (in terms of mapping) is inappropriate and creates confusion; and
3. The wording of the proposed control is clear that this policy should not apply to these areas and therefore the mapping should be updated to reflect same.

The basis for this view is set out in detail below.

Subject Site

The Subject Site is in the Commercial 1 Zone, Schedule 1 (C1Z):

[REDACTED]

It is affected by Design and Development Overlay, Schedule 28 (**DDO28**). DDO28 affects the [REDACTED] and the overlay has a number of design objectives including *to ensure that development enhances the unique character of [REDACTED] including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs*. The overlay allows for the subject site, which is in the South-West sub-Precinct, to build up to 8 metres (no more than 2 storeys) at road frontage and up to 11 metres (no more than 3 storeys) with a minimum set back of 8 metres from the front building line of the second storey.

[REDACTED]

Amendment C219

The Explanatory Report states that the Amendment seeks to implement Housing Policies by making substantial changes to zones, overlays and policies affecting the Shire’s residential areas.

The land affected by the Amendment, as outlined in the Explanatory Report, is as follows:

- all land in the General Residential Zone (GRZ) except those affected by concurrent amendments, i.e. amendments C227morn, C269morn and C275morn
- all land in the Low Density Residential Zone (LDRZ)
- all land affected by Schedules 1 to 7, 11, 17 to 20, and 22 to 24 to the Design and Development Overlay (DDO).

The Explanatory Report and Instruction Sheet to the Amendment do not make any changes to the C1Z or DDO28 affecting the Subject Site.

The Amendment seeks to introduce an additional Housing Supply local policy at Clause 16.01-1L (**Policy**). This is the only policy change which includes reference to the C1Z. The policy applies to *all residential development in the General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Commercial 1 Zone or Mixed Use Zone*. The Policy categorises land in these zones as either minimal change, incremental change or substantial change. As seen from the below the purple denotes minimal change C1Z areas:



In the exhibited document titled “A Desktop Review of the Strategic Work Underpinning Amendment C219morn (2021)”, the change areas are to be applied as follows:

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

Having regard to the current zoning and overlays which affect the land, it is entirely inappropriate to include it in a minimal change area and instead given the height that can be achieved based on the above table it should in fact be included in a substantial change area. In the alternative, we submit it is entirely inappropriate for commercially zoned land to be included in a residential policy at all,

Given the current DDO28 is not proposed to be varied via the Amendment and continues to apply to the Subject Site, including it in the Policy as a minimal change area creates confusion. This is

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29 October 2021

due to the minimal change area only allowing 8 to 9m (2 storeys) whilst the current zone allows up to 11 metres/3 storeys (albeit setback from the street).

Conclusion

One of the pillars of planning in Victoria is that there should be consistency and clarity in both landowners and responsible authorities. For this reason, we submit that the inclusion of the Subject Site and indeed any land zoned C1Z in the Policy under this Amendment creates confusion and should be removed from the mapping and policy. In the alternative, the Subject Site should be noted as being in a substantial change area.

In our view, the Amendment would be inconsistent with the current controls and zoning that apply to the site (which have not been considered by this Amendment).

Yours faithfully,



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Submitter 260 - Page 1 of 5

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 1:50 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Dear Sir/Madam,

We act on behalf of the owner of [REDACTED]

Please find **attached** our submission in relation to Amendment C219.

We ask that you please provide confirmation that the submission has been received.

Kind Regards,

[REDACTED]

Submitter 260 - Page 2 of 5



29 October 2021

Team Leader, Strategic Planning
Mornington Peninsula Shire

By email only: strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

[Redacted]

Amendment C219 to the Mornington Peninsula Planning Scheme

We act on behalf of the owner of the land at [Redacted] (Subject Site).

Our client seeks to make submissions in respect of Amendment C219 to the Mornington Peninsula Planning Scheme (**Amendment**), seeking to raise the following primary concerns:

1. The proposed re-zoning of the Subject Site from the General Residential Zone to the Neighbourhood Residential Zone and inclusion in a "incremental change area" is inappropriate having regard to its site, zoning interfaces and locational attributes;
2. The proximity of the Subject Site to the proposed Dromana Township Centre (contemplated by Amendment C224 which is currently before the Minister) provides strong policy and physical support for the Subject Site zoning remaining and for the site to be nominated as a "substantial change area";
3. The current zoning of the Subject Site is entirely appropriate and there is not sufficient justification for the amendments proposed.

The basis for this view is set out in detail below.

Subject Site

The Subject Site is currently included within the General Residential Zone, Schedule 1 (**GRZ1**) of the Mornington Peninsula Planning Scheme (**Scheme**):



The Subject Site is a corner lot which has frontage to both [Redacted] (which backs onto Commercial 1 Zone land) and [Redacted]. It is not affected by any overlays, meaning the current built form requirements allow for a building height of up to 11 metres and no more than 3 storeys.



Amendment C219

The Amendment seeks to implement housing policies into the Scheme and make changes to zones, overlays and policies affecting residential areas within Mornington Peninsula Shire Council.

The land affected by the Amendment is as follows:

- all land in the General Residential Zone (GRZ) except those affected by concurrent amendments, i.e. amendments C227morn, C269morn and C275morn
- all land in the Low Density Residential Zone (LDRZ)
- all land affected by Schedules 1 to 7, 11, 17 to 20, and 22 to 24 to the Design and Development Overlay (DDO).

Separately, we understand that Amendment C224, relating to the Dromana Township Area (zoned C1Z), has been submitted to the Minister for approval. This amendment seeks to implement Design and Development Overlay, Schedule 29 (**DDO29**) and importantly, establishes [REDACTED] as the town centre with a maximum building height of 3 storeys and 11 metres (with 2 storey street wall apart from areas of Pier St):



Proposed Changes to the Zoning

Relevantly, Amendment C219 seeks to change the zoning of the Subject Site from its current GRZ zoning to the Neighbourhood Residential Zone, Schedule 35 (**NRZ35**). This proposed change would reduce the maximum building height from 11 metres and 3 storeys to 9 metres and 2 storeys.

NRZ35 is to apply to the Dromana Township Area, with character objectives proposed as follows:

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by predominantly small-scale 1-2 storey dwellings with simple building forms and pitched roofs with prominent eaves that utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that create a sense of openness and space around dwellings.

To maintain and strengthen the formal garden setting of dwellings, characterised by canopy trees, bushes, shrubs and garden beds.

To ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead.

To maintain the openness and minimal delineation between the public and private realms, characterised by absent, or low and permeable, front fences with views to front garden areas.

As seen from the below proposed zoning map, the NRZ35 applies to most of the area surrounding the main township centre considered by Amendment C224. The Subject Site sits just outside the area considered by C224:



Policy

Pursuant to proposed clause 16.01-1L, the Subject Site is to be nominated as an incremental change area, whilst the C1Z area considered by Amendment C224 to its immediate north, is marked out for substantial change:



In the exhibited document titled "A Desktop Review of the Strategic Work Underpinning Amendment C219morn (2021)" (**Desktop Review**), the change areas are to be applied as follows:

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



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Applying this framework, the current zoning of the land would support the site being within a substantial change area. With this in mind, it is noted that the Amendment seeks to amend the site's development opportunities from the most generous in the residential zones available in Mornington to the most restrictive.

Conclusion

Given the size of the site, the location as a corner lot and the proximity to the substantial change area of the Dromana Township, it is submitted that the Subject Site should remain in the General Residential Zone and be nominated as a substantial change area.

Yours faithfully,



Submitter 261 - Page 1 of 10

From: [Redacted]
Sent: Friday, 29 October 2021 2:15 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[Redacted]

Last Name

[Redacted]

Organisation (if applicable)

[Redacted]

Postal address

[Redacted]

Email

[Redacted]

Submitter 261 - Page 2 of 10

Phone number

[REDACTED]

Do you represent other people?

Yes

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please refer to comment in attached letter prepared by [REDACTED]

[REDACTED] dated 28 October 2021 (6 pages in total).

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 261 - Page 3 of 10

To view all of this form's submissions, visit



This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

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28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON
PENINSULA PLANNING SCHEME**

I am the owner of the land at [REDACTED]
[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging
a submission to Amendment C219 on my behalf.

Yours sincerely

[REDACTED]

Submitter 261 - Page 5 of 10



28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING SCHEME

I act for [REDACTED] the owner of [REDACTED] (the subject site). I note that:

- The subject site is a large irregular "L" shaped allotment that has an area of approximately 1951m².
- The subject site currently contains a single storey dwelling located towards the rear of the allotment.
- A previous owner of the subject site obtained a planning permit [REDACTED] from Council in October 2018 for a multi-unit development, noting that:
 - It allows "The development of five double-storey dwellings, removal of vegetation and associated works in accordance with the endorsed plans".
 - Council endorsed Condition 1 plans, including a Landscape Plan, in December 2018. The Landscape Plan shows that Council authorised the removal of most trees (Tree No. 1 and No's 21-24 only are shown as being retained).
 - Condition 14 of the permit states that the permit will expire if the development is not completed within four years of the date of the permit.
- Council issued a planning permit [REDACTED] on adjoining land at [REDACTED] [REDACTED] in April 2019. This permit allows a four (4) lot subdivision, alterations and extensions to the existing dwelling and removal of one (1) tree in accordance with the endorsed plans.



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planning
development
project management

- Clause 02.03-1: Strategic Directions, Settlement of the current Mornington Peninsula Planning Scheme (the scheme) states that the municipality contains three Major Activity Centres and five larger township activity centres. Dromana is one of the five (5) larger township activity centres and it is located approximately 1280 metres south-west of the subject site (as measured via closest walking distance).
- The subject site is currently within a General Residential Zone (Schedule 1) and is affected by the following overlay controls:
 - Design and Development Overlay (Schedule 1).
 - Vegetation Protection Overlay (Schedule 1)
 - Environmental Significance Overlay (Schedule 17), noting that it only affects the rear part of the land.

Amendment C219 (the amendment) proposes, inter alia, to:

- Introduce a new local policy on neighbourhood character under Clause 15.01-5L.
- Introduce a new local policy on housing supply under Clause 16.01-1L, which includes a Residential Change Framework Plan (RCFP). The RCFP comprise a series of housing change framework maps that identify areas of minimal, incremental and substantial changes.
- Rezone land earmarked for minimal and incremental change from the General Residential 1 to the Neighbourhood Residential Zone (NRZ) and introduce 36 proposed NRZ schedules.
- Delete various schedules to the Design and Development Overlay including Schedule 1.

As applicable to the subject site, the amendment proposes:

- To include it within a minimal change area under the RCFP at Clause 16.01-1L.
- To rezone the land from a General Residential Zone (Schedule 1) to a Neighbourhood Residential Zone (Schedule 3).
- To delete Schedule 1 to the Design and Development Overlay.

My client:

- Does not support the inclusion of the site within a minimal change area under the RCFP at Clause 16.01-1L.

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- Does not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 3).
- Is concerned with the lack of transitional provisions.

My clients concerns with respect to the above aspects are set out below.

Minimal Change Area under Clause 16.01-1L

The Mornington Peninsula Housing and Settlement Strategy, Refresh 2020-2036 (the strategy) states that four criteria have been used to determine where to apply minimal, incremental and substantial housing change areas. These four criteria are set out at Section 4 and they are: strategic context, environmental assets and hazards, connectivity and neighbourhood character.

It is submitted that, having appropriate regard to these criteria, the subject site should be located within an incremental change area not a minimal change area. The reasons for this are outlined below.

Strategic Context

The site is reasonably well located for medium density housing, compared to many residential areas within the municipality, due to its proximity to shops, public transport and public open space. Whilst it is not in proximity to one of the three key activity centres that Council has earmarked for substantial change, it is in proximity to Dromana activity centre. As noted above, this activity centre is one of five (5) larger township activity centres in the municipality and it is only approximately 1280 metres south-west of the subject site (as measured via closest walking distance). The subject site is also:

- Very close to the Safety Beach foreshore (175 metres north-west).
- Very well served by public transport, compared to many residential properties within the municipality, as it has direct access to two bus routes (No's 787 and 788) that run along Dromana Parade.

Environmental Assets and Hazards

Section 4.2.1 (Environmental significance) states, inter alia, that "...significant areas of the Peninsula are covered by planning overlays that protect areas of significant vegetation (Vegetating Protection Overlay), conserve and enhance areas of significant landscapes (Significant Landscape Overlay) and identify areas with environmental significance (Environmental Significance Overlay)."





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Whilst the subject site is affected by a Vegetation Protection Overlay and Environmental Significance Overlay, it is submitted that these overlays do not constrain development of the subject site to such an extent that it should be earmarked for minimal change but rather incremental change. As noted above, Council has approved a multi-unit development on the subject site recently and this clearly indicates that the subject site is not so constrained for either environmental or hazard reasons that it cannot be developed with a multi-unit development.

Connectivity

Section 4.3.1 states that the municipality has the second lowest provision of public transport per person in Metropolitan Melbourne, with only 18% of the Peninsula serviced by public transport.

The subject site has direct access to two (2) bus routes that run along Dromana Parade. It therefore has extremely good access to public transport in both general terms and also when compared to the level of public transport access that is available to the majority of residential areas within the municipality. Given this, it is submitted that the subject site is suitable for incremental change rather than minimal change.

Neighbourhood Character

The Mornington Peninsula Neighbourhood Character Study and Guidelines, September 2019, prepared by Ethos Urban, shows the site as being within a "Garden Residential 2" area. This area applies to a large part of Safety Beach, as well as to parts of many other suburbs including Dromana, Rosebud, Capel Sound and Mt Eliza. On that basis, it must be concluded that the "Garden Residential 2" area is not an area where development should be limited due to particular or special neighbourhood character constraints. The site is therefore considered suitable for incremental change rather than minimal change.

Rezoning to a Neighbourhood Residential Zone (Schedule 3)

Having regard to the analysis above of the four criteria, it seems that Council's basis for rezoning the subject site to a Neighbourhood Residential Zone is likely to be due to the fact that it is affected by various overlay controls including a Vegetation Protection Overlay and Environmental Significance Overlay. It is submitted that this is not a justifiable reason for rezoning land, noting that very large parts of the municipality are subject to one or more of these overlays.



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Rezoning of the subject site to a Neighbourhood Residential Zone (NRZ) is considered inappropriate having regard to the above analysis. The General Residential Zone is considered the most appropriate zone for the subject site, having regard to its purpose which includes:

- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Furthermore, proposed Schedule 3 to the NRZ contains a number of Clause 55 requirements including:

- A site coverage requirement of 50% and a permeability of 30% (noting that the mandatory garden area requirement in the zone realistically means that neither of these requirements is likely to be necessary).
- A side setback and rear setbacks requirement (B17) which states that "a new building not or within 200mm of a boundary should be set back at least:
 - 3 metres from a side boundary, plus 1 metre in height for every metre of height over 7.9 metres.
 - 5 metres from a rear boundary."
- A private open space requirement (B28) which require that a dwelling should have 40m² of private open space, with one part to the side or rear to consist of secluded private open space that has a minimum area of 40m², a minimum dimension of 5 metres and convenient access from a living room, noting that if the dwelling has more than 2 bedrooms an additional 20m² at a minimum 3 metre width should be provided for each additional bedroom up to a maximum of 80m².

The above Clause 55 requirements are much more onerous than the existing Clause 55 standards that apply to the subject site. The introduction of these requirements is not considered appropriate or justified. The amendment documents do not clearly articulate why these changes are necessary from a neighbourhood character perspective.



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Lack of transitional provisions

Proposed Schedule 3 to the NRZ does not include any transitional provisions. It is of significant concern that the future development potential of properties that may have valid planning permits, or planning applications on foot, may be prejudiced by the absence of transitional provisions. It is submitted that if the amendment is approved, transitional provisions should be included as a matter of fairness.

Assuming that Council determines to proceed with the amendment and requests the appointment of an independent panel, my client wishes to reserve the right to:

- Expand upon and/or provide more detailed comments regarding the above concerns.
- Raise additional issues/concerns with respect to the content of proposed Amendment C219.

If you wish to discuss the matter, please contact me on [REDACTED]

Yours sincerely



Submitter 262 - Page 1 of 4

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 2:50 PM
To: Strategic Admin
Subject: [Redacted]
Attachments: [Redacted]

Please find attached submission to Amendment C219morn on behalf of the owners of [Redacted]

[Redacted]

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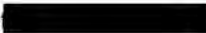
Team Leader, Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD VIC 3939
E: strategic.admin@mornpen.vic.gov.au

Date: 29 October 2021

Re: **Submission Opposing Amendment C219 to Mornington Planning Scheme**



Dear Sir/Madam,

We act for the owners of 

Our clients have reviewed the proposed changes to planning controls detailed in Amendment C219 to the Mornington Peninsula Planning Scheme and we advise they object to the Amendment.

Our clients do not oppose the intent of updating the housing and settlement framework for the municipality. This task is long overdue and welcomed in principle.

Our clients accept the proposed change in land use zoning from a Schedule 1 to the General Residential Zone (GRZ) to Schedule 2 to the Neighbourhood Residential Zone (NRZ). In many respects, it is acknowledged that this change better reflects the existing character of Rye's residential areas, which are predominantly single and double storey dwellings. In addition, the change in zoning will further reinforce the primacy of neighbourhood character considerations, compared to the existing zone provisions. For the area in which our clients' land is located, the change in zone and retention of a Design and Development Overlay (DDO) to further guide development is considered more than sufficient to achieve all the aims and objectives of the Planning Policy Framework.

However, our client strenuously objects to the proposed inclusion of their land (almost all of Rye and large expansive swaths of the Peninsula) in a Neighbourhood Character Overlay (NCO).

It is respectfully submitted that the proposed application of the NCO to such a vast area of the municipality is, on any objective assessment, inconsistent with the role and purpose of the NCO in the Victoria Planning Provisions and entirely unjustified having regard to a balanced application of the objectives of the *Planning and Environment Act 1987*, as we the outcomes sought by both State and local planning policy.

It is telling that one aspect of the Amendment is introduction of the NCO into the Mornington Peninsula Planning Scheme (MPPS). It is not presently a feature of the MPSS at all. This is despite the NCO existing in the Victoria Planning Provisions since the early 2000s, including at points in time where previous character studies were completed by Council and the NCO. These studies did not seek to utilise this control, now doubt reflecting the fact that the existing character of areas across the Shire did not have a level of intactness to warrant the use of such an infrequently use planning tool.

1 / 3



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In contrast, it is now proposed to apply the NCO extensively across the Shire, partly on the basis of perceived threats to character. One must therefore ask; if the intactness of these character areas previously didn't warrant such strong protections via the NCO and if these areas' character has been denuded by inappropriate development in more recent years, why are they now elevated to protection by the NCO?

The Amendment does not establish a credible strategic basis for the NCO's application and moreover, the NCO's application on such a wide geographical basis. The proposed zone, including the proposed NRZ, already directly addresses the importance of neighbourhood character considerations in planning decision making. This is further complemented by the existing DDO requirements and objectives.

The rezoning of the land, the requirement to include neighbourhood character objectives in the schedule and the ability to vary ResCode standards in the same schedule to the zone, as well as the DDO, its design objectives and requirements, are considered to be more than sufficient neighbourhood character protections balanced against other policy imperatives for sustainable, equitable, resilient and affordable development within the Shire's residential neighbourhoods.

The neighbourhood character study accompanying the Amendment does not establish a sound strategic basis for the use of the NCO. It does not include any analysis as to why this control is required, why the existing controls are inadequate, any analysis to demonstrate the inadequacy of the existing controls, nor does it recognise that within the NCO2 area specifically, there are substantial variations in character throughout. The study simply defines the various character areas and then without any analysis or justification, nominates extensive application of an NCO. This is not strategically justified, nor a sufficiently robust methodology or approach.

In this regard, the Amendment fails to properly acknowledge that the Shire's residential areas, and the character areas identified, do not have a homogenous neighbourhood character. These residential character areas vary significantly in terms of their characteristics – both positive and negative characteristics. There are undoubtedly residential areas, neighbourhoods or precincts that may have a special character worthy of the additional layer of protection afforded by the NCO. Council has instead taken an inappropriately heavy-handed approach in the broad application of the NCO that is entirely unjustified, given the implications of what the Amendment proposes for land owners, Council itself and the Victorian community. It is submitted that any proposal to apply the NCO to any part of the Shire's residential areas is a matter of significant complexity and importance that demands separate more thorough strategic work and a separate focussed planning scheme amendment, such as the process successfully adopted and completed by the City of Stonnington for the Municipality's NCO areas.

In addition to 'in-principle' objections to the use of the NCO, our clients strenuously object to the Amendment proposing the inclusion of a permit requirement for demolition of existing dwellings in this schedule. This represents a fundamental and significant shift in the planning framework for the land and the Shire, more generally.

The inclusion of demolition control in the overlay schedule should not be pursued because the strategic work underpinning the Amendment has not established a rigorous basis for controlling demolition in the first place. The introduction of a demolition control requiring consideration of an existing dwelling's demolition would add to a planning permit application process, in an area where new dwellings can just as successfully contribute to the neighbourhood character as the extant buildings.

A demolition control brings with the imposition to justify a building's demolition, however, there is no direction in the overlay or the strategic work, as to what matters will be considered in the assessment of an application that considers demolition and construction of a new dwelling. Shifting this imposition to land owners must be based on rigorous and conclusive strategic work. The strategic work purportedly underpinning the demolition control has not identified which existing buildings make a contribution to the character of the area or on what basis and thereafter, which dwellings should or should not be demolished. This uncertainty will undermine certainty and confidence in Shire's planning system,

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increase the probability of disputes, to the detriment of existing and future land owners, all residents, the Council, Councillors and the broader Victorian community.

It is also noted that the typical building stock of the geographical area covered by proposed NCO2 is modest, constructed of semi-durable materials, have very poor energy efficiency and may have their liveability further impacted by the presence of asbestos and limited services connectivity. The demolition control may discourage land owners from improving the Shire's existing housing stock, stymieing legitimate development outcomes that might otherwise improve the quality, sustainability, affordability and diversity of housing for existing and future residents.

Using a demolition provision to add another control layer to the redevelopment of a residential allotment is unnecessary and, in this instance, unjustified. Council officers will have ample assessment assistance from policy, the zone, ResCode and the DDO (if retained) to the exercise in discretion and to ensure new development occurs in a manner that respects and enhances neighbourhood character.

The Planning Scheme should not be used as a tool to stop or prevent change, where change has many potential positive benefits if managed effectively. The addition of an NCO - and within it a demolition control - adds unnecessary red tape to what will already be a detailed and complicated planning permit application process, which will require additional expenditure by permit applicants and unjustified use of Council resources in assessing, unnecessarily, proposed dwelling demolitions.

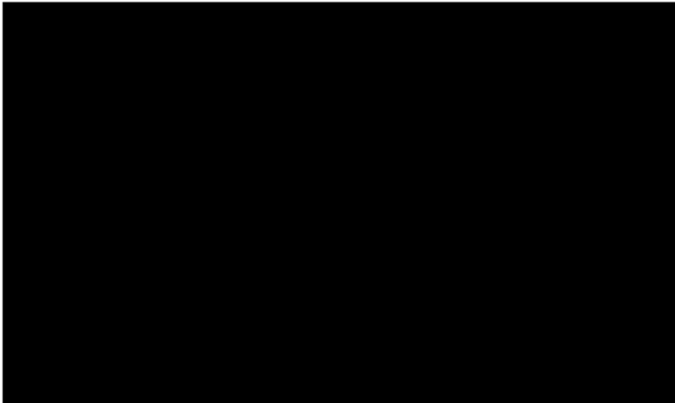
The emphasis of a Municipal-wide housing, settlement and neighbourhood character amendment should be not just focussed on protecting the status quo but instead, focussed on the MPPS articulating a balanced and positive agenda for change. This will be essential to ensuring the Shire retains its key character elements but also high-quality, sustainable, resilient and well-integrated new development in its residential areas.

For the above reasons, it is submitted that the Amendment should not proceed in its current form. Instead, the Amendment should be amended to articulate an appropriately balanced positive agenda for change and specifically, in respect of our clients' land, the Council should resolve to:

1. Abandon the proposed NCO2 provisions, as the new zone and a DDO will provide more than enough neighbourhood character protections; or
2. Abandon the proposed NCO2 provisions and defer their proposed application to a future planning scheme amendment to enable sufficient strategic work to be completed by Council that properly justifies the use of the control, if such a justification actually exists. This would include an assessment of all properties within the NCO2 area to establish which extant dwellings do or do not contribute to the neighbourhood character to be protected.
3. If the NCO2 is to be retained as part of the Amendment, the NCO2 should not include a requirement for a permit to demolish the existing dwellings on the land.

We trust the above clearly explains our clients' objections to the Amendment, as well as their proposed solutions to the concerns expressed.

Should you have any questions regarding the above, please contact me on 



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25th October 2021.



Re; C219 Amendment.

In the last 12 months, I have had houses proposed to be built on either side of my property.

Both had to apply for a planning permit, have an advertising period for public consultation, and should have had a yellow sign outside the property to notify the neighbourhood of such, and that they could view the plans for the proposal.

The proposal at [redacted] was for a single storey three bedroom dwelling. I believe it is an example of something that should not have had an extended planning permit application required.

The proposal at [redacted] was for a three bedroom dwelling that was double storey. This proposal was something that should have been advertised. It did not have a yellow sign outside the property to notify the application. It had a second storey front deck that looked over my whole property, another deck that had a floor level above the six foot high stored fence and would have looked over the whole of my back yard and into the house.

During my discussions with the applicant regarding the scale of their proposal, the size of the building only ever increased. I asked them to provide privacy screening that would obscure their view into my property. The response was that it was an old fashioned idea and unnecessary as there were new regulations (A15 overlooking) that determined privacy.

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②

It was surprising to find out that this type of proposal is what would no longer require a planning permit under the CZ19 amendment.

It is worth pointing out that the applicant at [REDACTED] is a Planning Officer at the council.

They had stated that there was nothing I could do about their proposal and that they didn't want to bankrupt me at Vcat.

She even stated that I would have to put up a Prostop Block if I didn't want to feel harassed in.

I believe that any development that looks into surrounding properties is an unpleasant prospect and should not be something that is imposed on us by the Shire without any recourse to an external arbitrator.

That style of development should be restricted to the higher density areas in and around the front beach development hubs.

It would be a huge and irreversible mistake to impose this type of development peninsula wide; especially on the Ocean Beach areas.

At present, the view from [REDACTED] looking back over the Peninsula, you could be excused for thinking that only 25% has been developed. The Mornah Woodland is predominant, yet over 90% of blocks have been built on.

The development that has occurred has mainly been sensitive, trying to keep the landscape the feature, rather than the architecture.

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(2)

The proposed changes would turn the peninsula into a real estate developers paradise. I imagine that many have put in submissions in support of the amendment, especially considering the entire consultation period has occurred during Co-vi-d Lockdown. I imagine praise for the C219 amendment as providing certainty for their struggling businesses in these uncertain times.

It would be such a shameful thing if the Natural Wonderland of the peninsula was eroded even further, so that developers can "Maximize Potential," and search out those "Million Dollar Views."

The C219 amendment needs to be thoroughly questioned as a cure-all for housing pressure on the peninsula.

Perhaps a closer inspection of the contrary nature of decision-making in the Planning Department is the answer.

It could stop the excessive time delays forced on the owners of perfectly reasonable developments like [REDACTED]

It is essential that existing residents have recourse to U-cab as some form of independent adjudication.

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To: Mornington Peninsula Shire Council

From: [REDACTED]

Date: 28 October 2021

Subject: PLANNING SCHEME AMENDMENT C219 MORN – SUBMISSION

We wish to lodge a submission in relation to the above Amendment.

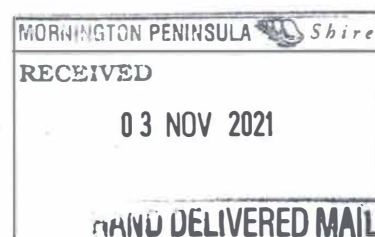
We are long-term residents in [REDACTED] with family being early Settlers over 130 years. We have seen the area grow and develop to its current form and character. The beauty and preservation of the Mornington Peninsula lies in the principal preservation of the Green Wedge. By constraining housing development to the various residential zones this can be achieved. Our submission revolves around the opportunity to allow capacity for incremental housing growth in the area in which we reside. In doing so, this also takes less pressure for subdivision and development into the Green Wedge.

Our property (2.54 hectares) on the [REDACTED] [REDACTED]s in the proposed Low Density Residential Zone (LDRZ) and noted in Amendment C129 "as minimal change area".

As background information, many years ago, previous Shire Councils identified our area for potential subdivision and changed the zoning from 2 hectares to .4 hectare. Then to confuse the situation the design and development overlay (DD07) applied a 2 hectares minimum subdivision. It seems totally illogical to have a .4 hectare zoning which then has a 2 hectare minimum overlay. How confusing for everyone.

This Planning Scheme Amendment provides an opportunity to release further land for subdivision on the south side of [REDACTED]

This principally revolves around the opportunity to change the current 2 hectare minimum subdivision of land to a more intensive level of .4 hectares for the reasons set out below:-

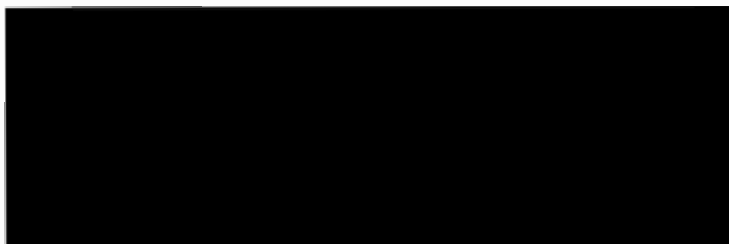


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- The larger area of land in the LDRZ in [REDACTED] [REDACTED] already contain a significant range of subdivisions and allotment sizes of .4 hectare and 1 hectare. This land area bears the same characteristics as our property, and it is reasonable to justify and support land subdivision of .4 hectare as already exists in the area.
- Homes on the north side of [REDACTED] opposite our property are on land of .4 hectare. Our land on the south side has the subdivisional opportunity of less than 2 hectares to create a graduated buffer leading into the rural green wedge area further south. This 'transitional' land size is appropriate in a Town Planning sense.
- The opportunity to allow more homes to be built in the LDRZ would help 'spread the load' of the population growth as anticipated over the next 15 years. Conversely, it would also release some pressure on the need for more intensive development units and townhouses in the [REDACTED] [REDACTED]. The current character of the [REDACTED] should be preserved, and this could be achieved by more broader sharing of new homes in the neighbourhood residential and low-density zones.

We consider, for the reasons set out above, that more intensive subdivision of land south of [REDACTED] can clearly be justified and supported for inclusion in this Amendment.

The opportunity to be heard by Council is requested.



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From: [REDACTED]
Sent: Friday, 29 October 2021 2:53 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

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Phone number

[REDACTED]

Do you represent other people?

Yes

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please refer to comment in attached letter prepared by [REDACTED]
[REDACTED], dated 28 October 2021 (10 pages).

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 265 == Page 3 of 14

To view all of this form's submissions, visit



This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

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28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am a Director of [REDACTED] the owner of the land at [REDACTED]
[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging a written submission in relation to Amendment C219
on behalf of [REDACTED]

Yours sincerely

[REDACTED]

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28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING SCHEME

I act for [REDACTED] the owner of the [REDACTED]
[REDACTED] (the subject site). I note that:

- A planning application [REDACTED] has been lodged with Mornington Peninsula Shire Council (the Council) for four (4) double storey dwellings on the subject site.
- The subject site is extremely well located for medium density housing due to its proximity to numerous services and facilities including Rosebud Plaza Shopping Centre, public transport, the Rosebud foreshore and Rosebud Hospital. It also offers a less sensitive rear interface than most nearby residential properties as its rear boundary is located abutting Rosebud Hospital.
- Clause 02.03-1: Strategic Directions, Settlement of the current Mornington Peninsula Planning Scheme (the scheme) states, inter alia, that:

*The Peninsula's activity centres hierarchy comprises three Major Activity Centres, i.e. Mornington, **Rosebud** and Hastings, and the Neighbourhood Activity Centres described in the table below.*

Anticipated growth is to be accommodated primarily in its three Major Activity Centres while additional limited growth is to be accommodated in its Neighbourhood Activity Centres in accordance with the sub-levels specified in the following table.....

Directing growth to these centres close to services and facilities prevents dispersed population growth throughout the Peninsula's rural area and thereby protects the unique characteristics of small coastal townships and rural villages as well as areas of environmental, landscape, agricultural or recreational significance, including the 'green break' between the Peninsula

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and metropolitan Melbourne. Directing growth to these centres also supports the need to increase housing diversity.

(My emphasis)

- The Rosebud Activity Centre Structure Plan (the Structure Plan) is a policy reference at Clause 11.03-1L-03 of the scheme. The subject site is within the Structure Plan boundaries, as shown below. It is also within an area that was specifically earmarked by former Clause 22.23 (Rosebud Activity Centre Policy) as a preferred location for “medium density residential” development.

Rosebud Study Area (excerpt from page 3 of Structure Plan)



NOTE: Black hatched area shown above is described as “activity centre boundary”.

Page 2 of the Structure Plan describes the activity centre as follows:

The Activity Centre focuses on commercial land along Point Nepean Road and adjoining foreshore and residential land (figure 1). The Rosebud Activity Centre includes the following land as follows:

- [REDACTED] to the west generally encompassing the main commercial spine of Point Nepean Road and the foreshore reserve to the high water mark to the north.

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- **Residential land generally to the south of Point Nepean Road (PNR) to a distance of approximately 400 metres from either PNR or existing Commercial 1 Zone (C1Z) land.**

The Rosebud Activity Centre will be the focus for new office, retail and residential development to meet projected retail floor space and to accommodate housing development and choice to meet the forecasted demand by 2030...

(My emphasis)

Section 4 of the Structure Plan sets out the strategic directions for future use and development including in relation to residential consolidation at page 8 as follows:

“Residential consolidation will principally occur within the defined Activity Centre area and also along the major corridors in [REDACTED]. Incremental residential consolidation will occur within the balance of the residential area.”

Rosebud Contextual Framework Plan (Figure 2 in Structure Plan)

Rosebud Contextual Framework



NOTE: The subject site is located within an area that is described above as “res. consolidation areas (including medium density)” and Rosebud Hospital to the rear of the site is identified as “medical/health”.

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Section 5.2 of the Structure Plan provides the following comments in relation to residential consolidation:

One of the key roles of a Structure Plan is to identify future appropriate locations to accommodate new housing development in line with existing and projected population growth. Planning policy places a strong focus on consolidating housing development in and around defined activity centres close to facilities and services.

From a housing supply perspective, the Southern Regional Housing Statement (April 2006) identifies that approximately 4, 500 new dwellings could be provided within the Mornington Peninsula Shire's existing activity centre network.

As Rosebud is the second largest activity centre in the Shire and is designated as a Major Activity Centre, it will face pressure to accommodate a substantial proportion of the Shire's forecast housing growth. To ensure that future housing growth is appropriately located, the Structure Plan promotes consolidation both along the main activity spine and within existing GRZ1 land close by to the Point Nepean Road frontage.

- **consolidation along the spine**

.....

- **medium density housing**

The Structure Plan has identified residential medium density housing precincts (figure 2, 4 and 5). These locations are considered suitable for medium density housing development to cater to Rosebud's future growth in view of their strategic location directly to the rear and adjacent to the main commercial nodes at Rosebud Plaza and Rosebud Central/Centro.

An analysis of housing statistical data has revealed that existing residential zoned land within 400 metres of the Point Nepean Road has the potential to accommodate significant infill development of around 400 dwellings or 50 per cent of the estimated housing growth for the centre.

The subject site is located within an identified residential medium housing precinct at figures 2, 4 and 5 of the Structure Plan. An excerpt from the Structure Plan, which comprises Figure 4 on page 16, is provided below.

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Land Use and Activity Framework (Figure 4 in Structure Plan)



NOTE: The subject site is located within an area that is described above as “medium density residential” and Rosebud Hospital to the rear of the site is identified as “medical/health precinct”.

Amendment C219 (the amendment) proposes, inter alia, to:

- Introduce a new local policy on neighbourhood character under Clause 15.01-5L.
- Introduce a new local policy on housing supply under Clause 16.01-1L, which includes a Residential Change Framework Plan (RCFP). The RCFP comprise a series of housing change framework maps that identify areas of minimal, incremental and substantial changes.
- Rezone land earmarked for minimal and incremental change from the General Residential 1 to the Neighbourhood Residential Zone (NRZ) and introduce 36 proposed NRZ schedules.
- Amend Schedule 1 to the General Residential Zone (GRZ) to introduce neighbourhood objectives, various Clause 55 requirements, application requirements and decision guidelines.

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As applicable to the subject site, the amendment proposes:

- To include it within a substantial change area under the RCFP at Clause 16.01-1L.
- To retain it within the General Residential Zone (GRZ).
- To amend Schedule 1 to the GRZ.

My client:

- Supports the subject site being within an area earmarked for substantial change.
- Supports the site being retained within the GRZ.
- Does not support the proposed amendments to Schedule 1 to the GRZ.
- Does not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L.
- Is concerned with the lack of transitional provisions.

My clients concerns with respect to the above aspects are set out below.

Proposed amendments to Schedule 1 to the GRZ

As noted above, the subject site is extremely well located for more intensive development due to its proximity to service and facilities. Council has recognised this by including the subject site within a substantial change area under the RCFP to be introduced under proposed Clause 16.01-1L. Despite this, the amendment seeks to in effect 'constrain' future development opportunities by amending Schedule 1 to the GRZ to:

- Introduce neighbourhood character objectives (and associated decision guidelines) that seem to focus on the established neighbourhood character rather than recognising that neighbourhood character will (and indeed should) change within areas earmarked for substantial change. For example, the first proposed objective seems to focus on the existing built form, (whilst referring to the 'preferred built form') as it seeks:

"To ensure that new development reflect the preferred built form, characterised by predominantly small-scale dwellings with simple building forms and pitched roofs with prominent eaves."

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It is understood that the proposed neighbourhood objectives are informed by the preferred character statement for the Garden Residential 1 area set out in the Mornington Peninsula Neighbourhood Character Study and Guidelines September 2019, prepared by Ethos Urban (the character guidelines). The Garden Residential 1 area applies to a variety of areas within the municipality, including many areas that appear to be earmarked for incremental change under the RCFP. Given that the site is within an area that has been identified for substantial change, it is concerning that the preferred future character articulated in the character guidelines is being used as a basis for the proposed neighbourhood character objectives.

It is noted that the subject site and nearby residential land within the Rosebud Activity Centre Structure Plan (RACSP) were deliberately removed from the area covered by the character guidelines originally as they were the subject of a separate planning amendment process (C206). The Desktop Review of Strategic Work underpinning Amendment C219, dated June 2021, recognises this at page 10 as follows:

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

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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.

(My emphasis)

It is considered inappropriate that the character controls have simply been 'reinstated' without having regard to whether they are appropriate for properties that have been earmarked for substantial change.

- Introduce new Clause 55 requirements including:
 - A side setback and rear setbacks requirement (B17) which states that “a new building not or within 200 mm of a boundary should be set back at least:
 - 2 metres from a side boundary, plus 1 metre in height for every metre of height over 6.9 metres.
 - 5 metres from a rear boundary.”
 - A private open space requirement (B28) which require that a dwelling should have 40m² of private open space, with one part to consist of secluded private open space to the side or rear with a minimum area of 40m², a minimum dimension of 5 metres and convenient access from a living room, noting that if the dwelling has more than 2 bedrooms an additional 20m² at a minimum 3 metre width should be provided for each additional bedroom up to a maximum of 80m².
 - The above requirements are necessarily likely to constrain intensive development, as they are more onerous than the existing Clause 55 standards, which is not considered to be justified given the strategic context of the site. Furthermore, the amendment documents do not clearly articulate why these changes are appropriate or necessary from a neighbourhood character perspective.

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Proposed wording of the neighbourhood character policy

Proposed Clause 15.01-5L (neighbourhood character – Mornington Peninsula) contains a series of objectives, strategies and policy guidelines in relation to built form and garden setting. Whilst it is acknowledged that the policy guidelines say “consider as relevant”, it is of concern that they apply to all residential development within the General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone. If the policy is introduced, it is likely to adversely impact the development potential of properties within the General Residential Zone that have been earmarked for substantial change as:

- Many of the strategies and guidelines seem to focus on achieving development that reflects the existing character, rather than recognising that the built form and landscape character of areas earmarked for substantial change will necessarily change over time. For example, they include “limiting the number of crossovers per typical site frontage to no more than one” and “designing the front dwelling of a multi-unit development to present as one dwelling to the street.”
- The guidelines may prejudice intensive development if applied prescriptively. For example, one of the garden setting guidelines seeks to provide a space with a minimum dimension of 5 metres by 5 metres for offset planting if a tree is considered appropriate for removal.

Lack of transitional provisions

Proposed amended Schedule 1 to the GRZ does not include any transitional provisions. It is of significant concern that the future development potential of properties that may have valid planning permits, or planning applications on foot, may be prejudiced by the absence of transitional provisions. It is submitted that if the amendment is approved, transitional provisions should be included as a matter of fairness.

Assuming that Council determines to proceed with the amendment and requests the appointment of an independent panel, my client wishes to reserve the right to:

- Expand upon and/or provide more detailed comments regarding the above concerns.
- Raise additional issues/concerns with respect to the content of proposed Amendment C219.

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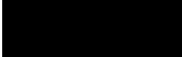
If you wish to discuss the matter, please contact me on


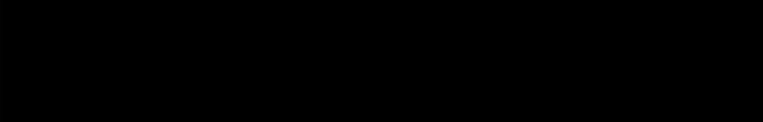
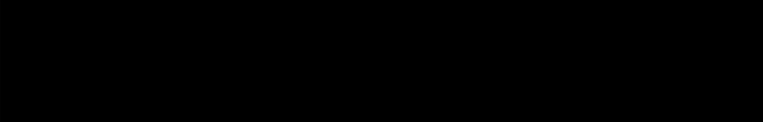


Yours sincerely



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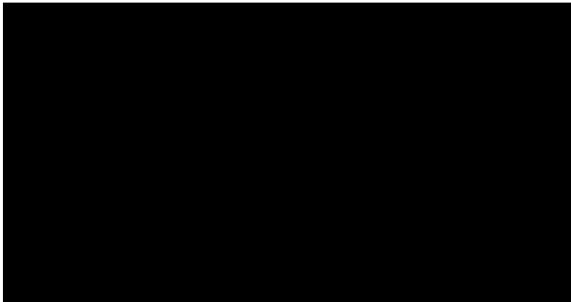
From: 
Sent: Friday, 29 October 2021 3:07 PM
To: Strategic Admin
Subject: 
Attachments: 
Importance: High

Good Afternoon Strategic Planning,

I enclose submission to Amendment C219 to the Mornington Peninsula Planning Scheme.

Thank you.

Kind regards,



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29 October 2021

Team Leader, Strategic Planning
Re: Amendment C219 morn – submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Email: strategic.admin@mornpen.vic.gov.au

Dear Team Leader, Strategic Planning,

**Re: Proposed Amendment C219
Mornington Peninsula Planning Scheme
Submission to Amendment C219**

Thank you for the opportunity to provide a submission to proposed Amendment C219 to the Mornington Peninsula Planning Scheme ("The Planning Scheme").

Our submission is intended to be brief but to offer some helpful comments.

1. Zoning – Application of the Neighbourhood Residential Zone

The existing Planning scheme is complex; however, I am concerned that the Amendment may create a more complex Planning Scheme with a purpose to inhibit further development, particularly in areas where further restrictions are not required.

Regardless of what Council might think, the Mornington Peninsula is part of Metropolitan Melbourne and during the Pandemic this has become quite obvious with the Peninsula viewed as a safe place to live. For this reason alone, the urban area between the Mornington Peninsula Freeway and the Foreshore should not be considered off limits. However, the broad application of the Neighbourhood Residential Zone ("NRZ"), in this location has no logical justification of policy support.

At Clause 15.01-4R – "Healthy neighbourhoods" – "Metropolitan Melbourne" metropolitan policy is "to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home".

Clause 16.01-1R – "Housing Supply" – "Metropolitan Melbourne" makes it quite clear that it is metropolitan policy to:

"Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport." (Emphasis added)

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-2-

Applying policy the NRZ cannot be justified close to and around activity centres and within a 20 minute walk of Activity Centres such as Dromana, Rosebud, Hastings, Somerville, etc. These activity centres and others provide the infrastructure to support the population that lives within a 20 minute walk as public transport on the Mornington Peninsula is poor, but the service will not improve by applying the NRZ with no increase in population to support the service.

It is hard to comprehend justification for the NRZ within a 20 minute walk of any Activity Centre, in particular Activity Centres like Dromana, Rosebud, etc. where the land is suitable for redevelopment and close to the Activity Centre and foreshore. It begs the question as to "why would or should the NRZ apply to land that adjoins or is opposite the Dromana Shopping Centre and less than a 1 minute walk to the shops and facilities offered by Dromana and the foreshore reserve".

2. Application of Schedule Variations to the NRZ

Schedule 2, 3, 35 etc. to the NRZ apply to various land referred to above, directly opposite or adjoining the Dromana Shopping Centre. "Neighbourhood Character Objectives" ignore the strategic importance and significance of the location, existing development, existing approvals and the opportunity for land within a 20 minute walk of the Dromana Shopping Centre to provide the required housing expected by policy. Moreover, the existence of existing vegetation in this precinct on private land is, with respect, exaggerated.

We submit that all land within a 20 minute brisk walk of an Activity Centre should be included in a General Residential Zone. There is no justifiable planning reason for it not to be.

3. NRZ – Schedules

There are 37 proposed Schedules and in our opinion, far too many. If Council is attempting to streamline the Planning Scheme then it is questionable whether this has been achieved.

This submission limits itself to responding briefly to the Schedules referred to above and others as it relates to the Dromana Township Area. If logic prevails then this Schedule falls away. If Council seriously wants to reduce the number of planning permit applications, then why is a permit required for a dwelling or dwelling extension on a lot with an area of between 300 and 500 square metres. It is time for Council to let go of this provision. It should not apply to land within a 20 minute walk of the Dromana Activity Centre or any other Activity Centre within a 20 minute walk.

The Clause 54 and 55 variations are not necessary but just serve to continue to stifle redevelopment. The variations proposed with regard to front setbacks, side and rear setbacks, provision of private open space, etc. are not necessary and cannot be justified on lots within a 20 minute walk of an Activity Centre and the foreshore reserve.

The State Government quite appropriately introduced a "Garden Area" requirement for residential development. It was a proactive measure and avoids prescriptive dimensions and measurements typical of the exhibited schedules that have no justification and do not encourage innovative design.

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They are a planning control from the past and have no place in 2021. The "Garden Area" requirement is a positive, pro-active planning scheme provision that encourages innovative, flexible development providing generous separation between and around dwellings and opportunity for extensive landscaping.

The proposed Schedule variations only serve to stifle innovative development that would respond positively to a site's constraints, attributes and opportunities and design not be limited by prescription in the Schedules. Not one size fits all.

4. Design and Development Overlays

The Design and Development Overlays (DDO's) that currently require an average lot size to be achieved rather than specify a minimum lot size as proposed, fails to consider other overlays that may apply to a site or land.

For example, land affected by the current DDO3 requires "the average area of all lots within a subdivision must be no less than 1500 square metres." Proposed DDO3 requires each lot created by the subdivision "must be at least 1500 square metres" removing the averaging provision; for what reason or purpose?

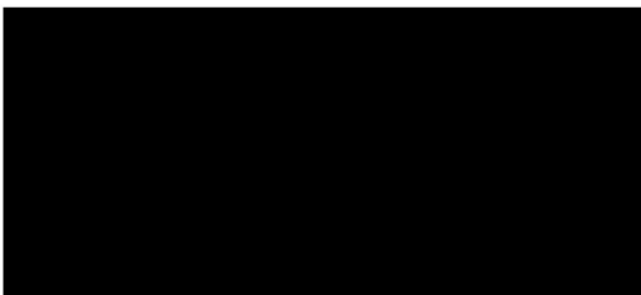
Proposed DDO3 fails to recognise the influence and matters to consider when multiple overlays apply relating to Significant Landscape Vegetation Protection, Environmental Significance, etc. Proposed DDO3 provides no scope to have variable lot sizes to respond to land capability and constraints offered by other Overlays and the land. Density does not change as the same number of lots are created or possible. By proper analysis, some lots will be less than 1500 square metres and some will be larger. The current DDO3 provides for a properly considered subdivision based on proper analysis and assessment. However, proposed DDO3 does nothing of the sort. There is no logic to the change in the drafting of DDO3 and begs the question "why the change?"

5. Conclusion

Thank you again for the opportunity to provide a submission to Amendment C219. In its current form there are many aspects we oppose and fail to understand how they are justified. They do not achieve a good planning outcome.

We look forward to the opportunity to make a submission to the Independent Panel when appointed with regard to proposed Amendment C219 to the Mornington Peninsula Planning Scheme.

Yours faithfully,



Submitter 267 - Page 1 of 10



From: [Redacted]
Sent: Friday, 29 October 2021 3:16 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[Redacted]

Last Name

[Redacted]

Organisation (if applicable)

[Redacted]

Postal address

[Redacted]

Email

[Redacted]

Submitter 267 - Page 2 of 10

Phone number

[REDACTED]

Do you represent other people?

Yes

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

In summary, my comments are:

Please refer to comment in attached letter prepared by [REDACTED]

[REDACTED] dated 28 October 2021 (6 pages).

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 267 - Page 3 of 10

To view all of this form's submissions, visit



This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

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28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am a Director of [REDACTED] owns
the land at:

[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging a written submission in relation to Amendment C219
on behalf of [REDACTED]

Yours sincerely

[REDACTED]

Submitter 267 - Page 5 of 10

28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING SCHEME

I act for [REDACTED]
[REDACTED] (the subject site). I note that:

- The subject site has a current planning permit [REDACTED] which allows development of ten (10) dwellings and associated works. This permit was issued by Mornington Peninsula Shire Council (the Council) in February 2021, at the direction of VCAT.
- Clause 02.03-1: Strategic Directions, Settlement of the current Mornington Peninsula Planning Scheme (the scheme) states, inter alia, that:

*The Peninsula's activity centres hierarchy comprises three Major Activity Centres, i.e. Mornington, **Rosebud** and Hastings, and the Neighbourhood Activity Centres described in the table below.*

Anticipated growth is to be accommodated primarily in its three Major Activity Centres while additional limited growth is to be accommodated in its Neighbourhood Activity Centres in accordance with the sub-levels specified in the following table.....

.....
Directing growth to these centres close to services and facilities prevents dispersed population growth throughout the Peninsula's rural area and thereby protects the unique characteristics of small coastal townships and rural villages as well as areas of environmental, landscape, agricultural or recreational significance, including the 'green break' between the Peninsula and metropolitan Melbourne. Directing growth to these centres also supports the need to increase housing diversity.

(My emphasis)

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- The Rosebud Activity Centre Structure Plan (the Structure Plan) is a policy reference at Clause 11.03-1L-03 of the scheme. The Structure Plan contains objectives for both the Rosebud Activity Centre and a wider contextual study area. The subject site is within the broader contextual study area, as is shown below.

Rosebud Study Area (excerpt from page 3 of Structure Plan)



NOTE: Red line above is described as the “contextual study area boundary”.

Section 4 of the Structure Plan sets out the strategic directions for future use and development within the contextual study area. It states the following with respect to residential consolidation at page 8:

“Residential consolidation will principally occur within the defined Activity Centre area and also along the major corridors in [redacted]. Incremental residential consolidation will occur within the balance of the residential area.”

The residential objective with respect to land use and activity is set out at page 6 as follows:

“Encourage significant residential ‘consolidation and choice’ within the activity centre, particularly along the Point Nepean road spine and key roads including [redacted]. Encourage sensitive consolidation within ‘The Avenues’, within walking distance of the activity spine and adjacent to existing public open space.”

(My emphasis)

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Amendment C219 (the amendment) proposes, inter alia, to:

- Introduce a new local policy on neighbourhood character under Clause 15.01-5L.
- Introduce a new local policy on housing supply under Clause 16.01-1L, which includes a Residential Change Framework Plan (RCFP). The RCFP comprise a series of housing change framework maps that identify areas of minimal, incremental and substantial changes.
- Rezone land earmarked for minimal and incremental change from the General Residential 1 to the Neighbourhood Residential Zone (NRZ) and introduce 36 proposed NRZ schedules.

As applicable to the subject site, the amendment proposes:

- To rezone the land from a General Residential Zone to a Neighbourhood Residential Zone (Schedule 6).

My client:

- Does not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 6).
- Does not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L.
- Is concerned with the lack of transitional provisions.

Rezoning to a Neighbourhood Residential Zone (Schedule 6)

NOTE: Distances below are as per closest walking route.

The subject site is very well located for medium density housing, compared to the vast majority of residential areas within the municipality, due to its proximity to numerous of services and facilities. Furthermore, it is not subject to any overlay controls that may be considered a 'constraint' to development.

The subject site is within approximately 1200 metres of the retail core of the Rosebud activity centre and has convenient access to:

- Public transport (bus route directly alongside the site).
- A primary school (500 metres south-west).
- Public open space (a large recreation reserve is 550 metres west).

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- Two high schools within 1350 metres (one to the west and one to the south-east).
- Rosebud foreshore (1275 metres north).

Furthermore and as already noted above, Section 4 of the Rosebud Activity Centre Structure Plan states at page 8 that:

"Residential consolidation will principally occur within the defined Activity Centre area and also along the major corridors in [REDACTED] Incremental residential consolidation will occur within the balance of the residential area."

(My emphasis)

Rezoning of the subject site to a Neighbourhood Residential Zone (NRZ) is considered inappropriate having regard to the strategic context of the subject site. The General Residential Zone is considered the most appropriate zone for the subject site, having regard to its purpose which includes:

- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Furthermore, proposed Schedule 6 to the NRZ contains a number of Clause 55 requirements including:

- A side setback and rear setbacks requirement (B17) which states that "a new building not or within 200mm of a boundary should be set back at least:
 - 2 metres from a side boundary, plus 1 metre in height for every metre of height over 6.9 metres.
 - 5 metres from a rear boundary."
- A private open space requirement (B28) which require that a dwelling should have 40m² of private open space, with one part to the side or rear to consist of secluded private open space that has a minimum area of 40m², a minimum dimension of 5 metres and convenient access from a living room, noting that if the dwelling has more than 2 bedrooms an additional 20m² at a minimum 3 metre width should be provided for each additional bedroom up to a maximum of 80m².

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The above Clause 55 requirements are necessarily likely to constrain intensive development, as they are more onerous than the existing Clause 55 standards that apply to the subject site. The introduction of these requirements is not considered appropriate or justified having regard to the strategic context of the subject site. Furthermore, the amendment documents do not clearly articulate why these changes are justified and appropriate from a neighbourhood character perspective.

Proposed wording of the neighbourhood character policy

Proposed Clause 15.01-5L (neighbourhood character – Mornington Peninsula) contains a series of objectives, strategies and policy guidelines in relation to built form and garden setting. Whilst it is acknowledged that the policy guidelines say “consider as relevant”, it is of concern that:

- They apply to all residential development within the General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone.
- Many of the strategies and guidelines seem to focus on achieving development that reflects the existing character, rather than recognising that the built form and landscape character of areas earmarked for incremental change and substantial change will necessarily change over time. For example, they include “limiting the number of crossovers per typical site frontage to no more than one” and “designing the front dwelling of a multi-unit development to present as one dwelling to the street.”
- The guidelines may prejudice intensive development if applied prescriptively. For example, one of the garden setting guidelines seeks to provide a space with a minimum dimension of 5 metres by 5 metres for offset planting if a tree is considered appropriate for removal.

Lack of transitional provisions

Proposed Schedule 6 to the NRZ does not include any transitional provisions. It is of significant concern that the future development potential of properties that may have valid planning permits, or planning applications on foot, may be prejudiced by the absence of transitional provisions. It is submitted that if the amendment is approved, transitional provisions should be included as a matter of fairness.

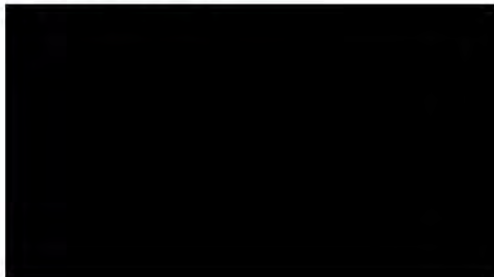
Assuming that Council determines to proceed with the amendment and requests the appointment of an independent panel, my client wishes to reserve the right to:

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- Expand upon and/or provide more detailed comments regarding the above concerns.
- Raise additional issues/concerns with respect to the content of proposed Amendment C219.

If you wish to discuss the matter, please contact me on [REDACTED]

Yours sincerely



Submitter 268 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 3 November 2021 4:43 PM
To: [REDACTED]
Subject: Pennington
Attachments: Submission PS Amendment C219 morn Pennington.docx

Dear Councillors,

I contacted Council's customer service centre last Friday 29th October regarding our family submission on Planning Scheme Amendment C219 morn.

Due to power outages and internet issues following the storms, I was unable to send the document on Friday by 5pm and rang to request Council accept our comments this week (attached).

Can you please confirm receipt of our submission and that Council will still consider our comments.

Thank you

[REDACTED]

Submitter 268 - Page 2 of 3

29 October 2021

Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD Vic 3939

To the Councillors and Planning Department of the Mornington Peninsula Shire Council

RE: Proposed Planning Scheme Amendment C219 morn

We are writing to express our deep concerns over Planning Scheme Amendment C219morn. We are extremely disturbed by the incremental and substantial changes proposed under this amendment, which will destroy the neighbourhood character of much-loved quiet, leafy streets of Rosebud and adjoining coastal towns, turning them into over-developed, over-crowded, congested concrete jungles, with little to no gardens, cooling shade trees or birdlife. Our reasons for choosing to live and recreate in Rosebud are under threat from this proposal which we reject outright. If approved, our neighbourhood will no longer be the familiar, pleasant area enjoyed by the locals and we cannot agree to have this taken away. We must also point out some major flaws in the planning and decision-making processes of this amendment.

Unsustainable Population Growth

The information provided by Council states 'it is projected that by 2036 the Mornington Peninsula population will increase by over 36,800 people, around 1,200 new homes per year.' Population growth and housing development of this scale is unsustainable and can only occur if Council allows it. The Peninsula is loved by residents and tourists alike for its beaches, nature, and relaxing coastal towns. Substantial development in the coastal townships will completely alter the charm and village atmosphere of these areas. The reasons for living and holidaying in these towns will be lost. Council has a responsibility to protect our coastal villages from over development and loss of amenity.

Loss of Neighbourhood Character

Council's claim that this amendment is 'protecting our neighbourhood character' does not apply to the townships where incremental and substantial change are proposed. Neighbourhood character and lifestyle in the targeted growth areas is not even being considered. Some of the coastal areas chosen for their 'capacity for growth' already contain small lot sizes. Cramming more housing into these areas will result in zero shade trees and gardens as greedy developers cram as many dwellings onto each lot as they can. There are many locations outside of the targeted coastal towns with much larger blocks of land, wider streets and nature strips, which are far more capable of accommodating additional homes, cars and on-street parking that will also come with new residents, their visitors and of course tourists.

The claim that growth areas were selected on the basis of existing infrastructure and jobs also seems ridiculous given areas such as Rye, Sorrento and Portsea are just as well serviced for tourism, jobs and transport. It seems the townships flagged for development are the poorer relatives of the peninsula taking the brunt of major changes in order to protect the homes and lifestyle of the Peninsula's wealthy, elite and powerful.

Ignorance of climate change and sea level rise impacts

This amendment does not take into account the impacts of climate change and sea level rise. The statement that 'areas prone to environmental risks such as sea level rise are expected to experience minimal housing change' is completely inaccurate. Sea-level rise modelling shows that the coastal areas on the Peninsula that

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will be most impacted are the bayside townships of Rosebud, Mc Crae, Safety Beach, Dromana and Hastings - yet these areas are flagged for intensive development! It is completely irresponsible and unethical of Council to consider placing additional housing and infrastructure in locations projected to be underwater in 30-50 years. This includes the stretch of foreshore and Point Nepean road between Safety Beach and Rosebud. The proposal also ignores the principles of the Victorian Coastal Strategy (2014) and Marine and Coastal Policy (2020) which recommend retreating from coastal locations likely to be impacted by sea level rise and directing all future housing and infrastructure away from these areas. Diverting development and traffic further inland of the Mornington Peninsula freeway and Eastbourne road makes far more sense.

Traffic management concerns

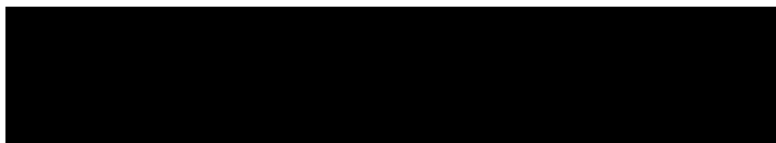
The pre-amble to this Planning Scheme Amendment states that traffic related issues have not been taken into consideration in preparing the amendment. This is another major flaw with this proposal. Traffic volumes, flows and parking must be key considerations for future planning. The intense development proposed between Dromana and Rosebud will result in huge increases in traffic volume, congestion and off-street parking while impacting the safety and usability of our local road network and neighbourhood streets. Point Nepean road, Eastbourne road and Mornington Peninsula freeway feeding these coastal towns are already extremely busy during weekends and peak holiday seasons, resulting in traffic jams and long wait times. How will this be addressed if Council approves even more housing, residents, tourist accommodation and traffic in the area between Eastbourne road and the foreshore?

Several areas flagged for substantial and incremental changes have small lots sizes and narrow streets. The avenues' and 'divides' in Rosebud have abnormally narrow streets, some with traffic calming measures allowing only one car to cross at a time. Lot sizes in the avenues are also smaller than the average Peninsula house lot at around 395m² and are incapable of supporting additional dwellings and off-street parking. On-street parking within the avenues is also not an option as it will create an extremely narrow one-laned street which is virtually un-trafficable and unsafe for drivers and pedestrians. Additional street parking will also impact accessibility and emergency response times of ambulances and fire trucks, already difficult in these abnormally narrow streets.

As the government authority for local roads in the Shire, Council has a responsibility and duty of care to ensure our roads are safe, trafficable and usable for all residents, ratepayers and emergency services. The proposed planning scheme amendment conflicts with this responsibility in the avenues and other areas where roads will be severely impacted by additional homes, people, parked cars, boats, caravans, trailers etc.

A more balanced and sustainable approach to development on the Mornington Peninsula is required taking into account sea-level rise modelling, traffic management, lot sizes and street widths, and the capacity of each street to cope with additional residents, vehicles and parking - all of which must be capped. Rubber-stamping entire towns and neighbourhoods for massive development will create chaos and unsafe conditions within these areas.

We also believe that substantial change must not be allowed in any of our coastal townships. People choose to live, recreate and holiday on the Peninsula for its current relaxed character. Substantial change in our coastal townships will destroy what we have, and turn these areas into busy, congested, suburbia. This is not what the residents and ratepayers want for our towns or the Peninsula going forward.



Submitter 269 - Page 1 of 6

[Redacted]

From: [Redacted]
Sent: Thursday, 4 November 2021 8:30 AM
To: [Redacted]
Subject: [Redacted]
Attachments: [Redacted]

From: [Redacted]
Sent: Thursday, 28 October 2021 10:23 PM
To: [Redacted]
[Redacted]

Hi [Redacted]

Attached is the Dromana Association's submission to the C219 planning amendment. Thanks for the work that has gone into this significant piece of strategic planning.

Regards,

[Redacted]

Submitter 269 - Page 2 of 6




October 27 2021

 Team Leader, Strategic Planning

Mornington Peninsula Shire Council

Dear 

Re. C219 Planning Amendment: Submission





The  has undertaken a review of the proposed C219 residential planning amendment and has put together the following submission.

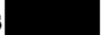
Introduction

We are appreciative of the work that has gone into this significant planning amendment that seeks to simplify the complexity of the current legacy planning controls over our residential areas. We also appreciate that it is challenging to achieve a balance between simplifying administrative functionality, protecting the diverse neighbourhood character of the Shire's settlements while meeting implied and actual growth over time. All of this with the added challenges of climate change impacts and diminishing local government funding.


The scope, complexity and implications of the proposed amendment have been difficult to unpick and with this in mind this submission is very much a higher-level overview taking a local Dromana-Safety Beach perspective.

Dromana Association background/context

The  is a broad-based  that was established over 12 years ago. Until recently it was known as the . This group has been active over many years in advocating for a much-needed town planning review as the  area has become more developed and peri urban in nature while still being a destination and hub for many of the 7 million annual visitors to this municipality.

In 2013  planning committee produced a detailed report outlining the need for this strategic planning to occur and it was used as the starting point by the Shire to begin the process.

The Localised Planning Statement that has existed since 2014 recognises the importance of the Mornington Peninsula Shire as a 'pressure relief valve' for greater Melbourne through its unique attributes of rural, bush and coastal landscapes and diverse settlements. As locals we recognise this and with at times mixed feelings accept this role as 'Melbourne's Playground'.

Growth over recent times in the  is the highest within the Shire with around a 60% growth rate over the past decade. The Housing and Settlement Strategy recognises





this, adding weight to establishing a set of controls that attempt to get the mix of growth versus the coastal township character and broader values right.

We understand the two areas in [REDACTED] with their own incorporated planning documents continue as is, however the [REDACTED] development continues to cause concern with its density and lack of access to facilities and services. The impact of this development, along with the densification of other areas in [REDACTED] has added stress to infrastructure and services.

In-principle support

We support the intent behind the majority of the changes C219 proposes and are particularly pleased to see the neighbourhood character descriptions applied through the various schedules. While there are a large number of schedules, these appear to be the key mechanism to apply neighbourhood character descriptions.

While the neighbourhood character of much of the township has altered in the intervening years (generally for the worse) since the [REDACTED] we broadly agree with the different schedules and where they are applied.

This includes removing the DDO1 from areas south of the Mornington Peninsula Freeway and replacing this with NRZ36 [REDACTED]

We are also pleased that the area west of [REDACTED] has a new NRZ13 schedule applied, and a VPO1 to the eastern section.

These two areas were identified within the 2013 report as being at significant risk from inappropriate development with a resulting diminished neighbourhood character and negative impacts on local street traffic and parking. We appreciate that earlier strategic work done by the Shire in these two residential areas has been fed-into C219.

We also welcome the open space provisions providing for functional open spaces (minimum 5 metre dimension). Under current controls there has been a significant reduction in open space and vegetation as multi-unit developments replace single dwellings.

We note that with the growing trend of a reduction in private vegetation, there should be a renewed focus on encouraging more public realm vegetation in the form of street shade trees and other urban cooling vegetation options. The Shire is under-served by public open space and parklands compared to many other municipalities.

Concerns around removal of rights of notification, negotiation and appeal.

While current controls have not adequately prevented inappropriate development and over-densification in some areas, the application of DDO3 in particular on the slopes of the hill has ensured planning assessments give due consideration to, and provide for negotiation around, proposals where there are view lines and overlooking factors.



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We are concerned with the lack of provision around neighbours being made aware of proposed developments and how this may affect existing properties and previously negotiated development outcomes. Solar aspect, overshadowing, views and privacy are the key factors that spring to mind. The change to 8 metres 'as-of-right' will likely cause unintended negative impacts to all areas, but mostly to areas where historical planning controls and process has given due regard to coastal landscapes and the above factors.

We understand that even where DDOs still exist, they have been altered to lessen permit triggers and therefore we would seek more clarity on the implications of this.

Scope and complexity of change

While the minimal, incremental and substantial change areas provide a 'snapshot' of the level of proposed change, this is at best cursory and doesn't provide a clear picture in many circumstances. There is a lack of intermediate-level information. This therefore requires a detailed knowledge of planning control documentation and a dive into the many separate formal planning documents to achieve a complete understanding of the proposed changes.

Imbedding a user experience approach through-out the development of the strategy and associated controls may have helped. An integrated and dynamic consultation process including relevant stakeholders; a co-design process, could have built-in more levels of granularity with the added benefit of fewer unintended consequences.

Functionality and Transitioning

We understand that there is likely to be fewer planning permits required under the new controls and therefore much of the workload will be moved to the building department. What is the plan to transition this significant change, particularly given the current challenges facing the restructured planning department?

Many in our community have faced a variable level of service from planning and we would hope that this isn't exacerbated by the transition.

Setbacks, building massing, housing mix, vegetation and ESD

While there are benefits to having larger minimum side setbacks (2 and 3 metres) and rear setbacks (5 metres), we are concerned that the side setbacks in particular will 'squeeze and push up' dwellings, leading to more two storey dwellings, which then creates more potential issues with overlooking and shared view lines. It may also unintentionally reduce the single storey housing stock needed for accessibility purposes.

We believe the open space provision with the 5 metre minimum dimension should, by itself provide sufficient improvements to what has, up to now been an aggregated approach of open space and permeability.

However despite the detailed vegetation conditions within the NRZ schedules we are not clear about whether under a building-approved process these designed landscape and



Submitter 269 - Page 5 of 6



planting requirements will eventuate. The Shire has encouraged meaningful and appropriate landscaping and planting through its planning processes and we would like to see this continued with all developments.

The larger side setbacks may also create unintended consequences reducing good design outcomes in terms of solar aspect. An example of this are dwellings sited on allotments that run north-south, being 'squeezed' on their northern elevation.

How has this review explored innovative housing options? A real opportunity exists to do this through this amendment. To illustrate this we cite the example of the Shire having an 'operational policy' of disallowing on-boundary construction on both side boundaries, justified by wanting to avoid a terrace effect.

There are other methods to avoid this terrace effect that open-up other innovative design options, including the use of articulated facades providing a variable and semi-permeable view from the street. Alternative housing designs such as duplexes offer a valid means of increasing densification without major neighbourhood character impacts, yet these are effectively limited by these proposed side set back standards.

We would question whether the opportunities for the Shire to encourage lower-cost and accessible housing stock has been enabled by the setback standards.

We are concerned the side setback standards will likely encourage a concentration over time of larger two storey dwellings. This may be at odds with other initiatives seeking to improve housing diversity and upcoming ESD standards and building a climate resilient community in general.

Conclusion

The [redacted] is supportive of the intent behind C219 to contemporise what is an unwieldy legacy planning scheme. We have focussed on our local patch but would think that the identified benefits and challenges would apply to many of the residential areas over the Shire. Many of the changes have merit, however we have identified some of the possible unintended consequences flowing from the single biggest planning amendment this municipality has undertaken.

With the challenges of climate change we are unsure how responsive the proposed amendments will be to these challenges in a practical on-the-ground way. How have the proposed controls been measured against best-practise ESD provisions and other de-carbonising actions?

The complexity of the proposed changes and their impact has not, in our view, been adequately explained to the community at large.

The focus on removing planning triggers and simplifying the scheme may not necessarily achieve all of the outcomes being sought.



Submitter 269 - Page 6 of 6

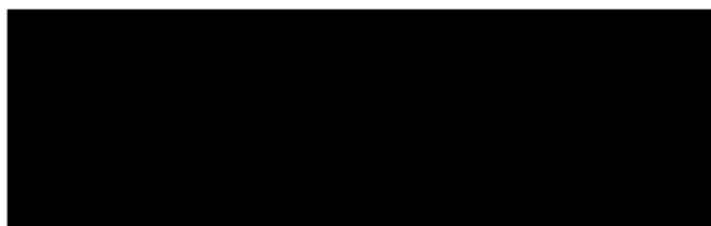
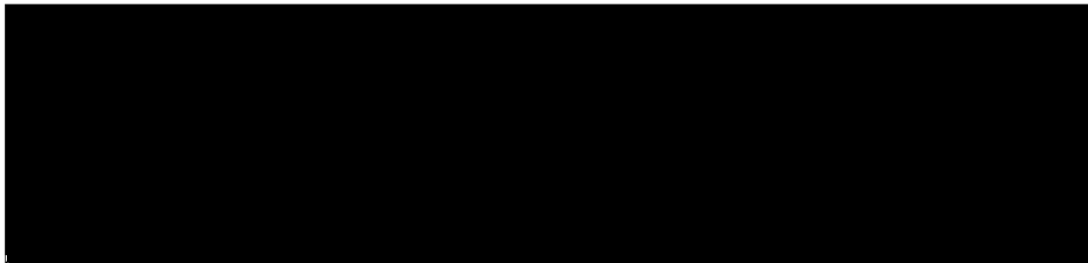


We would encourage the Shire to carefully implement this amendment taking a flexible, consultative and possibly staged approach.

Thanks for the opportunity to submit our thoughts on this significant amendment.

Please feel free to contact me with any questions,

Kind Regards,



Submitter 270 - Page 1 of 13

[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 November 2021 8:38 AM
To: [REDACTED]
Subject: FW: C219 Submission
Attachments: [REDACTED]

From: [REDACTED]
Sent: Monday, 1 November 2021 7:26 AM
To: [REDACTED]
Subject: C219 Submission

Hi [REDACTED]

I've attached my submission on C219. I realise I am past the deadline – but am hopeful my submission might be accepted.

My “cunning plan” was to wait as late as possible before submission so as to consider any further responses from people I shared my response with here at [REDACTED]. However, the storm knocked out our power and also our NBN access even after our house power was restored.

Everything is back in place now, so please find the attached.
Please let me know if I should submit this in some other way...

Regards,

[REDACTED]

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C219 Impacts on [REDACTED]

1. Introduction

[REDACTED] has been described as the last true Western Port village. This study is designed present a “big picture” analysis of the proposed C219 amendment to the Mornington Peninsula Shire Planning Scheme (MPPS) looking for potential adverse effects on [REDACTED] (and similar settlements).

This Amendment proposes to implement the Housing and Settlement Strategy: Refresh 2020-2036 (Mornington Peninsula Shire, 2020) (**HSS**) and Neighbourhood Character Study and Guidelines (Ethos Urban, 2019) (**NCSG**). Major changes are proposed for the MPPS – some of which affect [REDACTED]

The **HSS** describes how future housing and population growth will be accommodated on the Mornington Peninsula over the next 16 years while protecting the special values and character of the Peninsula. The **NCSG** is a study of the neighbourhood character of residential sites across the shire. It identifies neighbourhood characters and “precincts” based on building height and form, density, the degree of vegetation, proximity to the coast and so forth. It specifies preferred character statements, neighbourhood character objectives and design guidelines for each precinct.

The views presented are the personal opinions of the author and have not necessarily been verified with the Shire’s planning officers.

2. Western Port Coastal Villages & Surrounding Settlements Strategy

The Western Port Coastal Villages & Surrounding Settlements Strategy (**WPCVSSS**) is not included in this implementation. That will be implemented by Amendment **C271morn** – which is not yet on exhibition (expected early next year).

The **WPCVSSS** Town/Village Framework plans (or “brochures?”) seem to relate strongly to Neighbourhood Character – and Town/Village Character too given they apply to commercial areas too. Amendment C271morn will include the Western Port Coastal Villages and Surrounding Settlements Strategy (2019) as a Background Document in the Mornington Peninsula Planning Scheme. This includes the framework plans developed for the coastal villages including Shoreham and other towns.

That will be one to look out for:

- It will likely vary overlays to reflect Sea Level Rise and erosion impacts etc which might have controversial impacts on property values.
- The future of DDO15 which applies to the commercial zone will also be of interest. C219 only affects the residential zones.

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3. Neighbourhood Character

The following neighbourhood character and precincts were defined across the shire under the NCSG (the bolded items apply to [REDACTED]):

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

The [REDACTED] conducted its own study of the local neighbourhood character in December, 2018. This was not conducted by planning professionals but was intended as an aid to the NCSG and WPCVSS processes and to assist evaluating their outcomes. Comparisons are made with the findings of that study where relevant. These are shown overleaf.

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Neighbourhood Characters



NCSG/ WPCVSSS Findings



Two characters apply to Shoreham:

- **Bush Coastal** (medium sized lots, dense with coastal scrub and woodlands)
- **Rural Settlement** (large lots located outside of townships).

Three Precincts were used: **Bush Coastal 1 (BC1)**, **Bush Coastal 2 (BC2)** and **Rural Settlement 2**.

Comparison with [redacted] study (December, 2018)

- RS2 exactly matches Area 1 [redacted]
- BC1 matches Area 2 [redacted] – excepting the most southern lot which we included in Area 3 because of its size ie density was used as the discriminator – not the formality of the streets.
- BC2 includes all the remaining Areas (3-7).

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Implementation in the MPPS

The definition of Neighbourhood Character has been implemented in the MPPS by using a combination of Zones and Design and Development Overlays. The amendment relies on the residential zone schedules as much as possible and only uses Design and Development Overlays to control matters that cannot be handled by the former. This approach has necessitated a review of the DDOs to ensure consistency between them and zone definitions. Obsolete issues such as use of A/C sheeting have also been removed.

Under C219 In [REDACTED], all NRZ and LDRZ zones have DDOs in support. They deliver neighbourhood character in combination.

Zones

Currently, all residential properties in [REDACTED] are zoned either **GRZ1** (General Residential Zone – Schedule 1) or **LDRZ** (Low Density Residential Zone). The **LDRZ** is designated “minimal change”, **GRZ1** allows for “substantial change”.

One principle adopted by the Shire under C219 is that residential properties in Bushfire Prone Areas and/or affected by Bushfire Management, Erosion etc overlays should be classified as “Minimal Change”. This affects [REDACTED] – existing **GRZ** zoned areas will be rezoned as **NRZ**. This is a major benefit for those who prefer [REDACTED] as it is. All of [REDACTED] will be designated a “minimal change” area under the proposed C219.

NRZ Schedules

There are 17 NRZ schedules proposed to incorporate neighbour character controls in the Shire.

Only two apply to Shoreham:

NRZ Schedule	Schedule Name/Precinct	Precinct
NRZ12	Bush Coastal 1	BC1
NRZ13	Bush Coastal 2	BC2

Note: A schedule (eg NRZ1) applied to a zone (eg NRZ) implements a specialised version of the zone. To look at what controls apply, both the controls of the zone and schedule need to be looked at together.

LDRZ Schedules

Similarly, there are only 2 LDRZ schedules that would apply in [REDACTED]

LDRZ Schedule	Schedule Name/Precinct
LDRZ4	Not named
LDRZ7	Not named

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Design and Development Overlays

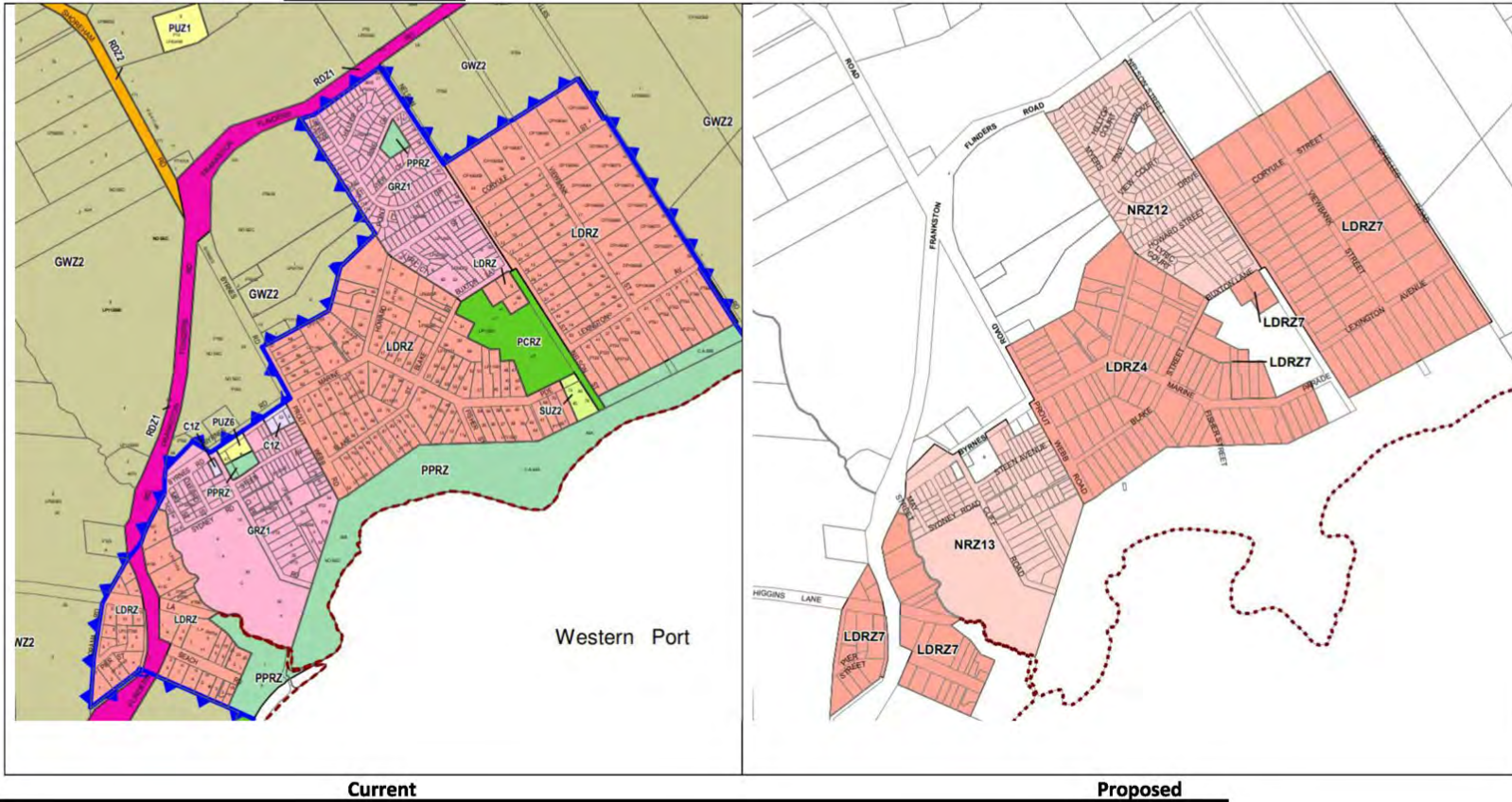
The proposal is to create 20 new DDO schedules for the LDRZ zones.

In [REDACTED] only 3 apply:

DDO Schedule	Schedule Name	Precinct
DDO43	Low Density Bush Coastal D	Bush Coastal 2 (BC2)
DDO45	Low Density Bush Coastal F	Bush Coastal 2 (BC2)
DDO53	Low Density Rural Settlement D	Rural Settlement 2 (RS2)

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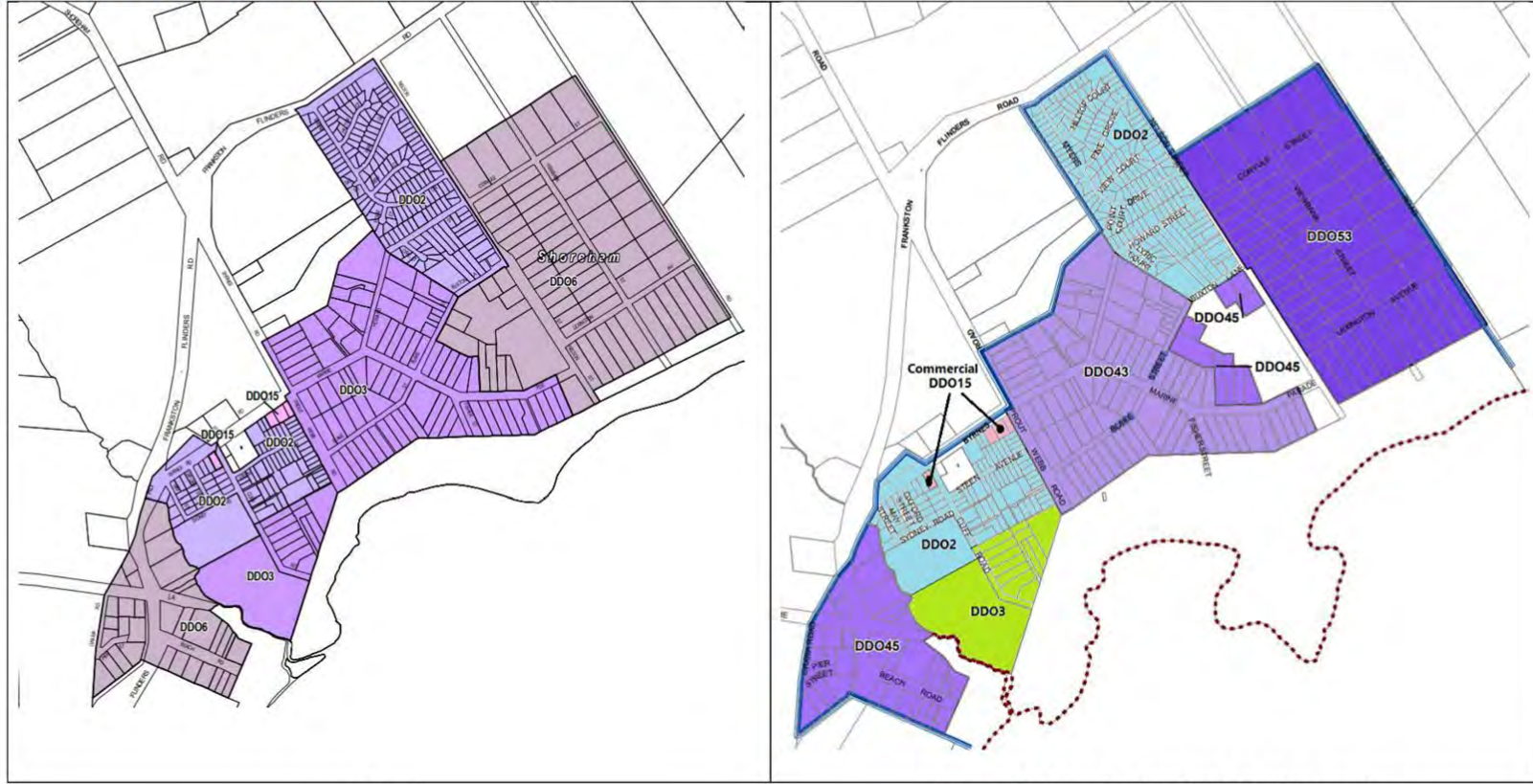
4. Zone Changes in [REDACTED]



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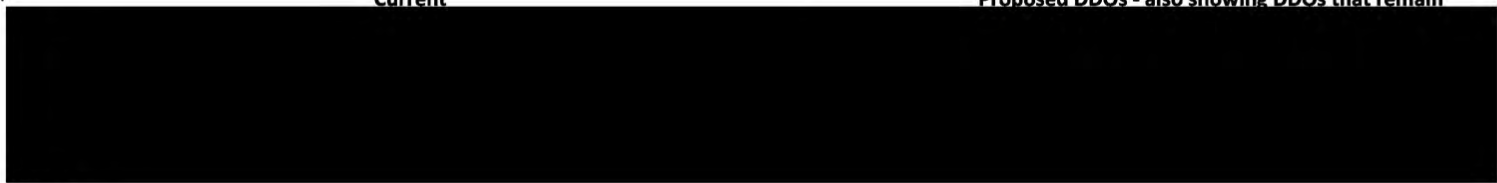
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5. DDO Overlay Changes in [REDACTED]



Current

Proposed DDOs - also showing DDOs that remain



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6. How Zones and DDO Overlays would apply to [REDACTED]

This table shows how the zones and DDOs apply to the different areas:

Area	Proposed		Current		SCA Study Area
	Zone	DDO Overlay	Zone	DDO Overlay	
[REDACTED]	NRZ13	DDO2 and DDO3	GRZ1	DDO2 and DDO3	4,5,6
[REDACTED]	NRZ12	DDO2	GRZ1	DDO2	2
[REDACTED]	LDRZ4	DDO43	LDRZ	DDO3	3 (part)
[REDACTED]	LDRZ7	DDO45	LDRZ	DDO6	3 (part)
[REDACTED]	LDRZ7	DDO45	LDRZ	DDO6	7
[REDACTED]	LDRZ7	DDO53	LDRZ	DDO6	1

Clearly, for the GRZ1 areas, the primary impact is the conversion from GRZ1 to NRZ12/13.

For those who like [REDACTED] as it is and want to continue with the same ethos, this change is a very good thing in that the town leaves the “substantial change” to “minimal change” ethos in the zoning system. However, it is the DDO overlays that continue to provide the constraints and more-or-less hold the line against egregious development proposals.

7. Changes to DDO2 and DDO3

Changes to the current DDO2 and DDO3 controls are proposed in C219. These apply to [REDACTED]

One reason is to ensure there is not conflict between the proposed Zone and DDO overlay controls. For example, the *Minimum Subdivision Area* of 0.4 ha has been added to LDRZ4 and removed from DDO3.

MPS has also taken the opportunity to remove any unnecessary or obsolete permit requirements for efficiency purposes. Both overlays would have half the number of design objectives. Important aspects such as heritage have been omitted – no doubt because such concerns are supposed to be covered by other overlays. However, the criteria for heritage overlays are strict and tend to focus on specific (former) properties – not on a general ambience which the DDOs can include. Similar concerns exist for the treatment of vegetation cover, protection of streamlines, traffic control and viewlines.

The third design objective of DDOs 2&3 omits the necessity to prevent buildings dominating the view from beaches – and should be added.

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8. New Controls in the Low Density Areas

LDRZ4 and LDRZ7 compared to the common LDRZ

LDRZ4 applies to the [redacted] area and LDRZ7 applies to the [redacted] Area, properties abutting [redacted] and to the [redacted]

The effect of the schedules LDRZ4 and LDRZ7 to the LDRZ is to specify minimum subdivision areas and require permits for large outbuildings as follows:

Zone Schedule	Minimum subdivision area	Outbuilding size requiring a permit
LDRZ	Green wedge 0.4 ha	-
LDRZ4	0.4 ha	80m ²
LDRZ7	1 ha	80m ²

Proposed DDO43 compared to Current DDO3

The proposed new DDO43 is specific to [redacted] and applies to the [redacted] area which is currently covered by DDO3.

Comparing the proposed DDO43 with the current DDO3, most of the controls remain in place with the following exceptions:

- The current DDO3 has a general requirement of wall heights to 5.5m and a maximum building height of 6m - subject to variation by permit. There is also a mandatory maximum of 8m and 2 storeys that cannot be varied by permit. The lower level “guidance” does not appear in the proposed DDO43 – only the mandatory maxima are present in the proposed DDO43. This may encourage taller new constructions in the area in conflict with the goals of fitting in with the landscape, sharing of views etc.
- Some of the criteria have been dropped (eg erosion, flooding and streamlines) – possibly because the DDO43 is specific to the area and does not have to generalize to other places.

Proposed DDO45 and DDO53 compared to Current DDO6

The proposed new DDO45 is intended to cover properties on the periphery of a township and the need to protect the interface with reserves and the Green Wedge.

In [redacted] case, this overlay is applied to the [redacted] These are currently covered by DDO6.

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DDO45 specifies a general requirement of a maximum of 8m and 2 storeys in height – however, there is no mandatory maximum height specified (as also the case in DDO6). There is a general requirement for 8m/2 storeys and that DDO6 does contain a mandatory limit of one dwelling outside the UGB.

This situation contrasts with 8m and 2 storeys to become mandatory in the proposed C219 version of DDO6.

DDO53 is also intended to provide for low density areas on the periphery of a township and is effectively a lower density version of DDO45. At Shoreham, it applies only to the [REDACTED]. The same comments apply to this overlay as DDO45 above.

9. How well do the new controls capture Neighbourhood Character?

In terms of housing density, building heights and vegetation (including indigenous vegetation), the controls do capture the essential characteristics. On the other hand, they do not successfully capture the “feel” of the [REDACTED].

Looking at the possibly most extreme case of [REDACTED], what is missing in the proposed controls is the “rural feel” with the Green Wedge abutting the “main drag”, the sense of quietness – and the general rustic feel, the amenity due to there being little vehicular traffic and the importance of heritage around the village centre. Perhaps this is where the **WPCVSSS** Town/Village Framework plans (or “brochures”) will fit in – though they won’t have much weight in the Planning Scheme.

The interplay between the zone and DDO overlay controls for sample general measures (exceptions sometimes allow for other values) is shown in the table below (mandatory values shown in **boldface**):

Characteristic	NRZ12	NRZ13	Former GRZ1	DDO2	DDO3	
Height limit	9m	9m	11m	8m	8m	
# Storeys limit	2	2	3	2	2	
Setback – front	9m	9m	?	7.5m	7.5m	
Setback – side	2m	3m	?	3m	3m	
Minimum lot size	?	?	?	650m ²	NRZ/GRZ 1500m ² LDRZ 4000m ²	
Characteristic	LDRZ4	LDRZ7	Former DDO6	DDO43	DDO45	DDO53
Height limit			8m	8m	8m	8m
# Storeys limit			2	2	2	2
Setback – front			25m	7.5m*	25m	25m
Setback – side			10m	3m*	10m	10m
Minimum lot size	0.4ha	1.0ha	?	-	-	-

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10. Observations and Conclusions

- All of [REDACTED] would be defined as “minimal change”. This and the rezoning of the existing GRZ zoned areas as NRZ are major benefits for those who prefer [REDACTED] like it is and will serve to protect the village into the future.
- The [REDACTED] Study defined 7 different characters within [REDACTED]. These were strongly influenced by housing density and the history of the subdivisions including the implications for different built-form architecture. Those criteria were less important to the NCSG professionals. There are 5 unique combinations of Zone and DDO Overlay contemplated under C219. These are generally consistent with the [REDACTED] findings – excepting in [REDACTED].
- It seems to this author that the former DDO3 portion or the [REDACTED] Study Area 6 should be rezoned LDRZ. This should further protect the foreshore and bottom of [REDACTED] – an area which is likely to be at least partly impacted by Climate Change precautions under C271morn in future.
- All of [REDACTED] within the Urban Growth Boundary remains protected by DDO overlays.
- With relatively few exceptions, the controls are as strong or improved on the current situation.
- The relaxation of the current DDO3 general requirement of wall heights to 5.5m and a maximum building height of 6m may encourage two storey developments.
- Noting that MPS has been weak in enforcing specific overlays ([REDACTED]), the pendulum has swung too far in the emasculation of the DDO2 & 3 design objectives and decision guidelines. These should be reconsidered so as not to eliminate control over local character incl heritage, vegetation, viewlines and streamlines of a general or ambient nature. We should bear in mind the words of Albert Einstein – “Make everything as simple as possible, but not simpler” !
- The third design objective of DDOs 2&3 omits the necessity to prevent buildings dominating the view from beaches – and should be added.
- Not that long ago, the State Government seemed keen to eliminate the DDO overlays because of the overlap in function with zone controls. It seems that is off the agenda now. The old DDO overlays have “held the line” in protecting [REDACTED] character in the past, with one significant exception.
- All of [REDACTED] with the exception of the DDO45 and DDO53 overlay areas, have mandatory controls on height (8m and 2 storey maxima) and one dwelling per lot.
- Unlike the NRZ and DDO schedules, the LDRZ schedules are not named. I recommend they be given meaningful names for consistency and easier comprehension by readers.
- A review of the revised HSS has not been conducted in this analysis. However, one concern that remains is that the capacity for new housing in [REDACTED] remains exaggerated and unrealistic in that report. The [REDACTED] noted this issue in its review of the first version of the HSS and an appropriate change was not included in the revised version.

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- It seems unfortunate that “neighbourhood character” has to be implemented in such a convoluted way. It seems to this author, a better approach would be to have zones and specific Neighbourhood Character overlays for each variant of Neighbourhood Character that applies. This is not a criticism of the MPS – rather of the State Government’s planning scheme. I do understand that the vagaries of the current planning system prevent what would seem a more consistent and rational approach.

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[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 November 2021 8:46 AM
To: [REDACTED]
Subject: FW: C219 Submission
Attachments: [REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 3:59 PM
To: Strategic Admin <strategic.admin@mornpen.vic.gov.au>; [REDACTED]

[REDACTED]

Subject: C219 Submission

Hi [REDACTED]

Please find attached our combined submission to C219.

We look forward to ongoing engagement on this amendment.

Kind regards



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29 October 2021

Mornington Peninsula Shire Council
Strategic Planning Unit
Attention: [REDACTED]

Dear [REDACTED]

**AMENDMENT C219MORN: HOUSING FOR THE PENINSULA
WRITTEN SUBMISSION**

As a collective consultancy group, we welcome changes to the Mornington Peninsula Planning Scheme that do in fact result in a more streamlined outcome for the development industry and removing 'red tape' where opportunity exists.

The changes are extensive, fundamentally changing the way the residential zones and historical Design and Development Overlays (DDO's) have influenced development on the Peninsula for over 20 years.

It is well known that our planning scheme is complicated and challenging, for all stakeholders, and that the changes sort by C219 are aimed at simplifying the planning process. However, we are concerned that due to the extent of changes and the compromised exhibition and community engagement due to the COVID-19 pandemic that the community does not fully appreciate nor understand the consequence of the changes particularly at a localised level.

Opportunity now exists as we exit the last of the lockdowns to undertake more localised community consultation to better explain the significant changes of the proposed planning controls to the community.

Packaged as a solution for the development industry on the Mornington Peninsula, we suggest that the C219morn results in quite the opposite. Whilst it may offer more certainty, we suggest that the amenity impacts will be significantly greater than the certainty created. Whilst it is recognised and appreciated that the Mornington Peninsula is not a growth area, there is a reasonable expectation that some modest growth is accommodated within our established townships, particularly our larger activity centres.

It is our concern that C219 through a variety of mechanisms seeks to significantly hinder growth even at a modest and sustainable level. The changes proposed by C219 are the most significant the Mornington Peninsula Planning Scheme will have undertaken since its inception in 1999. It is therefore vital that such expansive changes are undertaken in a thorough and responsive manner to ensure that they provide the desired framework for the Mornington Peninsula in the years to come.

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Further to our review to date, we raise the following themes that are central to our concerns.

- Expansive application of the Neighbourhood Residential Zone
- Broad brush approach to application of Significant Change Areas.
- Impact of the modified standard to zone schedules.
- The removal of the building height trigger in the DDO's.
- The introduction of a new mandatory height in DDO's (north of Ellerina Road W).
- Clause 54 consideration in DDO's.
- Impact upon township vegetation.
- The introduction of NCO's.
- Lost opportunity to implement key policy objectives.
- Transitional arrangements.

The issues we identify above are in no means exhaustive as we've not undertaken a comprehensive peer review due to the vast nature of the changes.

With the proposed introduction of 37 schedules to the Neighbourhood Residential Zone (NRZ), 53 Design and Development Overlays (DDO), and, 3 Neighbourhood Character Overlays (NCO), it is unreasonable to expect that the community nor ourselves as professional planners, could fully review and consider the implications of such extensive change within the timeframe provided.

We therefore strongly encourage consideration be given to the separation of this Amendment into parts due to the extensive nature of the changes to enable opportunity more localised community consultation and review and to ensure that the changes are appropriate within each township.

EXPANSIVE APPLICATION OF THE NEIGHBOURHOOD RESIDENTIAL ZONE

The issue: C219 seeks to apply the Neighbourhood Residential Zone (NRZ) to the majority of the residential areas within the municipality with only a small portion of land to remain within the General Residential Zone (GRZ). As proposed, the GRZ is only located within areas that are with close proximity to the Activity Centres with significant opportunity available to increase the areas within the GRZ.

It is acknowledged that the NRZ has been applied to restrict the number of storeys to a maximum of 2, the application of the NRZ in such an expansive manner combined with the scheduled changes inhibits modest growth opportunities in areas suitable for growth. In the absence of providing modest growth opportunities within our existing established town centres, increased pressure is placed upon the outer lying areas to accommodate growth which is clearly undesirable from a number of perspectives.

The assumption that modest growth within township areas detracts from character is also misguided where clear evidence currently exists in the majority of existing townships where modest growth is appropriately accommodated with limited to no detriment to streetscapes or character.

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Recommendation 1: Consideration should be given to the wider application of the GRZ in areas within reasonable walking distance to Major Activity Centres and Neighbourhood Activity Centres which offer jobs, public transport and service with the number of storey's controlled by DDO's as is the case currently.

BROAD BRUSH APPROACH TO APPLICATION OF SIGNIFICANT CHANGE AREAS

The issue: Limited application of the Significant Change Areas around major activity centres thereby providing limited scope for accommodating any level of growth within proximity to established commercial centres. Ultimately C219morn seeks to reduce potential for infill development.

The Mornington Peninsula is within the top 10 municipalities within Victoria for rough sleepers with the supply and access to housing significantly contributing to this issue. C219morn aims to restrict dwelling density through new minimum lot size requirements (as opposed to average) for subdivision and require the provision of increased open space requirements thereby reducing dwelling yield, particularly in areas close to our activity Centres (Mornington, Hastings & Rosebud).

The lack of housing supply has been recently identified by the Notice of Motion put forward by ██████████ recognising the social implications of limited housing stock to support the demand for housing on the Peninsula. The changes sort by C219morn will significantly impact the supply of housing stock in areas that can accommodate appropriate growth. Whilst it is appreciated that the application of the General Residential Zone (GRZ) has been restricted to the substantial change areas directly abutting the activity centres to control the number of storeys, we contend opportunities exist closer to activity centres to facilitate growth.

Areas that have reasonable access to services and an already established character of multi-unit development due to the historical lack of a DDO are areas that should not be restricted from further growth. To require additional open space and prescriptive side / rear boundary setbacks within the significant change compromises growth opportunities within areas suitable for growth.

As an example, Rosebud and Capel Sound are considered more disadvantaged than the Australian Average with the Government prioritising these areas for renewal. Yet C219morn proposes to introduce additional setback and open space requirements reducing opportunity for additional infill development in an area identified for suitable for renewal.

Recommendation 2: Further consideration be given to providing greater growth opportunities within close proximity to the Mornington, Rosebud and Hastings town centres which is supported by the 20min neighbourhoods contained in Plan Melbourne.

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The issue: Overuse of the increased open space and increased setback requirements in Significant Change area. The same extent of open space required within the Significant Change areas is required within the Minimal Change areas.

The substantial changes areas have been applied around established commercial areas with the intention to focus growth within close proximity to services and infrastructure, an outcome we support.

However, the scheduled requirements of Clause 55 within the General Residential Zone contain the same open space requirements and setbacks requirements as the increment and minimal change areas within the Neighbourhood Residential Zones, significantly undermining the objective of achieving substantial change.

To achieve realistic and necessary change within the defined areas for substantial change, re-development should not be constrained by the provision of open space and increased setbacks required within the minimal and incremental change area.

The consistent requirement for increased open space and side / rear boundary setbacks across the substantial, increment and minimal change areas combined with the increased setback requirements is clearly intended to restrict any modest growth across the municipality and significantly undermines any ability to achieve the 20 minute neighbourhood sort by State Policy.

Recommendation 3: That the substantial change areas have no additional open space or increased side or rear boundary setback requirements to ensure opportunity for additional growth can in fact be achieved.

IMPACT OF MODIFIED STANDARDS TO ZONE SCHEDULES

The issue: Transferring issues to the Report and Consent process results in more prescriptive requirements that are more challenging to vary.

In general, an application for report and consent handled by a Council's building department, is generally found to be a more streamlined and efficient process by comparison to a planning application. This is supported by our experience regularly sees a request for report and consent being determined within 4 – 8 weeks and the process (the advertising process for example) being in the control of a permit applicant. This is by far a more streamlined process that has inherent benefits to developers and reduced costs to the community, when compared to the average time it takes to obtain a planning permit. However, the benefits of this, particularly with a heavy reliance upon and broad-brush application of new siting requirements in the schedules to the zone, are predicated on the building department being suitably resourced to handle the increased workloads. It therefore remains a significant concern that the broad-brush approach and de-facto density controls, brought about by increased side and rear setback and open space requirements across the entire Peninsula, will result in a significant increase in the demand for resources from the building department. Consequently, until a thorough investigation into the implications of C219morn on the

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Building Department is fully appreciated and the departments resourcing capabilities to accommodate any increased workload is fully understood, the introduction of a vast number of new requirements under the guise of simplifying the Planning Scheme is premature.

Setting aside the concerns centring around the application of the schedules alleviating one overburdened department only to overburden another department, we turn to the report and consent process. An application for report and consent is assessed against the Ministerial Guidelines. Whereby, the Ministerial Guidelines are a confined set of criteria in which a development has to respond to. The Ministerial Guidelines do not allow consideration of anything outside of the guidelines and can therefore serve as a constraint and impediment to a common-sense outcome and or site responsive design. This is of particular concern on the Peninsula which is recognised as being unique with its own distinct values, characteristics and challenges. It is our view that it is inappropriate to adopt a broad application of prescribed requirements across the Peninsula that are not able to fully consider all relevant matters to achieve a site responsive and appropriate design response.

Recommendation 4: Reconsider the use and overuse of modified standards in zone schedules and undertake a thorough investigation into the implications on the resources of the Building Department and its ability to meet any demand.

THE REMOVAL OF THE BUILDING HEIGHT PERMIT TRIGGER IN DDO'S

The issue: 8 m as of right, particularly in DDO3, will remove consideration of view-lines and challenge community expectations. Loss of character (particularly in DDO3 areas). The current DDO's across the Mornington Peninsula Shire require planning applications to consider the reasonable and practical protection of shared view-lines, particularly areas controlled by DDO2, DDO3 & DDO4.

The proposed removal of the current general 5.5m wall and 6 m building height requirements from the DDO's in their entirety will not enable Council to consider the protection of shared views notwithstanding that as identified within the amendment documentation, suitable protection of shared views in predominantly the 'Bush Coastal' and 'Bush Coastal Contemporary' Areas is required. The removal of this planning permit trigger from the DDO's allows dwellings to be constructed up to 8 m without a planning permit (where all other Table 1 'buildings and works requirements' are met). This outcome will unlikely allow for the continuation of uninterrupted shared views and result in detrimental impact upon amenity and Council's preferred neighbourhood character guidelines.

Our industry experience spans across Victoria and as a collective we have dealt with various other Planning Schemes (e.g. Frankston & Bayside) which adopt 7 m as their general building height requirement in some of their DDO's. We advocate that a '7 m' general building height requirement applied to specific DDO's would reduce some planning permit triggers whilst requiring dwellings exceeding 7 m to give proper consideration to the design objectives of the DDO's, namely protection of shared views, amenity and character.

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Properties located within close proximity to foreshore areas or located on higher grounds and areas with long ranging views to surrounding headlands, rolling hills etc. should retain a general building height requirement to afford assurance to the community that protection of shared views will be considered in the planning process. The following perceived benefits and likely implications of this change are outlined for convenience:

Perceived Benefit of Change:

- Owners / developers may seek to design new dwellings which avoids earthworks greater than 1 m enabling them to go straight to a building permit resulting in a saving of time and money of their project without the need to consider protection of shared view lines.
- The NRZ Schedules direct the desired neighbourhood character outcomes imposing modifications to the standard Clause 54 requirements to give clarity on the built form outcomes.
- The administrative burden on the Statutory Planning Department will be reduced with less planning permit 'triggers' / applications.

Likely Implications of Change:

- Landowners will no longer have reasonable assurance that amenity protection objectives (i.e. reasonable sharing of views) will be considered in areas across the Mornington Peninsula which have historically been protected by planning permit requirements.
- Property values will be reduced for those impacted by new dwellings built to a maximum allowable 'as of right' height of 8m without the need to consider shared views, where the proposal does not trigger a planning permit.
- Consideration whether a development satisfies the design objectives and/or decision guidelines of the new DDO's including but not limited to the Neighbourhood Character Guidelines will not be required by owner/developers therefore the ability to safeguard Council's preferred neighbourhood character objectives is removed.
- Community consultation and third-party review rights will be removed.
- The administrative burden on the Statutory Building Department will be increased with more dispensations (variations to Clause 54) lodged to Mornington Peninsula Shire in order to bypass planning system.

Recommendation 5: Amend the general building height requirement in the DDO's to 7 metres to be consistent with many other Municipalities which will remove some planning permit triggers but also ensure any new dwelling built between 7m-8m* in height is suitably designed to respond to neighbourhood character. [REDACTED]

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DELETION OF THE 8 M MANDATORY HEIGHT EXCLUSION AREA

The issue: The proposed introduction of a new 8 m mandatory building height within the exclusion area, defined as follows: ... 'north of a boundary defined by [REDACTED] but only if the building is 2 storeys or less above natural ground level'.

Image 1: An illustration of our interpretation of the mandatory height exclusion line.



Currently, land within the exclusion zone, is not subject to the 8 m mandatory height requirement as referenced in DDO2, DDO3 and DDO4.

Due to the topography within this defined area, it can prove challenging to achieve a two-storey dwelling within the 8 m as proposed. We suggest that application of a new mandatory control will not only stifle architectural creativity but also result in an inequitable outcome for land-owners' when considering the impacts that the mandatory height control may present given the existence of dwellings already exceeding 8m in height.

Upon review of C219mom, the introduction of a new mandatory 8 m building height within this defined area (exclusion zone) is not justified. Opportunity should exist for consideration of height exceeding 8 m in areas that currently take benefit of this opportunity.

Further to communication with Council, we understand that the rationale for the deletion of this exemption to the mandatory height is the lack of clarity around the defined area. In response, we encourage a map be prepared and incorporated into the new DDO's affecting this area for clarity with view to solve the problem identified by Council.

Recommendation 6: That the DDO mandatory maximum building height exclusion area [REDACTED] be retained to allow consideration of buildings higher than 8 m, and that a map defining the exclusion zone be incorporated into the relevant DDO's.

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CLAUSE 54 CONSIDERATION IN DDO'S

The issue There does not appear to be a strong relationship between the permit triggers (as proposed) and Clause 54 consideration. As proposed, there appears to be a disconnect between the permit triggers and the requirement for consideration against Clause 54.

Requiring consideration of matters unrelated to the proposal, which are better dealt with under building regulations, are expected to result in additional costs to the community and Council through additional administrative burden.

However, should there be a general building height trigger, as proposed in Theme 4, consideration of Clause 54 in the planning phase would be most appropriate - as is currently the case in the majority of the DDO's.

Recommendation 7: Remove the requirement for Clause 54 consideration within the DDO's where there is no building height consideration. Or, Retain the requirement for Clause 54 consideration within the DDO's where there is a building height consideration.

IMPACT UPON TOWNSHIP VEGETATION

The issue: Impact upon Township Vegetation where DDO does not trigger planning consideration. Noting that broad exemption contained in VPO1 when a planning permit is not required for a single dwelling. One of the primary 'consequential impacts' of removing Design and Development Overlay (DDO) permit triggers is that it opens-the-door to a vegetation removal exemption pursuant to VPO1.

Image 2: Extract of VPO1 exemption

- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
 - A building permit has been granted for the proposed development.
 - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
 - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.

The vegetation removal exemption highlighted above allows for the removal of any vegetation within the footprint of a dwelling (and a further 2m) without a planning permit. When this is considered hand-in-hand with the fact that the Mornington Peninsula has always had strong vegetation protection objectives we say that the potential outcome has the capacity to significantly alter the character of our township environments.

Currently a permit is triggered for a large percentage of dwellings within township areas. These triggers generally relate to a variation to the General Requirements of a DDO.

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As soon as a permit is required under the DDO the aforementioned vegetation-removal exemption becomes irrelevant and the removal of vegetation is considered as part of the planning assessment. The outcome sought through the DDO's and VPO's is that a reasonable balance between built-form and vegetation is achieved. Council is able to assess if this balance has been achieved; and over many years the ability to assess both built-form and vegetation protection/removal has created a character on the Peninsula that sets us apart from more suburban Municipalities. The character that exists should be protected.

In recent years the State Government introduced vegetation-removal exemptions that relate to bushfire (Clause 52.12). Applicants and developers already use these exemptions for developmental advantage so the vegetated character of some areas has already been diluted. By removing DDO triggers and allowing vegetation to be removed under the aforementioned exemption, without any ability for Council to assess the removal of vegetation, would further erode the character of our townships.

We are also aware that Council has approach the Department (or perhaps Ministers office) to attempt to remove some of the vegetation removal exemptions currently provided under Clause 52.12 (Bushfire Protection). This is a clear indication that Council does not want to allow wholesale removal of vegetation without permission. We say that the removal of DDO triggers and the consequential opportunity for the above exemption to be applied to many more properties will create a far-greater erosion of the vegetated character that what can occur through the exemptions provided under Clause 51.12.

C219 seeks to allow 8m high dwellings, without a permit. With no Council permission required it is likely that many of these dwellings will be constructed in a manner that results in a visually obtrusive outcome. This poor built-form outcome will be exacerbated by the fact that land owners will also have the ability to clear their land (within 2m of the building footprint) without a permit and therefore the ability to require screening vegetation to filter views of built-form is lost.

We ask Council considers the deletion of the aforementioned exemption from VPO1, therefore allowing vegetation removal to be considered regardless of the development occurring on the land. A more nuanced – and sensible – option would be to identify areas and townships where the vegetated character provides a pronounced characteristic and deleting the aforementioned exemption from these areas, rather than all areas currently affected by the VPO1. The other alternative, as discussed in other areas of this submission, is to reconsider the wholesale dilution of DDO triggers. As mentioned if a permit is triggered under the DDO in the vast majority of cases permission will also be required for vegetation removal and Council can assess both matters concurrently to ensure a balance is achieved between built form and vegetation.

It appears Council was not conscious of this consequential-impact of diluting DDO triggers and the ability for people to remove more vegetation, without a permit, has not been clearly communicated to the community. Regardless, we think it is an outcome inconsistent with the stated objectives of Local Policy and the planning controls affecting our township environments.

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Recommendation 8: There must be a greater connectivity between VPO and DDO provisions. Consider the deletion of the above exemption in the VPO1, or the deletion of this exemption in Townships where vegetation is a cherished characteristic.

APPLICATION OF THE NEIGHBOURHOOD CHARACTER OVERLAYS

The issue: There appears to be little justification for the conservative NCO's proposed within C219morn. As proposed, NCO1 and NCO2 triggers planning approval to:

- Construct or carry out works (including development of a single dwelling)
- Construct or extend an outbuilding normal to a dwelling
- Demolish or remove a building
- Remove, destroy or lop a native coastal tree *save for a sweet pittosporum.

We suggest that the new permit triggers result in an unreasonable cost to the industry with limited gains to be found.

The rationale behind the introduction of NCO1 to [REDACTED] appears to rely upon recommendations contained within the Conservation Management Plan (CMP), Context (2009) and the Mornington Peninsula Neighbourhood Character Study and Guidelines (NCS) prepared by Ethos Urban (2019).

Whilst we agree that the [REDACTED] has unique character, we question if the recommendations outlined in the CMP (2009) are more appropriate in this context as opposed to the introduction of the NCO. As expressed in Section 5.5.4 of the CMP, recommendations are made to strengthen application of the existing DDO2 and DDO3 affecting the area. These recommendations should achieve the level of protection of character sought through the CMP without resulting in unintended permit triggers, as will be the case through the introduction of the NCO. We suggest that the introduction of NCO1 requires further consideration and robust assessment against the objectives sought to be achieved in the CMP 2009, or any subsequent CMP.

When considering NCO2 proposed to [REDACTED] Rosebud and parts of Tootgarook and Rye there is a strong reliance upon the NCS. In the spirit of exploring opportunity to reduce permit triggers for single dwellings on a lot, NCO2 results in quite the opposite. Application of NCO2 further restricts opportunity for renewal adding additional planning approval to areas that have historically had very limited planning controls. As a result, these areas are unlikely to experience any meaningful renewal or modest increase in density even though demand exists, and services are available.

Recommendation 9: That the application of NCO1 and NCO2 be reconsidered; and, that the recommendations of the CMP 2009 be explored, see sections 5.5.4 of the Plan.

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LOST OPPORTUNITY TO IMPLEMENT KEY POLICY OBJECTIVES

The Issue: The removal of planning approval, whilst welcome in many instances, also removes the Council and subsequent Councillor's ability to influence outcomes including the implementation of other relevant policy objectives. For example, in the absence of a planning permit application, policies such as the draft ESD policy cannot be implemented; and, a landscape plan or construction management plan cannot be implemented.

Whilst the new schedules to the zones and overlays implement new requirements, the absence of planning approval where compliance is achieved removes community involvement in the development as well as negating any involvement from Councillors.

We contend, in many instances this is a welcomed outcome for the construction industry, however there are sensitive areas of the Peninsula that have, over many, many years of planning provisions achieved a unique character that has been identified by Council through the creation of the Localised Planning Statement. The absence of planning approval removes Council from the decision-making process inhibiting the ability for Council to implement wider policy objectives.

Recommendation 10: That further consideration be given to the implications of reduced permit triggers and the subsequent inability of Council's to achieve policy outcomes.

TRANSITIONAL ARRANGEMENTS

The issue: The proposed amendment stays silent on the issue of 'transitional arrangements' and it is submitted that clarity should be provided as to whether it is proposed to incorporate transitional arrangements and if so what form these might take.

We submit that it is imperative that transitional arrangements are provided for, in order to provide certainty as to how permit amendments and extensions of time will be considered following gazettal of the amendment. Any transitional arrangements need to enable permit holders to continue works where the permit has been enacted but not yet completed. This is logical to enable existing buildings and works approvals to be logically completed. Similarly, the same logic should be extended to requests for extensions of time to existing permit approvals. It is well documented that the impacts of Covid-19 have resulted in building material shortages and a rapid inflation of the property market. This has resulted in significant delays to construction progress, shortages in the supply of builders and associated trades and flow on impacts in obtaining finance to secure required equity to commence and finalise projects.

Recommendation 11: Transitional arrangements should exist for Applications lodged prior to introduction of C219 into the Scheme. This includes any new Zone and its Schedule requirements including consideration of requests for Extension of Time to planning permits issued prior to the introduction of C219morn where the request has reasonable justification provided.

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CLOSING STATEMENT

In summary, it is our position that the objective of C219 is to inhibit growth which has been a consistent approach since the first version of the Housing and Settlement Strategy was prepared several years ago.

This 'refreshed' version through a complicated series of schedules to the Zones and Overlays is clearly aimed at controlling growth within the established residential town centres under the guise of protecting neighbourhood character.

The objectives of C219 should therefore be questioned as the current version fails to:

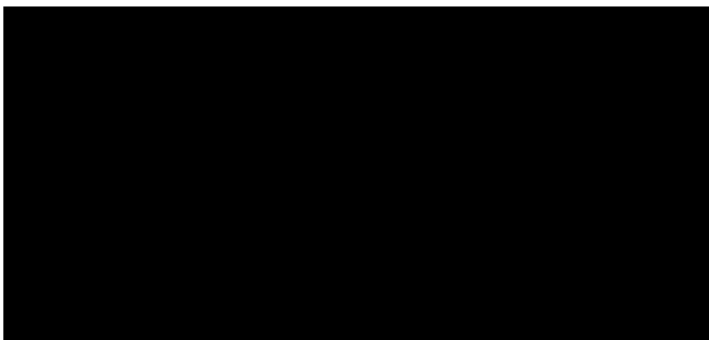
- Provide for any modest growth in established township areas through expansive application of the NRZ and excessive open space and setback requirements
- Protect character through the relocation of the approval from the planning system to the building system
- Minimise Council's workload when it is transferring work from the planning department to the building department.

Recommendation 12: That a full and detailed analysis of the implications of a broad-brush application of prescriptive requirements in the schedules to the zones be undertaken and the resourcing capabilities of the Building department to accommodate any additional demand on their resources be fully explored and understood.

We welcome further consultation with Council with respect to how the recommendations outlined within could be implemented.

It must be stated that the views, opinions, and recommendations presented within this submission represent those of the individual authors and may not represent the views, opinions, or recommendations of our client-base.

Sincerely,



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SUMMARY OF RECOMMENDATIONS

As expressed throughout this submission, we present the following recommendations for consideration.

1. Consideration should be given to the wider application of the GRZ in areas within reasonable walking distance to Major Activity Centres and Neighbourhood Activity Centres which offer jobs, public transport and service with the number of storey's controlled by DDO's as is the case currently.
2. Further consideration be given to providing greater growth opportunities within close proximity to the Mornington, Rosebud and Hastings town centres which is supported by the 20min neighbourhoods contained in Plan Melbourne
3. That the substantial change areas have no additional open space or increased side or rear boundary setback requirements to ensure opportunity for additional growth can in fact be achieved.
4. Reconsider the use and overuse of modified standards in zone schedules and undertake a thorough investigation into the implications on the resources of the Building Department and its ability to meet any demand.
5. Amend the general building height requirement in the DDO's to 7 metres to be consistent with many other Municipalities which will remove some planning permit triggers but also ensure any new dwelling built between 7m-8m* in height is suitably designed to respond to neighbourhood character. * *Except in the area*
[REDACTED]
6. That the DDO mandatory maximum building height exclusion area [REDACTED] be retained to allow consideration of buildings higher than 8 m, and that a map defining the exclusion zone be incorporated into the relevant DDO's.
7. Remove the requirement for Clause 54 consideration within the DDO's where there is no building height consideration; Or, Retain the requirement for Clause 54 consideration within the DDO's where there is a building height consideration (See Recommendation 5).
8. There must be a greater connectivity between VPO and DDO provisions. Consider the deletion of the above exemption in the VPO1, or the deletion of this exemption in Townships where vegetation is a cherished characteristic.
9. That the application of NCO1 and NCO2 be reconsidered; and, that the recommendations of the CMP 2009 be explored, more specifically, sections 5.5.4 of the Plan.
10. That further consideration be given to the implications of reduced permit triggers and Council's ability to achieved policy outcomes.

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11. Transitional arrangements should exist for Applications lodged prior to introduction of C219morn into the Scheme. This includes any new Zone and its Schedule requirements including consideration of requests for Extension of Time to planning permits issued prior to the introduction of C219morn where the request has reasonable justification provided
12. That a full and detailed analysis of the implications of a broad-brush application of prescriptive requirements in the schedules to the zones be undertaken and the resourcing capabilities of the Building department to accommodate any additional demand on their resources be fully explored and understood.

END

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[Redacted]

From: [Redacted]
Sent: Thursday, 4 November 2021 8:55 AM
To: [Redacted]
Subject: [Redacted]
Attachments: [Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 6:19 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Amendment C219morn - [Redacted]

[Redacted]

Please see attached submission on behalf of 4 other landowners in the wider precinct.

Kind regards

[Large redacted block]

From: [Redacted]
Sent: Friday, 29 October 2021 1:41 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Amendment C219morn - [Redacted]

Hi [Redacted] – FYI refer attached copy of submission to C219 on behalf of [Redacted] has prepared a separate submission on behalf of [Redacted] and will provide you a copy separately.

Hope all is well. We are progressing with the Amendment package and hope to have it to you in the coming couple of weeks.

Have a good weekend. Thanks

Kind regards,

[Redacted]

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Date: Friday, 29 October 2021 at 1:33 pm

To: <strategic.admin@mornpen.vic.gov.au>

Cc: [REDACTED]

Subject: Amendment C219morn - Submission on behalf of TPG

Dear Strategic Planning

Please find attached a submission to the above Planning Scheme Amendment C219 on behalf of [REDACTED]

Kind regards,



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29 October 2021

Our reference: 2018.065

Team Leader, Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam,

Re: Submission to Proposed Amendment C219 to the Mornington Planning Scheme

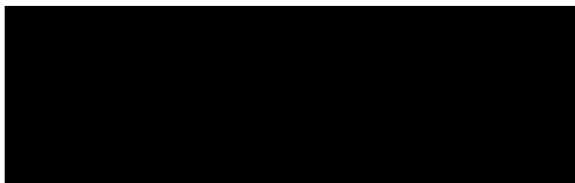
[Redacted] represents four (4) landowners within a group of eleven (11) properties located at [Redacted]. In relation to this submission to Amendment C219 the land holdings that are centred around [Redacted].

We note we also support the submission made to Amendment C219 by [Redacted] that also represents a number of other land owners within this precinct.

We have been working in collaboration with [Redacted] and the landowners they represent with Council on the proposed rezoning of the precinct and are looking to lodge a formal request for zoning in November 2021.

The subject site

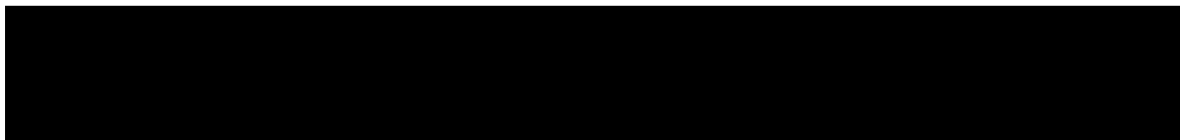
Specifically, the allotments that we represent include the following properties:



These allotments comprise of 4 out of the total 11 allotments that comprise this precinct on properties currently within a Low Density Residential Zone (LDRZ)

Each allotment comprising the subject land is currently utilised for low density residential purposes and contains an existing dwelling and associated outbuildings.

All the allotments comprising the wider subject land have scattered vegetation with some limited areas of established planted vegetation along property boundaries and surrounding dwellings and site infrastructure.



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Each site is slightly over 1 hectare in size with the entire precinct approximately 11.5 hectares.

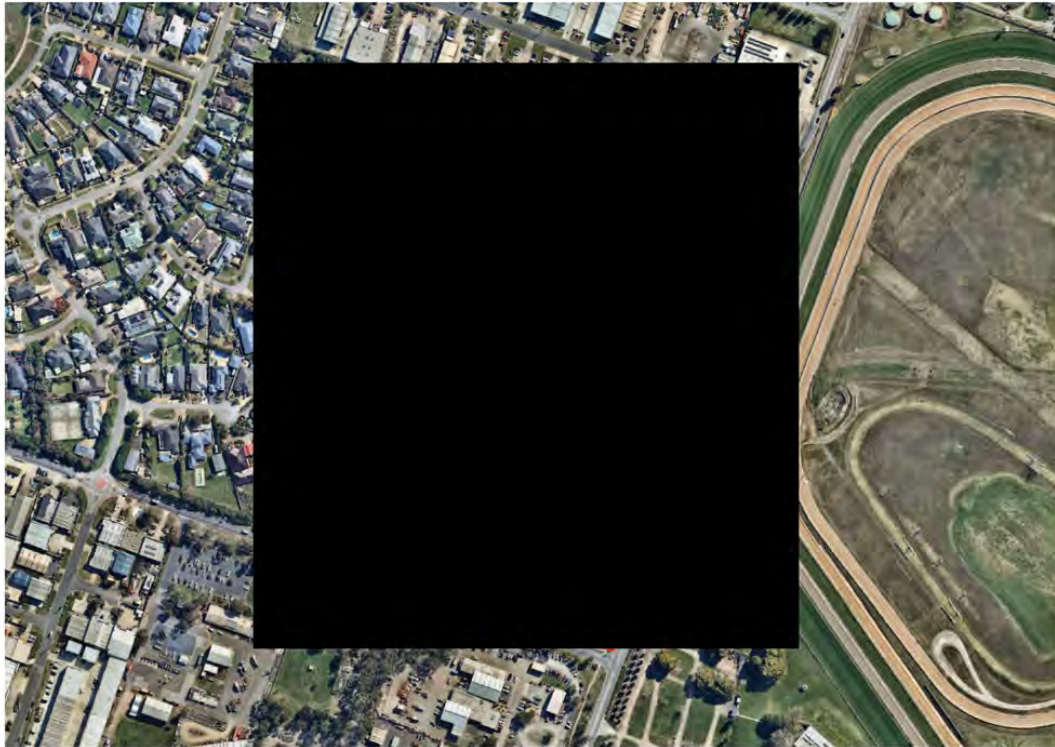


Figure 1: aerial image of the subject site four properties represented outlined in yellow, precinct boundary outlined in red

The whole of the subject land is currently contained within the Low Density Residential Zone (LDRZ) and both the Design and Development Overlay Schedule 6 (DPO6) and Vegetation Protection Overlay Schedule 1 (VPO1) apply to the whole of the subject land.



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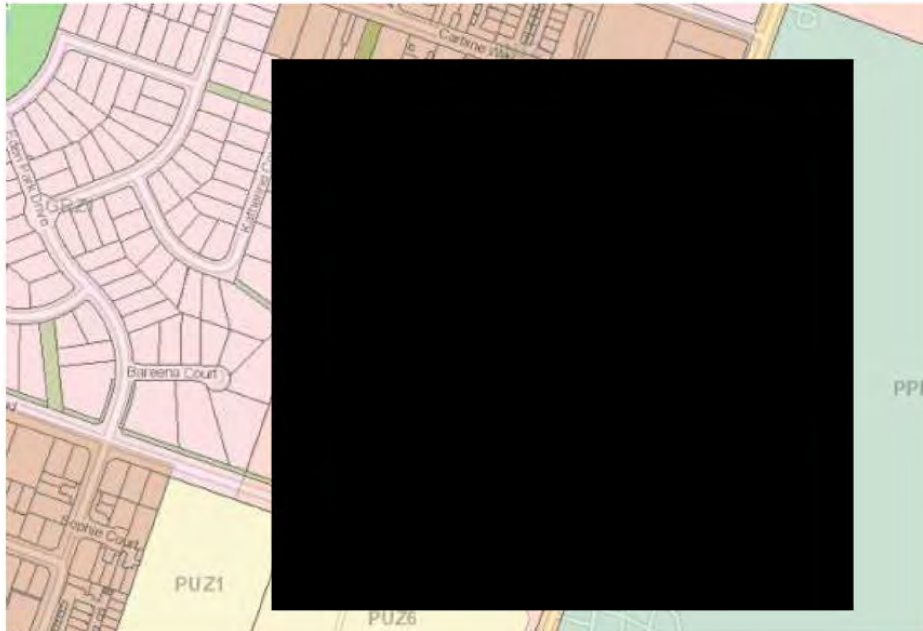


Figure 2: Zone Map



Figure 3: DDO6 Map



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Figure 4: VPO 1 Map

The subject land is not located within a Designated Bushfire Prone Area and no special bushfire construction requirements apply.

The subject land is not located within an area of Aboriginal Cultural Heritage Sensitivity.

The Surrounding Context

Mornington is located approximately 60 kilometres south of the Melbourne CBD, along the Nepean Highway. Its geographical location allows Mornington to perform as a gateway to the Mornington Peninsula. As one of three Major Activity Centres in the Shire, Council's Municipal Planning Strategy (MPS) directs future urban growth and development to Mornington in order to prevent dispersed population growth throughout the Peninsula's rural area, protect the unique characteristics of small coastal townships and rural villages as well as areas of environmental, landscape, agricultural or recreational significance, and to support increased housing diversity.

The subject site is located approximately 2 kilometres west of the Mornington Major Activity Centre and has the following interfaces:

- To the north is an established light industrial estate centred around [REDACTED]. This area comprises mostly small-tenancy light industrial and commercial uses contained within tilt slab single and double storey buildings fronting onto [REDACTED]. The whole of the adjoining light industrial estate is contained within the Industrial 3 Zone (IN3Z) and no Overlays apply. Lot sizes vary considerably and range from approximately 200sqm up to 12,000sqm.
- Land to the south consists of two large lots used for public purposes and wholly contained within the Public Use Zone; the Mornington Resource Recovery Centre (PUZ6) and the Mornington Park Waste Transfer Centre (PUZ1). No Overlays apply to either lot.

[REDACTED]

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- To the east is an established residential area wholly contained within the General Residential Zone with no Overlays applicable. This area is characterised by larger residential allotments (approximately 1,000sqm to 2,000sqm) containing single dwellings and associated outbuildings. Adjacent to the subject site all lots back onto the subject land.
- To the west, the site abuts [REDACTED] (Road Zone Category 2), and further east on the opposite side of Racecourse Road is the Mornington Racecourse, which is wholly contained within the Public Park and Recreation Zone (PPRZ) and no Overlays Apply.

Based upon the characteristics and attributes of the site and its immediate context, it is our submission that the subject land constitutes a very well-located and relatively unconstrained urban renewal site which, subject to detailed site investigations and the application of an appropriate suite of controls, is ideally positioned to accommodate future housing growth and diversity.

Based upon the obvious development potential of the site, numerous discussions have been held with Council Officers to date regarding the potential of the subject land to accommodate future housing growth and diversity. Would be good to add to this to make clear Council officers also see the potential. Council have acknowledged this precinct of properties currently zoned LDRZ as an 'strategic investigation area' within the past and present iterations of the Council's Mornington Peninsula Housing and Settlement Strategy. Further discussions over the past 18 months with Council have resulted in agreement that Council will accept and consider an applicant led planning scheme amendment that looks to rezone the land to an alternative residential zone.

Submissions

Submission 1 – Overarching considerations

Based upon our review of the Amendment documentation, it appears that most locations within the Shire that have been strategically identified to accommodate residential growth and development (or having the potential to accommodate such growth and development, including the subject land) have under Amendment C219 been designated 'minimal change' areas, with Zone and Overlay provisions proposed to be applied that would act to effectively prevent any meaningful residential growth or development from actually occurring in such areas.

In our view this represents a very poor planning outcome, and if implemented as drafted would fail to balance competing objectives in favour of net community benefit and sustainable development, which is a fundamental principle of integrated decision making as detailed at Clause 71.02-3 of the Planning Scheme. Although a nominated Distinctive Area and Landscape, the Shire's urban areas also clearly have a role to play in accommodating residential growth and development, including through urban consolidation. It appears that Amendment C219 as drafted seeks to prevent the Shire's urban areas from fulfilling that role.

On this basis it is our submission that Amendment C219 should be comprehensively changed to reflect the fact that the Shire's urban areas have a role to play in accommodating appropriate residential growth and development. Specifically, it is our submission that Amendment C219 should be changed to:

- Apply the proposed residential zones in a more conventional manner (i.e., Mixed Use Zone and Residential Growth Zone to substantial change areas, General Residential Zone to incremental change areas, and Neighbourhood Residential Zone and Low Density Residential Zone to minimal change areas); and
- Apply tailored Overlay controls and/or policy provisions to identify and protect the existing (or preferred) values and characteristics of particular areas.

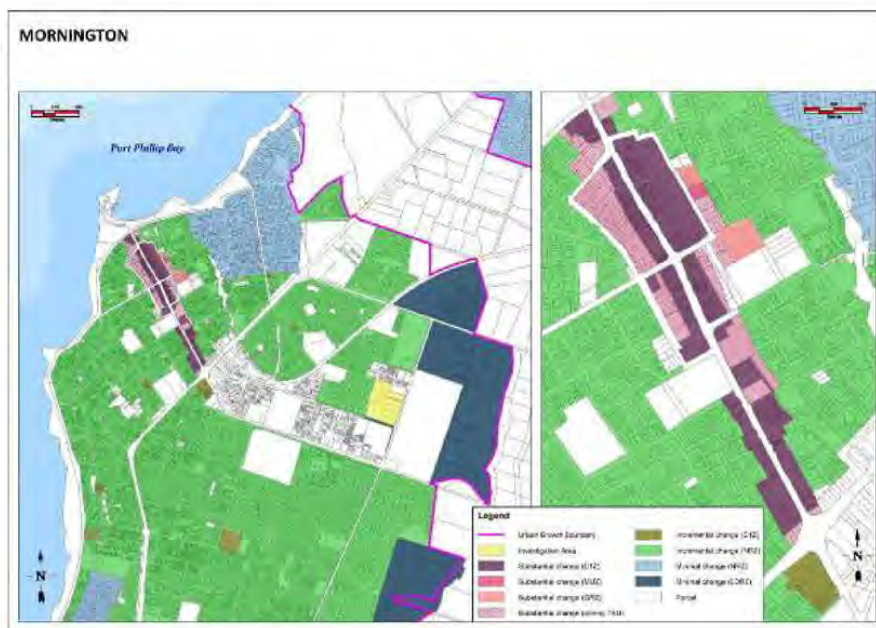
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Submission 2 – Strategic investigations areas

Amendment C219 proposes to implement the Housing and Settlement Strategy Refresh 2020-2036, along with the Neighbourhood Character Study and Guidelines (2019).

It is our submission that there is a significant disconnect between the applicable directions of the Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36 as they apply to the subject land and the suite of strategic directions that are proposed to be applied to the subject land by Amendment C219.

The Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36 identifies the subject land as a “Strategic Investigation Area”.



The Housing and Settlement Strategy Refresh defines “Strategic Investigation Areas” as follows (emphasis added):

“Strategic Investigation Areas (identified in this Strategy) as requiring further investigation for potential best use and housing – including rezoning, on a case-by-case basis”. (page iv):

“Areas that are to be further investigated to determine their appropriate level of housing growth. These generally comprise:

Areas within a Low Density Residential Zone that are undeveloped or relatively isolated and where redevelopment would not compromise the landscape breaks between townships or the objectives of landscape protection and environmental conservation.

Examples:



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*These areas are highlighted in the Residential Change Framework Plan in the next section **but will not be given a change category at this stage due to the need for further investigation** (Page 32)*

It is this last sentence, and specifically the bold and underlined text within it, which is critical to the understanding of our submissions.

Through the preparation of its Housing and Settlement Strategy Refresh, Council has (rightly in our opinion) identified the potential of the subject land to accommodate future housing growth and diversity, and on this basis identified it as a "Future Investigation Area".

In addition, through its Housing and Settlement Strategy Refresh, Council has (also rightly in our opinion) identified that it would not be appropriate to nominate the subject land as a minimal, incremental or substantial change area at this point in time; this is because the requisite technical assessments and investigations that are necessary to strategically justify such a nomination have not been carried out.

We fully support the identification of the subject land as a "Future Investigation Area" under the Housing and Settlement Strategy Refresh, and the Strategy's' explicit acknowledgement that detailed technical investigations and analysis are required to determine:

- a) the subject lands' capability and suitability to accommodate future housing growth and diversity;
- b) whether the subject land should be identified as a minimal, incremental or substantial change area; and (therefore)
- c) The appropriate zoning of the subject land.

However, there is a significant disconnect between these acknowledgements and directions of Housing and Settlement Strategy Refresh and the suite of strategic directions that are proposed to be applied to the subject land (and "Future Investigation Areas" more broadly) by Amendment C219.

That disconnect results in the proposed introduction of strategic directions which, if implemented as drafted, would in effect nominate the subject land as an incremental change area and significantly limit the lands' potential to accommodate any future housing growth or diversity.

Specifically, Amendment C219 proposes to introduce the following new and applicable strategic directions:

Proposed Clause 02.03-6 Housing

- *Encourage non-constrained areas with capacity and service capability to accommodate housing growth and housing diversity as incremental change areas. (emphasis added)*
- *Support non-constrained areas with capacity and service capability to accommodate housing growth and housing diversity in proximity to jobs, services and facilities under a structure plan that supports 3 storeys or more as substantial change areas. (emphasis added)*

Proposed Clause 16.01.-1L (Housing supply – Mornington Peninsula)

- *Ensure development in investigation areas reflects the housing change category of surrounding residential areas.*



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(emphasis added)

As highlighted in the introductory section of this submission, the subject land is a non-constrained site which is in close proximity to jobs, services and facilities, and clearly has a role to play in accommodating future housing growth and diversity.

The above provisions as drafted would, in effect, mandate the application of the 'incremental change' category to the subject land in the absence of any detailed analysis of the sites' actual capability and suitability to accommodate future housing growth and diversity.

It is our submission that these proposed strategic directions have not been strategically justified as part of Amendment C219, and if implemented as drafted would unreasonably and inappropriately dictate the potential use and development of a well-located and relatively unconstrained urban renewal site that is ideally positioned to accommodate future housing growth and diversity.

This concern is further heightened when we consider that these strategic directions as proposed by Amendment C219 would (if implemented as drafted) be read in conjunction with the following existing and applicable strategic directions which are not proposed to be changed by Amendment C219:

Existing Clause 11.03-6L Regional and local places - Mornington North

- *Support low-density residential development that complements the housing diversity of the residential area to the west.*

Clause 11.03-6L Policy Document - Mornington North Outline Development Plan July 2013

Support low-density residential development that complements the housing diversity of the residential area to the west.

- *Ensure new development enhances a well-landscaped low-density character for the precinct, including the provision of landscaped fringes along Watt Road and Racecourse Road.*

The net effect of the above strategic directions (applicable and proposed) would be to limit future use and development of this identified "Strategic Investigation Area" to low density residential only with no meaningful housing diversity (pursuant to Clause 11.03-6L housing diversity would necessarily be limited to single dwellings on substantial residential lots, which is the established pattern of the residential area to the west).

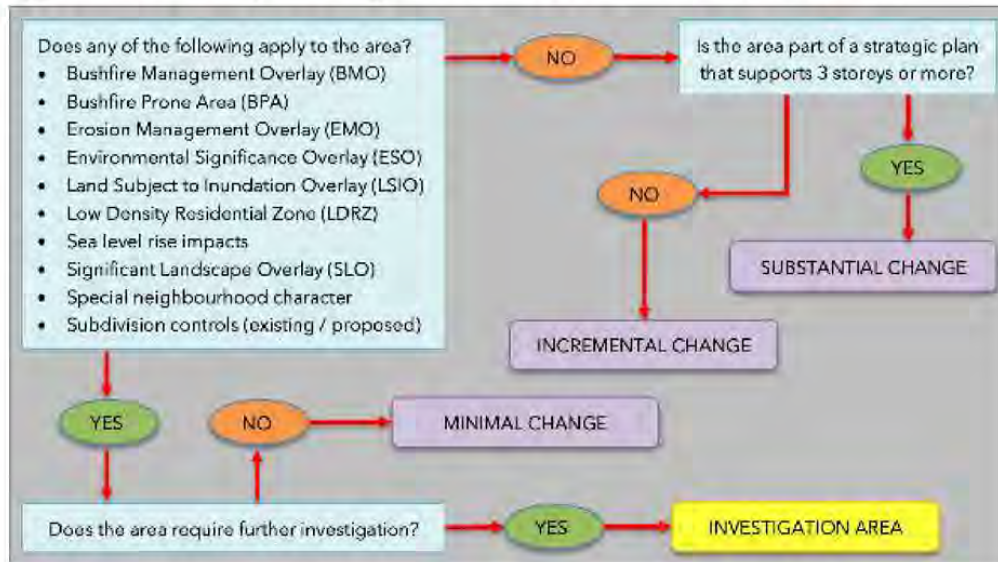
It is therefore our submission that as currently drafted, Amendment C219 does not appropriately implement and give effect to the specific findings and directions of the Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36 as they apply to the subject land as a nominated "Strategic Investigation Area".

In accordance with Figure 1 from the Desktop Review of the strategic work which underpins Amendment C219 (exhibited as part of the Amendment), we submit that Amendment C219 should not in any way specify, indicate or suggest a 'change area' category for a "Strategic Investigation Area":



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



We request that Amendment C219 be changed to ensure that all strategic directions applicable to the future use and development of the subject land as an identified "Strategic Investigation Area" (including those not currently proposed to be changed as part of Amendment C219) be changed to:

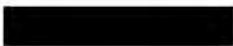
- a) Acknowledge the lands' potential capability and suitability to accommodate future housing growth and diversity;
- b) Remove any direct, indirect or inferred reference to the appropriate 'change area' category for the subject land; and
- c) Remove any direct, indirect or inferred reference to the appropriate zoning of the subject land.

It is our submission that these requested changes would appropriately implement and give effect to the finding and directions of the Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36 as they relate to the subject land.

Should it be of assistance, we would welcome the opportunity to work with Council Officers on the re-drafting of the applicable strategic directions.

As result of these considerations, it is submitted that there is the opportunity of this precinct to be further reviewed and consider applying a General Residential Zone to the land. There are limited 'investigation areas' within the Mornington Peninsula and these opportunities should not result in the inefficient development of land and lost opportunity for accommodating the ever-burdening housing demand facing the Mornington Peninsula community.

This precinct should be viewed more as an 'urban renewal site' particularly given the flat topography, direct access to a main road and the limited landscape or neighbourhood character constraints of the site. It is an opportunity to provide increased diversity of housing within the established area of the Mornington township without causing any unreasonable impacts to abutting land. It can be argued there is only one sensitive interface to this site those existing residential properties to the west.



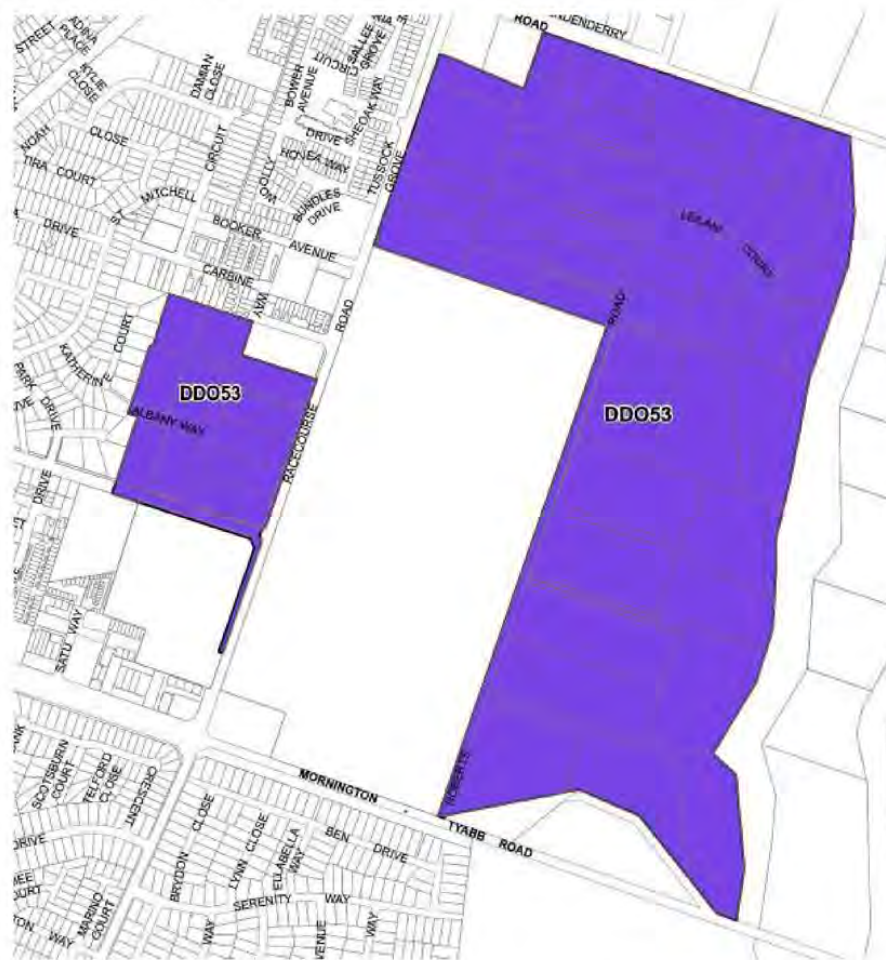
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There has already been examples of more intense development occur in the immediate surrounds as noted by the [REDACTED] of the industrial precinct. This precinct should not be a replication of existing housing pattern and subdivision of land to immediate west as compared to current town planning and development considerations.

Submission 3 – Design and Development Overlay Schedule 53

It is our submission that there is a significant disconnect between the identification of the subject land as a “Strategic Investigation Area” and the proposed application of Design and Development Overlay Schedule 53 to the subject land.

Within Mornington, Design and Development Overlay Schedule 53 is proposed to be applied to the subject land and to the large area of Low Density Residential Zone land to the [REDACTED]



Design and Development Overlay Schedule 53 and the underpinning preferred character statement in the Neighbourhood Character Study and Guidelines (2019) relate to existing conditions and in no way acknowledge the subject land as an identified “Strategic Investigation Area” in the Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36, that it differs significantly from the low density area to the east, and that it is an area where change to existing character is reasonably anticipated.

[REDACTED]



Submitter 272 - Page 13 of 13

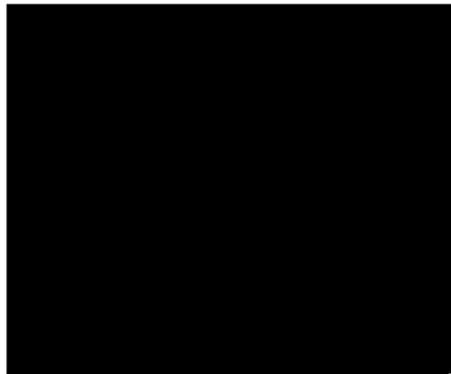
It is therefore our submission that Design and Development Overlay Schedule 53 as proposed by Amendment C219 and the preferred character statement in the Neighbourhood Character Study and Guidelines (2019) should be changed to reflect the subject lands' status as a "Strategic Investigation Area" in the Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36.

We submit that these proposed controls should be amended to appropriately acknowledge the strategically identified role of the subject land, its potential to accommodate future housing growth and diversity, and acknowledge the potential for its existing character to change.

On behalf of the landholders that we represent we welcome the opportunity to work with Council Officers to resolve the issues raised in this submission, prior to any panel hearing that maybe be required.

We understand that the matter will proceed to a panel hearing, and would seek the opportunity to make a submission at the hearing in relation to these matters.

If you have any questions in regard to this submission, please do not hesitate to contact 




Submitter 273 - Page 1 of 5

[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 November 2021 9:11 AM
To: [REDACTED]
Subject: FW: Submission to Amendment C219
Attachments: [REDACTED]

From: [REDACTED]
Sent: Wednesday, 3 November 2021 4:01 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Submission to Amendment C219

Dear [REDACTED]

Apologies I miss-typed your email address. Please find an email below for your consideration.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 3 November 2021 2:55 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Submission to Amendment C219

Dear [REDACTED]

Tract acts on behalf of [REDACTED] in relation to Amendment C219.

Whilst we understand the exhibition period concluded on 29/10/2021, due to the storm on Friday morning, I was without power and internet for quite some time in [REDACTED] and so unable to lodge. As such, we respectfully request Council's consideration of the attached submission.

Should you have any questions, please do not hesitate to contact me.

Kind regards

[REDACTED]

Submitter 273 - Page 2 of 5



Submitter 273 - Page 3 of 5



Manager Strategic & Infrastructure Planning
Mornington Peninsula Shire Council
90 Besgrove Street
ROSEBUD VIC 3939
via email: Katanya.Barlow@mornpen.vic.gov.au

29 October 2021

Dear [REDACTED]
Submission to Amendment C219

1 Introduction

[REDACTED] acts on behalf of [REDACTED] in relation to this matter.
The [REDACTED] own the property at [REDACTED] (the 'Site') which is affected by Amendment C219 (the 'Amendment').
An aerial photo showing the site boundary is included in **Figure 1** below.



Figure 1. Aerial Plan (Site Boundary in Red)



Submitter 273 - Page 4 of 5

The Site is currently within the General Residential Zone – Schedule 1, and is affected by the [REDACTED] Design and Development Overlay – Schedule 3, the Environmental Significance Overlay – Schedule 25 and the Vegetation Protection Overlay – Schedule 1.

Specifically, the Site includes the [REDACTED] originally a single-storey limestone dwelling designed in 1897 by notable architect [REDACTED]. Since this time the dwelling has been added to, including largely in the twentieth century and most recently in 2018. The dwelling is individually identified as [REDACTED].

The Site currently has an area of approximately 1.51 hectares and is significantly larger than the surrounding properties as demonstrated within Figure 1 above.

2 Key Elements of the Amendment

In relation to the Amendment, the Site is proposed to be within the Neighbourhood Residential Zone – Schedule 16, and will continue to be affected by the Design and Development Overlay – Schedule 3.

Of note, the DDO3 seeks to remove the current subdivision provision whereby if the land is 'within a General Residential Zone or Neighbourhood Residential Zone, the **average area of all lots within a subdivision must be no less than 1,500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres.**'. Whilst lots that are capable of further subdivision are excluded from the average, it allows more nuanced subdivision layouts which consider the site specifics and broader context.

The proposed DDO3 schedule imposes a mandatory minimum subdivision size of 1,500 square metres for each lot.

3 Key Recommendations

The [REDACTED] do not object the broader amendment, however request that consideration is given to the property's heritage value and future subdivision opportunities, noting the Site's significant size and configuration.

It is submitted that the averaging provision allows for a more nuanced subdivision proposal which allows the existing heritage homestead to be retained and suitably surrounded by grounds, whilst allowing for sympathetic subdivision which is respectful of both the heritage home as well as broader neighbourhood context.

As such, it is submitted that the DDO3 schedule should be amended to allow properties affected by the Heritage Overlay to utilise an averaging provision, whilst still ensuring the design objectives and decision guidelines are complied with.

[REDACTED]



Submitter 273 - Page 5 of 5

4 Conclusion

We thank you again for the opportunity to comment on the Amendment C219. As set out in this submission, we request that Council make the recommended change to the Design and Development Overlay - Schedule 3 to include the opportunity to retain the averaging provision regarding subdivision of Heritage Overlay affected lots.

We look forward to your response and would be pleased to meet with you to further discuss this submission.

Our client also reserves their right to make further submissions on any matter that may be of interest to them including in response to any other submissions which may be made by any other party.

Should you have any queries regarding this matter, please don't hesitate to contact me or 


Yours sincerely





Submitter 274 - Page 1 of 4

From: [REDACTED]
Sent: Friday, 29 October 2021 3:23 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: C219morn submission
Attachments: [REDACTED]
Importance: High

Team Leader, Strategic Planning
Mornington Peninsula Shire
strategic.admin@mornpen.vic.gov.au

Submitted via email.

Subject: Amendment C219morn – individual submission attached.

In summary:

The proposal may not effectively achieve its two stated objectives, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme/ planning department.

The proposal privatises the MPS role of responsibility and accountability for neighbourhood character, shifting its role to registered building surveyors.

The shift from planning to building means no more advertising, community input, call-ins by Councillors, and appeals to VCAT.

The proposal removes important DDO controls, which will negatively impact the neighbourhood characters on the Peninsula.

Thank you for the opportunity to review and respond to C219morn. If you have any questions, or need for clarifications, please do not hesitate to contact me.

Yours sincerely

[REDACTED]

1

Submitter 274 - Page 2 of 4

C219morn [REDACTED]

Introduction

As a resident of the Nepean Peninsula I am committed to ensuring that the unique qualities of the Nepean Peninsula pertaining to natural and cultural heritage are recognised, retained, nurtured, and enhanced. I actively advocate for the environment and support the Mornington Peninsula Shire's Biodiversity and Climate Change policies and their implementation.

This C219 planning scheme amendment incorporates the MPS Housing Settlement Strategy and the MPS neighbourhood character strategy. C219 proposes changes to the existing residential zones and planning controls to ensure housing occurs in appropriate locations and respects the Peninsula's special values and character. These controls relate to, for example, building height and design, siting, landscaping and fences.

The amendment also proposes to simplify existing planning controls to make them easier to understand and reduce the need for planning permits, particularly for one house on a lot. This means more applications will be processed under the Building Regulations, without needing a planning permit.

Planning amendment C219 is a very complex issue.

Dot point summary of concerns:

1. Time extension. The Council decision on the C219 amendment should not be rushed. I strongly suggest that the Independent Panel hearing be rescheduled (currently moved from Feb/March to April and May 2022) so that Council can give proper consideration to community concerns and ensure that the amendment is redrafted appropriately.
2. Dealing with planning applications. Officers have not adequately explained why they are unable to deal with applications in a timely manner. There is a need to look at departmental efficiency in processing applications. That is evaluating if they have enough staff and/or staff with the right knowledge and skill set to process applications efficiently; and assessing if there is a need to streamline application processes. For example, if applicants do not provide all the required information the application should be sent back to the applicant immediately for completion. A template could be provided for sign off by the applicant and checked by a receiving officer.
3. Removal of Planning Application Triggers: I have deep concern over the removal of key planning triggers as the applications are moved from the planning to the building department. This will result in
 - No advertising therefore no objection process (cannot object at Building Permit stage)
 - No advertising at Building Permit Stage including yellow sign and notice to nearby neighbour is not possible under current legislation.
 - No community engagement
 - No facility for councillors to "call in" applications to Council
 - No appeal to VCAT
 - No transparency in the process or checks and balances in design
 - No protection of vegetation as the only trigger is the Bush Fire Management Overlay (BMO)! And we have seen what a devastating impact the BMO has had on indigenous vegetation loss.
 - No consideration of key MPS policies (such as ESD, Biodiversity and Climate Change)
 - No landscape plan required

Submitter 274 - Page 3 of 4

4. Removal of Controls: The removal of controls means:
 - Extending the mandatory height from 6.5 m to 8m as a right is not acceptable. This should not be an administrative ease decision. It will impact the existing views on or near ridgelines to the coastline from nearby properties and public areas and means there is no provision for the reasonable sharing of views.
 - An overall building height of 6m is beneficial on the Nepean Peninsula, with sometimes 4 and 5 m on undulating land. An 8m as of right will destroy neighbourhood character.
 - A decrease of building setbacks will increase the profile of building in detriment to the visual appearance of the neighbourhood, and adversely impact vegetation
 - Not giving guidance to wall finishes and colours will allow unacceptable box like single cladding building to proliferate
 - Not giving guidance to colours will allow the built form to dominate the natural environment
 - Eliminating controls on fence heights and finishes will result in significant changes to the street scape, such as the introduction of solid high fences
 - Eliminating controls on side fences will result in significant changes to the neighbourhood, the neighbourhood character and adversely impact habitat corridors/ biolinks. The introduction of solid high fences is impervious to wildlife. Paling fences are typical of suburban subdivisions and at odds with the character of the Nepean Peninsula, which has previously used wire fences and brush fences.
 - Landscape plans are key to ensuring that the neighbourhood character is maintained and biodiversity is enhanced.
 - Removal of excavation controls will have an impact on the primary dune system and ground water aquifers.
 - No protection of vegetation, as the only trigger is the Bush Fire Management Overlay (BMO). And we have seen what a devastating impact the BMO has had on indigenous vegetation loss.
 - We do need to protect the habitat, ecology, biodiversity and biolinks on the peninsula and put in place safe guards to ensure this happens
5. DDOs - Comments
 - The terminology for the proposed DDOs has changed from the word 'ensure' to 'encourage' which sounds as though developers can basically please themselves.
 - The slippage in the DDOs is unacceptable. The DDOs have given the Nepean Peninsula the possibility of a "low" building form, nestled among the trees, with silhouettes within the tree line. The 8m 'as of right' height should be removed and replaced with 6m mandatory height, measured to the gutter.
 - The relationship between the built form and the landscape is critical to preserving neighbourhood character – the importance of the landscape must be acknowledged and respected. The question to be asked is "can we fit this into the landscape better?".
 - The proposed C 219 changes will have a detrimental impact on vegetation: vegetation loss is already marked on the Nepean Peninsula, C219 exacerbates this further.
6. Delegation to Building surveyors
 - Diverting the role of Planning controls from Shire to private Building Surveyors is extremely problematic
 - The scheme relies heavily on Building Surveyors and the Shire Compliance Department and in turn the minimum standards of Building legislation. Are these departments adequately resourced to deal with their increased workloads?
 - I question the impartiality of the RBS. Building Surveyor's client is the developer. Their loyalty lies with the person who pays their fee

Submitter 274 - Page 4 of 4

C219 represents a real LOSS to the MP through the replacement of the planning process with a building process. Key MPS policies (such as Biodiversity and Climate Change) will no longer be considered if the current C219 is approved.

The C219 amendment is not transparent: for example, residents have been advised that they can easily search for their property. When they put in their property, the summary statement is that there are minimal changes affecting their property. This has given many a false sense of security. To examine any property fully, one must click on dozens of layers referring to current and proposed circumstances. Only then can comparisons be made and differences observed.

It is critical that residents have a holistic understanding of C219 – encouraging people to simply look at their property is misleading.

It is imperative that residents can see what C219 looks like on the ground. It is the biggest change to planning on the Mornington Peninsula since the amalgamations in 1996. If this C219 amendment goes ahead, the MP will look like Torquay in less than five years.

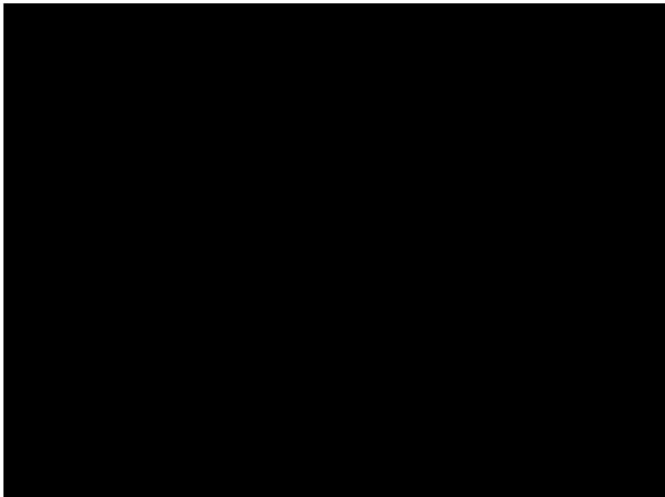
In summary:

The proposal may not effectively achieve its two stated aims, namely, to protect and enhance the neighbourhood character of the Peninsula, and to improve the operational efficiency of the planning scheme/ department.

The proposal privatises the Mornington Peninsula Shire's role of responsibility and accountability for neighbourhood character, shifting its role to registered building surveyors.

The shift from planning to building means no more advertising, community input, call-ins by Councillors, and appeals to VCAT.

The proposal removes important DDO controls, which will negatively impact neighbourhood character across the Peninsula.



Submitter 275 - Page 1 of 7

From: [REDACTED]
Sent: Friday, 29 October 2021 3:35 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 275 - Page 2 of 7

Phone number

[REDACTED]

Do you represent other people?

[REDACTED]

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

Our clients Alan owns land which is affected by the amendment

In summary, my comments are:

[REDACTED]

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 275 - Page 3 of 7

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Submitter 275 - Page 4 of 7

From: [REDACTED]
Sent: Sunday, October 24, 2021 5:29 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

[REDACTED]

I own 3 properties that are covered.
The main one [in my name] to address is [REDACTED] its about 3667 M2
45 M frontage.
When I bought 30 years ago as my beach house I could do just about anything.
Then council set down 1500 M2 Minimum (average?)
And needed part of each lot to be 25M x 35 Metres. I think the amendment eliminates this harsh requirement. But not sure.

Other side of [REDACTED]
Lots behind and lots to the bayside are various smaller sizes.
I would like mine to allow lots of 600 or 800M2 (close to 2 per 1300)

Not as important
In [REDACTED] also have [REDACTED] which is 2000M2 which also has 1500 M2 and should be 800 or 1000M2 (its steep)

[REDACTED]

We can demolish all 3 to optimise

[REDACTED]

Submitter 275 - Page 5 of 7

In reply quote: [REDACTED]
Document id: [REDACTED]

29 October 2021

Attn: Team Leader
Mornington Peninsula Shire Council
strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

**Re: [REDACTED] Avenue, Mount Martha
Amendment C219morn**

This submission is made on behalf of [REDACTED] in response to proposed Planning Scheme Amendment C219morn which seeks to make substantial changes to the Mornington Peninsula Planning Scheme to ensure 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.

Our client acknowledges and supports the strategic assessment that estimates the need for an additional 1,200 dwellings a year for the next 15 years within the residential areas of the Shire. It must be noted that with the constraints to many areas of the Shire from bushfire risk and other environmental constraints that it is the existing urban areas that will need to do the heavy lifting in terms of providing the bulk of new housing. Whilst urban areas around transport routes and as part of activity centres are best placed to provide for higher density forms of housing there is considerable opportunity also arising from dispersed residential areas such as the area around our client's property in [REDACTED] shown below in Figure 1.

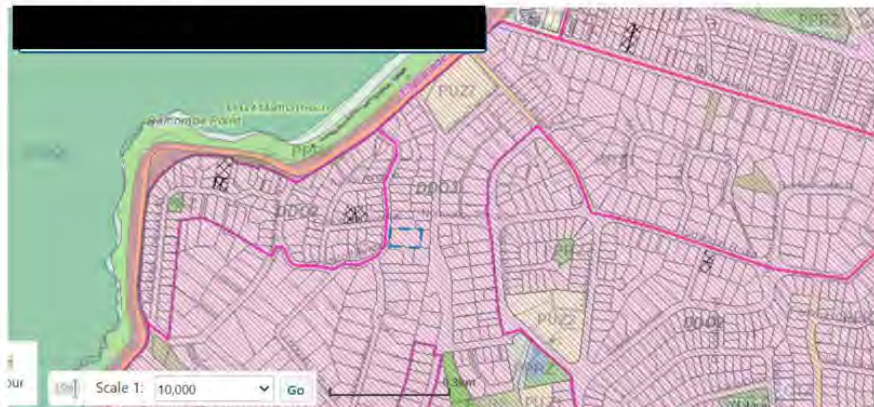


Figure 1: VicPlan map showing [REDACTED]

As can be seen in Figure 1 our clients land is contained in an area covered by DDO3, the key development constraint of DDO3 is a density requirement for lots to be 1500sqm. By contrast the areas of DDO3 containing our client's site is surrounded by land in the DDO2, the key development constraint of the DDO2 is a density requirement for lots of 650sqm.

Copied below is the proposed Design Objectives for the DDO2 **Bayside and Village Area** and the DDO3 **Coastal and Landscape Area** from the exhibited information accompanying Amendment

Submitter 275 - Page 6 of 7



C219morn, the proposed new wording is in green. Apart from the name of the overlays, the Design Intent is the same – but the density requirements for DDO3 are more than double those for DDO2.

DDO2 BAYSIDE AND VILLAGE AREA: *To retain the existing subdivision pattern and ensure new subdivision provides sufficient space to accommodate a dwelling, existing vegetation cover, new landscaping and private open space where substantial vegetation cover is a visually and environmentally dominant feature of the bayside and village area.*

To maintain and strengthen the predominant 'single dwelling per lot' character of the bayside and village area.

To ensure buildings are designed and sited to avoid being visually obtrusive against a skyline or existing tree canopy line, when viewed from surrounding streets and properties, and provide reasonable sharing of views to the coastline.

To encourage development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets and sewerage, and minimise site disturbance and development impacts on the landscape.

To ensure buildings, works and subdivision proposals enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

DDO3 COASTAL AND LANDSCAPE AREA: *To retain the existing subdivision pattern and ensure new subdivision provides sufficient space to accommodate a dwelling, existing vegetation cover, new landscaping and private open space where substantial vegetation cover is a visually and environmentally dominant feature of the coastal and landscape area.*

To maintain and strengthen the predominant 'single dwelling per lot' character of the coastal and landscape area.

To ensure buildings are designed and sited to avoid being visually obtrusive against a skyline or existing tree canopy line, when viewed from surrounding streets and properties, and provide reasonable sharing of views to the coastline.

To encourage development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets and sewerage, and minimise site disturbance and development impacts on the landscape.

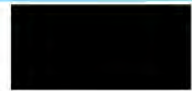
To ensure buildings, works and subdivision proposals enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

It is submitted that insufficient analysis has been undertaken to differentiate between areas that the DDO3 applies to within the municipality and in particular for the subject land and surrounding area. And whether, for example, the DDO2 would be more appropriate to be applied instead of DDO3 in order to achieve the overarching goals of the amendment. The area surrounding our client's land is fully serviced and has good proximity to social infrastructure and is not constrained by bushfire risk or other significant environmental constraints. It is submitted that a restriction to a density of 1500sqm is a lost opportunity to provide modest but significant housing in an area and of a lot size that is in high demand. Given the Design Intent of the DDO2 and DDO3 are the same it is submitted that the DDO2 would be an appropriate overlay to be used for this area of Mount Martha.

To emphasise the point and by contrast to the subject area in Mount Martha, the DDO3 is applied to land at [REDACTED]. The DDO3 in this area contains acre allotments with no reticulated sewerage, in a coastal settlement which is remote from schools, shops and other forms of social infrastructure and is therefore not suited to further modest development.

It is requested that the Mornington Peninsula Shire Council consider the ability for areas of DDO3, such as the area around our client's land, to be included within the DDO2 rather than the DDO3 overlay. There are only limited opportunities in this area for redevelopment, given existing

Submitter 275 - Page 7 of 7



development and land owner intentions in the next 15 years – and to see re-development limited to 1500sqm lots is simply a lost opportunity. The density controls are only one element to be considered of course and there will be many instances where development constraints and not density controls are the defining element for what form of development is permissible where change is sought - there is sufficient weight in the planning controls proposed as part of Amendment C219morn for the neighbourhood character to be protected and in particular for the provisions of the DDO2 to protect the character of the subject land and surrounds as it does for the areas surrounding that are contained in the DDO2 area.

If you have any further queries regarding this matter, please don't hesitate to contact the undersigned.

Yours faithfully



Submitter 276 - Page 1 of 6

Tania Day

From: shape@mornpen.vic.gov.au
Sent: Friday, 29 October 2021 3:37 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 276 - Page 2 of 6

Phone number

[REDACTED]

Do you represent other people?

[REDACTED]

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

[REDACTED]

In summary, my comments are:

[REDACTED]

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 276 - Page 3 of 6

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Submitter 276 - Page 4 of 6

From: [REDACTED]
Sent: Sunday, October 24, 2021 5:29 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

[REDACTED]

I own 3 properties that are covered.
The main one [in my name] to address is [REDACTED] its about 3667 M2
45 M frontage.
When I bought 30 years ago as my beach house I could do just about anything.
Then council set down 1500 M2 Minimum (average?)
And needed part of each lot to be 25M x 35 Metres. I think the amendment eliminates this harsh requirement. But not sure.

Other side of [REDACTED] is 2 lots per 1300 M2
Lots behind and lots to the bayside are various smaller sizes.
I would like mine to allow lots of 600 or 800M2 [close to 2 per 1300]

Not as important
In [REDACTED] also have [REDACTED] which is 2000M2 which also has 1500 M2 and should be 800 or 1000M2 [its steep]

[REDACTED]

We can demolish all 3 to optimise

[REDACTED]

Submitter 276 - Page 5 of 6



In reply quote [redacted]
Document id: [redacted] Amendment C219morn Submission

29 October 2021

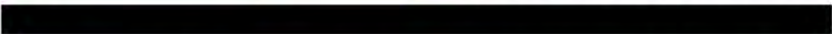
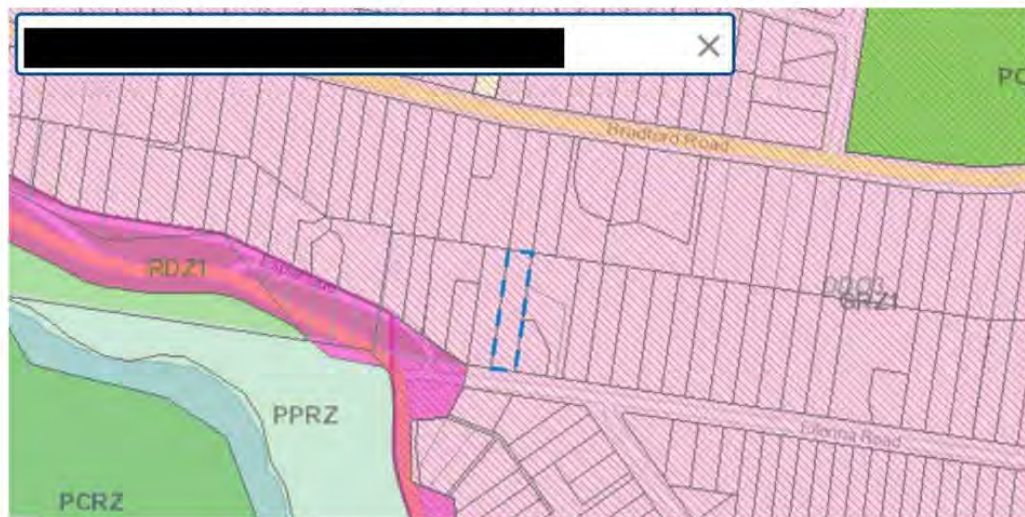
Attn: Team Leader
Mornington Peninsula Shire Council
strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

Re: [redacted]
Amendment C219morn

This submission is made on behalf of [redacted] in response to proposed Planning Scheme Amendment C219morn which seeks to make substantial changes to the Mornington Peninsula Planning Scheme to ensure 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.

Our client's property in [redacted] is shown highlighted below in Figure 1. Our client is supportive of ongoing controls to restrict development in the surrounding area to preserve the character of the area. However, it is submitted that this valued character could be retained with a combination of Neighbourhood Character guidelines and less restrictive density controls than currently applied. It is noted that the DDO3 is proposed to be retained for this land, albeit in amended form, but that the minimum lot size of 1500sqm is proposed to be retained.



Our client would be supportive of a revised density control through a DDO that provided for 1000sqm minimum lot sizes or similar. We submit that this would lead to modest opportunities for redevelopment in this area providing for additional housing in an area that is in high demand, without negatively impacting the areas valued character.

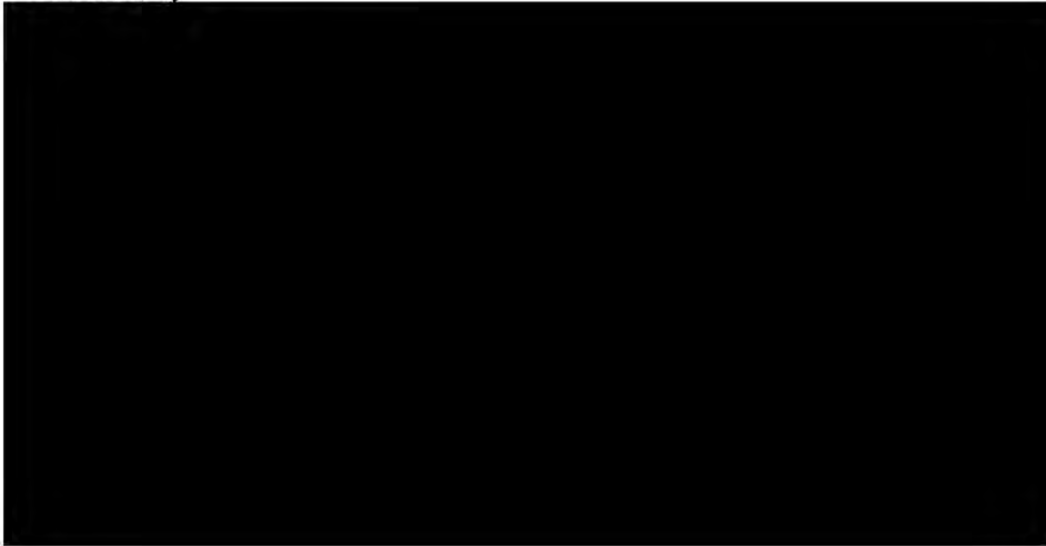


Submitter 276 - Page 6 of 6



We ask that this submission be considered by the Mornington Peninsula Council and that consideration be given to varying the DDO density controls for the existing areas of the Shire, such as our clients land, that have opportunities to help deliver the strategic intent of this amendment with some minor amendments. If you have any further queries regarding this matter, please don't hesitate to contact the undersigned.

Yours faithfully



Submitter 277 - Page 1 of 1

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 3:37 PM
To: Strategic Admin
Subject: C219 Submission

Personal Details:

[REDACTED]

To the Team Leader

Our concern is to protect the landscape character of the Tuckey Track amenity.

Therefore, we are concerned that the changes will remove controls over fence heights, which will have a detrimental impact on the amenity and degrade Community experience.

There would also be a detrimental impact on the ecological values and biodiversity of Tuckey Track if fence heights are not controlled.

Thank you for your consideration of our concerns.

Sincerely

[REDACTED]

Submitter 278 - Page 1 of 13

From: [REDACTED]
Sent: Friday, 29 October 2021 3:41 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 278 - Page 2 of 13

Phone number

[REDACTED]

Do you represent other people?

Yes

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

[REDACTED]

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s

[REDACTED]

Submitter 278 - Page 3 of 13

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Submitter 278 - Page 4 of 13

28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am the owner of the land at [REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging a submission to Amendment C219 on my behalf.

Yours sincerely

[REDACTED]

Submitter 278 - Page 5 of 13

28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am a Director of [REDACTED] which owns the land at [REDACTED]
[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging a submission to Amendment C219 on behalf of [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]

Submitter 278 - Page 6 of 13

28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am a Director of [REDACTED] the owner of the land at [REDACTED]
[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED] lodging a written submission in relation to Amendment C219
on behalf of [REDACTED]

Yours sincerely

[REDACTED]

Submitter 278 - Page 7 of 13

28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

**RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING
SCHEME**

I am a Director of [REDACTED]
the land at:

[REDACTED]

I am writing to advise you that I consent to [REDACTED]
[REDACTED], lodging a written submission in relation to Amendment C219
on behalf of [REDACTED]

Yours sincerely

[REDACTED]

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28 October 2021

Housing for the Peninsula - Amendment C219morn
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sir/Madam

RE: AMENDMENT C219 TO THE MORNINGTON PENINSULA PLANNING SCHEME

I act for:



I note that:

- The land at [redacted] has a current planning permit [redacted], which allows development of ten (10) dwellings and associated works. This permit was issued by Mornington Peninsula Shire Council (the Council) in October 2020, at the direction of VCAT.
- Clause 02.03-1: Strategic Directions, Settlement of the current Mornington Peninsula Planning Scheme (the scheme) states, inter alia, that:

*The Peninsula's activity centres hierarchy comprises three Major Activity Centres, i.e. Mornington, **Rosebud** and Hastings, and the Neighbourhood Activity Centres described in the table below.*

Anticipated growth is to be accommodated primarily in its three Major Activity Centres while additional limited growth is to be accommodated in its Neighbourhood Activity Centres in accordance with the sub-levels specified in the following table.....

.....
Directing growth to these centres close to services and facilities prevents dispersed population growth throughout the Peninsula's rural area and thereby protects the unique characteristics of small

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coastal townships and rural villages as well as areas of environmental, landscape, agricultural or recreational significance, including the 'green break' between the Peninsula and metropolitan Melbourne. Directing growth to these centres also supports the need to increase housing diversity.

(My emphasis)

- The Rosebud Activity Centre Structure Plan (the Structure Plan) is a policy reference at Clause 11.03-1L-03 of the scheme. The Structure Plan contains objectives for both the Rosebud Activity Centre and a wider contextual study area. The subject site is within the broader contextual study area, as is shown below.

Rosebud Study Area (excerpt from page 3 of Structure Plan)



NOTE: Red line above is described as the "contextual study area boundary".

Section 4 of the Structure Plan sets out the strategic directions for future use and development within the contextual study area. It states the following with respect to residential consolidation at page 8:

"Residential consolidation will principally occur within the defined Activity Centre area and also along the major corridors in [REDACTED]. Incremental residential consolidation will occur within the balance of the residential area."

The residential objective with respect to land use and activity is set out at page 6 as follows:

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“Encourage significant residential ‘consolidation and choice’ within the activity centre, particularly along the [REDACTED] spine and key roads including [REDACTED]. Encourage sensitive consolidation within [REDACTED] within walking distance of the activity spine and adjacent to existing public open space.”

(My emphasis)

Amendment C219 (the amendment) proposes, inter alia, to:

- Introduce a new local policy on neighbourhood character under Clause 15.01-5L.
- Introduce a new local policy on housing supply under Clause 16.01-1L, which includes a Residential Change Framework Plan (RCFP). The RCFP comprise a series of housing change framework maps that identify areas of minimal, incremental and substantial changes.
- Rezone land earmarked for minimal and incremental change from the General Residential 1 to the Neighbourhood Residential Zone (NRZ) and introduce 36 proposed NRZ schedules.

As applicable to the land at [REDACTED] (the subject site), the amendment proposes:

- To rezone the subject site from a General Residential Zone to a Neighbourhood Residential Zone (Schedule 6).

My clients:

- Do not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 6).
- Do not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L.
- Are concerned with the lack of transitional provisions.

Rezoning to a Neighbourhood Residential Zone (Schedule 6)

NOTE: Distances below are as per closest walking route.

The subject site is very well located for medium density housing, compared to the vast majority of residential areas within the municipality, due to its proximity to numerous of services and facilities. Furthermore, it is not subject to any overlay controls that may be considered a ‘constraint’ to development.

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The subject site is within approximately 800 metres of the retail core of the Rosebud activity centre and has convenient access to:

- Public transport (two bus routes within 150 metres).
- Public open space (a large recreation reserve is 420 metres east).
- Schools (two primary schools and a high school within one kilometre).
- Rosebud Hospital and Medical Centre (880 metres north-west).
- Rosebud foreshore (970 metres north).

Furthermore and as already noted above, Section 4 of the Rosebud Activity Centre Structure Plan states at page 8 that:

"Residential consolidation will principally occur within the defined Activity Centre area and also along the major corridors in [REDACTED] [REDACTED] Incremental residential consolidation will occur within the balance of the residential area."

(My emphasis)

Rezoning of the subject site to a Neighbourhood Residential Zone (NRZ) is considered inappropriate having regard to the strategic context of the subject site. The General Residential Zone is considered the most appropriate zone for the subject site, having regard to its purpose which includes:

- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Furthermore, proposed Schedule 6 to the NRZ contains a number of Clause 55 requirements including:

- A side setback and rear setbacks requirement (B17) which states that "a new building not or within 200mm of a boundary should be set back at least:
 - 2 metres from a side boundary, plus 1 metre in height for every metre of height over 6.9 metres.
 - 5 metres from a rear boundary."

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- A private open space requirement (B28) which require that a dwelling should have 40m² of private open space, with one part to the side or rear to consist of secluded private open space that has a minimum area of 40m², a minimum dimension of 5 metres and convenient access from a living room, noting that if the dwelling has more than 2 bedrooms an additional 20m² at a minimum 3 metre width should be provided for each additional bedroom up to a maximum of 80m².

The above Clause 55 requirements are necessarily likely to constrain intensive development, as they are more onerous than the existing Clause 55 standards that apply to subject site. The introduction of these requirements is not considered appropriate or justified having regard to the strategic context of the subject site. Furthermore, the amendment documents do not clearly articulate why these changes are justified and appropriate from a neighbourhood character perspective.

Proposed wording of the neighbourhood character policy

Proposed Clause 15.01-5L (neighbourhood character – Mornington Peninsula) contains a series of objectives, strategies and policy guidelines in relation to built form and garden setting. Whilst it is acknowledged that the policy guidelines say “consider as relevant”, it is of concern that:

- They apply to all residential development within the General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone.
- Many of the strategies and guidelines seem to focus on achieving development that reflects the existing character, rather than recognising that the built form and landscape character of areas earmarked for incremental change and substantial change will necessarily change over time. For example, they include “limiting the number of crossovers per typical site frontage to no more than one” and “designing the front dwelling of a multi-unit development to present as one dwelling to the street.”
- The guidelines may prejudice intensive development if applied prescriptively. For example, one of the garden setting guidelines seeks to provide a space with a minimum dimension of 5 metres by 5 metres for offset planting if a tree is considered appropriate for removal.

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Lack of transitional provisions

Proposed Schedule 6 to the NRZ does not include any transitional provisions. It is of significant concern that the future development potential of properties that may have valid planning permits, or planning applications on foot, may be prejudiced by the absence of transitional provisions. It is submitted that if the amendment is approved, transitional provisions should be included as a matter of fairness.

Assuming that Council determines to proceed with the amendment and requests the appointment of an independent panel, my client wishes to reserve the right to:

- Expand upon and/or provide more detailed comments regarding the above concerns.
- Raise additional issues/concerns with respect to the content of proposed Amendment C219.

If you wish to discuss the matter, please contact me on [REDACTED]

Yours sincerely

[REDACTED]

Submitter 279 - Page 1 of 15

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:01 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Good afternoon,

[REDACTED] are a co-author to the attached Submission.

We support all the matters raised within the Submission, but wish to be registered as an individual submitter and therefore maintain an interest in C219, including (but not limited to):

- receiving any updates on the Amendment;
- the ability to present submissions to any future Council meeting;
- the ability to present submissions to any future Panel Hearing

In response to the above, please register [REDACTED] as an individual submitter via the following details:

[REDACTED]

Kind Regards

[REDACTED]

[REDACTED]

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29 October 2021

Mornington Peninsula Shire Council
Strategic Planning Unit
Attention: Katanya Barlow,

Dear 

**AMENDMENT C219MORN: HOUSING FOR THE PENINSULA
WRITTEN SUBMISSION**

As a collective consultancy group, we welcome changes to the Mornington Peninsula Planning Scheme that do in fact result in a more streamlined outcome for the development industry and removing 'red tape' where opportunity exists.

The changes are extensive, fundamentally changing the way the residential zones and historical Design and Development Overlays (DDO's) have influenced development on the Peninsula for over 20 years.

It is well known that our planning scheme is complicated and challenging, for all stakeholders, and that the changes sort by C219 are aimed at simplifying the planning process. However, we are concerned that due to the extent of changes and the compromised exhibition and community engagement due to the COVID-19 pandemic that the community does not fully appreciate nor understand the consequence of the changes particularly at a localised level.

Opportunity now exists as we exit the last of the lockdowns to undertake more localised community consultation to better explain the significant changes of the proposed planning controls to the community.

Packaged as a solution for the development industry on the Mornington Peninsula, we suggest that the C219morn results in quite the opposite. Whilst it may offer more certainty, we suggest that the amenity impacts will be significantly greater than the certainty created. Whilst it is recognised and appreciated that the Mornington Peninsula is not a growth area, there is a reasonable expectation that some modest growth is accommodated within our established townships, particularly our larger activity centres.

It is our concern that C219 through a variety of mechanisms seeks to significantly hinder growth even at a modest and sustainable level. The changes proposed by C219 are the most significant the Mornington Peninsula Planning Scheme will have undertaken since its inception in 1999. It is therefore vital that such expansive changes are undertaken in a thorough and responsive manner to ensure that they provide the desired framework for the Mornington Peninsula in the years to come.

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Further to our review to date, we raise the following themes that are central to our concerns.

- Expansive application of the Neighbourhood Residential Zone
- Broad brush approach to application of Significant Change Areas.
- Impact of the modified standard to zone schedules.
- The removal of the building height trigger in the DDO's.
- The introduction of a new mandatory height in DDO's (north of Ellerina Road W).
- Clause 54 consideration in DDO's.
- Impact upon township vegetation.
- The introduction of NCO's.
- Lost opportunity to implement key policy objectives.
- Transitional arrangements.

The issues we identify above are in no means exhaustive as we've not undertaken a comprehensive peer review due to the vast nature of the changes.

With the proposed introduction of 37 schedules to the Neighbourhood Residential Zone (NRZ), 53 Design and Development Overlays (DDO), and, 3 Neighbourhood Character Overlays (NCO), it is unreasonable to expect that the community nor ourselves as professional planners, could fully review and consider the implications of such extensive change within the timeframe provided.

We therefore strongly encourage consideration be given to the separation of this Amendment into parts due to the extensive nature of the changes to enable opportunity more localised community consultation and review and to ensure that the changes are appropriate within each township.

EXPANSIVE APPLICATION OF THE NEIGHBOURHOOD RESIDENTIAL ZONE

The issue: C219 seeks to apply the Neighbourhood Residential Zone (NRZ) to the majority of the residential areas within the municipality with only a small portion of land to remain within the General Residential Zone (GRZ). As proposed, the GRZ is only located within areas that are with close proximity to the Activity Centres with significant opportunity available to increase the areas within the GRZ.

It is acknowledged that the NRZ has been applied to restrict the number of storeys to a maximum of 2, the application of the NRZ in such an expansive manner combined with the scheduled changes inhibits modest growth opportunities in areas suitable for growth. In the absence of providing modest growth opportunities within our existing established town centres, increased pressure is placed upon the outer lying areas to accommodate growth which is clearly undesirable from a number of perspectives.

The assumption that modest growth within township areas detracts from character is also misguided where clear evidence currently exists in the majority of existing townships where modest growth is appropriately accommodated with limited to no detriment to streetscapes or character.

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Recommendation 1: Consideration should be given to the wider application of the GRZ in areas within reasonable walking distance to Major Activity Centres and Neighbourhood Activity Centres which offer jobs, public transport and service with the number of storey's controlled by DDO's as is the case currently.

BROAD BRUSH APPROACH TO APPLICATION OF SIGNIFICANT CHANGE AREAS

The issue: Limited application of the Significant Change Areas around major activity centres thereby providing limited scope for accommodating any level of growth within proximity to established commercial centres. Ultimately C219morn seeks to reduce potential for infill development.

The Mornington Peninsula is within the top 10 municipalities within Victoria for rough sleepers with the supply and access to housing significantly contributing to this issue. C219morn aims to restrict dwelling density through new minimum lot size requirements (as opposed to average) for subdivision and require the provision of increased open space requirements thereby reducing dwelling yield, particularly in areas close to our activity Centres (Mornington, Hastings & Rosebud).

The lack of housing supply has been recently identified by the Notice of Motion put forward by ████████ recognising the social implications of limited housing stock to support the demand for housing on the Peninsula. The changes sort by C219morn will significantly impact the supply of housing stock in areas that can accommodate appropriate growth. Whilst it is appreciated that the application of the General Residential Zone (GRZ) has been restricted to the substantial change areas directly abutting the activity centres to control the number of storeys, we contend opportunities exist closer to activity centres to facilitate growth.

Areas that have reasonable access to services and an already established character of multi-unit development due to the historical lack of a DDO are areas that should not be restricted from further growth. To require additional open space and prescriptive side / rear boundary setbacks within the significant change compromises growth opportunities within areas suitable for growth.

As an example, Rosebud and Capel Sound are considered more disadvantaged than the Australian Average with the Government prioritising these areas for renewal. Yet C219morn proposes to introduce additional setback and open space requirements reducing opportunity for additional infill development in an area identified for suitable for renewal.

Recommendation 2: Further consideration be given to providing greater growth opportunities within close proximity to the Mornington, Rosebud and Hastings town centres which is supported by the 20min neighbourhoods contained in Plan Melbourne.

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The issue: Overuse of the increased open space and increased setback requirements in Significant Change area. The same extent of open space required within the Significant Change areas is required within the Minimal Change areas.

The substantial changes areas have been applied around established commercial areas with the intention to focus growth within close proximity to services and infrastructure, an outcome we support.

However, the scheduled requirements of Clause 55 within the General Residential Zone contain the same open space requirements and setbacks requirements as the increment and minimal change areas within the Neighbourhood Residential Zones, significantly undermining the objective of achieving substantial change.

To achieve realistic and necessary change within the defined areas for substantial change, re-development should not be constrained by the provision of open space and increased setbacks required within the minimal and incremental change area.

The consistent requirement for increased open space and side / rear boundary setbacks across the substantial, increment and minimal change areas combined with the increased setback requirements is clearly intended to restrict any modest growth across the municipality and significantly undermines any ability to achieve the 20 minute neighbourhood sort by State Policy.

Recommendation 3: That the substantial change areas have no additional open space or increased side or rear boundary setback requirements to ensure opportunity for additional growth can in fact be achieved.

IMPACT OF MODIFIED STANDARDS TO ZONE SCHEDULES

The issue: Transferring issues to the Report and Consent process results in more prescriptive requirements that are more challenging to vary.

In general, an application for report and consent handled by a Council's building department, is generally found to be a more streamlined and efficient process by comparison to a planning application. This is supported by our experience regularly sees a request for report and consent being determined within 4 – 8 weeks and the process (the advertising process for example) being in the control of a permit applicant. This is by far a more streamlined process that has inherent benefits to developers and reduced costs to the community, when compared to the average time it takes to obtain a planning permit. However, the benefits of this, particularly with a heavy reliance upon and broad-brush application of new siting requirements in the schedules to the zone, are predicated on the building department being suitably resourced to handle the increased workloads. It therefore remains a significant concern that the broad-brush approach and de-facto density controls, brought about by increased side and rear setback and open space requirements across the entire Peninsula, will result in a significant increase in the demand for resources from the building department. Consequently, until a thorough investigation into the implications of C219morn on the

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Building Department is fully appreciated and the departments resourcing capabilities to accommodate any increased workload is fully understood, the introduction of a vast number of new requirements under the guise of simplifying the Planning Scheme is premature.

Setting aside the concerns centring around the application of the schedules alleviating one overburdened department only to overburden another department, we turn to the report and consent process. An application for report and consent is assessed against the Ministerial Guidelines. Whereby, the Ministerial Guidelines are a confined set of criteria in which a development has to respond to. The Ministerial Guidelines do not allow consideration of anything outside of the guidelines and can therefore serve as a constraint and impediment to a common-sense outcome and or site responsive design. This is of particular concern on the Peninsula which is recognised as being unique with its own distinct values, characteristics and challenges. It is our view that it is inappropriate to adopt a broad application of prescribed requirements across the Peninsula that are not able to fully consider all relevant matters to achieve a site responsive and appropriate design response.

Recommendation 4: Reconsider the use and overuse of modified standards in zone schedules and undertake a thorough investigation into the implications on the resources of the Building Department and its ability to meet any demand.

THE REMOVAL OF THE BUILDING HEIGHT PERMIT TRIGGER IN DDO'S

The issue: 8 m as of right, particularly in DDO3, will remove consideration of view-lines and challenge community expectations. Loss of character (particularly in DDO3 areas). The current DDO's across the Mornington Peninsula Shire require planning applications to consider the reasonable and practical protection of shared view-lines, particularly areas controlled by DDO2, DDO3 & DDO4.

The proposed removal of the current general 5.5m wall and 6 m building height requirements from the DDO's in their entirety will not enable Council to consider the protection of shared views notwithstanding that as identified within the amendment documentation, suitable protection of shared views in predominantly the 'Bush Coastal' and 'Bush Coastal Contemporary' Areas is required. The removal of this planning permit trigger from the DDO's allows dwellings to be constructed up to 8 m without a planning permit (where all other Table 1 'buildings and works requirements' are met). This outcome will unlikely allow for the continuation of uninterrupted shared views and result in detrimental impact upon amenity and Council's preferred neighbourhood character guidelines.

Our industry experience spans across Victoria and as a collective we have dealt with various other Planning Schemes (e.g. Frankston & Bayside) which adopt 7 m as their general building height requirement in some of their DDO's. We advocate that a '7 m' general building height requirement applied to specific DDO's would reduce some planning permit triggers whilst requiring dwellings exceeding 7 m to give proper consideration to the design objectives of the DDO's, namely protection of shared views, amenity and character.

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Properties located within close proximity to foreshore areas or located on higher grounds and areas with long ranging views to surrounding headlands, rolling hills etc. should retain a general building height requirement to afford assurance to the community that protection of shared views will be considered in the planning process. The following perceived benefits and likely implications of this change are outlined for convenience:


Perceived Benefit of Change:

- Owners / developers may seek to design new dwellings which avoids earthworks greater than 1 m enabling them to go straight to a building permit resulting in a saving of time and money of their project without the need to consider protection of shared view lines.
- The NRZ Schedules direct the desired neighbourhood character outcomes imposing modifications to the standard Clause 54 requirements to give clarity on the built form outcomes.
- The administrative burden on the Statutory Planning Department will be reduced with less planning permit 'triggers' / applications.

Likely Implications of Change:

- Landowners will no longer have reasonable assurance that amenity protection objectives (i.e. reasonable sharing of views) will be considered in areas across the Mornington Peninsula which have historically been protected by planning permit requirements.
- Property values will be reduced for those impacted by new dwellings built to a maximum allowable 'as of right' height of 8m without the need to consider shared views, where the proposal does not trigger a planning permit.
- Consideration whether a development satisfies the design objectives and/or decision guidelines of the new DDO's including but not limited to the Neighbourhood Character Guidelines will not be required by owner/developers therefore the ability to safeguard Council's preferred neighbourhood character objectives is removed.
- Community consultation and third-party review rights will be removed.
- The administrative burden on the Statutory Building Department will be increased with more dispensations (variations to Clause 54) lodged to Mornington Peninsula Shire in order to bypass planning system.

Recommendation 5: Amend the general building height requirement in the DDO's to 7 metres to be consistent with many other Municipalities which will remove some planning permit triggers but also ensure any new dwelling built between 7m-8m* in height is suitably designed to respond to neighbourhood character. * *Except in the area north*



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DELETION OF THE 8 M MANDATORY HEIGHT EXCLUSION AREA

The issue: The proposed introduction of a new 8 m mandatory building height within the exclusion area, defined as follows: ...

... but only if the building is 2 storeys or less above natural ground level'.

Image 1: An illustration of our interpretation of the mandatory height exclusion line.



Currently, land within the exclusion zone, is not subject to the 8 m mandatory height requirement as referenced in DDO2, DDO3 and DDO4.

Due to the topography within this defined area, it can prove challenging to achieve a two-storey dwelling within the 8 m as proposed. We suggest that application of a new mandatory control will not only stifle architectural creativity but also result in an inequitable outcome for land-owners' when considering the impacts that the mandatory height control may present given the existence of dwellings already exceeding 8m in height.

Upon review of C219mom, the introduction of a new mandatory 8 m building height within this defined area (exclusion zone) is not justified. Opportunity should exist for consideration of height exceeding 8 m in areas that currently take benefit of this opportunity.

Further to communication with Council, we understand that the rationale for the deletion of this exemption to the mandatory height is the lack of clarity around the defined area. In response, we encourage a map be prepared and incorporated into the new DDO's affecting this area for clarity with view to solve the problem identified by Council.

Recommendation 6: That the DDO mandatory maximum building height exclusion area ... be retained to allow consideration of buildings higher than 8 m, and that a map defining the exclusion zone be incorporated into the relevant DDO's.

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CLAUSE 54 CONSIDERATION IN DDO'S

The issue There does not appear to be a strong relationship between the permit triggers (as proposed) and Clause 54 consideration. As proposed, there appears to be a disconnect between the permit triggers and the requirement for consideration against Clause 54.

Requiring consideration of matters unrelated to the proposal, which are better dealt with under building regulations, are expected to result in additional costs to the community and Council through additional administrative burden.

However, should there be a general building height trigger, as proposed in Theme 4, consideration of Clause 54 in the planning phase would be most appropriate - as is currently the case in the majority of the DDO's.

Recommendation 7: Remove the requirement for Clause 54 consideration within the DDO's where there is no building height consideration. Or, Retain the requirement for Clause 54 consideration within the DDO's where there is a building height consideration.

IMPACT UPON TOWNSHIP VEGETATION

The issue: Impact upon Township Vegetation where DDO does not trigger planning consideration. Noting that broad exemption contained in VPO1 when a planning permit is not required for a single dwelling. One of the primary 'consequential impacts' of removing Design and Development Overlay (DDO) permit triggers is that it opens-the-door to a vegetation removal exemption pursuant to VPO1.

Image 2: Extract of VPO1 exemption

- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
 - A building permit has been granted for the proposed development.
 - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
 - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.

The vegetation removal exemption highlighted above allows for the removal of any vegetation within the footprint of a dwelling (and a further 2m) without a planning permit. When this is considered hand-in-hand with the fact that the Mornington Peninsula has always had strong vegetation protection objectives we say that the potential outcome has the capacity to significantly alter the character of our township environments.

Currently a permit is triggered for a large percentage of dwellings within township areas. These triggers generally relate to a variation to the General Requirements of a DDO.

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As soon as a permit is required under the DDO the aforementioned vegetation-removal exemption becomes irrelevant and the removal of vegetation is considered as part of the planning assessment. The outcome sought through the DDO's and VPO's is that a reasonable balance between built-form and vegetation is achieved. Council is able to assess if this balance has been achieved; and over many years the ability to assess both built-form and vegetation protection/removal has created a character on the Peninsula that sets us apart from more suburban Municipalities. The character that exists should be protected.

In recent years the State Government introduced vegetation-removal exemptions that relate to bushfire (Clause 52.12). Applicants and developers already use these exemptions for developmental advantage so the vegetated character of some areas has already been diluted. By removing DDO triggers and allowing vegetation to be removed under the aforementioned exemption, without any ability for Council to assess the removal of vegetation, would further erode the character of our townships.

We are also aware that Council has approach the Department (or perhaps Ministers office) to attempt to remove some of the vegetation removal exemptions currently provided under Clause 52.12 (Bushfire Protection). This is a clear indication that Council does not want to allow wholesale removal of vegetation without permission. We say that the removal of DDO triggers and the consequential opportunity for the above exemption to be applied to many more properties will create a far-greater erosion of the vegetated character that what can occur through the exemptions provided under Clause 51.12.

C219 seeks to allow 8m high dwellings, without a permit. With no Council permission required it is likely that many of these dwellings will be constructed in a manner that results in a visually obtrusive outcome. This poor built-form outcome will be exacerbated by the fact that land owners will also have the ability to clear their land (within 2m of the building footprint) without a permit and therefore the ability to require screening vegetation to filter views of built-form is lost.

We ask Council considers the deletion of the aforementioned exemption from VPO1, therefore allowing vegetation removal to be considered regardless of the development occurring on the land. A more nuanced – and sensible – option would be to identify areas and townships where the vegetated character provides a pronounced characteristic and deleting the aforementioned exemption from these areas, rather than all areas currently affected by the VPO1. The other alternative, as discussed in other areas of this submission, is to reconsider the wholesale dilution of DDO triggers. As mentioned if a permit is triggered under the DDO in the vast majority of cases permission will also be required for vegetation removal and Council can assess both matters concurrently to ensure a balance is achieved between built form and vegetation.

It appears Council was not conscious of this consequential-impact of diluting DDO triggers and the ability for people to remove more vegetation, without a permit, has not been clearly communicated to the community. Regardless, we think it is an outcome inconsistent with the stated objectives of Local Policy and the planning controls affecting our township environments.

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Recommendation 8: There must be a greater connectivity between VPO and DDO provisions. Consider the deletion of the above exemption in the VPO1, or the deletion of this exemption in Townships where vegetation is a cherished characteristic.

APPLICATION OF THE NEIGHBOURHOOD CHARACTER OVERLAYS

The issue: There appears to be little justification for the conservative NCO's proposed within C219morn. As proposed, NCO1 and NCO2 triggers planning approval to:

- Construct or carry out works (including development of a single dwelling)
- Construct or extend an outbuilding normal to a dwelling
- Demolish or remove a building
- Remove, destroy or lop a native coastal tree *save for a sweet pittosporum.

We suggest that the new permit triggers result in an unreasonable cost to the industry with limited gains to be found.

The rationale behind the introduction of NCO1 to [REDACTED] appears to rely upon recommendations contained within the Conservation Management Plan (CMP), Context (2009) and the Mornington Peninsula Neighbourhood Character Study and Guidelines (NCS) prepared by Ethos Urban (2019).

Whilst we agree that the [REDACTED] has unique character, we question if the recommendations outlined in the CMP (2009) are more appropriate in this context as opposed to the introduction of the NCO. As expressed in Section 5.5.4 of the CMP, recommendations are made to strengthen application of the existing DDO2 and DDO3 affecting the area. These recommendations should achieve the level of protection of character sought through the CMP without resulting in unintended permit triggers, as will be the case through the introduction of the NCO. We suggest that the introduction of NCO1 requires further consideration and robust assessment against the objectives sought to be achieved in the CMP 2009, or any subsequent CMP.

When considering NCO2 proposed to [REDACTED] Rosebud and parts of Tootgarook and Rye there is a strong reliance upon the NCS. In the spirit of exploring opportunity to reduce permit triggers for single dwellings on a lot, NCO2 results in quite the opposite. Application of NCO2 further restricts opportunity for renewal adding additional planning approval to areas that have historically had very limited planning controls. As a result, these areas are unlikely to experience any meaningful renewal or modest increase in density even though demand exists, and services are available.

Recommendation 9: That the application of NCO1 and NCO2 be reconsidered; and, that the recommendations of the CMP 2009 be explored, see sections 5.5.4 of the Plan.

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LOST OPPORTUNITY TO IMPLEMENT KEY POLICY OBJECTIVES

The Issue: The removal of planning approval, whilst welcome in many instances, also removes the Council and subsequent Councillor's ability to influence outcomes including the implementation of other relevant policy objectives. For example, in the absence of a planning permit application, policies such as the draft ESD policy cannot be implemented; and, a landscape plan or construction management plan cannot be implemented.

Whilst the new schedules to the zones and overlays implement new requirements, the absence of planning approval where compliance is achieved removes community involvement in the development as well as negating any involvement from Councillors.

We contend, in many instances this is a welcomed outcome for the construction industry, however there are sensitive areas of the Peninsula that have, over many, many years of planning provisions achieved a unique character that has been identified by Council through the creation of the Localised Planning Statement. The absence of planning approval removes Council from the decision-making process inhibiting the ability for Council to implement wider policy objectives.

Recommendation 10: That further consideration be given to the implications of reduced permit triggers and the subsequent inability of Council's to achieve policy outcomes.

TRANSITIONAL ARRANGEMENTS

The issue: The proposed amendment stays silent on the issue of 'transitional arrangements' and it is submitted that clarity should be provided as to whether it is proposed to incorporate transitional arrangements and if so what form these might take.

We submit that it is imperative that transitional arrangements are provided for, in order to provide certainty as to how permit amendments and extensions of time will be considered following gazettal of the amendment. Any transitional arrangements need to enable permit holders to continue works where the permit has been enacted but not yet completed. This is logical to enable existing buildings and works approvals to be logically completed. Similarly, the same logic should be extended to requests for extensions of time to existing permit approvals. It is well documented that the impacts of Covid-19 have resulted in building material shortages and a rapid inflation of the property market. This has resulted in significant delays to construction progress, shortages in the supply of builders and associated trades and flow on impacts in obtaining finance to secure required equity to commence and finalise projects.

Recommendation 11: Transitional arrangements should exist for Applications lodged prior to introduction of C219 into the Scheme. This includes any new Zone and its Schedule requirements including consideration of requests for Extension of Time to planning permits issued prior to the introduction of C219morn where the request has reasonable justification provided.

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CLOSING STATEMENT

In summary, it is our position that the objective of C219 is to inhibit growth which has been a consistent approach since the first version of the Housing and Settlement Strategy was prepared several years ago.

This 'refreshed' version through a complicated series of schedules to the Zones and Overlays is clearly aimed at controlling growth within the established residential town centres under the guise of protecting neighbourhood character.

The objectives of C219 should therefore be questioned as the current version fails to:

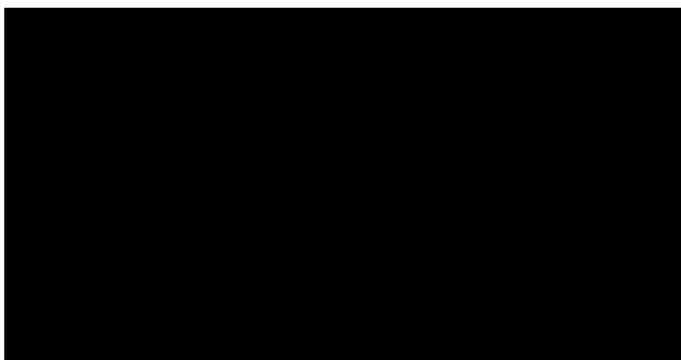
- Provide for any modest growth in established township areas through expansive application of the NRZ and excessive open space and setback requirements
- Protect character through the relocation of the approval from the planning system to the building system
- Minimise Council's workload when it is transferring work from the planning department to the building department.

Recommendation 12: That a full and detailed analysis of the implications of a broad-brush application of prescriptive requirements in the schedules to the zones be undertaken and the resourcing capabilities of the Building department to accommodate any additional demand on their resources be fully explored and understood.

We welcome further consultation with Council with respect to how the recommendations outlined within could be implemented.

It must be stated that the views, opinions, and recommendations presented within this submission represent those of the individual authors and may not represent the views, opinions, or recommendations of our client-base.

Sincerely,



Submitter 279 - Page 14 of 15

SUMMARY OF RECOMMENDATIONS

As expressed throughout this submission, we present the following recommendations for consideration.

1. Consideration should be given to the wider application of the GRZ in areas within reasonable walking distance to Major Activity Centres and Neighbourhood Activity Centres which offer jobs, public transport and service with the number of storey's controlled by DDO's as is the case currently.
2. Further consideration be given to providing greater growth opportunities within close proximity to the Mornington, Rosebud and Hastings town centres which is supported by the 20min neighbourhoods contained in Plan Melbourne
3. That the substantial change areas have no additional open space or increased side or rear boundary setback requirements to ensure opportunity for additional growth can in fact be achieved.
4. Reconsider the use and overuse of modified standards in zone schedules and undertake a thorough investigation into the implications on the resources of the Building Department and its ability to meet any demand.
5. Amend the general building height requirement in the DDO's to 7 metres to be consistent with many other Municipalities which will remove some planning permit triggers but also ensure any new dwelling built between 7m-8m* in height is suitably designed to respond to neighbourhood character. [REDACTED]
[REDACTED]
6. That the DDO mandatory maximum building height exclusion area [REDACTED] be retained to allow consideration of buildings higher than 8 m, and that a map defining the exclusion zone be incorporated into the relevant DDO's.
7. Remove the requirement for Clause 54 consideration within the DDO's where there is no building height consideration; Or, Retain the requirement for Clause 54 consideration within the DDO's where there is a building height consideration (See Recommendation 5).
8. There must be a greater connectivity between VPO and DDO provisions. Consider the deletion of the above exemption in the VPO1, or the deletion of this exemption in Townships where vegetation is a cherished characteristic.
9. That the application of NCO1 and NCO2 be reconsidered; and, that the recommendations of the CMP 2009 be explored, more specifically, sections 5.5.4 of the Plan.
10. That further consideration be given to the implications of reduced permit triggers and Council's ability to achieved policy outcomes.

Submitter 279 - Page 15 of 15

11. Transitional arrangements should exist for Applications lodged prior to introduction of C219morn into the Scheme. This includes any new Zone and its Schedule requirements including consideration of requests for Extension of Time to planning permits issued prior to the introduction of C219morn where the request has reasonable justification provided
12. That a full and detailed analysis of the implications of a broad-brush application of prescriptive requirements in the schedules to the zones be undertaken and the resourcing capabilities of the Building department to accommodate any additional demand on their resources be fully explored and understood.

END

Submitter 280 - Page 1 of 6

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 4:02 PM
To: Strategic Admin
Subject: amendment C219 morn submission
Attachments: [Redacted]

Importance: High

[Redacted]

Submitter 280 - Page 2 of 6

Clause 1 to General Residential Zone (Activity Centre)

The idea of having an Activity Centre is that it is close to all amenities and therefore lends itself to denser development opportunities as people are in walking distance to these amenities. In order to achieve this outcome I have the following comments.

In reality there needs to be no change to the existing schedule however I will make the following comments relating to Disability & Affordable Housing.

2.0 Construction or extension for a dwelling or residential building – minimum garden area requirement:

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

This should be Yes but only in certain circumstances as there needs to be some dispensation here for affordable and disability housing. Affordable being housing that is rented at a minimum of 25% below market rent. This can be controlled with a section 173 agreement and needs to be for a minimum period of 15 years.

4.0 --/--/---- Proposed C219morn Requirements of Clause 54 and Clause 55

Minimum Setbacks – Minimum setback where no dwelling on either side should be 6m not 7.5m as front yards are wasted space.

Side and rear setbacks – increasing side setbacks from 1m to 2 metres is also detrimental to provision of diversified and affordable housing and actually penalises a person in a GRZ zone especially when in a NRZ it remains at 1 metre setback for side boundaries. Increasing the rear setback to 5 metres greatly reduces the opportunity to provide additional dwellings for affordable housing, a more appropriate distance would be 3m which allows it to be used for private open space under the current guidelines. Another issue here is that planning, in most cases will not support three level dwellings as they say it is not in keeping with the current street scape, it has happened to me already, and therefore if you are in a GRZ zone you would be further penalised with these additional setbacks.

Private Open space – B28

Proposed - A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms, an additional ground level private open space area of 20 square metres with a minimum width of 3 metres should be provided for each additional bedroom, with a maximum of 80 square metres of private open space for each dwelling.

Submitter 280 - Page 3 of 6

Again talking about affordable and disability housing these additional requirements for Private Open Space increasing the minimum dimension from 3m to 5 m and adding an additional 20 sq m per bedroom in excess of 2 does not assist in the provision of affordable housing. Leave it as is with minimum width of 3m and do not increase the requirement for 3 or more bedrooms.

In the Activity Centre zones secondary dwellings should not require a planning permit in line with the trial that was undertaken Between August 2020 and March 2021, a pilot program involving four councils trialled a Secondary Dwelling Code. The councils involved in the pilot were Greater Bendigo, Murrindindi, Kingston and Moreland.

Secondary dwelling code

The code was prepared to facilitate a secondary dwelling, which is a small dwelling on the same lot as an existing dwelling.

Key aspects of the code to guide the siting and design of a secondary dwelling was:

- a height limit of 5 metres
- a maximum floor area of 60 square metres
- the need to meet the minimum garden area requirements of the zone, along with other siting and design requirements assessed through the permit process
- no ability to subdivide.

Car Parking

One of the biggest obstacles in providing affordable and disability housing is the need for two car parking spaces as soon as we go over two bedrooms and also a car parking space per dwelling even if they are only one bedroom units. Current regulations allows for 1 car parking space per four bedrooms for a rooming house so I would propose that if a house or unit is for affordable housing in an activity centre that the car parking requirement should fall in line with the requirements of a rooming house in that 1 car parking space per four bedrooms. We should be providing accommodation for people not cars.

I am repeating myself here in relation to Private Open Space but the same applies!

--/--/---- Proposed C219morn SCHEDULE 6 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE
Shown on the planning scheme map as NRZ6. GARDEN COURT 1

Private Open space – B28

Proposed - A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms, an additional ground level private open space area of 20 square metres with a minimum width of 3 metres should be provided for each additional bedroom, with a maximum of 80 square metres of private open space for each dwelling.

Submitter 280 - Page 4 of 6

Again talking about affordable and disability housing these additional requirements for Private Open Space increasing the minimum dimension from 3m to 5 m and adding an additional 20 sq m per bedroom in excess of 2 does not assist in the provision of affordable housing. Leave it as is with minimum width of 3m and do not increase the requirement for 3 or more bedrooms.

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Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 280 - Page 5 of 6

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [Redacted]

Organisation [Redacted]

Postal address [Redacted]

Email [Redacted]

Phone number/s [Redacted]

Do you represent other people? Yes / No

If yes, who? [Redacted]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

As a Community Housing Provider and Provider of HOusing for people with a disability the proposed changes affect the size, quality and number of dwellings that can be located on one parcel of land. by way of example if we get 2 houses on a piece of land valued at \$600,000 that means the land content of a dwelling is \$300,000 each whereas site that makes each dwelling land component only \$200,000 and therefore it can sell for less making them more affordable to live and or own.

I have attached my concerns and recommedations on a separare document whihc i have attached.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 280 - Page 6 of 6

I have provided detailed comments on attached sheets		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
Signature		Date
		29/10/2021

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:	Submission No:	Date Received:
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Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submitter 281 - Page 1 of 7

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 4:09 PM
To: Strategic Admin
Subject: [Redacted]
Attachments: [Redacted]
Importance: High

Dear Strategic Planning

Please find attached a Submission on behalf of my clients - [Redacted]

Formal acknowledgement of receipt would be appreciated.

Regards

[Redacted]

P.S. I am struggling to complete & lodge further Submissions on C219 as the major storm last night & this morning meant a loss of mains electricity today - Friday 29 October. Electricity has just recently been restored.

Submitter 281 - Page 2 of 7



29 October 2021

Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
Rosebud 3939

email: strategic.admin@mornpen.vic.gov.au

Dear Team Leader,

Submission & Objections to C219 [Redacted]

[Redacted] hold 2.1 hectares of LDRZ land at the [Redacted] and [Redacted]. There is a dwelling & some large sheds. There are three large paddocks, with stock shelters, which front [Redacted]. The [Redacted] wish to be able to subdivide off three 0.4 hectare lots. This area of the land is substantially vacant pasture, with fenced off native vegetation boundary trees along [Redacted].



Submitter 281 - Page 3 of 7



So why cannot the land be subdivided as proposed?

The existing zone is **LDRZ**. Minimum subdivision is 0.4 hectares. Seems acceptable. As far as the Zone provisions are concerned it looks possible.

Then we bump into **existing DDO7**. This is said to be The Design and Development Overlay for **Low Density – Environmental** land – in this area.

Design objectives address a need to ‘ensure the design of low density subdivision and housing is responsive to etc.’

Clause 2.0 has some nasty restrictive requirements. The third dot point under General Requirements says

All buildings and works, including tennis courts and dams, must be setback at least:

- **50 metres from the south side of Bungower Road, Somerville.**
-

There is no reason given for this particular setback ‘requirement’. No justification. Nor for any of the other setback restrictions that follow.

What is so important about this portion of Bungower Road at Somerville?

The 50m setback requirement is just there! And it has been ‘just there’ for at least twenty years! The only suggestion of a ‘reason’, from a chat with a senior Shire Strategic Planner, was to the effect that [redacted] That might be ‘a reason’. But is it a good or even valid reason? I do not think so.

My understanding is that land which may need to be acquired for public works, such as road widening, is that it could & should be included within a Public Acquisition Overlay (PAO). That of course would trigger some ability for the land owner to force or oblige the Shire to purchase the land – at some time. Without sterilizing its development for decades without any stated reason.

Submitter 281 - Page 4 of 7

Simply requiring a 50m setback, without any proper reason, is not proper & orderly planning. On its face it appears to seek to achieve a 'future acquisition' opportunity within a Design Overlay. This is considered an abuse of process. The 50m setback appears in the exhibited C219 proposal as well. So whatever happens, it should be deleted – everywhere.

Accordingly [REDACTED] seeks the removal of the 50 metre setback from [REDACTED] requirement – whether within existing DDO7 or within the exhibited replacement DDO53. In fact [REDACTED] actively supports the withdrawal of existing DDO7 completely, and opposes and objects to the imposition of any replacement DDO over his land.

BUT clause 3.0 **Subdivision** is blunt, direct & again restrictive.

"The average area of lots within a subdivision must be at least 2 hectares except ... (some locations where even larger average areas hectares apply)!"

Golly! The **existing LDRZ** at 32.03-3 says **Each lot must be at least 0.4 ha**. BUT DDO7 jumps this minimum or average area up to two hectares. We have gone from 4000m² to 20,000m². That is **five times** the minimum area under the State Government approved Zone provisions.

So what is going on here? And why?

The Purpose of LDRZ is to implement State Planning Policy Framework and the Local Planning Policy Framework etc. And to provide for low-density residential development of lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Clearly it is State Planning Policy to provide for low-density residential development on lots which can treat and retain all wastewater on lots of a minimum of 4000m²! So how & why can DDO7 jump this area up five-fold? To 20,000m²! Does DDO7 give a clue? It is headed Low Density – Environmental. But when the [REDACTED] property is inspected there is relatively little vegetation. The old pine trees which formerly lined [REDACTED] were removed many years ago – under a Shire Permit. Ninety-nine new native trees or shrubs were planted there – and are thriving. Other vegetation is well maintained & attractive. The paddocks are devoid of vegetation – apart from pasture grasses. No 'environmental' reason is apparent on the land to prevent subdivision to 0.4 ha.

The existing Design Objectives focus, amongst other things, on 'streamlines, wetlands, and bushland habitat'. And 'substantial vegetation cover being dominant'. Giving 'regard to the established streetscape'. The [REDACTED] land does not contain any streamline, wetland, nor bushland habitat. Very few, if any, of the Design Objectives in existing DDO7 are in any way relevant to the [REDACTED] property. Accordingly it should not be burdened with DDO7 – or any replacement DDO under C219.

Submitter 281 - Page 5 of 7

Some general observations about Planning Scheme are warranted. The Schemes are intended to be permissive. The Schemes are NOT intended to be restrictive or prohibitive. The MornPen Scheme is significantly a restrictive & prohibitive Scheme. It has a well-earned reputation for having a great many – too many – Overlays. Multiple Design Overlays. Multiple Vegetation Protection Overlays. Extensive use of Heritage Overlays. Significant Landscape Overlays. The list goes on & on.

The MornPen Scheme is long overdue for significant careful review & improvement. A good 'culling' or pruning of outdated & overly detailed provisions is called for. Not with secateurs either. A chainsaw would be more useful! Regrettably C219 is another retrograde step – towards more restrictions.

C219 is said to address or take forward a **Housing & Settlement Strategy**. But does it actually do this? Or does it make it even more difficult to house more people on the Peninsula – within the Urban Growth Boundary and in the Residential Zones – existing or proposed?

The Shire outline mentions a projected population increase from 161,530 in 2016 to 200,360 in 2036. The projected increase of 38,830 people suggests an additional 24,010 dwellings may be needed, Or around 1200 net new dwellings per year.

So why make it so difficult, nigh on impossible, to house those wanting a genuine Low Density lot of say 4000m² – in line with State Government Planning Policy? Why indeed! But that is the impact of existing DDO7 and its proposed replacements. A quick look at the exhibited Maps for this [REDACTED] area, show retention of LDRZ as a Zone – as a Minimal Change area. Minimal Change! Yet all the LDRZ land in this Shire is crying out for a sensible, practical Review – to make MORE lots available. Not to maintain the 'status quo! This is 2021 – not 1991. The 20,000m² minimum lot size via DDO7 belongs to last century! (And as is noted further on, the same 2.0 ha minimum is proposed to be backed up or duplicated via LDRZ8)!

The pressure for additional housing lots is easy to see on the Peninsula. The growth of housing in the last twenty years around all of our towns is significant and obvious! But the Shire has – again – adopted a 'go slow', **Minimal Change policy**, forcing new housing onto tiny 300m² to 500m² lots! Then the Shire complains about two & three storey housing!!

However removal of the minimum 20,000m² average or minimum lot size in LDRZ would potentially provide up to four times more lots on the same LDRZ land – all still within the UGB. This would reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land. That would be a double benefit. Of course not everyone would want to immediately subdivide their 20,000m² blocks into say five lots. But some would & could. Some might look for one 4000m² subdivision. And some would not bother at all. But they would have the opportunity. And many more people could be & would be housed, inside the UGB, on land zoned LDRZ.

Submitter 281 - Page 6 of 7

In [REDACTED] situation he could apply to subdivide off three 4000m2 lots – all well clear of his house and sheds. Basically most of the primarily undeveloped paddocks. All with a wide frontage to [REDACTED] while retaining his house & sheds on the residual 9,000m2. I am confident three 4000m2 lots in LDRZ would sell well. Be quickly developed with stylish dwellings. Surely a desirable result. More housing. Excellent use of LDRZ land. No loss of vegetation, no damage to a streamline or watercourse or bushland. Increased Rates Income for the Shire. Happier existing & new residents. A Win, Win, Win.

A few comments on & **objections** to the proposed C219 for the [REDACTED]

LDRZ8.

There are now proposed to be multiple LDRZ ‘zones’. Each with its own restrictive intent & requirements. Why? Why? Why?

There are far too many LDRZ’s proposed. We have managed perfectly well to date with just one! Now there are at least eight! Eight!! Simplifying the Planning Scheme is intended! Who are you kidding?

New LDRZ8 proposes to impose a two hectare minimum subdivision. The State Government has already determined that 0.4 hectares is a reasonable minimum subdivision (unsewered). Or even down to 0.2 ha if the lots can be sewered! There is no requirement on the Shire to approve minimum size 4000m2 subdivisions. There will be times where site conditions suggest larger lots – probably to support retention of some vegetation. Yet this Shire seeks an entirely retrograde leap **BACKWARDS** to require a minimum two hectares. ***This is not ‘minimal change’. This is not even ‘no change’. This is ‘go away, don’t even try to live here’.***

There does not appear to be any proper planning reason to impose a two hectare minimum subdivision size in LDRZ. It is notable that DDO7 (existing) sought the same outcome. As does the proposed DDO53! Just how many unreasonable restrictions does this Shire seek to impose? Or does it realise it may need to come into the twenty-first century at some stage – and have the DDO7/DDO53 two hectare subdivision minimum abolished – and so seeks to maintain the status quo of two hectares via a different Scheme clause provision (LDRZ8)?

On what basis does the Shire believe that it knows better than the State Planning Department?

DDO 53

There are far too many DDO’s. There were far too many previously. And it seems the Shire wants to retain or expand the number of DDO’s. All are restrictive rather than permissive.

DDO53 typifies the micro-management apparently sought by this Shire. It has no proper place in any planning scheme. Schemes are intended to be permissive – not restrictive. And in particular, not restrictive in the excessively detailed requirements for a Landscape Plan.

Has anyone in Strategic Planning obtained even a rough cost estimate for a Landscape Plan which might meet the DDO53 requirements? It would run to thousands of dollars.

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Even plant pot sizes are specified!

- The pot size and height of all trees and shrubs during installation – trees should have a minimum pot size of 250 millimetres and minimum height of 1.5 metres while shrubs should have a minimum pot size of 200 millimetres.

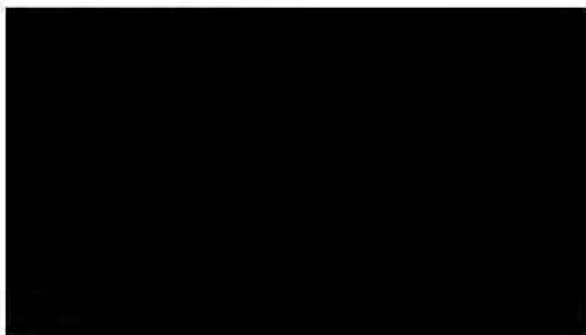
Is Strategic Planning unaware that trees grow best when planted as tube stock? Not planted from pots at a minimum height of 1.5 metres. Who writes this stuff?

DDO53 should be withdrawn entirely! It is objectionable & objected to.

Panel Hearing.

When C219 goes to a Panel Hearing it is intended that further submissions would be made on behalf of [REDACTED] about the above specific issues. And about C219 in general.

Yours faithfully



Submitter 282 - Page 1 of 1

From: [REDACTED]
Sent: Friday, 29 October 2021 4:12 PM
To: Strategic Admin
Subject: Amendment C219morn - submission

Green wedge v's lovable towns?

Amendment C219 states:
"..controls to protect neighbourhood character"
-But not for some?

The Peninsula is under pressure for development. Locals and tourists all need the beauty that is here, especially the beach and the green space to relax and revitalise.

However, I am strongly against more 3 storey and especially 4 storey buildings!

Hardly a recipe for quality of life, let alone "protecting character".

Wind tunnels? Rosebud, mapped for the most change, is so aptly named "Seawinds Ward". Then how about "Seacyclone Ward"?

A great recipe for tourism?

A recipe for local quality of life?

Rosebud is a poorer area, with many folk struggling. People really need their environment to soften and nurture, not stress them more.

Need more nature, not less.

More tree-lined streets, not high concrete walls locking out community.

This in turn would bring dividends to Council and State govt as it would help lessen social problems.

So I am against these high buildings.

I am also against more incursions into our green space.

We need some agriculture.

And we need Nature.

Nature needs us to respect it, just as it heals us by its very nature.

And why would tourists or new settlers bother coming here at all if either:

The Peninsula became an endless substandard suburban nightmare, or alternatively, An anonymous, squeezed higher density crowding and shadowing the beach areas.

One Suggestion: Given the extraordinary overabundance of golf courses, Council could reclaim some, transforming them into areas combining quality individual housing interspersed with nature reserves.

= Healthy, Happy Community!

Many thanks.
[REDACTED]

NB: I have tried repeatedly to access the online form. Sorry.

Sent from my iPhone

Submitter 283 - Page 1 of 1

From: [REDACTED]
Sent: Friday, 29 October 2021 4:18 PM
To: Strategic Admin
Subject: Am C219 Submission

Thank you for the opportunity to make a submission.

As residents of [REDACTED] these comments are primarily directed to the controls applying to the areas covered by DDO2 (applying to our residence) and DDO4 (applying to the area south of [REDACTED]).

The application of the Neighbourhood Residential Zone is supported and is consistent with its classification as an area of minimal change.

The existing DDO2 provides a maximum wall height of 5.5 metres and a building height of 6 metres and has been in place for many years. It is consistent with the predominant height of the existing vegetation cover in the area and the design objectives of the proposed DDO2&4. In particular: "To ensure buildings are designed and sited to avoid being visually intrusive against a skyline or existing tree canopy line, when viewed from surrounding streets and properties, and provide reasonable sharing of views".

The proposed allowable building height of 8 metres is a significant increase and will result in an adverse change to the character of the southern peninsula. In recent years there has been a number of houses constructed which are visually obtrusive either through large site coverage, vegetation clearance, low scale landscaping or location on ridge lines. The proposed changes will exacerbate this trend.

The development on ridge lines and steep slopes is also not consistent with Bushfire Management Overlay that applies on the south side of [REDACTED] covered by DDO4. For example the Australian Institute of Architects publication "Site planning and design for bushfires" February 2021 suggests on page 5 under Section 2.3 Siting: "The location of buildings on level or gentle slopes is preferable to steep slopes or the tops of ridges - no matter what the view".

The proposed changes will remove the trigger point for planning consideration of potentially unsuitable residential development and thus will not enable the DDO design objectives or decision guidelines to be applied. It will also limit the ability of Council officers and elected Councillors to have input to development that has a significant influence on the character of the area.

In conclusion while it is acknowledged that southern peninsula is considered part of Metropolitan Melbourne the unique character of the area, its mix of permanent and holiday properties and the importance of tourism to the local economy provides justification for the avoidance of generic local planning controls.

Submitter 284 - Page 1 of 3

From: [REDACTED]
Sent: Friday, 29 October 2021 4:18 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 284 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s



To view all of this form's submissions, visit



This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Shape our Future.

Submitter 284 - Page 3 of 3

Dear sir/Madam

We have a property in [REDACTED] which is 10,000 m²(1 hectre), We are unable to subdivide our land as it is under a low density residential overlay, we would like to change our current overlay to general residential to match other smaller properties in our area and maintain the natural landscape of our area.

Kind Regards [REDACTED]

Submitter 285 - Page 1 of 1

From: [REDACTED]
Sent: Friday, 29 October 2021 4:22 PM
To: Strategic Admin
Subject: C219morn Submission [REDACTED]

Dear Strategic Planning

Due to the storm damage, leading to the power outage last night & for much of today I am struggling to complete several Submissions about C219.

My personal Objections to the content of C219 include (but are not limited to):

- The overuse of multiple LDRZ zones. Each with its own unreasonable & often unsupported restrictions.
- The overuse of multiple DD overlays. Again, each with unreasonable & unsupported restrictions.
- Far too many other Overlays - often applied in inappropriate locations or covering vegetation which no longer exists.
- The extensive detailed content of many proposed clauses. Simplification of the Scheme was an objective of this Amendment. That has failed to be achieved. indeed it has not even been attempted to be achieved.

C219 should be abandoned. I object to all of it. Each & every clause requires & deserves a total review - from a pro-active approach rather than a '*how can we stop anything from being developed*' approach.

I will endeavour to amplify my objections & concerns over the weekend.

Formal acknowledgement of receipt would be appreciated.

Regards

[REDACTED]

Submitter 286 - Page 1 of 4

From: [REDACTED]
Sent: Friday, 29 October 2021 4:25 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 286 - Page 2 of 4

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

Please see attached.

Would you like to upload a document or image with further details?

Yes

Please upload your attachment/s



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Submitter 286 - Page 3 of 4

Team Leader
Re: Amendment C219morn – submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

29 October 2021

Planning Scheme Amendment C219morn Submission

I wish to oppose the Planning Scheme Amendment C219 which seeks to rezone a large area of land located in [REDACTED] within the proximity of my property. This land is known as [REDACTED] and is currently zoned General Residential Zone 1. [REDACTED] is approximately 35 hectares (85 acres) and is in private ownership. The Mornington Peninsula Shire Council (**Council**) website explains that Planning Scheme Amendment C219 aims to “*direct future housing to appropriate areas*”.

Background

The [REDACTED] adjoins a residential area which is accessed only by [REDACTED]. There are several remnant parcels of land adjoining [REDACTED] which could be used to access any new subdivision of [REDACTED]. Stonecutters Road is an urban collector road (8C) with no footpaths and a winding, sloping character.

Until 2016, inappropriate high density residential subdivision of [REDACTED] was prevented by a [REDACTED] agreement numbered [REDACTED] in relation to undeveloped parcels of land adjoining [REDACTED]. The [REDACTED] agreement effectively restricted lot sizes to 2 hectares (5 acres) if any subdivision of [REDACTED] was accessed by [REDACTED]. In 2016, Council removed the [REDACTED] agreement.

Since 2021, the southern part of [REDACTED] (13.5 acres) has been undergoing subdivision, accessed from [REDACTED] which runs off [REDACTED]. This area is zoned Low Density Residential Zone. The remainder of [REDACTED] is not Low Density Residential Zone, and the minimum lot sizes in this area are potentially subject to further reduction.

Statement of Grounds for Opposition

1. **No masterplan.** There is no masterplan for the future use or development of [REDACTED]. Incremental, creeping, and piecemeal subdivision of [REDACTED] will be possible through [REDACTED] and its tributaries [REDACTED] etc). This approach to the development

Submitter 286 - Page 4 of 4

of this large parcel of land could result in a poor planning outcome if it is not controlled by a masterplan approved by Council with the benefit of community consultation.

2. **Zoning inconsistencies.** The zoning changes proposed by Planning Scheme Amendment C219 are inconsistent with the recent Council decision to grant a planning permit for a winery on [REDACTED] and associated vineyard on [REDACTED]. This land use (commercial/rural industry/agricultural/tourism) is inconsistent with the zoning changes in this amendment and with the proposed future use as residential land because:

- the use of the land as a winery will likely result in soil contamination through the use of agricultural chemicals (such as copper sulphate) which accumulates in the soil and which may have adverse health effects on future residents; and
- the rezoning of the land to neighbourhood residential may increase the land value and its outgoings, and this will pressure the winery operator to substantially increase the scale of their commercial operation in order to be profitable. This may create adverse amenity impacts on the surrounding residents.

3. **Proposed changes to the Amendment.** I propose that Planning Scheme Amendment C219 exclude [REDACTED] until such time as:

- Council develops a masterplan for this land, including community consultation; and
- Council has resolved the inconsistencies between the zoning of this land (proposed as neighbourhood residential) and land uses endorsed by the Council (winery/agriculture/rural industry/tourism). This incompatibility could be resolved by rezoning the land to a more appropriate zoning, such as Green Wedge, if a winery is the Council's preferred land use.

Yours sincerely

[REDACTED]

Submitter 287 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:40 PM
To: Strategic Admin
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Good afternoon Team Leader
Strategic Planning - Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC

Please find attached my submission summary and comments in relation to the Mornington Peninsula Planning Scheme Amendment C219morn.

Can request an acknowledgement email of receipt of this email to email address [REDACTED]

Regards
[REDACTED]

Submitter 287 - Page 2 of 3

Team leader
Strategic Planning – Mornington Peninsula Shire
Private Bag 1000
Rosebud
VIC 3939
Strategic.admin@mornpen.vic.gov.au

29 October 2021

Dear Sir /Madam

Re: Mornington Peninsula Planning Scheme Amendment C219morn

Please find herewith my written submission response to the Mornington Peninsula Planning Scheme Amendment C219morn

FULL NAME	[REDACTED]
Organisation	NIL – representing self
Postal Address	[REDACTED]
Email	[REDACTED]
Phone Number	[REDACTED]
How would the proposal affect you?	I own land affected by the amendment.

SUMMARY

My concerns about the Amendment C219 are as follows:

As stated in the document: Mornington Peninsula Housing and Settlement Strategy Refresh 2020-36
4.1 Criterion 1: Strategic Context. - page 19 of 50

1) Character

“The character and functions of the towns and villages will be protected and there will be no linear development between towns along the coast or expansion into the rural areas between townships. Development within each settlement will only be of a scale and character appropriate to the role, function and location of that settlement”

In subsection - Local Policy Context:

2.2.1 Our Peninsula - Council Plan 2017-21

The Council Plan outlines... “how the organisation will work towards delivering its Vision: To value, protect and improve the unique characteristics and way of life on our Peninsula: “Valuing our unique Peninsula”.

As stated in the ***Mornington Peninsula Housing and Settlement Strategy 2017,***
Item 2. Housing and Settlement Vision

“Give priority to the protection of residential character and amenity. The role and character of the Mornington Peninsula’s settlements, towns and villages will be protected.”

“The provisions of the Planning Statement clearly indicate that the protection of existing character, or ensuring that development is in accordance with a defined future character, will be given policy precedence over providing additional housing supply or consolidation policies per se.”

Submitter 287 - Page 3 of 3

██████████ being an older small town has larger blocks of land particularly on the beach side aspect - some with tennis courts and/ some with in ground swimming pools

It is implied in your amendment that there will be less regulation around building applications as they will go via a Building approval process instead of Planning permit approval.

I am concerned that less rigour will be applied to these applications and in addition there is the potential for a lack of notification of these applications to neighbouring residences; and as a result lack of effective consultation to lodge objections in a timely and productive manner.

In addition Residents residing in low density areas, such as Mount Martha do not want to see the character changed as a result of subdivision of these larger blocks into significantly smaller lots; resulting in over-development and the potential for removal of large or significant trees. Loss of vegetation can significantly impact on neighbourhood character and the landscape and environment.

2) Loss of view / outlook – Affecting Sight lines

I reside at ██████████ a property I purchased five (5) years ago. (2016).

From my front balcony I have a view of Port Phillip Bay; and am concerned that the application of this amendment could significantly impact my aspect.

I chose to move to beach side ██████████ because of the “feel” of the small town, the beautiful landscape, open spaces, , less “suburbia”; having grown up in Mornington and lived my life in the city. However I have always had strong connection to the Peninsula.

My concerns to proposed changes in **Amendment C219** may result in the lack of governance and oversight around move from Planning Department approvals to Building Department Permits and the use of independent Building Surveyors whose work is not overseen by Council. From a recent conversation conducted between my neighbour and the Council, who from Council is overseeing the independent building surveyors and developers?

Case in point – it appears from a recent building development at ██████████ the ability to utilise existing “loop holes” to get around height restrictions of 8-9 metres and site coverage of 60%.

Currently property - ██████████ is on the market. This is a large plot (in excess of 2531 square metres) that has been owned for a significant period of time. This property in directly opposite my property.

My concern, and that of my neighbours, is that this property could proceed (if sold to developers) similar to the construction at ██████████ subdivided into multiple lots with premises built on this subdivision, without Council oversight and breach our “sight line” and existing views of Port Phillip Bay; with little regards to existing land owners.

I would appreciate the opportunity to discuss this further with the Council.

Regards,

██████████

Submitter 288 - Page 1 of 1

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:41 PM
To: Strategic Admin
Subject: Amendment C219morn – submission

There is a need for planning controls to be simpler and easier to understand, but I don't think the proposed removal of many of the permit triggers is a good idea. People do too much damage to the local environment and neighbourhoods with permits. Without these permit requirements it would be open slather. For example, one of our neighbours once said, "I have a permit I can do what I want." This wasn't what his permit conditions actually said and after complaints to the council he did follow them. If there hadn't been a permit involved he really would have done whatever he wanted.

I understand how frustrating the slow process of getting a permit is but removing permit triggers isn't necessarily the answer. Clearer rules, consistent advice from all planning department staff and employing more staff could help make the planning permit process easier and quicker.

I share the concerns of the [REDACTED]

I am particularly concerned that the removal of permit triggers could lead to even more removal of vegetation, and could further disadvantage residents whose neighbours want to build a house that overshadows their solar panels or north-facing windows and gardens. I also think that the safety and movement of wildlife must take priority with fencing and people won't do that unless they are required to.

[REDACTED]

Submitter 289 - Page 1 of 3

From: [REDACTED]
Sent: Friday, 29 October 2021 4:44 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 289 - Page 2 of 3

Do you represent other people?

No

How does the proposal affect you?

I am a resident & home owner.

In summary, my comments are:

1. I am concerned that I will lose the right to object to a double story home being built adjacent to or beside my home.
Plus the probably loss of native vegetation and impact on the areas overall aspects.
Refer :~ "Letters to the Editor" by Alida Burke of Sorrento (in the 'Mornington News', 26/10/2021).
This right to object was lost in Sydney suburbs when the NSW State government rules were changed; allowing higher density buildings along rail corridors. Local residents found out about the new building/s when construction started.
2. It is at odds with the Council's aspirations to become sustainable and green, the Council & Councillors want to 'have their cake & eat it too'.
3. This amendment will allow large scale, high rise (2 and 3 story) buildings along large sections of Mornington's Main Street. Changing its sunny, wide pedestrian aspects significantly.
It would denigrate a feature of the township that draws tourists and holiday makers to the area.
4. Council currently has problems with illegal rubbish dumpers in rural & semi rural areas; this amendment will significantly increase this problem
5. Traffic problems; e.g. along [REDACTED] has increased significantly over last 8~10 years. This amendment will demand more roads. But building more roads will not solve the problem, only magnifies the problem.

Submitter 289 - Page 3 of 3

6. When are we as a community & Council begin to start living within our countries capabilities ??

Sincerely,



Would you like to upload a document or image with further details?

No

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Submitter 290 - Page 1 of 2

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 4:44 PM
To: Strategic Admin
Subject: Amendment C219 - Submission
Attachments: [Redacted]

My submission for Amendment C219 is attached.

[Redacted]

Submitter 290 - Page 2 of 2

SUBMISSION on C219 Amendment.

It is almost fifty years since we built our house in Sorrento. I am an early member, now Life Member, of the [REDACTED]. During that time there have been many changes, as might be expected. I have several serious concerns about this current C219 Amendment.

I understand the Independent Panel Hearings have been rescheduled, and it would seem a good idea to give the Council and community further time to consider this complex proposal. The COVID19 lockdown restrictions have reduced our opportunities for communication and consideration of these issues, especially among those less computer literate. Many of us miss seeing Peninsula Wide and local newspapers where these issues would formerly have been aired, nor could we visit Shire Offices in person for information.

While understanding the need for clarity and certainty in Planning, I think this proposal tends to simplify and standardise Planning to the point where it ignores local differences, to the detriment of neighbourhood character. The Southern Peninsula with its beaches, sand dunes and special townships is not suburbia, and efforts should be made to retain existing height and site controls, and encourage better, adaptive architecture, siting and landscaping to preserve its special character, its views and vegetation. Otherwise it will become transplanted suburbia, one house at a time, with no sense of place whatsoever.

It concerns me that there will be building permits issued as of right, with no local, visible advertising process maintained which would permit some community consultation and negotiation. Apparently there would be no right to appeal to VCAT. Decisions could be imposed upon existing communities without the involvement of our local councillors or Council Planners, with no local input whatsoever if private planners are engaged. Streamlined it may be, but without necessarily observing other Mornington Peninsula Shire policies which protect vegetation, biodiversity and provide for climate change.

Please consider these comments,

Yours Sincerely [REDACTED]

Submitter 291- Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:44 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn
Attachments: [REDACTED]

Dear Sir/Madam,

Please find attached my submission with respect to C219morn.

Best regards,

[REDACTED]

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 291- Page 2 of 3

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [REDACTED]

Organisation **Not applicable**

Postal address [REDACTED]

Email [REDACTED]

Phone number/s [REDACTED]

Do you represent other people? Yes / No

If yes, who? [REDACTED]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

Dear Sir/Madam,

As a property owner in [REDACTED] I have concerns about Amendment C219morn. We purchased [REDACTED] in 2009 after falling in love with the natural surrounding environment, and in particular, the views over the bay and tree canopy. If the Amendment C219morn were to be approved, I believe that it would result in further inappropriate development and further erosion of the natural environment. My reasons are as follows:

1. It is suggested that Amendment C219morn is required to improve the efficiency of the Planning Scheme so that more applications for one dwelling on a lot can be processed under the Building Regulations without the need for a planning permit. In effect, while this may accelerate the number of applications that can be processed, it would mean that the public notification process required under the Planning Scheme would be bypassed, resulting in residents having no say with respect to new developments, inappropriate or otherwise.
2. While builders /developers are required to engage a private building surveyor to ensure that regulations are adhered to, private building surveyors are not accountable to council. Building surveyors may not even conduct site inspections, and while they may approve plans, the plans may not take into account the landscape or surrounding environment. Therefore processing more applications under the Building Regulations will no doubt lead to further inappropriate development. An example of this already occurring is at [REDACTED] While I objected to the bulk, height and size of the two new dwellings being constructed by [REDACTED] approval was

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Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 291- Page 3 of 3

nevertheless granted even despite my (and my neighbours') objections. Partially constructed [REDACTED] it is apparent that [REDACTED] has not taken the surrounding area into consideration at all and views over the tree canopy and bay have been impacted/degraded. The height of the building is in excess of 8 metres and the footprint of the property is greater than 60%, however we are told that the designs are within the regulations - regulations which a private surveyor would no doubt know how to 'manipulate' - and designs which will deliver maximum profit to the builder/developer (with no regard for the surrounding environment). Now that the adjacent property at [REDACTED] is for sale (opposite my property at [REDACTED]) I hold fears that the same thing will occur again.

3. Mornington has several large lots of land, therefore amendment C219morn will permit builders to sub-divide these properties and design houses/townhouses/apartments that, according to a private building surveyor, are within the regulations, but which are potentially not in keeping with the surrounding environment and landscape.

4. Residents chose to live in the Mornington area in the first place as it offers a unique lifestyle, look and feel, with vegetation largely preserved, low density living and expansive views in some areas. The uniqueness of life on the Peninsula would be further at risk should Amendment C219morn be passed as builders /developers seeking only to profit are permitted to construct out of character, but within regulation, developments.

5. Amendment C219morn will result in a further lack of governance of the property development process as private surveyors, not accountable to council, approve building plans. A similar Amendment C219morn has been passed in Bayside, and the level of inappropriate development is breathtaking.

I would welcome the opportunity to discuss this further. For the record, the lack of community consultation with respect to Amendment C219morn has been woeful. I only found out about it by chance. Best regards [REDACTED]

I have provided detailed comments on attached sheets

Yes / No

Signature

[REDACTED]

Date

29 October 2021

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received:

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Submitter 292 - Page 1 of 1

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:46 PM
To: Strategic Admin
Subject: Housing for the Peninsula - Planning Scheme Amendment C219morn - Submission

Hi

I have tried repeatedly since 4 pm to complete the online submission on your website and it will not allow me to fill in any of the my details and submit a response. Here is my submission below.

Submission to Mornington Peninsula Planning Scheme Amendment C219morn

First Name: [REDACTED]
Last Name: [REDACTED]
Organisation (if applicable)
Postal address: [REDACTED]
Email: [REDACTED]
Phone number: [REDACTED]
Do you represent other people? No
How does the proposal affect you?
I own the land affected by the amendment : Yes

In summary, my comments are:

This effectively means that developers can avoid planning altogether and follow building regs which essentially have loopholes in them. They do not have to apply for planning permits and can get away with building that does not comply with planning. Residents will not be asked for feedback and will have no recourse as the building complies to building regs. It means that essentially low density housing areas can become high density housing areas. Heights of buildings can exceed planning heights. The character of my neighbourhood will change – that is why I left where I lived previously and moved down to the peninsula.

Please ensure that my submission is included.

Kind regards

[REDACTED]

Submitter 293 - Page 1 of 6

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:51 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Importance: High

Dear Strategic Planning

Please find attached another Submission.

Regards

[REDACTED]

Submitter 293 - Page 2 of 6



29 October 2021

Dear Planners

Submission & Objections to C219. On behalf of [REDACTED]

[REDACTED] hold 2.14 hectares of LDRZ land a little south of the junction of [REDACTED]. There is a dwelling & a shed. The [REDACTED] would like to subdivide off a one acre or about 0.4 ha from the existing title. The existing frontage to [REDACTED] is 132 metres.

Road access to the large modern dwelling is along an attractive tree lined driveway beside the north boundary. While the site contains some interesting clusters of vegetation there are two open paddocks fronting [REDACTED] which are undeveloped. These are rather larger than 0.4 ha.



Submitter 293 - Page 3 of 6



So why cannot the land be subdivided as proposed?

The existing zone is **LDRZ**. Minimum subdivision is 0.4 hectares. Seems acceptable. As far as the Zone provisions are concerned it looks possible.

Then we bump into **existing DDO7**. This is said to be The Design and Development Overlay for **Low Density – Environmental** land – in this area.

Design objectives address a need to ‘**ensure the design of low density subdivision and housing is responsive to etc**’

Clause 2.0 has some restrictive requirements. Building colours are specified. Minimum setbacks are required – without reasonable justification.

BUT clause 3.0 **Subdivision** is blunt, direct & again restrictive.

“**The average area of lots within a subdivision must be at least 2 hectares except ...** (some locations where even larger average areas hectares apply)!”

Golly! The **existing LDRZ** at 32.03-3 says **Each lot must be at least 0.4 ha**. BUT DDO7 jumps this minimum or average area up to two hectares. We have gone from 4000m² to 20,000m². That is **five times** the minimum area under the State Government approved Zone provisions.

So what is going on here? And why?

The Purpose of LDRZ is to implement State Planning Policy Framework and the Local Planning Policy Framework etc. And to provide for low-density residential development of lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Submitter 293 - Page 4 of 6

Clearly it is State Planning Policy to provide for low-density residential development on lots which can treat and retain all wastewater on lots of a minimum of 4000m²! So how & why can DDO7 jump this area up five-fold? To 20,000m²! Does DDO7 give a clue? It is headed Low Density – Environmental. But when the [REDACTED] property is inspected there is only moderate vegetation. All vegetation is well maintained & attractive. The paddocks are devoid of vegetation – apart from pasture grasses. No ‘environmental’ reason is apparent on the land to prevent subdivision to 0.4 ha. Where an “Environmental” overlay is to be considered it must provide for discretion. And such discretion must be based on the actual characteristics of the site. Not some ‘blanket overview’ which might apply elsewhere. Additionally, in the [REDACTED] situation, they would apply for only one additional 0.4 ha lot.

The existing Design Objectives focus, amongst other things, on ‘streamlines, wetlands, and bushland habitat’. And ‘substantial vegetation cover being dominant’. Giving ‘regard to the established streetscape’. The Shepherd land does not contain any streamline, wetland, nor bushland habitat. Very few, if any, of the Design Objectives in existing DDO7 are in any way relevant to the [REDACTED] property. Accordingly it should not be burdened with DDO7 – or any replacement DDO under C219.

Some general observations about Planning Scheme are warranted. The Schemes are intended to be permissive. The Schemes are NOT intended to be restrictive or prohibitive. The MornPen Scheme is significantly a restrictive & prohibitive Scheme. It has a well-earned reputation for having a great many – too many – Overlays. Multiple Design Overlays. Multiple Vegetation Protection Overlays. Extensive use of Heritage Overlays. Significant Landscape Overlays. The list goes on & on.

The MornPen Scheme is long overdue for significant careful review & improvement. A good ‘culling’ or pruning of outdated provisions is called for. Not with secateurs either. A chainsaw would be more useful! Regrettably C219 is another retrograde step – towards more restrictions.

C219 is said to address or take forward a **Housing & Settlement Strategy**. But does it actually do this? Or does it make it even more difficult to house more people on the Peninsula – within the Urban Growth Boundary and in the Residential Zones – existing or proposed?

The Shire outline mentions a projected population increase from 161,530 in 2016 to 200,360 in 2036. The projected increase of 38,830 people suggests an additional 24,010 dwellings may be needed, Or around 1200 net new dwellings per year.

So why make it so difficult, nigh on impossible, to house those wanting a genuine Low Density lot of say 4000m² – in line with State Government Planning Policy? Why indeed! But that is the impact of existing DDO7 and its proposed replacements. A quick look at the exhibited Maps for this [REDACTED] area, show retention of LDRZ as a Zone – as a Minimal Change area. Minimal Change! Yet all the LDRZ land in this Shire is crying out for a sensible, practical Review – to make MORE lots available. Not to maintain the ‘status quo! This is 2021 – not 1991. The 20,000m² minimum lot size via DDO7 belongs to last century! (And as is noted further on, the same 2.0 ha minimum is proposed to be backed up or duplicated via LDRZ8)!

Submitter 293 - Page 5 of 6

The pressure for additional housing lots is easy to see on the Peninsula. The growth of housing in the last twenty years around all of our towns is significant and obvious! But the Shire has – again – adopted a ‘go slow’, **Minimal Change**, forcing new housing onto tiny 300m2 to 500m2 lots! Then the Shire complains about two & three storey housing!!

However removal of the minimum 20,000m2 average or minimum lot size in LDRZ would potentially provide **up to four times more lots on the same LDRZ land** – all still within the UGB. This would reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land. That would be a double benefit. Of course not everyone would want to immediately subdivide their 20,000m2 blocks into say five lots. But some would & could. And some would not bother. But they would have the opportunity. And many more people could be & would be housed, inside the UGB, on land zoned LDRZ.

In [REDACTED] situation they could apply to subdivide off one 4000m2 lot – well clear of the house and shed. Basically from the primarily undeveloped paddocks fronting [REDACTED] Retaining the house & shed on the residual 17,000m2. I am confident a 4000m2 lot in LDRZ would sell well. Be quickly developed with an appropriate dwelling. Surely a desirable result. More housing. Excellent use of LDRZ land. No loss of vegetation, no damage to a streamline or watercourse or bushland. Increased Rates Income for the Shire. Happier existing & new residents. A Win, Win, Win.

A few comments on & **objections** to the proposed C219 for the [REDACTED] area.

LDRZ8.

There are now proposed to be multiple LDRZ ‘zones’. Each with its own restrictive intent & requirements. Why? Why? Why?

There are far too many LDRZ’s proposed. We have managed perfectly well to date with just one! Now there are at least eight! Eight!! Simplify the Planning Scheme! Who are you kidding?

LDRZ8 proposes to impose a two hectare minimum subdivision. The State Government has already determined that 0.4 hectares is a reasonable minimum subdivision (unsewered). Or even down to 0.2 ha if the lots can be sewerred! Yet this Shire seeks an entirely retrograde leap BACKWARDS to require a minimum two hectares. This is not ‘minimal change’. This is not even ‘no change’. This is ‘go away, don’t even try to live here’.

There does not appear to be any proper planning reason to impose a two hectare minimum subdivision size in LDRZ. It is notable that DDO7 (existing) sought the same outcome. As does the proposed DDO53! Just how many unreasonable restrictions does this Shire seek to impose? Or does it realise it may need to come into the twenty-first century at some stage – and have the DDO7/DDO53 two hectare subdivision minimum abolished – so seeks to maintain the status quo of two hectares via a different Scheme clause provision (LDRZ8)?

On what basis does the Shire believe that it knows better than the State Planning Department?

Submitter 293 - Page 6 of 6

DDO 53

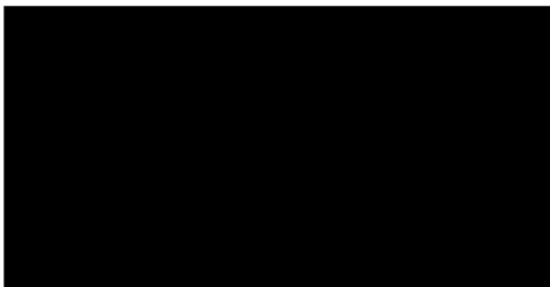
There are far too many DDO's. There were far too many previously. And it seems the Shire wants to retain or expand the number of DDO's. All are restrictive rather than permissive.

DDO53 typifies the micro-management apparently sought by this Shire. It has no proper place in any planning scheme. Schemes are intended to be permissive – not restrictive. And in particular, not restrictive in the excessively detailed requirements for a Landscape Plan.

Panel Hearing.

When C219 goes to a Panel Hearing it is intended that further submissions would be made on behalf of [REDACTED] about the above specific issues. And about C219 in general.

Yours faithfully



Submitter 294 - Page 1 of 4

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:52 PM
To: Strategic Admin
Subject: Subject: Amendment C219morn – submission [REDACTED]
Attachments: [REDACTED]

Good Afternoon,

Please find attached a copy of my submission.

Regards,

[REDACTED]

Submitter 294 - Page 2 of 4

28/10/2021

Team Leader, Strategic Planning

Re: Amendment C219morn - submission

Mornington Peninsula Shire

Private Bag 1000

Rosebud VIC 3939

Housing for the Peninsula - Planning Scheme Amendment C219morn

I understand from reading the property report & the Desktop Review of the Strategic Work Underpinning Amendment C219morn provided that my property may incur the following changes as a result of the amendment;

1. The subject property is currently zoned General Residential Zone (GRZ) and this will change to the Neighbourhood Residential Zone (NRZ).
2. The Design and Development Overlay (DDO) controls currently effecting the property will be changed to:
 - reduce the number of things that need a planning permit (e.g. wall and building heights, building setbacks from parks and reserves, external wall cladding materials, front fence height and permeability, colours and tone of cladding and trims, reflectivity, and relocatable buildings)
 - remove unnecessary controls (e.g. fibro cement sheet materials, dependent person's unit, and solar panels).
3. A Schedule to the zone will apply (NRZ12). Differences between the existing requirements (Clause 54) and the proposed requirements which will form part of schedule are noted as follows.
 - **The Site Coverage:**
Previous: Site Area covered by buildings should not exceed 60 per cent.
Proposed: The site area covered by buildings should not exceed 50 per cent.
 - **The Minimum street setback** (The site is on a corner):
Previous: If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.
Proposed: If the site is on a corner, walls of buildings should be set back from the front street at least: 7.5 metres for all streets, if there is no existing building on the abutting allotment facing the front street. If the site is on a corner, walls of buildings should be set back from a side street at least the same distance as the setback of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.
 - **Permeability –**
Previous: The site area covered by pervious surfaces should be at least 20 cent
Proposed: The site area covered by pervious surfaces should be at least 30 cent
 - **Landscaping –**

Submitter 294 - Page 3 of 4

Previous: N/A

Proposed: An area with minimum dimensions of 5 metres by 5 metres should be provided in the front setback, and at least one canopy tree should be planted in this area.

• **Side and rear setbacks –**

Previous: A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Proposed: A new building not on or within 200 mm of a boundary should be set back at least: 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres.
5 metres from a rear boundary.

• **Front fence height –**

Previous: A front fence within 3 metres of a street should not exceed a height of:

2. metres, for a street in a Road Zone, Category 1.
1.2 metres, for all other streets

Proposed: A front fence within 3 metres of a street should not exceed a height of:

1.8 metres, for a street in a Road Zone, Category 1.
1.5 metres, for all other streets.

(I note that there is no proposed change to current building height control on my property being 8 metres / 2 storeys).

I object to Planning Scheme Amendment C219morn. My property is already subject to the following Zonings and Overlays; GRZ, ESO, DDO, HO, VPO & an 'Area of Cultural Heritage Sensitivity'.

A permit must be obtained for most uses and all applications which are assessed as per the applicable zoning before council decides to provide a permit.

Previous to making a submission in relation to Planning Scheme Amendment C219morn I objected to The Neighbourhood Character Study & Guidelines when it was put forward for community consultation in 2019. I objected to the Neighbourhood Character Study for the following reasons (and still stand by my position on this matter);

1. I do not believe that these guidelines will provide clarity but create ambiguity for residents wanting to rightfully design & construct new homes on their land without having to try and follow overlapping requirements, objectives & guidelines implemented through various planning policies.
2. I do not support the preferred Character Statement listed for 'Bush Coastal 1' as I believe my property and its location does not reflect the characteristics listed. "New development reflects the existing smaller scale dwellings of 1-2 storeys, using simple building forms. Dwellings do not penetrate the existing tree canopy and are not visually dominant from the street level. Generous front and side setbacks are provided to allow for the retention of remnant vegetation, as well as the continued planting of native, coastal vegetation and gardens. Low and permeable front fences allow for views through to dwellings and front garden areas". My property is located at the [REDACTED] within high density development adjacent to Commercial 1 zoning and located near the [REDACTED]. There is no dense, remnant vegetation, coastal scrub or woodland located within close proximity to our location. Dwellings surrounding us are not primarily single storey as listed in the Neighbourhood

Submitter 294 - Page 4 of 4

Character Study. This statement could not be further from the truth. Every house in the street is a double storey dwelling.

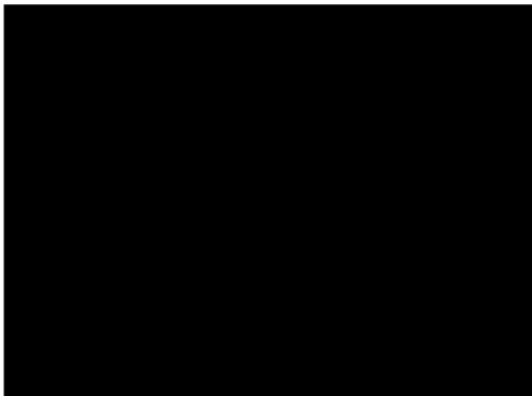
Furthermore, after close consideration in relation to Planning Scheme Amendment C219morn I object to the rezoning of the GRZ to NRZ & the proposed NRZ12 schedule on the following basis;

- I do not support the proposed NRZ schedule and the allocation of the Character Typology 'Bush Coastal 1' to my property as the schedule will have incorporating character controls which I believe do not accurately reflect the character of my area.
- I do not support the proposed NRZ schedule and the allocation of Bush Coastal 1 to my property as I have two current permits in place for both [REDACTED] to build dwellings. I am very concerned as to the implications the proposed amendment will have to my existing permits in the future (as I have only just had my final plans approved from Council as of September 2021).
- I think that transitional provisions should be provided by Council to the public prior to the amendment proceeding any further as to provide clarity to property owners who may have current planning permits approvals.

Please note; I do support the removal of permit triggers/requirements from DDO3 relating to buildings and works & fencing.

The Mornington Peninsular character is already existing and is visible through the array of different styled homes along the peninsular offering a variety of different living and lifestyle options. Character in planning is defined as what can be seen (built form and landscape). I do not believe that Council should be trying to control the neighbourhood's character through these extra guidelines yet address applications for new homes on a case by case basis as always. Every application will be individual in its appeal and what it offers the character of Mornington Peninsular.

Regards,



Submitter 295 - Page 1 of 4

[Redacted]

From: [Redacted]
Sent: Friday, 29 October 2021 4:54 PM
To: Strategic Admin
Subject: Amendment C219morn - submission

Dear Sir/Madam,

[Redacted] acts on behalf of [Redacted] the owner of [Redacted]

Please find attached our submission in response to Amendment C219morn.

Kind regards

[Large redacted area]

Submitter 295 - Page 2 of 4



29 October 2021

Our reference: 2021.0536

Team Leader, Strategic Planning
RE: Amendment C219morn – submission
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD 3939

Via Email: strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

Re: Submission to Amendment C219morn [redacted]

[redacted] acts on behalf of [redacted]. This submission has been prepared in response to the exhibition of Amendment C219 to the Mornington Peninsula Planning Scheme (the Planning Scheme).

[redacted] is located on the southern side of [redacted]. It is a residential property which has been owned and enjoyed by the [redacted] over several generations. The property comprises of a single dwelling setback from the street with a reasonable backyard but like its neighbours, little or modest vegetation cover.



Submitter 295 - Page 3 of 4

The high accessibility of the subject site to the town centre of the Rye township is clear from the aerial in Figure 1. [REDACTED] is located within the township grid of central Rye, with the street forming the southern boundary of the Rye Township (as defined in the Rye Township Plan).

The site is positioned at the interface of the area defined as the activity centre of Rye, with interfaces to the [REDACTED] (adjoining property to the east) and the bowling club and civic hall adjoining the site to the north, as well as residential properties to the south and west. Within 400 metres of the site are many services and facilities, including (but not limited to) the Rye Primary School, the town centre, the RSL club, the cemetery, multiple bus routes, the foreshore itself (with many recreational facilities including the Pier), churches, community centre, hotel, variety of retail and commercial offerings and a kindergarten. The site and adjoining properties on the southern side of the street are clearly within a transitional area between the core (or central) township area and the more established residential hinterland (characterised by curvilinear streets, undulating topography and greater vegetation cover).

Furthermore, given the site's central and accessible position, it is connected to reticulated sewerage and fully serviced. It is not subject to a heritage control or environmental controls.

According to Plan Melbourne (our metropolitan planning strategy), the subject site and adjoining properties in [REDACTED] must contribute to housing growth, aligned with providing for housing in areas that are accessible to a wide range of services and facilities (provided neighbourhood character is respected).

Amendment C219morn seeks to rezone the subject site and adjoining properties from General Residential Zone (GRZ) to the Neighbourhood Residential Zone (NRZ) to reflect its designation in the Council's housing strategy as a minimal change area. Further, Schedule 2 to the Design and Development Overlay (DDO2) will remain (with some changes), together with the subdivision controls that conserve the provisions in the existing DDO2.

This proposal is inherently in contradiction to planning policy at State and regional levels and in particular, to Ministerial Direction No. 9: Metropolitan Planning Strategy. It is our submission that this proposition, which has been applied to similar areas around other township and activity centres is fundamentally flawed for the following key reasons:

- The overwhelming reliance on minimal change areas and thus the NRZ does not reflect the purported sustainable approach to ensuring housing growth occurs in appropriate locations and is respectful to neighbourhood character, as provided for in the 20-minute neighbourhood and consolidation policies.
- In the case of the subject site, it makes no sense given the site's location within a block of the town centre of Rye and thus high accessibility to a very wide range of services and facilities within comfortable, safe and convenient walking and/or cycling distance.
- From a character perspective, the area of the subject site is not significantly different from the area designated for incremental growth to the east of Lyons Street to warrant the ad hoc application of incremental and minimal change areas around the Rye township.
- The siting, private open space and height controls in DDO2 place an appropriate level of 'control' to ensure neighbourhood character objectives are achievable, whilst facilitating some growth in housing aligned with consolidation principles and practices;
- The design objectives of DDO2 in specifically seeking to maintain and strengthen the predominant 'single dwelling per lot' character is an attempt to stymie discretion in the NRZ to consider medium density development.
- The design objective in DDO2 to encourage development densities that are compatible with the environmental, infrastructure and service capacities of the area are contradictory to the design objective to maintain a single dwelling per lot character.
- The specification of a minimum lot size of 650sqm for the subdivision of land in DDO2 is in effect a de facto housing density control that has its basis in the past when the southern end of the Peninsula was not serviced by reticulated sewerage. It does not reflect the locational attributes of the site in the context of 20-minute neighbourhood and urban consolidation policies.

[REDACTED]

Submitter 295 - Page 4 of 4

- More broadly, areas of incremental and substantial change are largely along the coastline (except Somerville) in and around activity centres, areas that are low lying which will be affected by sea-level rise, which contradicts the Council's objective of minimal change areas occurring in smaller townships or areas prone to environmental risks such as sea-level rise, bushfire etc.
- In the context of the townships on the Mornington Peninsula, Rye, whilst not a designated major town, is not a small or inconsequential township that is limited in its potential to contribute to housing growth – it is a medium sized town that is highly accessible and well serviced by a range of services and facilities and thus, ought to be making a meaningful contribution to housing growth in the municipality.
- The broad application of the NRZ in the urban areas of the municipality and thus, designation of much of the urban area of the municipality as minimal change areas will significantly exacerbate the rising issue of housing affordability on the Peninsula, by reducing the capacity and ability of low to middle income households to afford to live on the Mornington Peninsula.
- The issue of housing affordability on the Peninsula is already apparent without consideration to the mid to longer term effects of Covid on housing availability and the impact it is already having on housing choice and demand for housing on the Mornington Peninsula.

The issues of housing affordability and managing and planning for climate change in response to the Covid pandemic and the seaside location of the Shire's main activity centres are grossly undervalued in the preparation of the housing strategy and the proposed changes to the residential land use zones and associated built form controls. It is our submission that the housing strategy underpinning the proposed changes is fundamentally flawed and clearly already out of date.

The amendment should be abandoned, and Council recommended to go back to first principles in preparing a housing strategy that appropriately and reasonably balances the range of competing interests and policies to ensure a sustainable approach to housing growth for the future is achieved.

We welcome the opportunity for further discussion on the amendment in due course. If you have any questions, please contact the undersigned on [REDACTED]

Yours faithfully,


[REDACTED]

Submitter 296 - Page 1 of 3



From: [Redacted]
Sent: Friday, 29 October 2021 4:55 PM
To: Strategic Admin
Subject: Objection to C219 Planning Scheme Changes
Attachments: [Redacted]

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



MORNINGTON
PENINSULA
Shire

Submitter 296 - Page 2 of 3

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [Redacted]

Organisation *Resident*

Postal address [Redacted]

Email [Redacted]

Phone number/s [Redacted]

Do you represent other people? Yes / No

If yes, who? [Redacted]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)


In summary, my comments are

Amendment C219 transfers planning from the Planning Dept to Building.
Approvals ~~through~~ through Building ignore key residential issue such as

- Height Limits
- Excessive Density coverage
- Character + Form with surrounds
- V Green Wedge

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



MORNINGTON
PENINSULA
Shire

Submitter 296 - Page 3 of 3

Example of excessive development approved by
Building Permit is the building opposite
[REDACTED]

This change has been made by councils in
Melbourne and has been used by developers
to put massive developments on site especially
those with a large plot of land and
tennis court

I have provided detailed comments on attached sheets

Yes / No

Signature

Date

29/10/21

The closing date for submissions is: **5pm, Friday, 29 October 2021**

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received:

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submitter 297 - Page 1 of 3

From: [REDACTED]
Sent: Friday, 29 October 2021 4:55 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 297 - Page 2 of 3

Phone number

[REDACTED]

Do you represent other people?

No

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I act as a local town planning consultant.

In summary, my comments are:

Changes to the Mornington Peninsula Planning Scheme (the Scheme) that result in a more stream-lined outcomes for the construction industry is most welcomed.

We encourage changes to the Scheme that result in the removal of permit triggers for any 'single dwelling' where appropriate - contributing to reduced time and cost to the housing construction industry. However, we are unsure that C219morn as presented is the answer.

Broadly, our primary concerns include (not necessarily limited to):

1. The liberal application of the Neighbourhood Residential Zone (NRZ) and limited use of the General Residential Zone (GRZ), even to areas within close proximity to major and neighbourhood activity centres.
2. The prescriptive nature of the proposed modified res-code standards within the zones coupled with the flow of effects caused by the report and consent process.
3. The introduction of a new mandatory height to all land located north of [REDACTED]
[REDACTED]

Submitter 297 - Page 3 of 3

4. Lack of consideration of how the DDO's and VPO1 work together to protect township vegetation and landscape character.
5. Lack of consideration as to how critical design objectives within the DDO's will be achieved (i.e. shared view-lines) where there is no permit trigger for building height.
6. The introduction of NCO1 appears to depart from the recommendations made in the Conservation Management Plan (CMP), Context (2009); and, any reliance upon unique neighbourhood character is flawed.
7. The introduction of the NCO2 will limit infill opportunities in areas otherwise ripe for infill development.

C219morn as presented is an extensive Amendment that ultimately seeks to reshape how residential development is assessed across the Mornington Peninsula.

Due to the size of the Amendment, we encourage consideration be given to separating the Amendment into parts - providing an opportunity for more robust and meaningful engagement with key stakeholders.

Would you like to upload a document or image with further details?

No

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Submitter 298 - Page 1 of 4

From: [REDACTED]
Sent: Friday, 29 October 2021 4:56 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Submitter 298 - Page 2 of 4

Phone number

[REDACTED]

Do you represent other people?

No

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

Yes

Please upload written consent from the people you represent

[REDACTED]

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I object to the Planning Scheme Amendment C219 on the following basis:

- The proposed introduction of 37 schedules to the Neighbourhood Residential Zone (NRZ), 53 Design and Development Overlays (DDO), and, 3 Neighbourhood Character Overlays (NCO) is an overly complex change to the Planning Scheme and is contrary to the spirit of PSA C219.
- The increased SPOS, side and rear setback and changes to minimum lot sizes are density controls by stealth. In the absence of meaningful areas or a fair and balanced application of the General Residential Zone in place Amendment C219 is anti-development and does not adequately accommodate growth.
- I welcome and support a relaxing of the height controls that often drive the need

Submitter 298 - Page 3 of 4

for a planning permit unnecessarily. Although we note that abandoning height controls other than a mandatory control is too much of a relaxation and does not serve to protect shared views

- The 8m mandatory height requirement should not be applied in the area [REDACTED] because it is a historic height control and would unreasonably constrain design expression to suit character values present, particularly on land with steep slopes.
- There are no transitional requirements in the new controls proposed which is unfair and unreasonably prejudicial to applications submitted prior to the Planning Scheme Amendment being considered.
- The overuse of the Neighbourhood Residential Zones will effectively limit the ability for unit /medium density developments from being developed.

Whilst the intent to simplify the Planning Scheme and reduce redundant planning permit requirements is admirable and welcomed, PSA C219 is misguided and seems to stifle development in an overly complex manner. I therefore object to the Amendment in its current form.

Would you like to upload a document or image with further details?

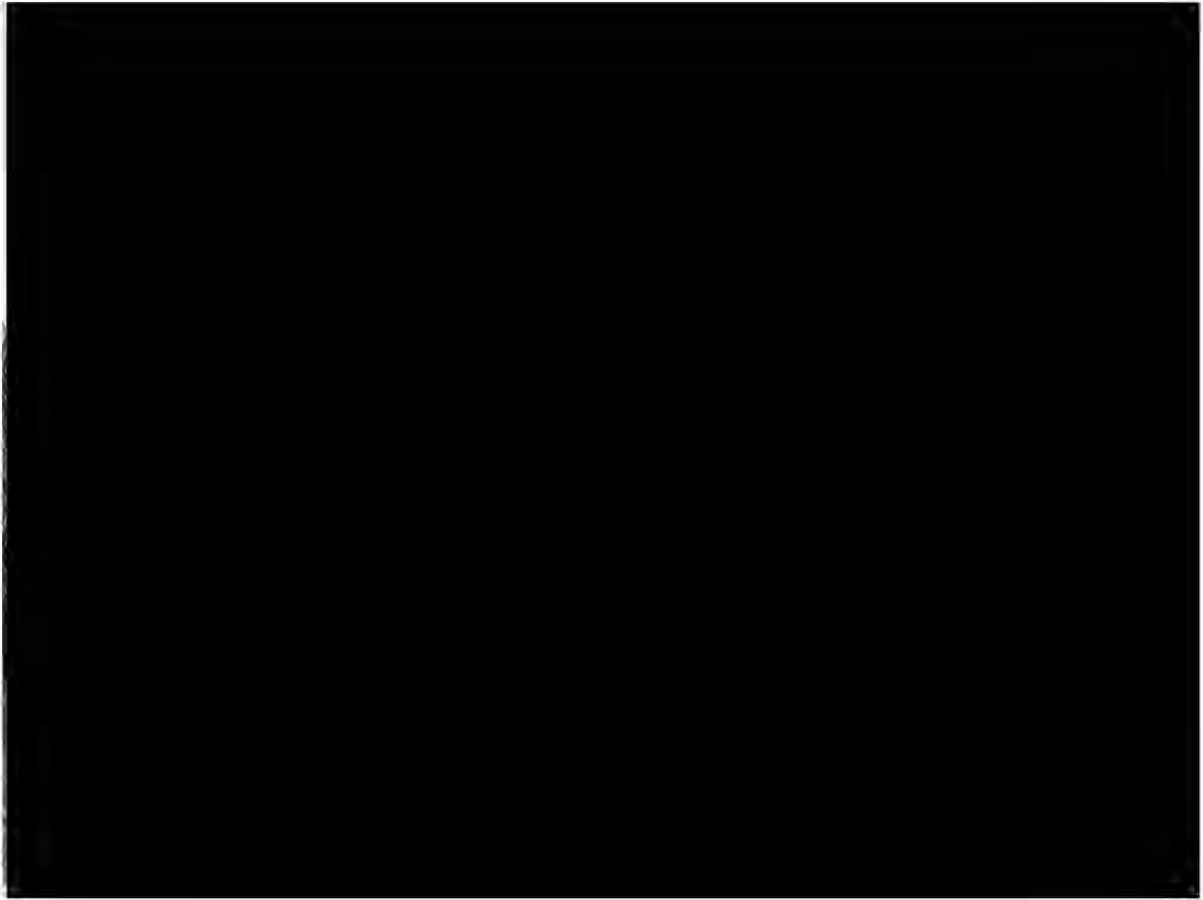
No

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Submitter 298 - Page 4 of 4



Submitter 299 - Page 1 of 2

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 October 2021 4:57 PM
To: Strategic Admin
Subject: submission on Amendment C219
Attachments: [REDACTED]

My submission on Amendment C219 is attached.

[REDACTED]

Submitter 299 - Page 2 of 2

SUBMISSION on C219 Amendment.

It is almost fifty years since we built our house in Sorrento. I have been a member of the [REDACTED] [REDACTED] for much of that time. During that time there have been many changes, as might be expected. I have several serious concerns about this current C219 Amendment.

I understand the Independent Panel Hearings have been rescheduled, and it would seem a good idea to give the Council and community further time to consider this complex proposal. The COVID19 lockdown restrictions have reduced our opportunities for communication and consideration of these issues, especially among those less computer literate. Many of us miss seeing Peninsula Wide and local newspapers where these issues would formerly have been aired, nor could we visit Shire Offices in person for information.

While understanding the need for clarity and certainty in Planning, I think this proposal tends to simplify and standardise Planning to the point where it ignores local differences, to the detriment of neighbourhood character. The Southern Peninsula with its beaches, sand dunes and special townships is not suburbia, and efforts should be made to retain existing height and site controls, and encourage better, adaptive architecture, siting and landscaping to preserve its special character, its views and vegetation. Otherwise it will become transplanted suburbia, one house at a time, with no sense of place whatsoever.

It concerns me greatly that there will be building permits issued as of right, with no local, visible advertising process maintained which would permit some community consultation and negotiation.

Apparently there would be no right to appeal to VCAT. That is wrong. Decisions could be imposed upon existing communities without the involvement of our local councillors or Council Planners, with no local input whatsoever if private planners are engaged.

Streamlined it may be, but without necessarily observing other Mornington Peninsula Shire policies which protect vegetation, biodiversity and provide for climate change.

Yours Sincerely,

[REDACTED]

Submitter 300 - Page 1 of 2

From: [REDACTED]
Sent: Friday, 29 October 2021 4:59 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Do you represent other people?

Yes

Submitter 300 - Page 2 of 2

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I own the land affected by the amendment

In summary, my comments are:

The council decision on C219 amendment is being rushed. I do not support private building contractors issuing permits. The process removes advertising of intent, objection process, community engagement, vegetation protection. Controls are removed on building heights, set backs, fence heights and finishes. Landscape plans not advised and vegetation removal not supervised. The C219 amendment will lead to a change in neighbourhood character. Stated aim of Mornington Shire Council will not be prioritised. Process should be slowed down and reviewed.

Would you like to upload a document or image with further details?

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[REDACTED]

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Submitter 301 - Page 1 of 3

From: [REDACTED]
Sent: Friday, 29 October 2021 5:01 PM
To: Strategic Admin
Subject: Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission



MORNINGTON
PENINSULA
Shire

Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal address

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

Submitter 301 - Page 2 of 3

Do you represent other people?

No

Who do you represent?

[REDACTED]

Do you have written consent from the people you represent?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

1. I am concerned about the removal of the key planning triggers as the applications are moved from the planning to the building department. This means there is no objection process as there is no advertising at the building permit stage. There is no community consultation. There is no appeal to VCAT. No protection for vegetation as the only trigger is the BMO. No transparency in the design process. No consideration of key MPS policies eg Biodiversity and climate change. No required landscape plan required.

2. There is a removal of controls. This includes extending the mandatory height from 6.5m to 8m!!! Decreasing the building setbacks. No guidance on wall finishes or exterior colours. No control of fence heights or control over side fences. No vegetation protection. Removal of excavation controls which have an impact on the dune system and the ground water aquifers. No landscape plans.

C219 represents a huge loss to the Mornington Pen it is not transparent and removes important DDO controls which has a negative impact on neighbourhood character across the peninsular. It does not improve the operational efficiency of the planning scheme which is one of its aims. I don't believe it protects my asset on the Peninsular and the community needs to be given more time for consultation.

Submitter 301 - Page 3 of 3

Would you like to upload a document or image with further details?

No

To view all of this form's submissions, visit



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Submitter 302 - Page 1 of 2

[REDACTED]

From: [REDACTED]
Sent: Saturday, 30 October 2021 7:09 PM
To: Strategic Admin
Subject: Mornington Peninsula Planning Scheme Amendment
Attachments: [REDACTED]

Dear Sir/Madam,
Please accept this submission which was due yesterday however due to the extreme storm conditions we did not have power or internet for most of the day and our land was decimated. It is one day late. Apologies.

Regards

[REDACTED]

Submitter 302 - Page 2 of 2

Submission for changes to Mornington Peninsula Shire Planning Scheme Amendment C219

Dear Panel,

Please excuse this submission being submitted a day late. Our property was severely affected by the storm on Friday 29th and we had no power or internet and could not submit our letter. Hoping you will accept this.

Name: [REDACTED]

Address: [REDACTED]

Organisation: Private family

Postal Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

SUBMISSION

29th October 2021

[REDACTED]

Dear Sir/Madam,

We reside at [REDACTED] with a land size of 7975 square metres. Our land is covered by a low density residential overlay and we are currently unable to subdivide our land.

The houses along the west side of [REDACTED] have a general residential overlay and the housing is denser.

We understand the need to keep green tracts of land along the Mornington Peninsula and would be happy to subdivide into much larger blocks than house blocks on the west side to save the amenity of a rural landscape.

We would like to change the current overlay to a form of larger general residential. We understand that the shire is hoping to cater for many more residents along the Mornington Peninsula with the increase in population. This proposal would help preserve the local amenity of the [REDACTED] whilst also catering for the much needed new residential land. Mt Martha is well placed to accommodate more residents.

We understand that in the amendment scheme [REDACTED] is listed as a "minimal Change Area" but would urge you to consider further investigation into this proposal.

Sincerely

[REDACTED]

Submitter 303 - Page 1 of 4

[REDACTED]

From: [REDACTED]
Sent: Saturday, 30 October 2021 6:48 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]

Hi Strategic Admin,
Please find attached the comments on the C219 amendment from the [REDACTED]
My apologies for its slight lateness but storms and power outages created sending problems.
If there are any questions please don't hesitate to contact me.
Regards

[REDACTED]

Submitter 303 - Page 2 of 4



C219morn – Housing Strategy: comments

The [REDACTED] acknowledges the complexity of the C219 amendment and agrees in principle with the bulk of the detailed work carried out in developing the housing strategy. [REDACTED] particularly applauds the insertion of neighbourhood character overlays into the design and development overlays.

While understanding the need for any amendments to support the Municipal Planning Strategy and recognise there will be minimal changes to the residential building requirements within the Nepean Ward. However, [REDACTED] is concerned about the proposed removal of permit triggers and controls. Feral developers already push the building envelope greatly aided by the bush fire management overlay and lack of Shire hard measures for non-compliance. We would not want to see developers given more power to do as they please!

[REDACTED] believes Council needs to quantitatively identify and evaluate the gains and losses of removing application permit triggers and key planning controls. Once removed and approved by the State Government it will be almost impossible to reinstate the permit and control triggers should problems arise due to their removal.

Specific comments on the C219 amendment are below

1. **Independent panel.** [REDACTED] requests that this process not be rushed and the timing for the independent panel is delayed so that Councillors have time to fully understand and evaluate what is being proposed. Further community consultation may be required.
2. **Removal of planning application triggers:** the multiple C219 documents are technically complex so key points related to the rationale for removing the triggers and accompanying controls may have been missed. The concerns are:
 - **Lack of rationale:** It appears the main argument for the removal of triggers is the tenuous premise that it is 'likely' to decrease staff resources and increase the efficiency of considering new applications. However, here is no quantitative data or an accompanying analysis of current workplace practices to add weight to the lessening of the workload argument. *We believe a stronger argument needs to be made for why these permit triggers are to be removed. We also believe they should be negotiated with the community and Ward Councillors.*
 - **Loss of Right to Object:** We assume the removal of designated planning permit triggers also means the following:
 - planning applications will not be advertised, including no yellow sign, or notice to nearby neighbours that a building is to be constructed
 - Councillors will not be able to "call in" applications to Council on behalf of their constituents
 - There will be no objection process including the right to go to VCAT

Submitter 303 - Page 3 of 4

- 3. Transfer of responsibility and workload to the Building and Compliance:** changing the process so developers can automatically apply for a building permit with no checks and balances is not supported. Triggers such as excavation depth, height, design elements and vegetation removal etc. would not be part of the process.
- [REDACTED] understands the building permit process comes under a separate legislation and operates on a generic Australian minimum standards framework. It has no responsibility for maintaining or enhancing neighbourhood character.
 - As for the above, the compliance department is not charged with maintaining neighbourhood character. It's track record is one of compromise with private builders and developers rather than the hard line of issuing heavy fines for illegal acts such as cutting down protected 400-year-old moonahs. Similarly with fences, the most recent example is a fence on the historic Tuckey Track erected without a permit – it is still standing waiting for the owner to apply to the Shire for a permit in retrospect!
 - We ask the question does the downsizing of the statutory planning department mean an increase in staff and resources to the building department?
- 4. Removal of Planning Controls:** removal of any planning control requires careful consideration and evidence that it will not be detrimental to the character of the built and natural environment. This should not be about *administrative ease!* [REDACTED] is particularly concerned about the removal of controls related to increasing building height (from 6m to 8m), decreasing building setbacks, excavation depths, design elements (eg colour), and vegetation protection without the need for a permit.

[REDACTED] does not support the removal of the above controls unless it can be demonstrated that neighbourhood character will be protected and/or it can be demonstrated the removal of the controls are related to legacy/outdated issues.

The changing of maximum building height from 6m to 8m without a sound rationale is of particular concern. As history has shown in the Nepean Ward any increase in height will mean developers will seek additional amendments (that are not advertised) to increase height. Will this mean that say 10.5metres becomes the 'new norm'? *The building height should remain at 6m.*

The general principle *that should be incorporated into the C219 amendment for the Nepean Ward is that houses should not be built above the tree line.* Buildings need to suit the topography not the topography destroyed to suit an individual.

Removal of excavation controls is of concern too as this may lead to a negative impact on the primary dune system and ground water aquifers.

The introduction of the Vic Smart process has already seen a proliferation of high and impenetrable (to wildlife) fences being built. Controls are certainly needed on properties near national parks, bush/coastal reserves or similar. See also comment above re the historic Tuckey Track. Eliminating controls on fence heights and finishes will result in significant changes to the street scape.

Submitter 303 - Page 4 of 4

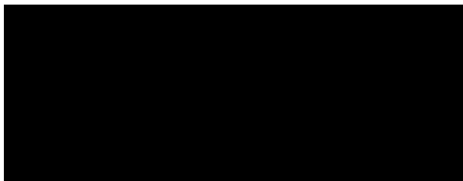
Massive vegetation removal under the umbrella of the Bush Fire Management Overlay (BMO) is having an adverse effect on the neighbourhood character. Left unchecked without any requirement for vegetation assessment or controls will result in a very suburban streetscape. *There is need to increase controls for vegetation (and habitat) protection starting with the BMO as it applies to residential areas.*

5. Design and Development Overlays (DDO) – General Comments

- It is not clear why the proposed DDOs has changed from the use of the word 'ensure...' to the benign word 'encourage...' The difference in meaning makes the DDOs sounds as though developers can basically please themselves. [REDACTED] *requests reinstatement of the word – ensure*
- There is disappointment that the DDOs were not made stricter which is what the Planning Scheme has needed for quite some time. Developers and private builders no longer need to be encouraged to build here as they did 20 + years ago. They are certainly flocking to the Nepean Ward towns and in particular postcode 3941.

If the neighbourhood character overlays are designed to protect and conserve then there is an urgent need to have stronger controls/policy on what can and can't be done. That is, rules that are very clear to those people who on the whole are looking to financially profit out of exploiting this beautiful and environmentally sensitive part of the Peninsula. [REDACTED] *requests Council re-examine the DDOs for the Nepean Ward with a view to strengthening the authority of the overlays.*

Finally, [REDACTED] thanks Council for providing the opportunity to make comment. We believe that the changes suggested above will maximise the protection of the built and environment under the C219 amendment. We are all agreed about the need to protect the southern part of the Peninsula from inappropriate and over development and the subsequent loss of flora and fauna biodiversity.



Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 304 - Page 1 of 2

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [Redacted]

Organisation [Redacted]

Postal address [Redacted]

Email [Redacted]

Phone number/s [Redacted]

Do you represent other people? Yes / No

If yes, who? [Redacted]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

Land opposite my property at [Redacted] is zoned 0.4 hectare. On my side of the road (South) there is a 2 hectare overlay which should be lifted to enable the same subdivision opportunities if required as the north side of [Redacted]

This land was previously zoned 0.4 hectare before the 2 hectare overlay was applied.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 305 - Page 1 of 2

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C219morn

Full Name [REDACTED]

Organisation [REDACTED]

Postal address [REDACTED]

Email [REDACTED]

Phone number/s [REDACTED]

Do you represent other people? Yes / No

If yes, who? [REDACTED]

Have you attached written consent from these people for you to represent them? Yes / No

How would the proposal affect you?

I am a neighbour I visit the area

I own land affected by the amendment Other (please detail below)

In summary, my comments are

I AM THE OWNER OF 10 ACRES (2 TITLES) IN [REDACTED] AND HAVE LIVED IN SOMERVILLE FOR 98 YEARS. MY LAND AND OTHER PROPERTIES ON THE SOUTH SIDE OF [REDACTED] SHOULD BE SUBDIVIDED INTO 1 ACRE ALLOTMENTS. THIS WOULD ALLOW MORE HOUSES TO BE BUILT AND CONTRIBUTE TOWARDS MEETING THE PROJECTED POPULATION TARGET OVER THE NEXT 15 YEARS.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C219morn



Submitter 305 - Page 2 of 2

THE LAND OPPOSITE ME IS ALREADY 1 ACRE
AND FOR THE SAME TO OCCUR ON THE OTHER SIDE
OF THE ROAD SEEMS VERY LOGICAL.
ALL UTILITIES ARE AVAILABLE INCLUDING POWER,
WATER AND GAS. THE LAND IS HIGH, WELL DRAINED
AND MOST SUITABLE FOR REZONING INTO 1 ACRE LOTS.
THE AREA HAS EXCELLENT ROAD ACCESS AND VERY
CLOSE CONNECTION TO PENINSULA LINK.

I have provided detailed comments on attached sheets

Yes / No

Signature

Date

28-10-21

The closing date for submissions is: 5pm, Friday, 29 October 2021

Please send the completed submission to Team Leader, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic_admin@mornpen.vic.gov.au. Please use *Amendment C219morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received:

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1010
Email strategic_admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Page 2 of 2

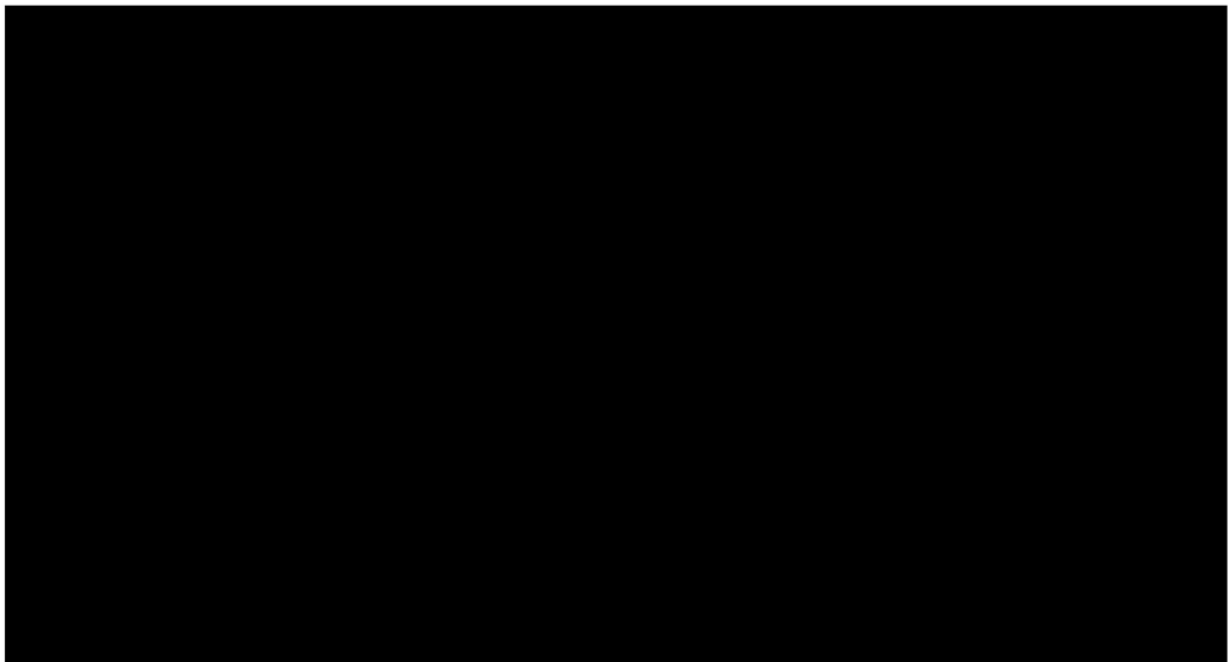
Submitter 306 - Page 1 of 2



From: [Redacted]
Sent: Monday, 1 November 2021 1:43 PM
To: Strategic Admin
Subject: Amendment C219morn Submission
Attachments: [Redacted]

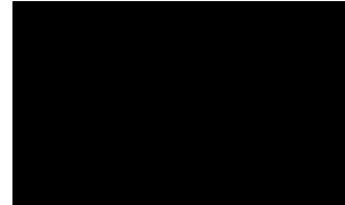
Good afternoon

Apology that the submission could not be lodged on Friday. We have been without power after the storms on Friday and it has only resumed this morning.



Submitter 306 - Page 2 of 2

Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD 3939



Dear Sir/Madam

We write about the changes proposed by Amendment C219 as it relates to our properties at



The stated preferred neighbourhood character for modest, low-scale dwellings is unrealistic and does not reflect the contemporary character of the



The reinforced the significance of the as the public realm, not the private realm. The basis for the recommended use of the Neighbourhood Character Overlay within the study is unclear and not expressly justified. Further it is noted that the Conservation Study is now considerably outdated and is not reflective of the contemporary character of The reliance on the use of standard typologies as used in the character study, whilst convenient, does not capture the contemporary character of the Estate.

The introduction of planning permit triggers for all single houses, demolition, and out-buildings within the Estate is unreasonable, not justified and is certainly not a system able to be effectively managed by the Shire. We would encourage the Shire to revisit the opportunity to introduce reasonable thresholds for permit trigger points.

We do not support the introduction of prescriptive design standards as they do not result in better design outcomes. More specifically the introduction of prescribed side and rear setback requirements will result in the proliferation of double story dwellings throughout the Estate and prevent designers from responding to site constraints & opportunities (i.e., orientation, significant trees, or views). The prescription will stifle site responsiveness and innovation in design.

We support the preservation of public realm that has been identified as having significant value. However further complicating controls within the private realm are not justified by the studies done to date and are unnecessary. As drafted the controls will lead to unnecessary disputes in future planning decisions and stifle reasonable outcomes that do not offend the conservation/character objectives.



Submitter 307 - Page 1 of 2



From: [Redacted]
Sent: Friday, 5 November 2021 5:46 AM
To: Strategic Admin
Subject: [Redacted]

To who it may concern,

As we had no power or internet all day last Friday I couldn't this done by the 5 pm cut off..

I object to the Planning Scheme Amendment C219 on the following basis:

- The proposed introduction of 37 schedules to the Neighbourhood Residential Zone (NRZ), 53 Design and Development Overlays (DDO), and, 3 Neighbourhood Character Overlays (NCO) is an overly complex change to the Planning Scheme and is contrary to the spirit of PSA C219.
- The increased SPOS, side and rear setback and changes to minimum lot sizes are density controls by stealth. In the absence of meaningful areas or a fair and balanced application of the General Residential Zone in place Amendment C219 is anti-development and does not adequately accommodate growth.
- I welcome and support a relaxing of the height controls that often drive the need for a planning permit unnecessarily. Although we note that abandoning height controls other than a mandatory control is too much of a relaxation and does not serve to protect shared views
- The 8m mandatory height requirement should not be applied in the area [Redacted] because it is a historic height control and would unreasonably constrain design expression to suit character values present, particularly on land with steep slopes.
- There are no transitional requirements in the new controls proposed which is unfair and unreasonably prejudicial to applications submitted prior to the Planning Scheme Amendment being considered.
- The overuse of the Neighbourhood Residential Zones will effectively limit the ability for unit /medium density developments from being developed.

Whilst the intent to simplify the Planning Scheme and reduce redundant planning permit requirements is admirable and welcomed, PSA C219 is misguided and seems to stifle development in an overly complex manner. I therefore object to the Amendment in its current form



Submitter 307 - Page 2 of 2



Submitter 308 - Page 1 of 1

[REDACTED]

From: [REDACTED]
Sent: Friday, 5 November 2021 2:25 PM
To: Strategic Admin
Subject: [REDACTED]

Dear Council,

Following my delayed conversation with [REDACTED] on late pm 3rd Nov I have the following objections to the proposed changes and the specifics as they apply to my property [REDACTED] and backing on to [REDACTED]

- 1) The limit of 80m² for an outbuilding. As a proportion of the land size on my back block this is only 2.8% of the space
- 2) Potential loss of coastal views as a result of double storey buildings of up to 8 metres high being able to be erected without a permit

[REDACTED]

Submitter 309 - Page 1 of 8

[REDACTED]

From: [REDACTED]
Sent: Sunday, 7 November 2021 6:05 PM
To: Strategic Admin
Subject: [REDACTED]
Attachments: [REDACTED]
Importance: High

Dear Strategic Planners

This submission was due to be lodged by 5:00pm on 29 October.
However as you will realise the Mornington Peninsula was struck by a very large & damaging storm on the night of 28 October resulting in many trees being blown over, roads being closed, & power-lines being cut.
Large areas were without mains electricity. In our case mains electricity was reconnected late on 4th November. Hence the lateness of this Submission.
In the circumstances it would be appreciated if it receives full normal consideration.

The attached Submission is lodged on behalf of [REDACTED]
[REDACTED]

Regards

[REDACTED]

Submitter 309 - Page 2 of 8



6 November 2011

Dear Planners

Submission & Objections to C219.

[Redacted]

[Redacted] owns 2.2 hectares of LDRZ land in [Redacted]. [Redacted] is an unsealed residential road running south from [Redacted]. There is a dwelling & several sheds & garages. [Redacted] would like the opportunity to subdivide off one or more one acre (or about 0.4 ha) lots from the existing title. The frontage to [Redacted] metres.

Road access to the large modernised dwelling is along an attractive tree lined & landscaped driveway in the centre of the frontage. While the site contains some interesting clusters of exotic trees, tea tree, orchard trees, shrubs & the like there are suitable open areas which are suitable for an additional dwelling or two. Potential new lots could easily be rather larger than 0.4 ha.

Submitter 309 - Page 3 of 8



Submitter 309 - Page 4 of 8

Property Report from www.land.vic.gov.au on 27 October 2021 03:51 PM
Address: [REDACTED]
Lot and Plan Number: [REDACTED]
Standard Parcel Identifier (SPI): [REDACTED]
Local Government (Council): [REDACTED] Council Property Number: [REDACTED]
Directory Reference: Melway [REDACTED]

This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.
Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au

Site Dimensions

All dimensions and areas are approximate. They may not agree with the values shown on a title or plan.



Area: 22150 sq. m
(2.2 ha)

Perimeter: 597 m

For this property:

- Site boundaries
- Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

2 dimensions shorter than 1m not displayed

Calculating the area from the dimensions shown may give a different value to the area shown above - which has been calculated using all the dimensions.

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

State Frontages

Schneider [REDACTED]

So why cannot the land be subdivided as proposed?

The existing zone is **LDRZ**. Minimum subdivision is 0.4 hectares. Seems acceptable. As far as the Zone provisions are concerned it looks possible.

Then we bump into **existing DDO7**. This is said to be The Design and Development Overlay for **Low Density – Environmental** land – in this area.

Design objectives address a need to ‘ensure the design of low density subdivision and housing is responsive to etc ‘

Clause 2.0 has some restrictive requirements. Building colours are specified. Minimum setbacks are required – without reasonable justification.

BUT clause 3.0 **Subdivision** is blunt, direct & again restrictive.

“The average area of lots within a subdivision must be at least 2 hectares except ... (some locations where even larger average areas hectares apply)!”

Submitter 309 - Page 5 of 8

The existing LDRZ at 32.03-3 says **Each lot must be at least 0.4 ha**. BUT DDO7 jumps this minimum or average area up to two hectares. We have gone from 4000m² to 20,000m². That is **five times** the minimum area under the State Government approved Zone provisions. Apparently to satisfy some Design Objective for 'subdivision & housing'!

So what is going on here? And why?

The Purpose of LDRZ is to implement State Planning Policy Framework and the Local Planning Policy Framework etc. And to provide for low-density residential development of lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Clearly it is State Planning Policy to provide for low-density residential development on lots which can treat and retain all wastewater on lots of a minimum of 4000m²! So how & why can DDO7 jump this area up five-fold? To 20,000m²! Does DDO7 give a clue? It is headed Low Density – Environmental. When the [REDACTED] property is inspected there is moderate vegetation spread throughout quite a bit of the land. All vegetation is reasonably maintained & attractive. But some open cleared areas are obvious in the aerial photo. No 'environmental' reason is apparent on the land to prevent subdivision to 0.4 ha.

The 'design' of 'housing' is exceptionally unlikely to be dependent in any way upon whether the 'housing' is placed on 4000m² or on 20,000m²! I cannot see that many dwellings as large as say 1000m² would be applied for. Or ever be approved. It would be quite possible to maintain a maximum percentage site coverage for 'housing' in LDRZ with an additional dot point in Clause 32.03-2. There is no obvious basis for this land to be subject to a 20,000m² subdivision minimum for housing 'design' control purposes. It seems obvious to me that there is no proper planning basis for the existing, and proposed (via DDO53), restriction on subdivision size for housing design matters.

Where an "Environmental" overlay is to be considered it must provide for discretion. And such discretion must be based on the actual characteristics of the site. Not some 'blanket overview' which might be relevant elsewhere. Additionally, in the [REDACTED] situation, she would most likely apply for only one additional 0.4 ha lot. But the DDO must not restrict current or future owners to anything but a 4000m² minimum.

The existing Design Objectives focus, amongst other things, on 'streamlines, wetlands, and bushland habitat'. And 'substantial vegetation cover being dominant'. Giving 'regard to the established streetscape'. The [REDACTED] land does not contain any streamline or wetland. The tea tree might be considered bushland habitat. Very few, if any, of the Design Objectives in existing DDO7 are directly relevant to the [REDACTED] property. Accordingly it should not be burdened with DDO7 – or any replacement DDO under C219. The DDO should be removed from this land.

Some general observations about Planning Scheme are warranted. The Schemes are intended to be permissive. The Schemes are NOT intended to be restrictive or prohibitive. The MornPen Scheme is significantly a restrictive & prohibitive Scheme. It has a well-earned reputation for having a great many – too many – Overlays. Multiple Design Overlays. Multiple Vegetation Protection Overlays. Extensive use of Heritage Overlays. Significant Landscape Overlays. The list goes on & on.

Submitter 309 - Page 6 of 8

The MornPen Scheme is long overdue for significant careful review & improvement. A good 'culling' or pruning of outdated provisions is called for. Not with secateurs either. A chainsaw would be more useful! Regrettably C219 is another retrograde step – towards more restrictions.

C219 is said to address or take forward a **Housing & Settlement Strategy**. But does it actually do this? Or does it make it even more difficult to house more people on the Peninsula – within the Urban Growth Boundary and in the Residential Zones – existing or proposed?

The Shire outline mentions a projected population increase from 161,530 in 2016 to 200,360 in 2036. The projected increase of 38,830 people suggests an additional 24,010 dwellings may be needed, Or around 1200 net new dwellings per year.

So why make it so difficult, nigh on impossible, to house those wanting a genuine Low Density lot of say 4000m² – in line with State Government Planning Policy? Why indeed! But that is the impact of existing DDO7 and its proposed replacements. A quick look at the exhibited Maps for this [REDACTED] [REDACTED], show retention of LDRZ as a Zone – as a Minimal Change area. Minimal Change! The proposal is for a NO CHANGE area.

Yet all the LDRZ land in this Shire is crying out for a sensible, practical Review – to make MORE lots available. Not to maintain the 'status quo! This is 2021 – not 1991. The 20,000m² minimum lot size via DDO7 belongs to last century! (And as is noted further on, the same 2.0 ha minimum is proposed to be backed up or duplicated via LDRZ8)!

The pressure for additional housing lots is easy to see on the Peninsula. The growth of housing in the last twenty years around all of our towns is significant and obvious! But the Shire has – again – adopted a 'go slow', **Minimal Change**, forcing new housing onto tiny 300m² to 500m² lots! Then the Shire complains about two & three storey housing!!

However removal of the minimum 20,000m² average or minimum lot size in LDRZ would potentially provide **up to four times more lots on the same LDRZ land** – all still within the UGB. This would reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land. That would be a double benefit. Of course not everyone would want to immediately subdivide their 20,000m² blocks into say five lots. But some would & could. And some would not bother. But they would have the opportunity. And many more people could be & would be housed, inside the UGB, on land zoned LDRZ.

In [REDACTED] situation she could apply to subdivide off one 4000m² lot – clear of the house and sheds – in an already clear area. Retaining the house & shed on the residual 18,000m². I am confident a 4000m² lot in LDRZ would sell well. Be quickly developed with an appropriate dwelling. Surely a desirable result. More housing. Excellent use of LDRZ land. No loss of vegetation, no damage to a streamline or watercourse or bushland. Increased Rates Income for the Shire. Happier existing & new residents. A Win, Win, Win.

Submitter 309 - Page 7 of 8

A few comments on & **objections** to the proposed C219 for the [REDACTED]

LDRZ8.

There are now proposed to be multiple LDRZ 'zones'. Each with its own restrictive intent & requirements. Why? Why? Why?

There are far too many LDRZ's proposed. We have managed perfectly well to date with just one! Now there are at least eight! Eight!! Simplify the Planning Scheme! What is this Shire thinking!

LDRZ8 proposes to impose a two hectare minimum subdivision. The State Government has already determined that 0.4 hectares is a reasonable minimum subdivision (unsewered). Or even down to 0.2 ha if the lots can be sewerred! Yet this Shire seeks an entirely retrograde leap BACKWARDS to require a minimum two hectares, by a massive change to the LDRZ Schedule. This is not 'minimal change'. This is not even 'no change'. This is 'go away, don't even try to live here'.

There does not appear to be any proper or orderly planning reason to impose a two hectare minimum subdivision size in LDRZ via C219. It is notable that DDO7 (existing) sought the same outcome. As does the proposed DDO53! Just how many unreasonable restrictions does this Shire seek to impose? Or does it realise it may need to come into the twenty-first century at some stage – and have the DDO7/DDO53 two hectare subdivision minimum abolished – so seeks to maintain the status quo of two hectares via a different Scheme clause provision (LDRZ8)? I doubt that that constitutes proper & orderly planning.

On what basis does the Shire believe that it knows better than the State Planning Department?

DDO 53

There are far too many proposed DDO's. There were far too many previously. And it seems the Shire wants to retain or expand the number of DDO's. All are significantly restrictive rather than permissive.

DDO53 typifies the micro-management apparently sought by this Shire. It has no proper place in any planning scheme. Schemes are intended to be permissive – not restrictive. And in particular, not restrictive in the excessively detailed requirements for a Landscape Plan.

Submitter 309 - Page 8 of 8

Panel Hearing.

When C219 goes to a Panel Hearing it is intended that further submissions would be made on behalf of [REDACTED] about the above specific issues. And about C219 in general.

Yours faithfully



Consultant.

Submitter 310 - Page 1 of 3

[REDACTED]

From: [REDACTED]
Sent: Monday, 8 November 2021 9:45 AM
To: Strategic Admin
Subject: [REDACTED]

Attachments: [REDACTED]

To whom it concerns,

I refer to the above land in attaching a landowner submission to Planning Scheme Amendment C219.
Please contact the below for further discussion.

Regards

[REDACTED]

Submitter 310 - Page 2 of 3

[REDACTED]
8th Nov 2021

Team Leader – Strategic Planning
Re: Amendment C219morn - submission
Mornington Peninsula Shire Council
Private Bag 1000
Rosebud Vic 3939
Email - strategic.admin@mornpen.vic.gov.au

Dear Sir / Madam,

**RE: Planning Scheme Amendment C219
Landowner submission**
[REDACTED]

We act on behalf the owner of the above land, [REDACTED] in preparing a submission in response to Mornington Peninsula Shire Council's planning scheme amendment C219 which has undergone public exhibition. For the purpose of this submission 'subject land' concerns the above listed parcels. The subject land is positioned at the intersection of [REDACTED] and [REDACTED] and at the eastern interface of the [REDACTED] township positioned within the Urban Grown Boundary. The land is shown below.



The land is currently zoned Low Density Residential Zone which sets out a minimum lot size being 0.2ha where connection to a reticulated sewer network is provided and 0.4ha where not connected. The minimum lot size under the zone is 0.2ha in this case.

The Design & Development Overlay Schedule 6 titled *Low Density – Landscape* applies to the land. Concerning subdivision and minimum lot size requirements, the DDO6 requires the average area of new lots within a subdivision must be no less than 1 hectare and each lot must be able to contain a rectangle

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with a minimum dimension of 50 metres. Each lot must have an area of at least 4000 square metres.

Amendment C219 proposes to rezone the land to a new Low Density Residential Zone Schedule 7 (LDRZ7) and apply a new DDO53. C219 through the proposed Schedule 7 of the LDRZ proposes to amend the minimum subdivision lot size of the land to a minimum of 1 hectare. Whilst the application of the proposed minimum lot size of C219 would retain subdivision lot yield consistent with the current requirements under the DDO6 it would remove lot size and subdivision design flexibility. The site supports areas of varying environmental quality and native vegetation. We consider the conditions of the site require retention of minimum lot size flexibility under any planning scheme amendment to better respond to the site's context, characteristics and areas of the land better able to support future development and those which are not as suited.

The owner requests that the any rezoning of the land to an alternative Low Density Residential Zone retains subdivision requirements consistent with the current DDO6 being that the average area of new lots within a subdivision must be no less than 1 hectare and each lot must have an area of at least 4000 square metres.

As Council are aware, this site is subject to planning works advancing planning scheme amendment C249. C249 supports rezoning of the land to the General Residential Zone and application of a new DDO. Application for planning permit [REDACTED] is currently being considered by Council as part of C249 supporting residential subdivision. Amendment C249 is currently progressing behind C219 and is yet to receive Authorisation from the Minister. We draw Council's attention to a potential future scenario where should C249 receive support and gazettal prior to C219, rezoning the land to the GRZ, any planning control changes to the site under C219 will need to be abandoned.

It is acknowledged this submission follows the closing exhibition date of 29th October although we rely on the provisions of section 22(2) of the Act allowing a planning authority to consider this submission. On this basis, we request that the Council consider this submission.

Please contact the undersigned on either [REDACTED] to discuss further.

Yours faithfully

[REDACTED]

11

[REDACTED]

[REDACTED]

(0142251077)

Page 1 of 1

8 October 2021

[REDACTED]
[REDACTED]
[REDACTED]
Team Leader
Strategic Planning
Mornington Peninsula Shire
Private Bag 1000,
Rosebud VIC 3939.
(03) 5950-1010

Re: Amendment C219morn.

I am the owner of the land affected by the amendment and reside at the property located at [REDACTED]

The proposed Planning Scheme Amendment C219morn designates that the above property lies within the **Incremental change area** for capacity of housing growth.

I am seeking the proposed "**Planning Scheme Amendment C219morn**" to:

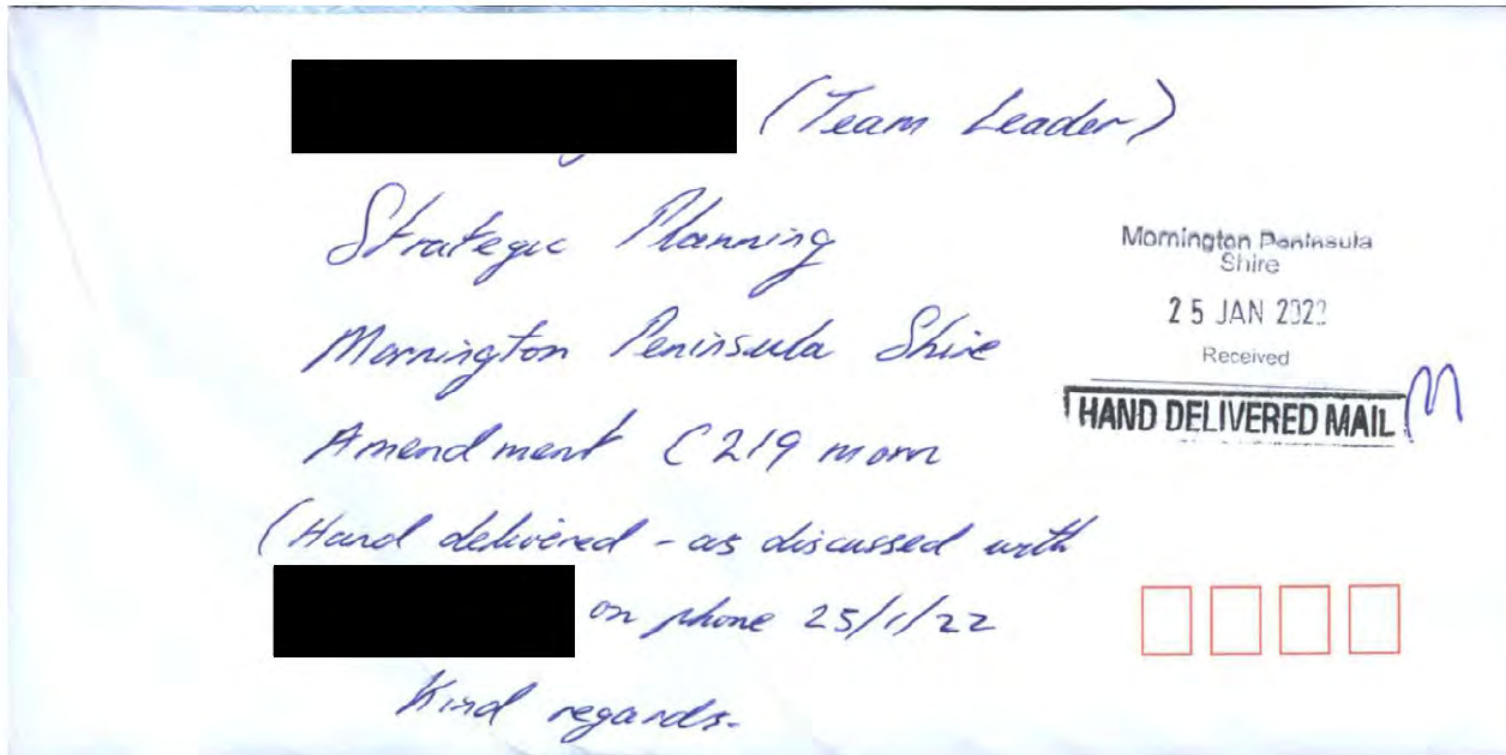
- Amend the existing covenant to limit no more than two detached dwellings to be erected on the land, in lieu of one detached dwelling; and
- Remove existing covenant with implied restrictions for subdivision.

Mornington Peninsula Council Planning records outline:

- The history of the covenant.
- Property developments within the immediate and adjacent areas, including but not limited to:
 - (i) Developments immediately across the street of the said property.
 - (ii) Developments throughout the same street of the said property.
 - (iii) Developments throughout the suburb and surrounding suburbs, majority of which demonstrate a land-to-building ratio significantly lower than the said property.

Yours sincerely,

[REDACTED]







Your Ref:
Our Ref: PLE:211446
Direct Email: [REDACTED]@dsalaw.com.au

11 March 2022

[REDACTED]
Manager Strategic & Infrastructure Planning
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD VIC 3939

BY EMAIL: strategic.admin@mornpen.vic.gov.au
COPY TO: [REDACTED]@mornpen.vic.gov.au

Dear [REDACTED]

AMENDMENT C219MORN: HOUSING FOR THE PENINSULA

We act for Alesci Investments Pty Ltd, the owner of the land situated at [REDACTED] (which is the land referred to in [REDACTED]) (subject land).

Our client has instructed us to write regarding proposed Amendment C219 (**Amendment**), which, if adopted in its current form, will have significant impact on the subject land.

Physical context

The subject land is located in the Rosebud Activity Centre study area, as identified in the October 2017 *Rosebud Activity Centre Structure Plan Report (Activity Centre Report)*.

The subject land has a frontage to Point Nepean Road, which is well-served by public transport, and is located a short distance from a range of commercial, medical and other community services and infrastructure.

Strategic context

Activity Centre Report

The key issues identified in the Activity Centre Report include (with added emphasis):

- There is a **lack of housing diversity** and a shift away from temporary accommodation to permanent housing.
- Rosebud as a defined Major Activity Centre is a focus for a range of business, retail, entertainment, services **and housing**.
- Built form along Point Nepean Road is generally single storey, representing a **notable underutilisation of Activity Centre land**.

DSA LAW PTY LTD
[REDACTED]

MELBOURNE
[REDACTED]

MORNINGTON
[REDACTED]

Telephone: [REDACTED]
Facsimile: [REDACTED]
Website: www.dsalaw.com.au

The Activity Centre Report identifies a vision for Rosebud, which includes:

Rosebud will be a people focussed and lively place, which embraces its town centre and coastline in a coordinated manner, representing the focal point for the southern peninsula region and providing a great place to meet, live, work and play. The centre will accommodate more integrated housing within the commercial areas, which will present to the public realm in an attractive manner.

Rosebud will be an active, attractive, pedestrian friendly, highly accessible and well landscaped activity centre with a clearly identifiable 'heart' located at Rosebud Central and incorporating Village Green, with a community focus also near the corner of Boneo Road and Eastbourne Road.

Evolving into a permanent and strong sustainable community, Rosebud will continue as one of the Peninsula's key seaside retreats. The key historic and cultural values in terms of its relaxed lifestyle and heritage built form and cultural assets will be protected and enhanced.

The objectives identified in the Activity Centre Report include (with added emphasis):

Encourage **significant residential 'consolidation and choice' within the activity centre, particularly along the Point Nepean Road spine** and key roads...

The Activity Centre Report identifies a number of land use and activity policy directions which include:

- Maintain a compact urban form with all major new residential development to occur within the defined Rosebud Activity Centre to provide for housing choice.
- Promote housing consolidation and choice within the Rosebud Activity Centre by encouraging upper level residential apartment development, to be integrated with ground floor active uses.
- Encourage higher density housing and tourist accommodation along Point Nepean Road at elevated levels to promote street activation at ground levels.

Mornington Peninsula Planning Scheme

The objective of clause 11.03-1S of the *Mornington Peninsula Planning Scheme (Scheme)* is:

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

The strategies to achieve this objective include:

Encourage a diversity of housing types at higher densities in and around activity centres.

Clause 11.03-1L-03 of the Scheme seeks to:

Promote housing consolidation and choice in the Rosebud Activity Centre by encouraging upper level residential apartment development.

To achieve the objective:

To facilitate well-located, integrated and diverse housing that meets community needs,

clause 16.01-1S of the Scheme seeks to:

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

The Amendment

Despite the above, under the Amendment as proposed, the subject land:

- is identified as being in an area that is designated for 'minimal change';
- will be in the Neighbourhood Residential Zone (**NRZ**); and
- will be subject to a maximum building height of 9 metres/2 storeys (as opposed to the current 11 metre/2 storey height limit).

Applying the right zone

Planning Practice Note 91 (*Using the residential zones*) indicates that the NRZ is to be:

Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

Our client's submission

Our client submits that the outcome sought by the Amendment is not supported by either the comprehensive strategic work that has been undertaken by the Mornington

Peninsula Shire Council in the development of the Activity Centre Report or by the relevant policy provisions of the Scheme.

Considering the subject land's location within one of the Peninsula's three main activity centres, our client submits that it should be identified for housing growth and consolidation, not constrained by inappropriate zoning decisions.

In our client's respectful submission, the application of the NRZ to the subject land would be entirely inappropriate, and not productive of proper and orderly planning, constraining the objectives of state and local policy and meaningful development of the Rosebud Activity Centre.

The Rosebud Activity Centre is not an area where there is no anticipated change; nor is it an area that has specific neighbourhood, heritage, environmental or landscape character values that support including it in the NRZ.

In short, there is simply no strategic basis to support a rezoning of the subject land to the NRZ.

Our client submits that the zoning of the subject land should not be changed from the status quo, which is General Residential Zone.

Please contact our office if you have any queries.

Yours faithfully
DSA Law - Lawyers & Consultants



Partner
Accredited Specialist – Environment & Planning





RANELAGH

RESIDENTS' ASSOCIATION INC. (A0007234H)
PO Box 618, Mount Eliza, Vic, 3930

Website : www.ranelaghestate.org.au Email : mail@ranelaghestate.org.au

Attn : [REDACTED],
Strategic Planning,
Mornington Peninsula Shire,
Private Bag 1000,
Rosebud, 3930
Email : strategic.admin@mornpen.vic.gov.au

27th October 2021

RE : Amendment C219 Submission

Dear [REDACTED],

The Ranelagh Residents Association (RRA) wishes to lodge a submission to the Planning Scheme Amendment C219 and to appear at any proposed Planning Panel.

We welcome the exhibition of this C219 amendment having been involved in the various Shire strategies leading up to this amendment, with submissions to the Housing & Settlement Strategy and Neighbourhood Character studies.

Our Association is greatly in support of this amendment, in particular the proposal to provide greater planning protection to the Ranelagh Estate in Mount Eliza. The proposed Neighbourhood Character Overlay (NCO1) is most welcomed along with amendments to the Design & Development Overlays DDO2 and DDO3.

Ranelagh Residents Association have sought over many years for greater protection for the State Heritage listing H01605 covering the Ranelagh Estate along with local heritage listing H0213. The Council adoption in 2009 of the Ranelagh Estate Conservation Management Plan (CMP) has been treated by RRA as our bible. Amendment C219 goes a long way in addressing many of our concerns with housing developments and their impact on neighbourhood character in the Ranelagh Estate.

Of concern is the revision of the planning scheme by Ministerial amendment which saw clause 21.13 – Local Area Plan being moved to a new clause in 15.03-1L-02. We worry that this change will bury the Local Area Plan to be of less significance.

In 2014 a Planning Panel addressed amendment C174 – Part 3 in regard to the Ranelagh Estate. This followed amendment C135 – Part 2 to address some recommendations of the CMP. This C174 – Part 3 Planning Panel recommended the creation of a Local Area Plan (LAP) which became Clause 21.13. The Planning Panel report (attached) stated that whilst the LAP will provide

“Whatever the final approach adopted by Council, the Panel is satisfied the inclusion of the Ranelagh LAP will provide the necessary strategic direction and justification to inform that choice.”¹

The Planning Panel concluded at (vi) by saying

“The Panel is satisfied that the introduction of the LAP is an appropriate approach to guide the future planning for the Ranelagh Estate, including any future DDO or variation to the Schedules of the revised residential zones and concludes that no change is required to the exhibited Amendment.”²

However, discussion in the C174 – Part 3 Planning Panel Report said

“The Panel understands there is strong community support for an Estate-wide DDO. The Panel concurs with ██████████, however, that the proposed LAP is not a replacement for a DDO as they have different roles and functions. As discussed in Chapter 3, the LAP outlines the strategic directions that will guide the future planning of the Ranelagh Estate and provide the necessary strategic justification for the introduction of any further development controls, such as a DDO; whereas a DDO includes the specific requirements relating to the design and built form of new development and must seek to implement the broader strategic objectives of the Planning Scheme, including any LAP.”

“The Panel notes ██████████ submission that Council still intends to introduce a DDO and has not backed away from the recommendations of the CMP or any commitments it made to the Panel associated with Amendment C135. On this basis, the Panel considers the inclusion of a Ranelagh LAP is an important first step in the introduction of any additional development controls.”³

We consider that this amendment C219 is the perfect vehicle to implement further recommendations contained in the CMP. The creation of a Ranelagh Estate specific DDO was stated at the C174 – Part 3 Planning Panel as an “intention of Council to create a DDO and that Council has not backed away from the recommendations of the CMP”

¹ C174 - Part 3 Planning Panel Report – page 11

² C174 - Part 3 Planning Panel Report – page 11

³ C174 – Part 3 Planning Panel Report – page 10

Our Association feels the time is right to undertake further specific Ranelagh related planning controls in support of the CMP as discussed in Planning Panel reports for C135⁴ and C174 and the stated intentions of Council in relation to the Ranelagh Estate

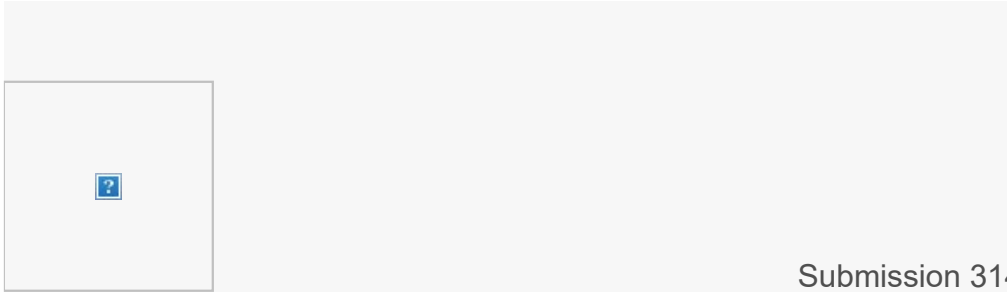
We thank you for your consideration of our submission to this C219 amendment.

Yours faithfully,

[Redacted Signature]

[Redacted Name],
Secretary,
Ranelagh Residents' Association Inc.

⁴ C135 – Planning Panel Report page 33



Submission to Mornington Peninsula Planning Scheme Amendment C219morn Form Submission

There has been a submission of the form Submission to Mornington Peninsula Planning Scheme Amendment C219morn through your Shape our Future website.

First Name

[Redacted]

Last Name

[Redacted]

Organisation (if applicable)

[Redacted]

Postal address

[Redacted]

Email

[Redacted]

Phone number

[Redacted]

Do you represent other people?

No

How does the proposal affect you?

I own the land affected by the amendment

In summary, my comments are:

I have significant concerns around the manner in which council has portrayed these changes. Particularly the reference of Minimal and Incremental Change. Having developed many properties over many years on the Mornington Peninsula I understand the on ground impact these amendments will make. The reference of Minimal Change in areas with no planning overlays is absolutely misleading. I have never developed a site with multiple dwellings to include double storey dwellings. I believe that double storey dwelling are not suitable to the demographic that units are built for and they have an imposing impact on the local amenity. These amendments force multi dwelling developments to reduce double garages to single garages, remove outdoor alfresco areas and force developments to go up. All of these impacts have a profound impact on the end user of these dwellings, our aging population, forcing the down sizer into a dwelling that will now be described as a down grader. This will profoundly impact the number of dwellings that can be provided to accommodate the demand for housing supply.

Furthermore, the removal of planning requirements for dwellings upto 8m in height in areas with DDO overlays has a direct impact on the reason why I chose to purchase my home in the area that I did. Both of my neighbors are dwellings will be demolished in the coming years. They will be permitted to construct 8m high dwellings in an area with high natural character without community input. We buy in these areas so that we can have in put to the protection of the character of the area. The pre existing DDO requirements has created this character that we experience.

Would you like to upload a document or image with further details?

No

To view all of this form's submissions, visit

https://shape.mornpen.vic.gov.au/index.php/dashboard/reports/forms_new/data/140

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