MORNINGTON PENINSULA Shire

ATTACHMENTS

Part 3

PLANNING SERVICES COMMITTEE MEETING

MONDAY, 18 JULY 2022

5.30PM

MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD

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Amendment C219morn – Submissions review and officers' response

Index	Issue summary	Officers' response	Recommendation
Submission number: 1 **Submitter:** Private landowner **Submission summary:** Feedback concerns matters that are irrelevant to the amendment.			
1.1	Wants home-run businesses that generate noise to be quarantined during the amendment process.	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
1.2	Important to consider the sanctuary of the home as a refuge.	Beyond the scope of the amendment.	
Submission number: 2 **Submitter:** Capel Sound Community Group **Submission summary:** Wants the unique character of Capel Sound to be considered and proposed changes done in consultation with the group.			
2.1	Requests that in making changes, "the unique character of the renamed suburb, Capel Sound" is considered.	This is reflected in the neighbourhood character controls in the proposed NRZ schedules that would apply to Capel Sound.	**No changes recommended.** **Refer submission to Panel.**
2.2	"Any 'incremental changes' would need to be done in consultation with this group."	The group will be notified of any updates to the amendment as it progresses in the amendment process. Officers will also add the group's contact details into its community group database.	
2.3	The property search tool incorrectly described the township as 'Rosebud West'; requests an update be made to reflect the current name of Capel Sound.	Issue is due to the geocoding service used by the provider of the property search tool. The service currently has some outdated data and inaccuracies; however, it is not a trivial development task to immediately replace it given the service is currently integrated into the tool and replacing it will require time and testing. The provider will review the service and look towards replacing it in the future.	
Submission number: 3 **Submitter:** Private landowner **Submission summary:** Wants officers to implement the vacant residential land tax, and the Residential Development Framework modified.			
3.1	Amendment will "further exacerbate congestion problems".	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and	**No changes recommended.** **Refer submission to Panel.**

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		transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
3.2	Amendment will "have an insignificant impact on the labour supply".	Beyond the scope of the amendment.	
3.3	The Shire should implement the vacant residential land tax to disincentivise holiday homes which "should alleviate all or part of the housing supply concern".	Beyond the scope of the amendment.	
3.4	All substantial and incremental change areas from Clarkes Avenue in Mornington to Portsea "should be modified to minimal change areas, irrespective of 'key characteristics' outlined in the proposal".	Not consistent with PPN90.	
3.5	All substantial change areas in Mornington and Hastings "should be modified to incremental change areas".	Not consistent with PPN90.	
3.6	"Housing and population increases should be encouraged in the Mornington/Hastings areas closest to the Frankston area which should encourage Frankston to expand into a larger 'satellite city' in the future".	The amendment provides for substantial and incremental housing change areas in Mornington and Hastings per the Residential Development Framework. Nonetheless, matters relating to Frankston is beyond the scope of the amendment.	
Submission number: 4 **Submitter:** Private landowner **Submission summary:** Wants access and egress from large apartment blocks onto Rosebud Parade reduced to avoid associated increase in traffic levels.			
4.1	"The concept of 3-4 storey apartment blocks in Rosebud Parade with a large associated increase in car traffic accessing the freeway etc is of great concern."	The section of Rosebud Parade north of Barry Street is designated for substantial change due to its proximity to the Rosebud Activity Centre, which has good access to services and transport. Any traffic issue associated with apartment developments proposed along this section would be addressed through a planning permit application process.	**No changes recommended.** **Refer submission to Panel.**
4.2	Access and egress from large apartment blocks onto Rosebud Parade should be reduced.	Beyond the scope of the amendment. This is an issue that would be addressed through a planning permit application process.	

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Submission number: 5 **Submitter:** Private landowner **Submission summary:** Wants minimum subdivision area in DDO2 reduced to 600 sqm.			
5.1	Owns a block that is 1,284 sqm; hence, would like the minimum subdivision area in DDO2 reduced to 600 sqm.	Reducing the minimum subdivision area in DDO2 to 600 sqm would increase the subdivision potential for a number of properties. While this would add to the municipality's housing capacity, the addition is not necessary to meet the State Government's projected population growth. Also, many of the areas where the subdivision potential would increase are currently impacted by one or more constraints that include natural hazards. PPN90 requires officers to direct future housing away from such areas, which is a sustainable approach.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 6 **Submitter:** Private landowner **Submission summary:** Wants land larger than 10,000 sqm to be subdividable into 1-acre lots.			
6.1	Proposes that owners with land size greater than 10,000 sqm be allowed to subdivide land into 1-acre lots.	Allowing this would increase the subdivision potential for such properties. While this would add to the municipality's housing capacity, the addition is not necessary to meet the State Government's projected population growth. Also, many of these properties are currently impacted by one or more constraints that include natural hazards. PPN90 requires officers to direct future housing away from such areas, which is a sustainable approach.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 7 **Submitter:** Private landowner **Submission summary:** Wants specific commercial uses prohibited in the proposed NRZ13 in Flinders, or not exceed the scale and density of development per the DDO14.			
7.1	Provisions in the DDO2 should be amended to prohibit commercial uses such as Accommodation, Hotel and Motel in Flinders where the NRZ13 is proposed.	It is beyond the scope of the DDO to affect land use.	**No changes recommended.** **Refer submission to Panel.**

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7.2	Commercial development in the proposed NRZ13 bounded by Cook, Wood, Barker and Stokes Streets should not be permitted to exceed the scale and density of development currently permitted in the adjoining C1Z under the DDO14.	The amendment will retain the mandatory building height of 8 metres / 2 stories in the DDO2, which affects the area described. This mandatory building height is already no higher than the DDO14's 8.5 metres / 2 stories.	
Submission number: 8 **Submitter:** Private landowner **Submission summary:** Concerned about applications for two or more dwellings on a lot not requiring a planning permit, and other matters.			
8.1	The amendment includes changes that would enable "more than one dwelling on a lot to be granted/processed without a planning permit."	Any application for two or more dwellings on a lot requires a planning permit per the VPP.	**No changes recommended.** **Refer submission to Panel.**
8.2	The amendment "does not express any concern for existing residents in terms of loss of privacy/amenity, increased traffic, pressure on schools, hospitals, roads, parking, etc".	Overlooking (loss of privacy) and amenity concerns are addressed under Standard A15 in Clause 54 and Standard B22 in Clause 55 of the VPP. All other matters are beyond the scope of the amendment.	
Submission number: 9 **Submitter:** Long-time local resident **Submission summary:** Need to provide more affordable housing and the like and provide exemptions to fast-track such developments.			
9.1	Need to provide affordable housing to help first home buyers including "families already here who have children and also want to live near where they grew up close to their family."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
9.2	Wants low cost, high-density housing to be established in some areas to provide affordability to "those who want to live in this beautiful place".	As above.	
9.3	Wants allowance for NDIS housing for those with high service needs to have some exemptions and some fast tracking; housing needs to be near services needed by NDIS recipients.	Beyond the scope of the amendment.	

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9.4	Land should be set aside to address the shortage of housing for at-risk men, women and children. The Shire should provide special exemptions to allow at-risk housing to be built at pace.	Beyond the scope of the amendment.	
Submission number: 10 **Submitter:** Private landowner **Submission summary:** Wants the Peninsula Link widened, and the Mornington Peninsula Freeway extended			
10.1	Need to widen the Peninsula Link and extend the Mornington Peninsula Freeway to manage the increased traffic flow impacting on these roads.	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 11 **Submitter:** Local resident **Submission summary:** Potential impact of substantial change areas in Dromana on views and daylight for neighbouring homes; need to improve roads and footpaths.			
11.1	Concerned about proposed substantial change areas in Dromana potentially obscuring views and blocking out daylight for neighbouring homes.	These concerns are addressed in the adopted Dromana Township Plan via recommended setbacks and upper-storey recesses that have been incorporated into the Mornington Peninsula Planning Scheme through the new DDO29 under the recently gazetted amendment C224morn.	**No changes recommended.** **Refer submission to Panel.**
11.2	Need to improve infrastructure, roads and footpaths to accommodate future expected growth.	Beyond the scope of the amendment. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	
Submission number: 12 **Submitter:** Private landowner **Submission summary:** Concerned about commercial uses such as medical centres in residential areas.			

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12.1	Concerned that the predominant zoning for incremental change areas will now include Commercial 1 Zone usage thus likely to lead to medical centres.	Incremental change areas include the C1Z, which is one of the zones besides the MUZ and NRZ. The amendment, however, is not proposing to rezone any existing residential zone to the C1Z. Rather, it proposes to rezone the existing GRZ to the NRZ in incremental and minimal change areas. Medical centres are currently as-of-right uses in the GRZ and NRZ if they meet specific conditions per the VPP. If those conditions are not met, a planning permit would be required for medical centres. Regardless, the Mornington Peninsula Planning Scheme currently has a local policy in the PPF under Clause 13.07-1L (Land use compatibility – Mornington Peninsula) that applies to non-residential use and development, which includes medical centres, on land in a residential zone. The local policy seeks to address potential amenity impacts of non-residential uses and developments on surrounding residential areas.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 13 **Submitter:** City of Casey resident **Submission summary:** Wants the municipal boundary changed to include all of Pearcedale.			
13.1	Would like officers to reconsider its municipal boundary to ensure all of Pearcedale "is captured in the council area (rather than just half). This would better serve the small country and agricultural feel of the township part of which doesn't fit with the Casey landscape."	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 14 **Submitter:** A submitter **Submission summary:** Concerned that the population and associated housing growth would ruin the Peninsula's beauty.			
14.1	Concerned that the additional 32,000 residents projected for the Peninsula would ruin its beauty. Argues that if the Shire doesn't allow for 1,200 new homes to be built each year, then 1,200 new homes won't be needed. Thinks that the Council is pushing for the growth because of its need	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing	**No changes recommended.** **Refer submission to Panel.**

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	(want) for more money through more rate notices, which then means greater growth for Council wages and bigger budgets.	over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
Submission number: 15 **Submitter:** Private landowner **Submission summary:** Need to improve drainage, road and rail infrastructure to support higher density development and usage.			
15.1	Wants to know whether officers have plans to upgrade sewerage and storm infrastructure to prevent future flash flooding in higher density residential areas.	Beyond the scope of the amendment. Nonetheless, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is preparing a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	**No changes recommended.** **Refer submission to Panel.**
15.2	Wants to know whether officers have plans to improve major roads such as Frankston-Flinders Road to cope with extra usage.	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
15.3	Wants to know whether the council will lobby the State Government to duplicate the train tracks between Tyabb and Hastings to allow trains to run in both directions.	Beyond the scope of the amendment.	
Submission number: 16 **Submitter:** Local resident			

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Submission summary: Wants better road infrastructure, less apartments, and more trees and green areas along the foreshore.			
16.1	Don't need more people to move to the Peninsula but need to upgrade infrastructure such as the roads and the Jetty Road intersection with the Freeway.	Beyond the scope of the amendment. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	**No changes recommended.** **Refer submission to Panel.**
16.2	Wants less apartments.	Apartments are an appropriate type of development in areas designated for substantial change. These areas have the capacity in terms of jobs, services and facilities to support higher density residential developments.	
16.3	Wants more trees and green areas for the public and visitors to enjoy along the foreshore.	Beyond the scope of the amendment.	
Submission number: 17 **Submitter:** Private landowner **Submission summary:** Wants Airbnb regulated to protect the health and amenity of local residents.			
17.1	Wants short-term rentals such as Airbnb to be prohibited or at least a permit-required use under the proposed NRZ to protect the health and amenity of local residents.	The Shire does not have the power to amend the VPP in the NRZ.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 18 **Submitter:** Private landowner **Submission summary:** Supports the NCS's intent but proposes wider boundary setbacks, use of natural materials and retention of indigenous/native vegetation for the BC2.			
18.1	Proposes that "council retain the 3-5m for one boundary and then increase the other boundary from 1m to a min of 2m" for the Bush Coastal 2 (BC2).	The BC2, i.e. NRZ13, already contains a side boundary setback of 3 metres. While PPN91 advises that the zone schedule cannot require asymmetric side setbacks, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules.	Refer to R12 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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18.2	Proposes that "new or modified dwellings are built of natural materials only such as wood, stone etc and no brick so as to ensure properties are in keeping with the surrounding landscape, however ensure that all materials used are of the highest level of fire resistance".	The first objective of the proposed NRZ13 already seeks to ensure new development "utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape". Bushfire-retardant materials are covered under the *Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas*, which is part of the Building Code of Australia.	
18.3	Thinks that the "intent to retain a significant amount of existing vegetation, or to ensure a like for like replacement of existing vegetation is an excellent proposal".	Support for this intent is noted.	
18.4	Concerned that the above "conflicts with the current BMO restrictions" and thus proposes that council "should seek to remove this conflicting element and include consideration for the sole retention or replanting of native vegetation, which in most cases has high levels of fire resistance".	The Shire does not have the power to make changes to the VPP.	
18.5	Proposes that "council should ensure the enforcement of indigenous or native only planting to ensure ongoing achievement of the specified BC2 intentions".	While enforcement matters are beyond its scope, the amendment encourages and supports the retention or (re)planting of native vegetation and vegetation that is indigenous to the Peninsula. This is articulated in the garden setting strategies and policy guidelines in the proposed local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) and the landscape plan application requirements in the proposed NRZ13.	
Submission number: 19 **Submitter:** Private landowner **Submission summary:** Wants to limit the height of vegetation to protect coastal views.			
19.1	Does not want newly planted vegetation or existing vegetation on a property to grow to a height that affects the coastal view of owners/occupants of another property. Vegetation should be trimmed to ensure coastal view while maintaining privacy.	The Shire cannot control the height of vegetation grown on private land. Also, substantial vegetation cover is a visually and environmentally dominant feature in large parts of the Peninsula and this forms part of the Peninsula's special values.	**No changes recommended.** **Refer submission to Panel.**

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Submission number: 20 **Submitter:** Landscape architect and property owner **Submission summary:** Concerned about the practical implications of the required landscape plan regarding indigenous vegetation and enforcement issues.			
20.1	Regarding the application requirements under the NRZ13, not practical for the indigenous component of the species selection in the landscape plan to be at least 50 per cent given the nursery industry currently does not grow enough native plants let alone indigenous. Should change to either native plants or 20% indigenous.	Not consistent with the Shire's stance on protecting and enhancing the unique biodiversity of the Mornington Peninsula per the council-adopted *Biodiversity Conservation Plan 2019*, which includes vegetation that is indigenous to the local EVC. The minimum 50 per cent requirement could be a means of incentivising the nursery industry to grow more native and indigenous vegetation to meet the demand. Nonetheless, the requirement is discretionary, not mandatory.	**No changes recommended.** **Refer submission to Panel.**
20.2	Waste of time for the landscape plan to require, during installation, shrubs with a minimum pot size of 200 mm given indigenous plants are only available as tubes and some native lines are 14 cm pots.	The pot size requirement applies to any shrub in general, which includes non-native vegetation. Nonetheless, the requirement is discretionary, not mandatory.	
20.3	Planning officers need to check that the submitted landscape plans are indeed implemented by the property owner given many owners obtain cheap landscape plans that meet planning requirements only to be ignored and replaced by another that does not adhere to planning requirements during installation.	Beyond the scope of the amendment.	
Submission number: 21 **Submitter:** Private landowner **Submission summary:** Concerned about the amenity and privacy impacts of buildings of 11 metres or 3 stories, if permitted in the area.			
21.1	Does not want buildings of 11 metres or 3 stories in their residential area as it would not fit with the rest of the houses and buildings currently in the area, would create privacy issues and impact on the tree canopy height. Thinks that the	The submitter's area, which is currently in the GRZ1 with no overlays, already permits buildings to go as high as 11 metres or 3 stories at present assuming restrictive covenants are absent. The amendment proposes to retain the GRZ given the *Rosebud Activity Centre*	**No changes recommended.** **Refer submission to Panel.**

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	amendment is proposing changes to the planning controls that would allow buildings to go that high.	*Structure Plan* supports a building height of three stories for the area; hence, the substantial change designation for the area.	
Submission number: 22 **Submitter:** Private landowner **Submission summary:** Concerned that the lack of permits for dwellings would encourage inappropriate developments.			
22.1	Believe permits are required for all dwellings on all properties on the Peninsula, otherwise anything is a possibility. While a simple dwelling on a block should not require excess "red tape", standards and controls are necessary for good building and environmental outcomes, particularly as population and housing density increase.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 23 **Submitter:** Private landowner **Submission summary:** Concerned that the lack of permits for single dwellings will lead to lack of monitoring, privacy and congestion issues.			
23.1	Does not support eliminating planning permits for single dwellings given it is a mechanism for the council to continuously monitor and understand the types of dwellings being built and their locations.	A planning permit would still be required for buildings and works relating to one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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		officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	**Refer submission to Panel.**
23.2	Two storey buildings should not be permitted in residential areas where the streets are all single storey dwellings. They create privacy issues for adjoining properties to enjoy their backyards.	Two storey buildings used as a dwelling or residential building are already permissible under the NRZ. Privacy issues (overlooking) are addressed under Standard A15 in Clause 54 and Standard B22 in Clause 55 of the VPP.	
23.3	Allowing more buildings in "condensed areas will only worsen the already difficult traffic congestion. Christmas, Easter and Public Holidays are yearly events where traffic moves at snails pace already."	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport.	
Submission number: 24 **Submitter:** Private landowner **Submission summary:** Supports the amendment.			
24.1	Strongly support the "measured approach to rationalising the planning permit requirements concerning single dwellings on a lot … The economic benefits to consumers (reduction in red tape) and to the Council itself by allowing planning resources to be redirected to more important complex planning applications will be significant."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 25 **Submitter:** Private landowner **Submission summary:** Supports the amendment.			
25.1	Congratulates the Shire on "working toward protecting all of our green wedge zones and endeavouring to keep the	Acknowledge support.	**No changes recommended.**

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	natural integrity of the Mornington Peninsula and the neighbourhood character … Resources and areas of high conservation areas can tend to be compromised and ultimately destroyed with pressures and demands of unsustainable populations … I understand that your guidelines on Minimal, Incremental and Substantial change areas aim to minimise impact on certain localities."		**Refer submission to Panel.**
Submission number: 26 **Submitter:** Private landowner **Submission summary:** Supports the amendment.			
26.1	Encourages the changes suggested. Good for the many "old asbestos shacks in the area … to be redeveloped to suit higher density housing rather than single dwellings." Pleased that the property "is in a 'Substantial Change Area' since it is so close to the Rosebud shops."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 27 **Submitter:** Private landowner **Submission summary:** Wants the GWZ component of the land rezoned to the NRZ.			
27.1	The land is primarily in the Green Wedge except a small portion, which is inside the UGB to provide access to a street. The amendment proposes to rezone this small portion from the GRZ1 to the NRZ9. The submitter would like the balance of the land in the GWZ2 rezoned to align with the proposed NRZ9.	Not consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S (Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020), which all seek to protect the green wedge by maintaining the UGB and the GWZ. Not consistent with State and Metropolitan Melbourne policies on housing supply, i.e. Clause 16.01-1S and Clause 16.01-1R respectively, which seek to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and	**No changes recommended.** **Refer submission to Panel.**

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		facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.	
Submission number: 28 **Submitter:** Private landowner **Submission summary:** Objects the designation of Dromana's activity centre as a substantial change area.			
28.1	Submitting an objection to the substantial change area in Dromana. Would prefer that it "remains in an Incremental Change Area" given "I liked the way Dromana was developing as a village."	The Dromana activity centre is designated a substantial change area because it is underpinned by a township plan that supports three stories. The new DDO29 that applies over the centre via the recently gazetted amendment C224morn contains objectives that seek to protect the important character elements as well as views to the bay and Arthurs Seat. The three-storey building height requirement in the DDO29 is mandatory.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 29 **Submitter:** Private landowner **Submission summary:** Concerned that the 8 to 9 metre maximum building height limit in minimal change areas would not help achieve the goal of increasing housing stock.			
29.1	Wonders how the 8 to 9 metre maximum building height limit in minimal change areas would benefit the goal of increasing the housing stock.	Minimal change areas are not suitable to accommodate a lot more housing due to specific constraints including natural hazards. The absence of minimum subdivision area controls in incremental and substantial change areas and higher building heights permissible in substantial change areas significantly add to the Peninsula's overall housing capacity.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 30 **Submitter:** Visitor **Submission summary:** Supports the amendment but has concerns about road infrastructure.			
30.1	Supports "the idea of substantial change to enable more dense residential development in the popular areas at	Acknowledge support for the substantial change idea. Improvements to road infrastructure is beyond the scope of the amendment. Nonetheless, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future	**No changes recommended.** **Refer submission to Panel.**

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	Rosebud and Mornington" but "road infrastructure needs to be improved in parallel with an increase in population."	development is properly supported with infrastructure and services. Also, the Shire is preparing a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	
Submission number: 31 **Submitter:** Long-term local residents **Submission summary:** Concerned about overdevelopment and overcrowding.			
31.1	The online and hard copies do not really provide straightforward information, more of a PR exercise. Map should show the suburbs and the exact changes that will occur.	Including details about the suburbs and exact changes on a single map would be counterproductive given the substantial number of proposed changes. Nonetheless, the website contains a property search tool where the community can find detailed information about how the amendment would affect a property.	**No changes recommended.** **Refer submission to Panel.**
31.2	Concerned that the amendment would lead to overdevelopment – squashing people into little boxes, congestion, lack of parking and transport, noise, arguments, not able to quickly get to doctor appointments, lack of hospital beds, crowded supermarkets.	The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment addresses congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Noise, arguments, medical appointments, hospital beds and supermarkets are beyond the scope of the amendment.	
31.3	Frustrated and annoyed with overcrowding issues during the holidays and summer period including rubbish left behind by day trippers.	Beyond the scope of the amendment.	
31.4	Thinks the amendment would increase the building height in incremental change areas from 8 to 9 metres.	Currently, the maximum building height in incremental change areas is 11 metres; if the DDO1 applies, it is 10 metres. The amendment would rezone incremental change areas from the GRZ to the NRZ. This would reduce the maximum building height to 9 metres.	
Submission number: 32			

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Submitter: Private landowner **Submission summary:** Concerned about the proposal to remove planning permit requirements and the difficulties to consider the proposal due to covid restrictions.			
32.1	Should delay decision about removing planning permit requirements, which would remove the requirement to advertise plans thereby "allowing a building to obscure views or impinge on neighbours privacy without advice or knowledge" given elderly ratepayers without internet skills rely on family who are not permitted to visit due to covid restrictions.	Council has extended the submission close date by five weeks to allow the community more time given the extension of covid restrictions. Officers have also provided other means for the community to contact us for more information including calling to speak with a planner.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 33 **Submitter:** Private landowner **Submission summary:** Wants properties along Humphries Road, Mount Eliza to be excluded from the Woodlands Area planning controls and designated incremental change.			
33.1	The character of properties on Humphries Road, Mount Eliza has changed and can no longer be part of the Woodland Area. The VCAT decision allowing subdivision of 1 Meadow Lane several years ago makes pertinent comments on the neighbourhood character of this area. The land area requirements must be modified to allow incremental changes that allow lots smaller than the present 2,000 square metres, especially those fronting Humphries Road. Wants Humphries Road to be excluded from "the provisions of the woodland restrictions by including this as INCREMENTAL changes and NOT MINIMAL changes."	The VCAT made the decision concerning 1 Meadow Lane in 2003. Since then, other tribunal decisions had refused similar subdivision proposals to allow a second dwelling. A notable example is Falcone v Mornington Peninsula SC [2005] VCAT 334 (28 February 2005), which concerns 178 Humphries Road. Importantly, the tribunal advised that the Shire "could strengthen its strategic policies for the area" given that "there seems to be strong support for tighter controls". Accordingly, the Shire commissioned Planisphere to undertake a detailed neighbourhood character study of the Woodlands Area. The *Mount Eliza Woodland Neighbourhood Character Study* (Planisphere, 2006) then provided the strategic justification for amendment C162morn which introduced the DDO18 to protect the character of the Woodlands Area. Amendment C219morn seeks to retain the character controls in the DDO18. It is not suitable to designate the area for incremental change given it is in a Bushfire Prone Area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 34 **Submitter:** Private landowner			

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Submission summary: Concerned about being in an incremental change area, privacy and amenity issues, and inappropriate developments if no permit is required.			
34.1	Wants an explanation "why the southern end of Eighth Ave is scheduled as an Incremental Change Area whilst the northern end is as a scheduled Minimal Change Area."	As per the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), The Avenues in Rosebud and parts of Tootgarook and Rye have been determined as having an intact special character. In particular, the northern half of the Garden Residential 4 precinct in Rosebud is considered to exemplify the identified special character. The southern part has experienced more change and is still considered to be part of the overall Garden Residential 4 precinct but does not warrant the application of the Neighbourhood Character Overlay (NCO). Hence, the northern half of The Avenues where the NCO is proposed to apply is designated for minimal change while the southern part is designated for incremental change.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. Refer submission to Panel.
34.2	Concerned about losing privacy and amenity if a "two storey development were to occur on either one or both sides of me".	Two storey buildings used as a dwelling or residential building are already permissible under the NRZ. Overshadowing and privacy issues (overlooking) are addressed under Standards A14 and A15 respectively in Clause 54 and Standards B21 and B22 respectively in Clause 55 of the VPP.	
34.3	Concerned that inappropriate developments would be approved without proper oversight and input from impacted residents if planning applications were to be processed / approved without needing a planning permit.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	

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		Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
Submission number: 35 **Submitter:** Private landowner **Submission summary:** Concerned about the impacts of population growth and apartment developments on the overall look of the area.			
35.1	Believe the Peninsula should not expand further but be kept as much a country area as possible as that is why people move here.	The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report.	**No changes recommended.** **Refer submission to Panel.**
35.2	Don't want blocks of apartments; rather, money should be spent on cleaning up the area and rectifying drug problems around Rosebud. Multi-story properties "will take away from the overall look of the area."	The amendment supports apartments but only in appropriate locations, i.e. substantial change areas, where there is better access to services and transport. It also proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes and protect the Peninsula's special values. Cleaning up litter and rectifying drug problems are beyond the scope of the amendment.	
Submission number: 36 **Submitter:** Private landowner **Submission summary:** Thinks the amendment is too general to address the many variances across the Peninsula; concerned about the lack of transitional provisions.			
36.1	Don't believe the amendment is applicable or suitable for all of the Peninsula, especially higher density hubs such as Hastings or Rosebud. Too broad a brush in dealing with the	The State Government requires all municipalities to prepare a housing strategy and neighbourhood character strategy that cover their entire residential areas. The amendment is not a broad brush approach; on the contrary, it proposes to implement, through the Residential Development Framework, measures that are appropriate	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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	variances on the Peninsula; simply going to drive prices higher.	to the category of housing change designated for an area. In doing so, it seeks to ensure the Shire can deliver the housing supply needed to accommodate the State Government's projected population and housing growth in a sustainable manner. This would help dampen the pressure on the price of housing to an extent given the latter is heavily dependent on the demand for housing, which is beyond the Shire's control. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
36.2	Concerned that if implemented, there will be no transition phase for applications already in the system. Believe a transition phase must be acknowledged to draw a fair and equitable line; otherwise, people could be severely disadvantaged with monies expended under the current planning guidelines for applications already in the system before adoption.	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 37 **Submitter:** Private landowner **Submission summary:** Concerned about the impacts of housing growth and urban sprawl on the Peninsula's environment.			
37.1	Concerned that plans to provide for more housing and create an urban sprawl would result in damaging impacts on the Peninsula's environment. Would be more appropriate to have a plan that provides for the protection of the environment or greening of the Shire.	The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The Shire is committed to protecting the environment. The amendment does this by maintaining the Peninsula's Green Wedge as it is, limiting future housing growth to urban residential areas –	**No changes recommended.** **Refer submission to Panel.**

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		land in the GRZ, NRZ or LDRZ – supporting apartment developments in activity centres, directing future residential development sustainably via the Residential Development Framework, and incorporating neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes and protect the Peninsula's special values. The Shire's commitment to protecting the environment is also articulated in the council-adopted *Biodiversity Conservation Plan 2019*.	
Submission number: 38 **Submitter:** Private landowner **Submission summary:** Wants the Balcombe Estate redesignated for minimal change instead of incremental.			
38.1	Increasing density by permitting smaller block sizes in the Balcombe Estate is unacceptable given the latter is bounded by Bentons Road, Racecourse Road and Craigie Road, "which are all busy roads and unsuitable for younger children to cross", and "there are no playgrounds, parks or open areas for children to play in within the Balcombe estate". Wants the estate redesignated for minimal change "to reflect the fact that it is not suitable for an increase in housing density."	As per PPN90, land that is not affected by a constraint cannot be designated for minimal change. The amendment proposes to incorporate neighbourhood character objectives and controls into the NRZ schedule applicable to the Balcombe Estate that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes as well as housing densities that are appropriate to the area. The Shire constantly monitors the roads it manages and implements a range of strategies to manage traffic on busy roads and improve their useability for younger children.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 39 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would contribute to and exacerbate the effects of climate change, and encourage inappropriate development.			
39.1	The amendment would contribute to "climate change if the proper design of buildings, especially in the 'substantial	The State Government is currently developing new policies and standards for Victoria's planning system that will improve the	**No changes recommended.**

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	change area' are not considered" given condensed housing only increases the amount of concrete, bricks, glass, asphalt that contributes to microclimates if there is no consideration for garden walls and roof top gardens as a minimum. They also increase stormwater runoffs leading to polluted water running unfiltered into our oceans.	sustainability of building and subdivision developments across Victoria. The new provisions will cover themes such as energy, water, waste and recycling, urban heat, transport, and air and noise pollution exposure. Officers are also undertaking amendment C232morn, which seeks to introduce a new local policy in the PPF to provide guidance for Environmentally Sustainable Development (ESD). In addition, stormwater runoffs are addressed under Clause 19.03-3S (Integrated water management) and Clause 53.18 (Stormwater management in urban development).	**Refer submission to Panel.**
39.2	Most of the red zones are where developers have targeted for high density homes and shop fronts, "developers do not have our well being and the health of the peninsula in mind, they have money at top of mind."	Areas designated for substantial change have been identified as suitable to accommodate higher density residential developments due to their proximity to services and transport and lack of constraints, as per the advice in PPN90. This would improve housing diversity and contribute to the delivery of 20-minute neighbourhoods as desired by the State Government's *Plan Melbourne 2017-2050*. It would also help improve housing affordability and lower the cost of living given the proximity to key services and facilities. The activity centre in Mornington, Rosebud and Hastings already have design and development controls – DDO13, DDO26 and DDO27 respectively – to ensure new developments are not approved to the detriment of the area's character. New design and development controls have recently been applied to the Dromana town centre via DDO29. The Minister for Planning has also recently approved to apply new design and development controls to the town centre of Somerville via DDO30 and of Baxter via DDO25 and DDO31. Officers are currently awaiting the Minister's approval to apply new design and development controls to Rye via DDO58. Residential areas designated for substantial change have been designated as such due to their proximity to key activity centres and lack of constraints, thereby making them suitable to accommodate higher density developments. The amendment has to balance the	

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		need to provide sufficient housing supply in substantial change areas against the need to ensure development respects the preferred neighbourhood character in incremental and minimal change areas.	
Submission number: 40 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would contribute to and exacerbate the effects of climate change.			
40.1	The amendment would contribute to "climate change if the proper design of buildings, especially in the 'substantial change area' are not considered" given condensed housing only increases the amount of concrete, bricks, glass, asphalt that contributes to microclimates if there is no consideration for garden walls and roof top gardens as a minimum. They also increase stormwater runoffs leading to polluted water running unfiltered into our oceans.	The State Government is currently developing new policies and standards for Victoria's planning system that will improve the sustainability of building and subdivision developments across Victoria. The new provisions will cover themes such as energy, water, waste and recycling, urban heat, transport, and air and noise pollution exposure. Officers are also undertaking amendment C232morn, which seeks to introduce a new local policy in the PPF to provide guidance for Environmentally Sustainable Development (ESD). In addition, stormwater runoffs are addressed under Clause 19.03-3S (Integrated water management) and Clause 53.18 (Stormwater management in urban development).	**No changes recommended.** **Refer submission to Panel.**
Submission number: 41 **Submitter:** Private landowner **Submission summary:** Applauds the streamlining process but concerned that the amendment would not ensure a build that is appropriate to the streetscape.			
41.1	Concerned that the streetscape around Parklands Avenue in Somers, which is "predominantly fibro or weatherboard and has that country seaside feel" would continue to be destroyed given a number of multi-storey modern houses have gone up that have a commercial aesthetic and there is no streetscape detail in the neighbourhood character definitions to ensure the "Bush Coastal remains Bush Coastal in its appearance, and doesn't become modern commercial."	The NRZ12 (Bush Coastal 1), which applies to the area, does contain streetscape details in its neighbourhood character objectives to "ensure new development: - reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape."	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		- neither dominates the streetscape nor penetrates the existing tree canopy but sits within the canopy, often obscured by the vegetation, and minimises the dominance of car parking access and structures instead."	
41.2	"Without a planning permit requirement, the first a neighbour would know about a build is when the builders fence and permit goes up, without any opportunity to review or object."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
Submission number: 42 **Submitter:** Private landowner **Submission summary:** Wants to know what the main benefits of the amendment are, and whether it would help with problems associated with specific permit applications.			
42.1	"There should have been an introduction stating the current situation, what needs to be changed, what are the problems, how it will be solved, and what are the real benefits for residents, if any."	These information are all succinctly provided on the amendment's webpage. The link to the webpage is included in the notification letter as well as the enclosed brochure.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
42.2	Wants to know whether the amendment would help with the problems associated with P18/0603 (65 Bentons Road, Mornington) and P18/1776 (9 Kristian Court, Mount Martha).	P18/0603 and P18/1776 would have been required to respond to the neighbourhood character objectives and controls under the proposed NRZ2 (Garden Residential 1) and NRZ6 (Garden Court 1) respectively. Both proposed NRZ schedules contain neighbourhood character objectives and controls such as minimum street setback, side and rear setbacks, private open space, front fence height and landscape plan that would have helped manage problems relating to the built form and streetscape. In particular, P18/0603 would also be	

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		required to meet the mandatory building height control of 9 metres and 2 stories in the NRZ.	
42.3	Concerned that reduced planning permits may exacerbate the problems of such developments. Not sure why a planning permit should not be required as "this defines limits and conditions."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. This means that the developments associated with P18/0603 and P18/1776 would still require a planning permit. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
42.4	What are "the main five or more benefits of the proposed changes?"	They include: - a sustainable approach to managing future residential development on the Peninsula by directing future housing towards areas that are better suited to accommodate more housing change and away from areas that are constrained by, for example, natural hazards or special characteristics - encouraging housing diversity to meet the range of housing needs in locations with good access to services, facilities and transport - protecting the predominant 1-2 storey building height of the Peninsula's residential areas by rezoning areas designated for incremental or minimal change to the NRZ - ensuring future housing will respond better to the preferred neighbourhood character of the Peninsula's residential areas by introducing new neighbourhood character objectives and controls into the proposed zone or overlay schedule	

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		- reducing red tape for buildings and works relating to one dwelling on a lot, which would reduce the cost and time to develop or extend one dwelling on a lot.	
Submission number: 43 **Submitter:** Local resident **Submission summary:** Concerned that increased population will cause more traffic and pedestrian issues.			
43.1	The expected increase in the residential and general population "will cause increased traffic when there are serious unresolved traffic and pedestrian issues in the area. The main being the terminus of the M11 Freeway in Rosebud."	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 44 **Submitter:** Private landowner **Submission summary:** Wonders why a planning amendment line runs through The Avenues rather than The Clacton Divide.			
44.1	Wants an explanation behind "the logic of running a planning amendment line through The Avenues that does not align with any existing cross streets". Thinks that "these amended planning lines could align with The Clacton Divide – where an existing 'break' in streetscape would be a more appropriate planning amendment line."	As per the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), The Avenues in Rosebud and parts of Tootgarook and Rye have been determined as having an intact special character. In particular, the northern half of the Garden Residential 4 precinct in Rosebud is considered to exemplify the identified special character. The southern part has experienced more change and is still considered to be part of the overall Garden Residential 4 precinct but does not warrant the application of the Neighbourhood Character Overlay (NCO). Hence, the northern half of The Avenues where the NCO is proposed to apply is designated for minimal change while the southern part is designated for incremental change.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 45 **Submitter:** Private landowner **Submission summary:** Believes more areas in Rosebud, including The Avenues, should be designated for greater housing change.			

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45.1	Believes areas "earmarked in Rosebud for greater change ie dual occupancies, multi unit etc are too few" and that "it is poor planning NOT to allow future dual occupancy and multi-unit developments in "The Avenues" precinct", which is "close to shops, beach, transport etc and ideal for such."	The size of the areas designated for substantial change in Rosebud exceeds all other townships in the Peninsula. A significant portion of the residential areas in Rosebud north of the Mornington Peninsula Freeway is also designated for incremental change, where dual occupancy and multi-unit developments are encouraged. As per the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), The Avenues in Rosebud and parts of Tootgarook and Rye have been determined as having an intact special character. In particular, the northern half of the Garden Residential 4 precinct in Rosebud is considered to exemplify the identified special character. The southern part has experienced more change and is still considered to be part of the overall Garden Residential 4 precinct but does not warrant the application of the Neighbourhood Character Overlay (NCO). Hence, the northern half of The Avenues where the NCO is proposed to apply is designated for minimal change while the southern part is designated for incremental change. As per PPN90, areas identified as having a special character should be designated for minimal change. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
45.2	Wonders whether it would "be better strategic planning to allow A GREATER variety of housing forms in areas close to the beach, shops, transport … for both permanent residents and holidaymakers … therefore breathing more life into these suburbs" and "allow greater enjoyment and also support local businesses both during peak and off peak seasons."	The amendment does encourage a greater variety of housing forms in areas close to services and transport. This is reflected in the location of the substantial change areas in the Residential Development Framework, and the proposed local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), which supports units, townhouses and apartments in substantial change areas through its policy guidelines. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective	

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		incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
Submission number: 46 **Submitter:** Private landowner **Submission summary:** Wants the wall and building height permit triggers retained in the DDO2 to protect views to the bay.			
46.1	Wants the wall height and building height permit trigger in the existing DDO2 retained. Without the trigger, a permit would not be required to build a height between 6 to 8 metres and people would not be able to object if their neighbours plan to build a double-storey house or add a second storey to a single-storey house. This problem, especially in Mount Martha, will result in lots of houses' view to the bay being blocked.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Officers also recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	Refer to R17, R18 and R19 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
Submission number: 47 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment will overpopulate Mornington; urges officers to spread out the population over the rural area.			
47.1	Thinks the amendment will overpopulate Mornington despite infrastructure in the township not coping with the amount of people at present.	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is preparing a municipal *Development*	**No changes recommended.** **Refer submission to Panel.**

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		Contributions Plan that would help fund new infrastructure and necessary upgrades.	
47.2	Believes the Shire needs to utilise its rural area to develop and spread people out.	Not consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S (Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020), which all seek to protect the green wedge by maintaining the UGB and the GWZ. Not consistent with State and Metropolitan Melbourne policies on housing supply, i.e. Clause 16.01-1S and Clause 16.01-1R respectively, which seek to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.	
Submission number: 48 **Submitter:** Private landowner **Submission summary:** Objects to no planning permit, subdivision, two-storey dwellings, apartments in Main Street, Mornington and increased housing density.			
48.1	Objects "to residents being allowed to do extensions etc without a permit."	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
48.2	Objects "to residents being able to subdivide backyards to build dwellings, especially 2 storey dwellings in suburban areas".	The amendment is not proposing to ease existing controls on minimum subdivision area to increase subdivision potential. Nonetheless, any person who owns land that may be subdivided	

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		under existing planning controls can apply for a permit to subdivide land under the *Planning and Environment Act 1987* subject to the council's approval. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	
48.3	Objects "to the disgraceful and ugly "boxes" being built in Main Street Mornington under the pretext of luxury apartments."	The Shire respects that the community is entitled to their own personal views regarding the aesthetics of a building. Nonetheless, the commercial precinct along Main Street, Mornington is subject to the design and development controls in the existing DDO13, which is underpinned by the council-adopted *Mornington Activity Centre Structure Plan 2007*. The amendment is not proposing any changes to the DDO13.	
48.4	Does "not want a metropolis here" and does not want to see the loveliness and "beautiful seaside town" of Mornington destroyed by "ridiculous developments" and "obliterated by increased density of dwellings."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report.	
Submission number: 49 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would encourage overpopulation and concomitant issues to the detriment of the Peninsula's vital character.			
49.1	Thinks the amendment "has the intention to further increase the population … will make the Peninsula ANOTHER MELBOURNE SUBURB with all the associated Melbourne issues of crowding plus the infrastructure issues … thus losing its vital character which make it attractive to local residents".	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to add to	**No changes recommended.** **Refer submission to Panel.**

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		the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is preparing a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	
49.2	Has concerns about the impact of the amendment on evacuation during bushfires, congested roads, overcrowded shopping centres, hospitals and law enforcement.	The amendment addresses bushfire risks and congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport, and away from bushfire prone areas, which are designated for minimal change. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*. All other matters are beyond the scope of the amendment.	
Submission number: 50 **Submitter:** Visitor **Submission summary:** Supports the amendment and would like to see mixed developments up to 3 stories in the Tyabb activity centre.			
50.1	Supports the amendment and thinks "it is fantastic that the centre of townships can become more dense and have a mix of commercial on the street level and two stories above it holding residential apartments."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
50.2	Disappointed that "the amendment does not apply to the commercial precinct in Tyabb along Frankston-Flinders Road." Believes "the centre of the township should have some future 2 or 3 storey mixed development along the main street."	The commercial precinct in Tyabb along Frankston-Flinders Road is included in the Residential Development Framework as an incremental change area in the proposed local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). Nonetheless, the *Housing and Settlement Strategy: Refresh 2020-2036* only supports a	

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		maximum building height of 2 stories for this precinct. Mixed development is, however, supported under the current C1Z.	
Submission number: 51 **Submitter:** Private landowner **Submission summary:** Urges decisions regarding development be driven by the HSS' commitment to protecting the coastal character and preserving biodiversity.			
51.1	Wants any decisions made regarding development to be driven by the commitment in the *Housing and Settlement Strategy: 2020-2036 Refresh* to "the coastal character and preservation of biodiversity and the valuable assets on this coast."	The Shire's commitment, as articulated in the HSS, to protecting the coastal character and preserving biodiversity is not changed under the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 52 **Submitter:** Private landowner **Submission summary:** Concerned about having too many permit exemptions; encourages urban consolidation in high density areas to support population growth.			
52.1	Concerned about the "many exemptions for permit requirement in all areas of the peninsula."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
52.2	Extra accommodation of residents should be kept to the very high density areas of the peninsula, and "growth boundaries of townships need to be respected and not expanded."	The amendment, through the Residential Development Framework, does encourage more future residential development in substantial change areas. Nonetheless, PPN90 advises that all housing change areas can accommodate additional housing – the difference between the change areas being the amount of additional housing supported. The existing UGB is not changed under the amendment.	

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52.3	Population in large townships should be expanded "by consolidating whole streets into one title and develop high density accommodation with greenspace compulsorily included. No piecemeal development of individual sites."	Opportunities for urban consolidation do exist in substantial change areas, which are predominantly located in the larger townships, and are supported by the amendment. The amendment cannot prohibit piecemeal development of individual sites. Nonetheless, the amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	
Submission number: 53 **Submitter:** Private landowner **Submission summary:** Concerned about the impact of housing growth on the current infrastructure and the environment.			
53.1	Objects to increasing the number of housing on the Peninsula's coastline with multi-story developments. Current infrastructure (roads, open space, beaches, parking, emergency services) cannot cope. Significant impact on the environment.	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment, through the Residential Development Framework, directs future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades. All other matters are beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 54			

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Submitter: Local resident **Submission summary:** Concerned about the dire lack of affordable housing in the Peninsula.			
54.1	Concerned about the dire lack of affordable housing on the Mornington Peninsula and the need for a response including all stakeholders working together and utilising all vacant buildings.	The Planning Scheme does not provide power to require the occupation of buildings and the submitter has sought no other specific change to the amendment in the interests of achieving more affordable housing. The submitter has verbally clarified on 19 August 2021 that he supports the building of more affordable housing subject to adequate car parking being provided. The amendment makes no change to car parking requirements. Specific changes to the amendment to enhance the prospect of developments aimed at the affordable housing market may be raised through other submissions. The general concern about vacant buildings not being made available for affordable housing has been previously addressed with the submitter outside the context of the amendment. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
Submission number: 55 **Submitter:** Private landowner **Submission summary:** Concerned about the impact of overdevelopment on the Peninsula's character, local infrastructure and other matters.			
55.1	Concerned about the impact of four level apartment blocks in the Rosebud area on the Peninsula's character.	The activity centre in Rosebud currently has design and development controls, i.e. DDO26, to ensure new developments are not approved to the detriment of the area's character.	**No changes recommended.** **Refer submission to Panel.**
55.2	Thinks it is inconsistent to propose an amendment "that will make the Peninsula and in particular Rosebud fully urbanised" while "sending letters to the state government in an attempt to be recognised as rural".	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the	

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		projected population and housing growth as reported in the State Government's VIF2019 report. State and Metropolitan Melbourne policies on housing supply, i.e. Clause 16.01-1S and Clause 16.01-1R respectively, require officers to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. The amendment directs future residential development towards established urban areas whilst leaving the Peninsula's green wedges unchanged. The amendment continues to affirm the Shire's commitment to maintain an urban-rural land ratio of 3:7.	
55.3	Concerned about the impact of high level development on local infrastructure, traffic, pollution, job availability, crime rates, etc.	The amendment addresses congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades. All other matters are beyond the scope of the amendment.	
55.4	Concerned about the impact on the value of the homes around such developments.	As has been established in numerous previous Tribunal decisions, loss of property value is not a matter which can be dealt with as a planning issue.	
Submission number: 56 **Submitter:** Private landowner **Submission summary:** Concerned about the impact of population growth on the Peninsula's main roads, hospitals, schools and parking.			

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56.1	Wants safety improvements to the Jetty Road exit off the freeway.	Beyond the scope of the amendment. The Shire is currently preparing an *Integrated Transport Strategy* that would consider issues like this.	**No changes recommended.** **Refer submission to Panel.**
56.2	Local hospital is run down and understaffed; can't keep relying on Frankston, which already has long wait times.	Beyond the scope of the amendment.	
56.3	Need to address lack of beach parking for locals due to campers and day trippers.	Beyond the scope of the amendment.	
56.4	Need to address congestion on the Peninsula's main roads.	The amendment addresses congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
56.5	Need to add an extra high school to cope with class sizes.	Beyond the scope of the amendment.	
56.6	Need to address insufficient parking at Rosebud Plaza.	Beyond the scope of the amendment. Parking issues at the Peninsula's major activity centres, which includes the Rosebud Activity Centre, are being addressed via amendment C281morn.	
Submission number: 57 **Submitter:** Private landowner **Submission summary:** Concerned about the ability to treat effluence on lots of 650 square metres.			
57.1	Concerned about the capability of a lot in Arthurs Seat with a size of 650 square metres in supporting effluent treatment for a typical 4-bedroom dwelling given the amendment is proposing to remove the subdivision requirement on minimum dimensions (20m x 30m).	The amendment is retaining the mandatory requirement on reticulated sewerage in the DDO2, which applies to the area, that all new dwellings must be connected to it or an alternative approved by the responsible authority. While the amendment proposes to remove the subdivision requirement on minimum dimensions, the proposed NRZ11 (Bush Residential 3), which would apply to the area, has a maximum site coverage requirement of 40 per cent and minimum permeability	**No changes recommended.** **Refer submission to Panel.**

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		requirement of 40 per cent. These requirements would limit building footprints and help manage stormwater runoffs.	
57.2	Wants to know whether officers have a standing policy on appropriate septic treatment requirements outlining a minimum dispersal area.	Beyond the scope of the amendment. All septic tank maintenance and care must meet the recent changes to the *Environment Protection Act 2017*, which began operation from 1 July 2021.	
Submission number: 58 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would destroy the amenity and natural environment of the Peninsula due to overdevelopment.			
58.1	"Planning laws should be orientated toward retaining the medium density of housing and population to preserve the amenity and natural environment of the Peninsula … Population density should be controlled not encouraged. The Mornington Peninsula should be preserved for future generations, not exploited for short term gain."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 59 **Submitter:** Private landowners **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
59.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals such as brush and ringtail possum - the lack of paved footpaths	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum	**No changes recommended.** **Refer submission to Panel.**

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	- many houses with productive gardens that grow fruit and vegetables and support wildlife with nesting boxes - incremental change will inevitably increase traffic and noise levels - the town deserves a quieter zone with larger spaces for recreation that places less demand on Shire amenities.	permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	
59.2	Concerned about the potential impacts of COVID-19 on planning and housing in the Peninsula given the significant number of people that have left the city for regional areas. Hence, the "need to protect our town and village block sizes to keep them viable and relevant, even more so our agricultural and coastal lands from development".	Whilst the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* was adopted in 2020, pre-COVID, the strategy's vision and directions for housing on the Peninsula remain relevant. The strategy outlines how future housing and population growth will be accommodated on the Peninsula over the next 15 years according to available statistical data generated by the State Government. The Strategy provides a sustainable approach to accommodating projected housing growth while ensuring the special values and character of the Peninsula are protected for current and future Victorians. To this end, future housing and population growth will be focused in our urban areas, ensuring our Green Wedge is protected. As is standard practice, the Shire's housing strategy will be reviewed every 5 years. In the event the State Government's population and housing projections for the Mornington Peninsula change as a result of COVID-19, officers will assess whether changes to the policy or strategic directions in the housing strategy and any corresponding amendments to the Mornington Peninsula Planning Scheme are required.	
Submission number: 60 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
60.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given:	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character	**No changes recommended.** **Refer submission to Panel.**

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	- the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals such as brush and ringtail possum - the lack of paved footpaths - increased development would encourage more parking on grassed areas creating safety issues and causing damage to tree roots - incremental change will inevitably increase traffic and noise levels.	objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	
Submission number: 61 **Submitter:** Private landowner **Submission summary:** Wants the western side of First Avenue included as part of The Avenues' minimal change designation.			
61.1	"I would like the council to consider a boundary that is further west than the current proposal so as to protect First Avenue as a buffer zone."	The western side of First Avenue is not deemed to possess the special characteristics identified in The Avenues per the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), which underpins the proposed application of the NCO2 over The Avenues, Rosebud.	**No changes recommended.** **Refer submission to Panel.**
61.2	"I think some forethought should be given to firewalling First Avenue from the increased traffic flows that will inevitably arise from the commercial and residential developments in the future. This may take the form of some sort of bypass road from McCombe St through to Pt Nepean Road."	Beyond the scope of the amendment. Nonetheless, the Shire is currently preparing an *Integrated Transport Strategy* that would address such issues.	
Submission number: 62 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
62.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given:	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character	**No changes recommended.** **Refer submission to Panel.**

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	- the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals such as brush and ringtail possum - the lack of paved footpaths - many houses with productive gardens that grow fruit and vegetables and support wildlife with nesting boxes - incremental change will inevitably increase traffic and noise levels - the town deserves a quieter zone with larger spaces for recreation that places less demand on Shire amenities.	objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	
Submission number: 63 **Submitter:** Local resident **Submission summary:** Concerned that the amendment would encourage more subdivision and gutter-to-gutter developments.			
63.1	Concerned the amendment will split up blocks into two or more, which would decrease the submitter's property and living values and impact on the things about the Peninsula that attracted them such as open areas of land and housing that wasn't gutter to gutter.	The amendment is not proposing any change to controls on minimum subdivision area that currently exist in the Mornington Peninsula Planning Scheme. In addition, the amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes. These controls include increased setbacks from side and rear boundaries, and tighter requirements on site coverage and permeability.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 64 **Submitter:** Local resident **Submission summary:** Agrees with the amendment in principle and encourages continued dialog with the community and further studies on specific issues.			
64.1	Agrees in principle with the amendment's proposed strategy. Encourages "Council to engage in dialog with the community throughout the process" and undertake "further	Acknowledge agreement and suggestions regarding engaging the community and further studies. Exhibiting the amendment, reviewing submissions, holding meetings with specific interest groups and	**No changes recommended.** **Refer submission to Panel.**

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	studies to review what the likely impact may be to neighbouring areas … environment, infrastructure, services".	providing submitters opportunities to speak at the panel hearing are all part of the council's engagement with the community as required by the *Planning and Environment Act 1987*. Neighbouring municipalities have been notified of the amendment. Impact on neighbourhoods, particularly the character of residential areas, are already addressed by the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). The amendment addresses impact on the environment, infrastructure and services through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport, and away from minimal change areas, which are affected by one or more constraints including natural hazards. The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 65 **Submitter:** Local resident **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
65.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals such as brush and ringtail possum - the lack of paved footpaths - many houses with productive gardens that grow fruit and vegetables and support wildlife with nesting boxes - incremental change will inevitably increase traffic and noise levels	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**

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	- the town deserves a quieter zone with larger spaces for recreation that places less demand on Shire amenities.		
Submission number: 66 **Submitter:** Local residents **Submission summary:** Concerned about the potential of geotechnical collapse of the land around Spindrift Avenue, Flinders.			
66.1	Requests that the Shire deals with the environmental and traffic issues affecting Spindrift Avenue, Flinders, which are exacerbated by the geotechnical conditions of the area and heavy vehicular traffic (mostly surfers) accessing the council steps at the end of the street.	Beyond the scope of the amendment. This issue is a matter for the Shire's Traffic and Transport Team.	**No changes recommended.** **Refer submission to Panel.**
66.2	The Shire must provide the infrastructure needed to support its endeavour to provide better and safer housing for a larger population, which would "require a review of existing roads and facilities for the current residents, before planning for future development."	Beyond the scope of the amendment. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	
Submission number: 67 **Submitter:** Visitor **Submission summary:** Concerned about the lack of infrastructure to support further housing development; urges the need to protect the green wedges.			
67.1	Believes the Peninsula is insufficiently resourced with infrastructure to allow further housing development, which "is already out of control in the summer months with horrendous traffic, issues with parking, littering and hoons on jet skis."	The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, The Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades. Issues relating to parking, littering and jet skis are beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**

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67.2	Need to protect the green wedges as much as possible by not allowing farmlands and golf courses to be sold off for housing development.	The amendment is not proposing any change to its green wedge. Issues relating to the green wedge are addressed by the Shire's *Green Wedge Management Plan 2019*.	
Submission number: 68 **Submitter:** Private landowner **Submission summary:** Objects to the proposal to restrict subdivision to a minimum of 1,300 square metres.			
68.1	Objects to the proposal to restrict the subdivision of land in the submitter's area to a minimum of 1,300 square metres given several examples of subdivision in the immediate area are smaller than that with some as small as 800 square metres. Thinks the current system works well without the need to have a prescriptive based system forced on the community that may result in subdivisions that do not fit well into the neighbourhood.	While no property address has been included in the submission, it seems the submitter is referring to the minimum subdivision area control in the existing DDO2. This control is currently already in the Mornington Peninsula Planning Scheme; hence, the submitter's comment about the current system working well without the prescriptive control is invalid. Also, the current DDO2 permits no more than 2 dwellings for every 1,300 square metres via an integrated subdivision. This means a lot created via this mechanism can be as low as 650 square metres, which is the minimum subdivision area control in the proposed DDO2. The submitter's objection is thus based on an incorrect understanding of the amendment's proposed changes.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 69 **Submitter:** Local resident **Submission summary:** Supports the amendment.			
69.1	"I support The Mornington Peninsula Planning Scheme Amendment C219morn".	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 70 **Submitter:** Private landowners **Submission summary:** Concerned about the loss of notification and opportunity to object especially if views are impacted.			

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70.1	Concerned that developments on neighbouring properties can occur "without notification and any opportunity for us to voice objection" especially if it would "substantially affect the amenity of our property" including views to the bay.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 71 **Submitter:** Private landowners **Submission summary:** Wishes to retain small seaside village in Somers and concerned with existing road, water and sewerage infrastructure and lack of footpaths.			
71.1	Does not want to see any changes to Somers "due to quality of life in a small Seaside Village." "The current commercial facilities are limited." "Water supply and Sewerage may also be limiting factors in terms of increasing residential supply."	Somers is a minimal change area and will therefore have limited change, resulting in the commercial facilities remaining commensurate with the township. Water Supply and sewerage concerns are beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
71.2	"The road leading into Somers are somewhat limited" in terms of "the number of vehicles they are equipped to carry" and "quite a number of the roads in Sommers are narrow and unmade and not suitable for increased traffic." "Somers has very few footpaths thus necessitating pedestrians to use	The amendment addresses congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a	

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	the road way" which is dangerous particularly in summer peaks.	strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 72 **Submitter:** Private landowners **Submission summary:** Supports the maximum building height up to 9metres but questions why three stories can't be accommodated within the 9metre maximum?			
72.1	"I support the maximum building height up to 9 metres but think if we can go to 9 metres why not 3 stories within the 9M height." "I would like to see this amendment included."	The parent provision of the Neighbourhood Residential Zone (NRZ), which is a Victorian Planning Provision, mandates that the "building height must not exceed 9 metres" and "the building must contain no more than 2 stories at any point". C219morn cannot allow for three stories as it would contravene the Victorian Planning Provision.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 73 **Submitter:** Private landowners **Submission summary:** Supports the changes to the LDRZ areas and that the DDO's that will protect and maintain the LDRZ semi-rural living character.			
73.1	"After reading the content we fully support the changes to the LDRZ areas and the DDO's that will protect and maintain these zones so they are not able to be subdivided into smaller lots or allow multiple dwellings."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
73.2	"We understand that there needs to be some incremental housing changes to the Peninsula however the neighbourhood character must be protected to ensure the magic of the Mornington Peninsula and all that it has to offer is not lost."	Acknowledge support.	
Submission number: 74 **Submitter:** Beveridge Williams on behalf of private landowner **Submission summary:** Requests that the incremental change area be applied to the landowner's property which is in the GWZ and outside the UGB.			
74.1	"We submit that the amendment should be revised as follows:	52 Serenity Way and 7a Reflections Way, Mornington are both outside the UGB and are zoned GWZ.	**No changes recommended.**

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	• The inclusion of 52 Serenity Way and 7a Reflections Way, Mornington, and surrounding areas, within the 'incremental change area', to allow for the potential future rezoning for residential use." The inclusion of these properties "would allow for a rezoning request that is consistent with neighbouring residential properties and the outcomes sought by the amendment."	This request is not consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S (Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020), which all seek to protect the green wedge by maintaining the UGB and the GWZ. It is also not consistent with State and Metropolitan Melbourne policies on housing supply, i.e. Clause 16.01-1S and Clause 16.01-1R respectively, which seek to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. The existing UGB is not changed under the amendment.	**Refer submission to Panel.**
74.2	"The new residential zones and updated design controls included with the amendment seek to limit or minimise the expansion and population increase within the Mornington Peninsula Shire. These controls do not reflect the current state policy or population requirements expected of Council. Specifically, the amendment fails to address residential housing demand."	Officers disagree given the adopted *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. Also, PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ. PPN91 also advises that the	

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		NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	
74.3	"Population forecasting has identified an increase of young families migrating to Mornington. Locating housing on the periphery of the centre will address residential housing demand, particularly for young families. Short commuting distances to the Mornington Activity Centre and community services provides opportunities to implement provisions for cycling and bus services, working towards the Shire's Transport Solutions Program."	Clause 16.01-1S and Clause 16.01-1R respectively, which seek to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. Although Mornington is a Major Activity Centre, the 20-minute neighbourhood concept is all about 'living locally' – giving people the ability to meet most of their daily needs within a 20-minute return walk from home, with access to safe cycling and local transport options. The subject sites would be in excess of a 20-minute walk from the nearest activity centre. The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
74.4	"The Mornington Peninsula is expected to have a population increase higher than the Melbourne average". "Currently Mornington Peninsula has very limited opportunity for any greenfield development. This places significant pressure on the smaller villages within the municipality...and will force the townships of Mornington, Somerville, Hastings, Dromana and Rosebud to facilitate apartment and high-rise type	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These	

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	development which will consequently affect the character of these townships".	projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. Mornington, Hastings and Rosebud already have planning controls which allow 3 – 4 storey development whilst Dromana (C224morn) and Somerville (C269morn) have recently approved amendments that allow developments of up to three stories.	
Submission number: 75 **Submitter:** Private landowner **Submission summary:** Suggests a height of 9m maximum for the property at 213-217 Bass Meadows Boulevard, St Andrews Beach.			
75.1	"I would like to suggest higher height of 9m for 213-217 Bass Meadows blvd, to align with proposed changes".	The proposed DDO48 which applies to the subject sites is defined as a Low Density Bush Coastal Contemporary C. The *Neighbourhood Character Study Guidelines* identified that the building height and form objective for that precinct is "to ensure that new buildings and extensions do not dominate the streetscape and the wider landscape setting". With one of the Design Responses stating that "new development should complement the 1-2 storey building height and forms of existing dwellings". The existing DDO48 replaces the existing DDO5. The existing DDO5 provides that "a building must have a maximum building height of no more than 8 metres and must contain no more than 2 stories above natural ground level" with some exceptions included. The proposed 8m maximum height is consistent with the existing height limit.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 76 **Submitter:** Private landowner and local resident **Submission summary:** Wants the housing change designation change to minimal to protect 'Old Tyabb's' environment and character.			

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76.1	Wants the 'Old Tyabb' area in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals - the lack of paved footpaths - many houses with productive gardens that grow fruit and vegetables and support wildlife with nesting boxes - incremental change will inevitably increase traffic and noise levels - the town deserves a quieter zone with larger spaces for recreation that places less demand on Shire amenities.	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. The environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area. It is also noted that the VPO1 is retained which will ensure that subdivision and development proposals have proper regard to the landscape character of township areas.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 77 **Submitter:** Private landowner and local resident **Submission summary:** Against higher density on single dwelling allotments, loss of vegetation, reduced front setbacks, on-street parking and traffic issues, loss of character.			
77.1	Against: - higher density development on single dwelling allotments - loss of vegetation - reduced front setbacks - Lack of onsite parking causing on-street parking issues - Increased traffic congestion - loss of Mornington beachside character	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. Higher density development is an appropriate type of development in areas designated for incremental / substantial change. These areas have the capacity in terms of location to jobs, services and facilities to	**No changes recommended.** **Refer submission to Panel.**

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		support higher density residential developments, noting that Mornington is a Major Activity Centre for the Mornington Peninsula. A Planning permit will be required for more than one dwelling on a lot, ensuring that a planner will assess the current planning controls and neighbourhood character. The amendment addresses congestion issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 78 **Submitter:** Private landowner **Submission summary:** Disgusted with the proposed allowed development and subdivision, greed by the Mornington Peninsula Shire and loss of natural environment.			
78.1	"I am disappointed and disgusted to hear the proposed and allowable growth of this beautiful part of the world. Stop this carnage and destruction of increased dwellings and subdivision of the Mornington Peninsula". "Leave this natural wonder. Not a concrete jungle".	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. Higher density development is an appropriate type of development in areas designated for incremental / substantial change. These areas have the capacity in terms of location to jobs, services and facilities to support higher density residential developments. This amendment does not affect land outside the UGB.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 79			

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Submitter: Local resident **Submission summary:** Acknowledges need for growth but wants character of the Mornington Peninsula retained to not become an extension of Melbourne.			
79.1	Acknowledges that we need new homes but hopes that "consideration is given to the general feel of the Pen. With increased housing comes increased traffic, noise and demands on infrastructure e.g schools, Dr's, hospitals and general shopping facilities, add to that the seasonal traffic and population and it will make the Pen an extension of Melbourne. Please don't allow overbuilding on the Pen as it will loose its cor attraction of space, bush and coast".	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes. This amendment does not affect land outside the UGB.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 80 **Submitter:** Local resident and landowner **Submission summary:** Strongly opposes proposed substantial changes in Rosebud, destruction of the natural environment, traffic issues and fears another 'Gold Coast'.			
80.1	"I am strongly opposed to the proposed substantial changes to my immediate area.... I reject the idea of such high density three storey development." "Terrified we will become another 'Gold Coast' with bland high rise destroying the village atmosphere of Rosebud." "I would appreciate that any development be contained to Nepean Highway only."	The existing GRZ1 allows for a maximum building height of 11 metres and 3 stories which is not proposed to change as a result of the amendment. The is underpinned by the adopted *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017).	**No changes recommended.** **Refer submission to Panel.**
80.2	"I believe there is a history of this being an area of substantial underground water, so potential for flooding."	A property that is identified as flood prone will need to apply for Report and Consent and may be referred to Melbourne Water via the planning permit process.	
80.3	"My area is also occupied by some historic relevance."	Beyond the scope of the amendment. It is noted that there are some properties within the immediate area which are subject to a Heritage Overlay (HO). Properties with a HO	

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		will be assessed against the applicable provisions within the Mornington Peninsula Planning Scheme.	
Submission number: 81 **Submitter:** Landowner **Submission summary:** Fears further de-regulation will result in neighbourhoods and the Mornington Peninsula changed irrevocably, reducing the valued live ability.			
81.1	"With further de-regulation buildings totally out of character with existing properties could be built resulting neighbourhoods being changes irrevocably and vastly reducing the live-ability and uniqueness that is so valued by those who live on the Peninsula." Issues such as inability to object, reduced quality of life due to size and height and positioning, loss of vegetation and impacts on flora and fauna.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. The amendment encourages and supports the retention or (re)planting of native vegetation and vegetation that is indigenous to the Peninsula. This is articulated in the garden setting strategies and policy guidelines in the proposed local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula). Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
81.2	"Should be maintaining its rural and coastal landscapes and keep a firm grip on the development of its townships."	The State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S	

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		(Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020) all seek to protect the green wedge by maintaining the UGB and the GWZ. The existing UGB is not changed under the amendment.	
Submission number: 82 **Submitter:** Objector **Submission summary:** Fears further de-regulation will result in a lack of due diligence, obstruction of views and loss of neighbourhood character.			
82.1	With the de-regulation "of the building industry there is the opportunity for buildings to be constructed without the correct documentation being in place." Fears that with the reduced number of planning permits being required that due diligence won't occur and "will lead to buildings being constructed that should have planning permission".	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regardless for the need of a planning permit or not, a Building Permit for most buildings and works is still required to ensure due diligence occurs. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17, R18 and R19 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
82.2	Exacerbated loss of views by allowing the height to 8m above natural ground as of right reducing the Mornington Peninsula's neighbourhood character and values.	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a	

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		later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Officers also recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	
Submission number: 83 **Submitter:** Country Fire Authority (CFA) Vic **Submission summary:** Recommends officers to undertake more detailed bushfire assessment to increase bushfire resilience.			
83.1	Concerned that "the amendment and its supporting documentation lacks sufficient links to bushfire considerations and policy and has the potential to lead to unintended increases, intensification or introduction of new bushfire risks." Recommends "that a more detailed bushfire assessment is undertaken that identifies hazards and risks and details how the amendment responds to relevant bushfire policies".	Officers recommend an additional requirement in the application requirements for a landscape plan to ensure landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area. Officers also recommend including an additional decision guideline that considers whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.	Refer to R22 and R23 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 84 **Submitter:** Landowner **Submission summary:** Requests the ability to reverse the consolidation from one title to two separate titles.			
84.1	"We are not requiring a new subdivision, but to reverse the "consolidation" done in 1997, and to re-establish both 14 and 16 Hillview Avenue to their original borders."	The existing "consolidated" lots are approximately 1,830 square metres according to our records. Subdivision would be prohibited, noting that the proposed DDO4 states that "a permit cannot be granted to subdivide land which is not in accordance with the following requirement" (being "each lot created by the subdivision must be at least 2,500 square metres"). It is noted that the existing and proposed DDO4 requires 2,500 square metres per lot created by a subdivision.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 85			

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Submitter: Local resident and landowner **Submission summary:** Opposes the reduction of planning permit triggers, loss of ability to object and transparency must remain.			
85.1	"Planning permits are essential for everyone, especially in our beautiful suburb of Mt Eliza with all its vegetation and seaside ambience." "Total transparency must remain." Their submission is based on a recent neighbouring development which they opposed the planning permit application and appealed the decision at VCAT. Believes C219morn "is tailored assisting regional developers – and is deliberately targeted at avoiding the need to consult with local residents."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regardless for the need of a planning permit or not, a Building Permit for most buildings and works is still required to ensure due diligence occurs. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
85.2	"Moonscaping of properties cannot be allowed to keep on happening. Permits to remove significant trees must be in place."	While much of Mount Eliza has a VPO1, which requires a planning permit to remove, destroy or lop any vegetation, there are existing exemptions within the Mornington Peninsula Planning Scheme. The Amendment does not propose to alter the requirements set out by the VPO1. The amendment also encourages and supports the retention or (re)planting of native vegetation and vegetation that is indigenous to the Peninsula. This is articulated in the garden setting strategies and policy guidelines in the proposed local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula).	
Submission number: 86			

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Submitter: Landowner **Submission summary:** Opposes the rezoning change as it will affect the investment property market value and planning requirement for future development.			
86.1	"The proposed change will largely affect my investment property's market value. The change of zoning will also affect on its planning requirement for future development."	As has been established in numerous previous Tribunal decisions, loss of property value is not a matter which can be dealt with as a planning issue. The Amendment deletes the DDO1 and proposes to reduce the maximum height from 10 metres / 2 stories to 9 metres / 2 stories for the subject address. The change of the zone as far as the permitted uses are concerned are essentially the same. The proposed NRZ2 ensures future development responds to the preferred neighbourhood character.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 87 **Submitter:** Landowner **Submission summary:** Wants to be able to subdivide the land into the previous two lots which were consolidated in 1989			
87.1	The property was consolidated in 1989. The landowner realised that they weren't "able to subdivide under 1300sq Mtrs... Our block is 1269sq mtrs.... Our intention is to put the blocks back to the way they were originally."	The existing "consolidated" lots are approximately 1,269 square metres according to our records. Subdivision would be prohibited, noting that the proposed DDO2 states that "a permit cannot be granted to subdivide land which is not in accordance with the following requirement" (being "each lot created by the subdivision must be at least 650 square metres"). It is noted that the existing and proposed DDO2 requires 650 square metres per lot created by a subdivision.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 88 **Submitter:** Resident **Submission summary:** Concern the amendment would encourage unnecessary population growth and create associated amenity impacts.			
88.1	The information sent identified that the population on the Peninsula will increase resulting in "some 1,200 new houses per year." Questions the source of the forecasts and "if it has occurred to your planners that growth simply for growth's	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State	**No changes recommended.** **Refer submission to Panel.**

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	sake is not mandatory, i.e. if provision is not made for those 1,200 houses, the hordes of newcomers will not be able to arrive. Thus, the living standards of existing residents, in terms of availability of services, the inevitable crowding and deterioration of roads and other maintenance areas, increased pollution and so on."	Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 89 **Submitter:** Resident **Submission summary:** Mornington is losing its unique character; some recent and emerging developments have demonstrated this.			
89.1	"I would like to express my real concern relating to the proposed development plans for Mornington. It is already in grave danger of losing its unique character and charm and the proposed plans will just about finish it off."	The addresses citied as poor examples of development within the submission are all addresses which are not to have amendments made to the existing planning controls as they are within the C1Z or existing DDO13 (which is supported by the *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007)). However, for residential zoned land, the amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental	**No changes recommended.** **Refer submission to Panel.**

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		outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
89.2	"Why is it necessary to start off with the mindset of "Build it and they will Come"? The main proponent is available housing – so who is pushing to build it?"	The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
89.3	If there is a "9metre/2 storey building height limit, then why are we already seeing buildings above that height? I cite the example of the new apartments under construction between 89 Main Street and the small laneway."	This section of Main Street, Mornington is affected by the existing DDO13 which allows for a maximum building height of 11 metres comprising up to 3 stories. The amendment makes no changes to the existing zone, overlays or building heights for 89 Main Street, Mornington as cited.	
Submission number: 90 **Submitter:** Resident **Submission summary:** Growth should be commensurate with the required infrastructure, private open space is necessary, limit development to two stories in certain areas.			
90.1	"Your population growth to 2036 should take into account infrastructure projects IMMEDIATELY. We should see improvements in local roads, open space, storm water/sewage disposal from increased housing and social aspects as in child care and senior citizens centres."	The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**

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90.2	"There should be limitations on the number of multiple home units built I areas which were predominately house blocks with back yards, I see no objection to Dual Occupancy if there is Open Space... NO MORE DROMANA PARADE CLUSTERS."	Most of Dromana Parade is nominated as an area suitable for incremental change thereby indicating that the area has capacity for housing growth and more diverse housing types. Some pockets of Dromana Parade have been identified suitable for minimal change given sea level rise constraints which were regarded a constraint when preparing the Residential Development Framework. The proposed NRZ3 includes a requirement above and beyond the existing private open space provision for multiple dwellings (as at B28 to Clause 55.05-4) by requiring an additional 15 square metres and increasing the minimum dimension from 3 metres to 5 metres. The proposed requirement in the NRZ3 also requires further private open space at ground level if the dwelling has more than 2 bedrooms.	
90.3	"To protect the character of our shire there should be no structures built over two stories on Marine Parade, Safety Beach or on Point Nepean Road."	The current planning controls pertaining to Marine Parade, Safety Beach limit development to 2 stories and 10 metres, the proposed NRZ3 limits development to 2 stories and 9 metres. Note: there are some exceptions to this limit under the parent NRZ provision The Dromana activity centre is designated a substantial change area because it is underpinned by a township plan that supports three stories. The three-storey building height requirement is mandatory. C224morn has recently been approved and gazetted by the Minister.	
90.4	"Buildings such as the one that towers over the historical church "StMarks, Dromana" must be avoided."	The new DDO29 that applies over the centre via the recently gazetted amendment C224morn contains objectives that seek to protect the important character elements as well as respecting the height and scale of heritage buildings.	
Submission number: 91 **Submitter:** Local resident and landowner **Submission summary:** Opposes the reduction of planning permit triggers, loss of ability to object and transparency must remain.			

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91.1	"Planning permits are essential for everyone, especially in our beautiful suburb of Mt Eliza with all its vegetation and seaside ambience." "Total transparency must remain." Their submission is based on a recent neighbouring development which they opposed the planning permit application and appealed the decision at VCAT. Believes C219morn "is tailored assisting regional developers – and is deliberately targeted at avoiding the need to consult with local residents."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regardless for the need of a planning permit or not, a Building Permit for most buildings and works is still required to ensure due diligence occurs. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 92 **Submitter:** Local resident **Submission summary:** Appreciates growth is required, the amendment allows improved operational efficiency but requests planning permits for single dwellings remains.			
92.1	"It seems incongruous to that the thrust of this efficiency is to see "that more applications for one dwelling on a lot can be processed under the building regulations without needing a planning permit"." "In my view the requirement for 'planning permits' remains a worthwhile, ongoing safeguard for existing residents in a neighbourhood, where new dwellings are being proposed. Such permits being required and open to public scrutiny, provide more time for a fairer, local consideration."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regardless for the need of a planning permit or not, a Building Permit for most buildings and works is still required to ensure due diligence occurs. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
92.2	"In my view it is crucial that the character of our residential areas is not only protected and enhanced but guaranteed that this will be the case." Residents are the ones that "will "ensure the character" of their area is "protected and enhanced"."	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	
Submission number: 93 **Submitter:** Local resident **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
93.1	Wants the 'Old Tyabb' area in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees and shrubs, wide variety of native and introduced birds, and other animals such as brush and ringtail possum - the lack of paved footpaths - many houses with productive gardens that grow fruit and vegetables and support wildlife with nesting boxes - incremental change will inevitably increase traffic and noise levels	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**

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	the town deserves a quieter zone with larger spaces for recreation that places less call demand on Shire amenities.		
Submission number: 94 **Submitter:** local resident **Submission summary:** Very happy with the new regulations regarding St Paul's Road, Sorento			
94.1	"I am very happy with the new regulations regarding St Paul's red *[sic]* Sorrento." "So I'm glad to see the municipality has put forward this amendment."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 95 **Submitter:** Submitter **Submission summary:** Doesn't support the as of right 8.0m without the need for a planning permit and concerned with demise of natural vegetation and loss of character			
95.1	"As much as Am C219 has been framed to align the MPPS with State-wide VPPs to apply the reformed Residential zones based on a Housing Strategy and Neighbourhood Character Study the amendment does not provide sufficient analysis or justification to the distinctive landscape of the lower and western peninsula."	Guidelines provided by PPN90 and PPN91 have been adhered to (including consideration of existing neighbourhood character) when preparing the HSS and associated planning provisions. The Mornington Peninsula Localised Planning Statement identifies the significance of the Mornington Peninsula's character as a whole as being "one of Melbourne's greatest assets." This unique character is not just restricted by the lower and western peninsula, but the Mornington Peninsula as a whole. As part of the NCS, Ethos Urban undertook extensive analysis on all the neighbourhood characteristics of all residential areas across the Mornington Peninsula's townships and villages.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
95.2	"Whilst the NRZ is seen to be the best available fit I am concerned with the changes proposed to DDO2 and DDO4 that will remove the permit trigger points to Building wall and overall heights and default control of these matters to the discretion of Building Surveyors." "The changes proposed to DDO2 and DDO4 will now facilitate as of right development to 8.0m (a 2.5m increase in wall height and	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

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	2.0m in overall height to DDO2 and 3.5m and 3.0m corresponding increase to DDO4) without discretion."		
95.3	"The amendment has not been informed though a review of the demise of typical natural vegetation, its reduction on private land, its weed infestation and depletion on Council managed road reservations and the impacts of Clause 52.12." "The amendment will in no way serve to ensure preservation or regeneration of the depleting, once distinctive landscape character of the Bayside Villages and Environmental areas nor achieve development that responds appropriately to its natural setting."	Existing vegetation controls such as the VPO1, ESO's and SLO's are not being amended as part of this amendment. Council does not have the power to turn off bushfire exemptions in the VPP even though the NCS recognises that the neighbourhood character of many parts of the Mornington Peninsula are significantly characterised by existing vegetation.	
Submission number: 96 **Submitter:** Clarke Planning Pty Ltd on behalf of private landowner **Submission summary:** Submits that the proposed NRZ7 does not reflect the area, the side setbacks are too onerous, and landscaping should be able to go over easements.			
96.1	"We take no issue with the proposed Zoning change and height control" however "the simple reality is that the overwhelming majority of NRZ7 land in Somerville in no way reflects at present what is desired and this is very unlikely to change. We say the existing character is more akin to housing from the 1980's or post era, brick pitched roofing, very limited landscaping (of which even lesser is native) and/or canopy trees, and double garages are highly prevalent." "We say one does not see dense native vegetation Suggests that proposed Neighbourhood character objectives 3 and 4 of the NRZ7 "be toned down to reflect" the reality described above. The submitter also opposes various Decision Guidelines included in the NRZ7 as they "assume there already is a dense, native, canopy treed setting."	As part of the NCS, Ethos Urban undertook extensive analysis on all the neighbourhood characteristics of all residential areas across the Mornington Peninsula's townships and villages. Table 2 within the township summaries of the NCS identifies that Sommerville is under threat from "inappropriate development and design" and that the existing "Coastal village character to be retained." 3.1 of the NCS identifies that Somerville is "experiencing infill type development constructed by volume builder' construction companies." The Garden Court 2 precinct describes "the key attribute of this precinct is the increased level of vegetation present in both the private and public realms...High levels of established native vegetation are also present within the private realm."	Refer to R12 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		The NCS outlines within Table 5 various proposed design requirements of the Garden Court 2 (Neighbourhood Character Precinct GC2). The GC2 highlights that for landscaping future development should "provide for one area within the front setback with minimum dimensions of 5m x 5m, to accommodate at least one large canopy tree". Promoting retention and a 5m x 5m area for new landscaping is not overly onerous. The objectives of the NRZ7 articulate the preferred neighbourhood character rather than what is already there to 'preserve' it.	
96.2	"We take no issue with the varied Requirements to the Rescode provisions, bar for saying that side walls on a boundary ought not be required to be setback 2m. Why is 1m not sufficient. This is a character directive... It will be a side walkway with a path, air-con unit, hose" etc. "The reality of Somerville in the NRZ7 at present does not at all exhibit character traits with large setbacks that include landscaping."	The NCS identifies that side setbacks are currently characterised by "0-2m to one side, 2-4m from the other". The NCS outlines within Table 5 various proposed design requirements of the Garden Court 2 (Neighbourhood Character Precinct GC2). The GC2 highlights that "buildings should be set back at least 2m from one side boundary." Requirements to side and rear setbacks is to limit the impact on the amenity of existing dwellings, i.e. impacts on existing habitable room windows, secluded private open space. The proposed requirement is consistent with the findings of the NCS. While PPN91 advises that the zone schedule cannot require asymmetric side setbacks, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules.	
96.3	"We oppose text suggesting landscaping cannot go in easements." The submitter has provided some VCAT decisions saying trees in easements are ok.	The landscape plan application requirement that is being referred to is discretionary as it states "should" rather than "must." Additionally, the application requirements refer to the landscape plan being "to the satisfaction of the Responsible Authority" allowing for a level of discretion by the responsible officer. Planting larger vegetation over an easement may result in the loss vegetation in the future in the instance that the infrastructure within the easement requires maintenance.	

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Submission number: 97 **Submitter:** Private landowner and resident **Submission summary:** Pleased to see their property in Tootgarook is in a minimal change area.			
97.1	"We are glad to see we are in a "minimal change area". "We certainly want to keep the amenity, appearance, spaciousness and feel of our suburb."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 98 **Submitter:** Private landowner and resident **Submission summary:** Supports the amendment as it maintains the character of the Mornington Peninsula, particularly the character in Sorrento.			
98.1	"I am writing to fully support the proposed Amendment C 219." The submitter mentions the special qualities of their precinct in Sorrento including heritage, lower density development and the flora and fauna that exists.	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 99 **Submitter:** Private landowner and resident **Submission summary:** Supports the amendment as it aims to ensure the Mornington Peninsula is a desirable place for a healthy life.			
99.1	"It is important to maintain minimal change to protect neighbours from unsuitable developments bringing with them a loss of amenity." Recognises the importance of maintaining a desirable habitat for fauna. The amendment aims to "ensure the Peninsula is a desirable place for a healthy life and you and your team are to be thanked for your proposal."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 100 **Submitter:** Private landowner **Submission summary:** Wants the area bordered by Murray Anderson Road, Mitchell Street, Adams Avenue and Morgan Street in Rosebud rezoned to the NRZ.			
100.1	Opposes the amendment "covering the area bordered by Murray Anderson Road, Mitchell Street, Adams Avenue and	The area is already currently in the GRZ. The amendment is retaining the GRZ given it is part of the *Rosebud Activity Centre Structure Plan*	**No changes recommended.**

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	Morgan Street" in Rosebud because the "proposed change of this area to General Residential Zone (GRZ), involving substantial change in the area including Paterson Street, is most inappropriate and undesirable." "It would be much more appropriate for GRZ development be limited to Point Nepean Road, with the area including Paterson Street zoned NRZ."	(Hansen Partnership, 2017) which supports a building height of up to three stories.	**Refer submission to Panel.**
Submission number: 101 **Submitter:** Private landowner **Submission summary:** Wants the garage wall length in the proposed NCO1 increased; questions the provision about providing a pitched roof with prominent eaves.			
101.1	Suggests that the garage wall length in the NCO1 over the Ranelagh Estate be amended from 6 to 6.5 metres "to allow for a standard garage of 6m INTERNAL dimension plus 250mm wall thickness front and rear … This change would avoid a permit being triggered every time."	A permit is required under the NCO whether or not an application meets all of the modified standards in Clause 54 and Clause 55 under the schedule. Nonetheless, officers support the suggestion to increase the garage wall length for practical reasons.	Refer to R16 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
101.2	"Why mandate pitched roof with eaves which is likely to encourage more generic volume built homes rather than properly designed homes sympathetic to the area" given "many of the original mid century modern style homes of the area had flat roof or skillion roof."	The provision that "New buildings should provide a pitched roof with prominent eaves" is not a mandatory requirement. A development with a flat or skillion roof can still be considered if it generally meets all other requirements of the proposed NCO1.	
Submission number: 102 **Submitter:** Local resident **Submission summary:** Concerned about potential inappropriate development in the proposed substantial change area in Dromana.			
102.1	Concerned that the proposed substantial change area in Dromana would encourage "multi-storey apartment blocks which only benefit the investors who construct them and the purchasers who can afford a water-front apartment", "will not provide the required 'new homes per year' and "in the	Only the Dromana Activity Centre is designated for substantial change given it is underpinned by a township plan that supports three stories. The new DDO29 that applies over the centre via the recently gazetted amendment C224morn contains objectives that seek to protect the important character elements as well as views to	**No changes recommended.** **Refer submission to Panel.**

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	process spoiling the views from the properties which lie behind."	the bay and Arthurs Seat. The three-storey building height requirement in the DDO29 is mandatory. Amendment C219morn proposes to rezone all residential areas in Dromana to the NRZ, which has a mandatory building height of 9 metres and 2 stories.	
Submission number: 103 **Submitter:** Local resident **Submission summary:** Concerned that development for high-density living in the 'Old Tyabb' area would be detrimental to the area's valued amenities.			
103.1	Concerned that the valued amenities of the 'Old Tyabb' area such as "the trees and the space between houses, the gardens and the wild life that visit" would be detrimentally affected by unit and townhouse developments for high-density living.	The environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 104 **Submitter:** Whelan Design Pty Ltd **Submission summary:** Objects to the amendment in its current form even though its intent to simplify the planning scheme and reduce permit triggers is supported.			
104.1	Introducing 37 NRZ schedules, 53 DDO schedules and 3 NCO schedules is an overly complex change to the Planning Scheme and contrary to the spirit of the amendment.	Technically, the amendment is proposing 36 NRZ schedules, 22 DDO schedules, and 2 NCO schedules that are new to the Mornington Peninsula Planning Scheme whilst also proposing to delete 4 existing DDO schedules. The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific	Refer to R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
104.2	"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."	The amendment is not proposing any changes to minimum lot sizes that currently apply in the Mornington Peninsula Planning Scheme. The increased SPOS and setbacks to the side and rear boundaries are underpinned by the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Community feedback received during the consultation phases of the study strongly indicated a dislike of developments that are built boundary-to-boundary, have large building footprints, and do not provide adequate and meaningful open space for vegetation and recreation. As per PPN91, "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS."	

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		In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas. The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*.	
104.3	Welcomes and supports a relaxing of height controls that often drive the need for a planning permit unnecessarily but is concerned the relaxation is too much and does not serve to protect shared views.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
104.4	Wants to retain the exemption to the mandatory 8-metre building height requirement that applies to land north of the Ellerina Road boundary given "it is a historic height control and would unreasonably constrain design expression to suit	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the	

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	character values present, particularly on land with steep slopes."	mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
104.5	No transitional requirements, "which is unfair and unreasonably prejudicial to applications submitted prior to the Planning Scheme Amendment being considered."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
104.6	"The overuse of the Neighbourhood Residential Zones will effectively limit the ability for unit/medium density developments from being developed."	As per PPN91, there is no prescribed percentage for how much land in a municipality should be in each residential zone. Principle 2 in PPN91 states that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 advises that the NRZ is applied to "areas where there is no anticipated change to the predominantly single and double storey character" and "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." Also, it is "inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area." PPN91 advises that the choice about which residential zone to apply must be based on the strategic outcomes being sought by the MPS and PPF as well as implement the relevant strategic framework plan or residential development framework plan identified in the MPS. The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) identify 1-2 stories as the predominant and preferred dwelling height across the Peninsula's residential areas. This is reflected in the	

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		Residential Development Framework of the Shire's housing strategy, which is proposed to be incorporated into the PPF under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
Submission number: 105 **Submitter:** Private landowner **Submission summary:** Concerned that buildings would be erected on the adjoining free land with detrimental impacts on the amenity of the neighbourhood.			
105.1	Submitter is outraged and disgusted thinking that the Shire would consider building on the free land next to their house, which would be unsafe for children, impact noise pollution, affect the value of their property, place unsupportable strain on the drainage, and severely impact the quiet and safe neighbourhood.	The GRZ1 land next to the submitter's property is owned by the Shire and used as a drainage reserve. While the amendment proposes to rezone the land to the proposed NRZ6, it is not proposing any changes to its current use as a drainage reserve. As has been established in numerous previous Tribunal decisions, loss of property value is not a matter which can be dealt with as a planning issue.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 106 **Submitter:** Local resident **Submission summary:** Concerned about the potential loss of existing recreational areas to development.			
106.1	Concerned that many areas currently used for recreation are marked for development. Children "would have to play a significant distance away where they could not be monitored." Believes "there are also drainage reasons for the area not being developed previously."	The GRZ1 land next to the submitter's property is owned by the Shire and used as a drainage reserve. While the amendment proposes to rezone the land to the proposed NRZ6, it is not proposing any changes to its current use as a drainage reserve.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 107 **Submitter:** Private landowner **Submission summary:** Disagrees with the removal of permit triggers and subclauses of Clause 54 in the DDO schedules.			
107.1	Does "not agree with the removal of a building permit in the blue and yellow designated areas where minimal and incremental change has been earmarked" given this would allow buildings to go higher with "adverse effects on	A building permit is always required to construct or extend a dwelling. A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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	abutting single level / existing dwellings that have adhered to the current wall height of 5.5m" and create issues such as "loss of passive energy, overshadowing and overlooking."	for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Overshadowing and overlooking are addressed under Standards A14 and A15 respectively in Clause 54 and Standards B21 and B22 respectively in Clause 55 of the VPP.	**Refer submission to Panel.**
107.2	Does "not agree with the sub clauses of Clause 54 being removed within a property report that contains a design and development overlay UNLESS" abutting properties are notified of all the sub clauses relating the abutting build / extension at the time of application and provided with ample time to respond / request amendments to the proposed plans.	Given Clause 54 encompasses all its subclauses and articulates how the objectives and standards in the subclauses are to be met, there is no need to duplicate what these subclauses are in a DDO schedule per the 'Planning Scheme Rules' in *A Practitioner's Guide to Victorian Planning Schemes, Version 1.4* (DELWP, 2020). The amended provision "An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54" would still require an application triggered under the DDO to meet all the subclauses in Clause 54.	
Submission number: 108 **Submitter:** Local resident **Submission summary:** Concerned about the potential negative impacts of population growth on the Peninsula's environment and biodiversity.			
108.1	Submitter strongly objects to "the concept of creating 1200 new residences per year on the Peninsula" due to concerns that population growth would lead to more roadkill, conversion of farmland into housing estates, subdivision that removes canopy and gardens, dumping of rubbish around the Shire and the road network, loss of animal habitats and pressure on resources.	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better	**No changes recommended.** **Refer submission to Panel.**

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		building and environmental outcomes such as the need for subdivision that creates more housing to have a landscape plan and, in specific neighbourhood character precincts, to plant at least one canopy tree.	
Submission number: 109 **Submitter:** Private landowner **Submission summary:** Believes land should be rezoned from the C2Z to the C1Z.			
109.1	Believes their land should be in the C1Z, not C2Z, due to location and practical development opportunities.	Beyond the scope of the amendment. Nonetheless, the rezoning of the site from the C2Z to the C1Z is not supported by the Shire's *Activity Centres Strategy* (Essential Economics, 2018).	**No changes recommended.** **Refer submission to Panel.**
Submission number: 110 **Submitter:** Local resident **Submission summary:** Concerned about the impact of development on views, coastal erosion and wildlife.			
110.1	Objects to "the proposal of developing three or more storey residences/buildings on the foreshore of the Mornington Peninsula" because it would obstruct views from other existing residences and businesses and endanger wildlife in the area.	Three or more storey residences/buildings are only proposed in areas designated for substantial change, which are limited to the three Major Activity Centres and specific Large Township Activity Centres. All other areas in proximity to the foreshore are proposed to be rezoned to the NRZ which contains a mandatory building height of 9 metres and 2 stories. The issue about wildlife is beyond the scope of the amendment. Nonetheless, the Shire is committed to protecting the environment and wildlife as articulated in the council-adopted *Biodiversity Conservation Plan 2019*.	**No changes recommended.** **Refer submission to Panel.**
110.2	Concerned "that further building and destruction of the existing environment" would damage the Peninsula's beaches further given existing coastal erosion issues.	Areas that are affected by coastal erosion have been designated for minimal change in the Residential Development Framework.	
Submission number: 111 **Submitter:** Local resident			

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Submission summary: Concerned about the rental crisis and its impact on the ability of future households to continue living on the Peninsula.			
111.1	Concerned about the rental crisis on the Peninsula; urges the council to consider smaller eco-friendly housing options such as relocatable houses.	The amendment encourages higher-density developments in areas designated for incremental or substantial change through the proposed local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). This would help mitigate the rental crisis to some extent. Relocatable houses are already permissible without requiring a planning permit if used as a DPU.	**No changes recommended.** **Refer submission to Panel.**
111.2	"There should be the opportunity for young families, single parents to 'rent to buy' a basic property. Similar schemes have been successful in the UK. Reducing homelessness."	Beyond the scope of the amendment.	
Submission number: 112 **Submitter:** Private landowner **Submission summary:** Objects to 3-4 stories in several Western Port townships, and concerned about one dwelling on a lot not needing a planning permit.			
112.1	Objects to "3 & 4 stories being built in the townships of Hastings, Crib Point, Bittern and Tyabb" as it would make these towns "lose the country feeling they originally had."	Only land designated for substantial change can support 3 or more stories. As far as the four townships mentioned are concerned, only the Hastings Activity Centre and a few small pockets of residential land around the centre are designated for substantial change and thus suitable to support 3 or more stories. All other residential areas in Hastings and all residential areas in Crib Point, Bittern and Tyabb are designated for either incremental or minimal change where only up to 2 stories can be supported.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
112.2	Concerned about losing sunshine when an approved 3-storey development next door commences construction.	Overshadowing is addressed under Standard A14 in Clause 54 and Standard B21 in Clause 55 of the VPP.	
112.3	Concerned about "what some people will build in their back yards once this act is passed not needing a planning permit for one dwelling on a lot can be processed without building regulations."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a	

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		later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
Submission number: 113 **Submitter:** Local resident **Submission summary:** Concerned that the projected population growth would negatively impact on the Peninsula's significant environmental values.			
113.1	Concerned about the potential impacts of the projected population growth on the Peninsula's significant environmental values such as the Western Port UNESCO biosphere reserve. Can't see how "Amendment C219 stops threat of development; if anything, because it accepts development as inevitable it accommodates it."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes such as the need for subdivision that creates more housing to have a landscape plan and, in specific neighbourhood character precincts, to plant at least one canopy tree.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 114 **Submitter:** Local resident **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
114.1	Disagrees with 'Old Tyabb' being in incremental change and thinks it should be minimal change. Thinks the amendment is just about money for the council. "Wildlife live here … Units and town houses have never been allowed, now we have all the subdivisions which I think is enough Let alone all warehouses across the road on marine parade".	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum	**No changes recommended.** **Refer submission to Panel.**

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		permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	
Submission number: 115 **Submitter:** Graeme Dickson Partners Pty Ltd on behalf of Beleura Hospital owner **Submission summary:** Wants the whole site to be designated as 'incremental change' and to remain in the existing GRZ1.			
115.1	Would like the whole site designated 'incremental change'. "This would be a more suitable approach for consistent application of the change areas, reflecting the actual characteristics of the site and its likely future development."	The largest parcel of the site is designated 'minimal change' because part of this parcel along the western boundary, which abuts Tanti Creek, is affected by the ESO17 (Streamlines), EMO4 (Landslide Susceptibility Area A), EMO5 (Landslide Susceptibility Area B), FO and LSIO. A substantial part of this parcel is also in the Bushfire Prone Area mapping. Given the number of environmental constraints and the nature of these constraints, it is not appropriate to designate this parcel for incremental change per the advice in PPN90.	**No changes recommended.** **Refer submission to Panel.**
115.2	The proposed NRZ2 is not appropriate for the hospital site given it "reduces the existing GRZ1 height control from 11 metres and 3 stories, to 9 metres and 2 stories for residential development", which "is inconsistent with the existing and proposed built form of the hospital, and would potentially limit the optimal development of health services and facilities." The neighbourhood character objective in the proposed NRZ2, i.e. "*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*", is "not restricted to residential development and is a Decision Guideline." This issue and the above "potentially limit further redevelopment which would be consistent with the existing hospital and constrain service delivery."	The mandatory building height controls under the proposed NRZ2 only apply to a building constructed for use as a dwelling or a residential building per Clause 32.09-10. While neighbourhood character objectives are not restricted to residential development, the Shire is aware that the development on the site relates to a non-residential use, which would mean that the thresholds used in development controls applicable to residential development may not be appropriate to the development on the site. This does not mean, however, that non-residential developments are not required to respect the surrounding neighbourhood character. The extent to which any future redevelopment on the site should meet the objectives would be a matter to be determined at the application stage.	

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115.3	"We submit that the appropriate option for the land holding is to retain the existing GRZ1. The exhibited GRZ1 now contains neighbourhood character objectives better suited to the site's development … The retention of the GRZ1 would be consistent with other sites in Mornington where the GRZ1 has been retained over sites with significant existing built form (*refer Page 27, Desktop Review of Strategic Work 2021*). Beleura Hospital should be treated in the same way, and we can only conclude that this was overlooked in the 2021 desktop review. If this is not supported, as a minimum add the word "residential" to the NRZ1 *[sic]* character objective to clarify its intent to apply to only residential development."	It is not appropriate to retain the existing GRZ1 of the site given the site and its immediate surrounds are not underpinned by a structure plan that supports 3 or more stories for a building constructed for use as a dwelling or a residential building. It is inappropriate to add the word "residential" to the neighbourhood character objectives of the proposed NRZ2 to limit their application to only residential development given all built form regardless of use can affect the character of an area even though a building not constructed for use as a dwelling or a residential building is not subject to the mandatory building height controls under the proposed NRZ2.	
Submission number: 116 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
116.1	Wants the 'Old Tyabb' area re-designated for minimal change instead of incremental given: - special consideration needs to be given to this historic area - the character and aesthetics of this neighbourhood are very appealing - all the homes in this area are different / unique in their own way, showing no repetition of housing styles, adding incredible character and charm - there is a distinguished country feel within this native area with trees, fauna and wildlife which all needs to remain and continue to be protected.	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 117			

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Submitter: Private landowner **Submission summary:** Concerned that the proposed rezoning would harm birds, affect schools and parking around them, and worsen traffic.			
117.1	Objects strongly to the proposed rezoning because of concerns that so many birds will be affected, schools might not be able to cope, cars cannot find parking anywhere near the schools, and traffic is already a nightmare. Submitter does not wish to live like Highett, East Bentleigh and the likes of these suburbs.	The proposed rezoning to the NRZ and incorporation of neighbourhood character objectives and controls into the NRZ schedules would ensure new development reflects the prevailing building height of 1-2 stories and provides adequate space around buildings for vegetation and private recreation. This would discourage boundary-to-boundary developments with large building footprints that are typical of developments in inner suburbs. The amendment addresses traffic issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 118 **Submitter:** Private landowner **Submission summary:** Wants the projected SLR of up to 0.8m by 2100 mapping considered in the amendment and made available on the Shire's website.			
118.1	"I would like to see crossover from the Coastal Management Plan to incorporate more Climate Change Strategies, particularly in relation to sea level rise, in the Planning Scheme Amendment C219morn. If the link is made to sea level rise, it is indirect or discreet. The link between our Planning and projected sea level rise impacts "of up to 0.8m by 2100" need to be explicit. A mapping of the projected impacts of sea level rise need to be made public on the Shire's website."	The SLR of up to 0.8m by 2100 mapping has been used and is regarded a constraint when preparing the Residential Development Framework. Areas affected by this constraint has been designated for minimal change. A mapping of this constraint is available to the public on the Shire's website.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 119 **Submitter:** Local resident **Submission summary:** Concerned that any proposed changes to planning and development in the 'Old Tyabb' area would be detrimental to its environment and character.			

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119.1	Protests any proposed changes to planning and development of the 'Old Tyabb' area in Hastings due to concerns that it would be detrimental to the area's environment, amenity and character such as: - the lush green, leafy and treed environment with many native bird species and other wildlife - the unmade footpaths and rustic streets - the local cycling track - proximity to the foreshore and other walking trails.	The environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
119.2	"The area is not one that is suitable for high rise buildings or multi unit developments. There is already much of these type of dwellings throughout other areas of Hastings and these other areas are open and more suited to the infrastructure required to support the many residents and vehicles that would use these type of developments."	The amendment proposes to reduce the maximum building height permissible for a building used as a dwelling or a residential building by rezoning the area to the proposed NRZ9 and removing the existing DDO1. This would reduce the mandatory building height control from 10 metres to 9 metres while preserving the number of stories at 2. The neighbourhood character objectives and controls in the proposed NRZ9 would tamper the extent of development in the area to ensure it reflects the area's preferred character.	
119.3	Concerned that increased housing in the area would increase traffic and constrain movement, necessitate development of the existing roadways including traffic lights, and increase road noise day and night.	How a proposed development to increase housing would impact on local streets is a matter to be addressed at the application stage.	
Submission number: 120 **Submitter:** Private landowner **Submission summary:** Thinks that a house on ½ an acre block should be able to have a larger floor plan exceeding 15% site coverage.			
120.1	Submitter thinks that the site coverage under the proposed C219morn is going to be 15% which on a 2,000 sqm block would equate to 300 sqm, or 33 squares. For a dwelling with a double garage, "this would leave you with a 28 square	Different new site coverage maxima are proposed for different areas under the amendment ranging from 30% to 50%. The VPP's site coverage maximum of 60%, however, will continue to apply in some areas. There are also areas where a site coverage maximum already	**No changes recommended.** **Refer submission to Panel.**

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	residence not big on today standards". This could mean that a dwelling would have to go to two stories if it requires a larger floor plan, which doesn't seem right for an ageing population. Thinks it should be able to have a bigger floor plan on ½ an acre.	applies via a DDO schedule and the amendment is not proposing any changes. The 15% site coverage maximum, which only applies to Precincts 3 and 4 of the Woodland Area in Mount Eliza, is an example. These two precincts currently have a minimum subdivision area control of 2,000 square metres via the existing DDO18. The amendment is not proposing any changes to the site coverage maximum in these two precincts. The tight site coverage control together with other character controls are necessary to protect the unique environmental and landscape character of the Woodland Area, where trees and vegetation typically dominate over the built form. These controls are underpinned by the *Mount Eliza Woodland Neighbourhood Character Study* (Planisphere, 2006). It should be noted that a 28 square residence excluding the garage, which equates to around 255 square metres, is nearly the same size of an average house built in the ACT, which has the largest average floor area relative to other states and territories in 2019/20 per the 6 November 2020 issue of the CommSec Home Size Trends Report.	
Submission number: 121 **Submitter:** Private landowner **Submission summary:** Wants to be able to subdivide the land.			
121.1	Submitter thinks the amendment does not cover their property and thus would like their land included to enable subdivision. The property faces Davies Street and Taylor Street in Bittern where both streets have full services – water, electricity, gas, phone, drainage and sewerage. Submitter believes the current overlay, which "dates back to the 1940's and 1970's" is outdated given the growing population and would like to subdivide the Taylor Street end of their property.	The property is included in the amendment, which proposes to rezone the existing GRZ1 to the proposed NRZ9 and change the existing DDO schedule from the DDO4 to the DDO6. The amendment also proposes to designate the land for minimal change given it is completely in the Bushfire Prone Area (BPA) mapping and subject to a minimum subdivision area control of 10,000 square metres. While the site has full access to essential utilities, the site-specific request to enable subdivision is not supported given the site is constrained by the BPA and State Government's advice in PPN90	**No changes recommended.** **Refer submission to Panel.**

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		requires officers to direct future housing away from such areas, which is a sustainable approach.	
Submission number: 122 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment is too complex for the public to understand and provide feedback, and would negatively impact property values.			
122.1	The amendment "does not provide a compelling background or articulate a clear impact statement to substantiate the need for change over existing … no business case provided to explain the benefits of your proposal over existing."	This is articulated in the *Explanatory Report*, which includes the Shire's *Desktop Review of Strategic Work*. All municipalities are required to prepare a housing strategy and neighbourhood character strategy per the State Government's advice in PPN90. The housing strategy is necessary to ensure there is enough housing capacity to accommodate the projected population and housing growth per the State Government's *VIF2019* statistical report, and ensure future housing is directed towards areas that are more capable of supporting greater residential development. The neighbourhood character strategy is necessary to ensure new development reflects the preferred character of an area so as to protect the valued characteristics of the Peninsula's residential areas. The amendment is also needed, as instructed by the Minister for Planning, to remove unnecessary permit triggers and simplify complex provisions.	**No changes recommended.** **Refer submission to Panel.**
122.2	"… there has been a lack of consultation from Council on these restrictive overlay proposals that will result in negative impacts on our hard earned investment properties and future values."	There are relatively few areas where tighter overlay controls in the form of the NCO are proposed in the amendment; the NCO is proposed because of the special characteristics identified in these areas per the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Extensive consultation with the community had been undertaken when the Study was being prepared, which comprised two phases of consultation that received more than 500 submissions. On the other hand, the amendment is proposing significant changes to existing DDO schedules that would remove numerous unnecessary permit triggers and simplify complex requirements. This would have the effect of loosening overlay controls.	

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		As has been established in numerous previous Tribunal decisions, loss of property value is not a matter which can be dealt with as a planning issue.	
122.3	Concerned that many owners do not understand the proposed changes given there is too much content to reference, it's poorly structured, far too wordy and confusing to understand, more suitable for someone with a Planning Law Degree, and hence will not be able to voice their objection / opposition appropriately.	All engagement content has been reviewed by the Shire's Community Engagement Officer, who is a certified and accredited expert in community engagement, to ensure it is accessible to the average person in the community. In addition, officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests.	
122.4	Thinks the proposed amendment and submission process is poorly timed given the COVID lockdown restrictions. Should at least delay until a proper consultative process can be agreed upon by all owners in a practical forum to ask questions; otherwise, abandon the amendment.	Officers have extended the exhibition period by 5 weeks given the COVID lockdown restrictions. There is no advice from the State Government that exhibition of planning scheme amendments should be suspended until 'normal' conditions return. On the contrary, the State Government made necessary changes to the *Planning and Environment Act 1987* so that planning scheme amendments could continue to be exhibited under COVID conditions.	
Submission number: 123 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment, amenity and character.			

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123.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees, shrubs, and animals - the streets are quiet and the area is a beautiful place to relax and raise children - incremental change will inevitably increase traffic and noise levels, threatening kids, walkers and cyclists, and also create more pollution ultimately affecting the habitat - the document states 'ensuring the special values and character of the Peninsula area are protected'.	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 124 **Submitter:** AusNet Transmission Group **Submission summary:** Has no objections.			
124.1	Has no objections to the proposed amendment. The Group has several existing and proposed transmission lines within the Shire. Any proposed development (including roads, earthworks or landscaping) within 60 metres of the easement must be referred to AusNet Transmission Group for approval prior to the commencement of any works on site. Advises contacting the Group at an early stage to ensure any proposed future use within a transmission line easement are acceptable to the Group.	Acknowledge non-objection. Officers will forward the Group's advice about referring any proposed development within 60 metres of the easement to the Group to the Development Services Unit.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 125 **Submitter:** Visitor **Submission summary:** Concerned that the amendment will destroy the village atmosphere of the three major activity centres with high-density housing.			
125.1	Concerned that "the 4 story re-zoning of the commercial areas of Mornington, Rosebud, and Hastings … will destroy	The amendment is not proposing any zoning changes to the commercial areas of Mornington, Rosebud and Hastings. The	**No changes recommended.**

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	the village atmosphere of these commercial areas to dump high density housing into what is a current low-housing area."	building height controls in these activity centres are already in the Mornington Peninsula Planning Scheme under the DDO13, DDO26 and DDO27 respectively. Each of these activity centres also has a local policy under Clause 11.03-1L-02, Clause 11.03-1L-03 and Clause 11.03-1L-04 that ensures its village atmosphere and character continues to be respected.	**Refer submission to Panel.**
125.2	"I note that outer housing areas that could benefit from cheaper residential development (eg Tanti Estate, Capel Sound) are not considered. It would appear to be for the benefit of those wanting prestige town houses, and driven by owner interests within the commercial hubs."	All 'outer housing areas', presumably referring to all residential areas outside of commercial hubs, are considered in the amendment. These areas include incremental change areas where detached dwellings, units and townhouses are encouraged, and substantial change areas where units, townhouses and apartments are supported per the proposed local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
Submission number: 126 **Submitter:** Private landowner **Submission summary:** Concerned about the impact of population growth and increased development on amenity and community environment.			
126.1	Concerned that the amendment will lead to overcrowding due to multiple dwellings on a single property, leading to more traffic and congestion, extra noise and pollution.	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
126.2	Concerned that the proposed population increase is unsustainable and will alter what is "currently a fragile sustainable community environment."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed	

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		towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
126.3	Concerned that the amendment is proposing rooming houses, car parks and car washes.	Rooming houses, car parks and car washes are land uses that are already permissible under a residential zone per the VPP. The Shire does not have the power to amend land uses in the VPP.	
126.4	Concerned that "the proposed increase of building heights will effect the loss of privacy to the current single level dwellings."	The amendment is not proposing any increases in building heights, i.e. the maximum building height permissible. A building that is constructed for use as a dwelling or a residential building is already permitted to contain two stories if desired by a landowner under a residential zone. Overlooking (loss of privacy) and amenity concerns are addressed under Standard A15 in Clause 54 and Standard B22 in Clause 55 of the VPP.	
126.5	Concerned that the "peace and integrity of the Mornington unique area will be lost".	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes such as the need for subdivision that creates more housing to have a landscape plan and, in specific neighbourhood character precincts, to plant at least one canopy tree.	
Submission number: 127 **Submitter:** Private landowner **Submission summary:** Concerned that further housing growth in Mornington's town centre would ruin its looks and feel.			
127.1	Concerned that "adding additional housing in the central part of Mornington" will "further ruin the way Mornington	The design and development of Mornington's town centre is already being guided by the DDO13, which is underpinned by the council-	**No changes recommended.**

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	looks and feels" given "Mornington has already been way over developed and additional high density housing is not acceptable."	adopted *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007). The amendment is not proposing any changes to the DDO13. The town centre is designated for substantial change because it is a Major Activity Centre and the structure plan supports developments of three or more stories. Directing more housing towards such centres is consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050* and advice in PPN90.	**Refer submission to Panel.**
127.2	Wants to know "how a Council that is pushing for zero emissions by 2040 think the addition of 1200 additional houses is going to assist with this goal".	The State Government is currently developing new policies and standards for Victoria's planning system that will improve the sustainability of building and subdivision developments across Victoria. The new provisions will cover themes such as energy, water, waste and recycling, urban heat, transport, and air and noise pollution exposure. Also, the Shire is proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
127.3	Concerned that Mornington would not have enough jobs for some years to justify so many additional housing due to the impact of COVID-19.	Housing strategies are prepared over a 15-year horizon and updated regularly approximately every 5 years.	
127.4	Concerned about the lack of primary schools and local GPs in Mornington to support further housing growth.	Beyond the scope of the amendment. Notwithstanding that, the amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services.	
Submission number: 128			

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Submitter: Private landowner **Submission summary:** Wants the 'clothing optional' permission applicable to the north end of Sunnyside Beach removed.			
128.1	Wants the 'clothing optional' permission currently applicable to the northern section of Sunnyside Beach removed to "return the area to a family focused safe recreational area for all Shire residents and neighbourhood" given the "significant unsocial behaviour (sexual activity) in the adjacent public areas and toilet facilities" and associated "large quantities of used condoms and discarded underwear" is inconsistent with the purpose of the amendment to protect and enhance the character of the Peninsula's residential areas.	Beyond the scope of the amendment given the areas concerned are not residential areas and the 'clothing optional' permission is not a planning matter.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 129 **Submitter:** Private landowner **Submission summary:** Wants to know why the minimal change designation only applies to some units that are part of the same subdivision plan.			
129.1	Wants to know why some of the units that are part of the same subdivision plan are designated for minimal change while others are incremental change.	The units designated for minimal change are affected by the Bushfire Prone Area mapping.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 130 **Submitter:** Private landowner **Submission summary:** Believes planning permits for any new dwellings should not be removed to enable a resident to lodge comments or objections.			
130.1	Believes a planning permit for any new dwellings on an existing dwelling on one lot should not be removed so that residents can be notified of any future planning permit applications to ensure they receive adequate information to lodge comments or objections to the new planned dwelling.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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Submission number: 131 **Submitter:** Human Habitats on behalf of a private landowner **Submission summary:** Wants the conditional exemption that enables no more than 2 dwellings for every 1,300 sqm in the DDO2 retained.			
131.1	"We do not support the proposed deletion of the 'two dwellings on a lot' provision within the Design and Development Overlay Schedule 2 and request it be retained."	The complexity of the Mornington Peninsula Planning Scheme is an issue identified by the Minister for Planning. The provision that enables no more than two dwellings for every 1,300 square metres of site area in the DDO2 is a conditional exemption to the mandatory 'one dwelling on a lot' requirement that unnecessarily adds to the complexity of the Mornington Peninsula Planning Scheme given a similar outcome can be achieved with a simpler minimum subdivision area of 650 square metres and the mandatory 'one dwelling on a lot' requirement retained without the conditional exemption.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 132 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
132.1	Wants the 'Old Tyabb' area redesignated for minimal change instead of incremental because it is a "unique area, of trees, birdlife, and valuable environment".	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 133 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment will prevent further growth and development of Rosebud.			

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133.1	Concerned that the amendment will "stop Duplex and townhouse" development and thus "destroy our dreams and 100's to 1000's of others as well" given "Rosebud needs way more growth and business" but the amendment "will stop the growth progress and the area will be stuck in the stone age era."	Duplex and townhouse development are encouraged in incremental change areas and supported in substantial change areas per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). Many residential areas in Rosebud are designated for substantial or incremental change in the proposed Residential Development Framework.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 134 **Submitter:** Private landowner **Submission summary:** Thinks the amendment is based on incorrect assumptions that would erode residential character and exacerbate parking issues at local beaches.			
134.1	The amendment incorrectly assumes that "we want to encourage more people to the Peninsula".	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The State Government requires all municipalities to plan for housing over a 15-year period that would accommodate the projected population and housing growth as reported in the State Government's VIF2019 report.	**No changes recommended.** **Refer submission to Panel.**
134.2	The amendment incorrectly assumes that "we want Mornington to become more built up".	The design and development of Mornington's town centre is already being guided by the DDO13, which is underpinned by the council-adopted *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007). The amendment is not proposing any changes to the DDO13. The town centre is designated for substantial change because it is a Major Activity Centre and the structure plan supports developments of three or more stories. Directing more housing towards such centres is consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050* and advice in PPN90.	
134.3	The amendment incorrectly assumes that "it's ok to have a neighbourhood character that is fluid, i.e. based on whatever new builders want to do, rather than the coastal feel that separates the Peninsula from Melbourne".	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes. These objectives and controls	

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	"Neighbourhood character is not fluid. It's there for a reason – it is what it is – in our area that means unmade roads, lots of vegetation, no apartments, virtually no townhouses, and a coastal appearance, rather than AV Jennings monstrosities." "The idea of an incremental character defeats the purpose of these protections – it basically says "we'll keep the character for a while until cashed-up newcomers come and change it by force".	are not based on what new builders want to do; instead, they are based on a careful study of an area's key character elements that determines its preferred neighbourhood character and are thus recommended as necessary to achieve the preferred neighbourhood character. Contributory elements to an area's neighbourhood character such as unmade roads, vegetation, etc have been identified and specified in the neighbourhood character objectives of applicable neighbourhood character precincts and associated zone or overlay schedules as proposed by the amendment. As per the State Government's advice in PPN90, "neighbourhood character is not a static concept, it is dynamic and evolves over time to meet contemporary housing needs. For example, respecting character does not mean protecting character in an incremental change area … mimicry and pattern book design or limiting the scope of design interpretation and innovation. Instead, it means designing the development in response to the features and characteristics identified in the neighbourhood."	
134.4	The amendment incorrectly assumes that "more apartments etc benefit anyone other than developers, investors and council (through rates and planning fees)." "We do not need apartments and it's ridiculous to say that apartments will be for social housing – they will be high end." "We don't have the infrastructure to support this kind of high-density development. We don't even have decent public transport or trains to Melbourne."	The amendment supports apartments but only in areas designated for substantial change per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). As a form of high-density development, supporting apartments in areas designated for substantial change is consistent with the State policy under Clause 16.01-1S (Housing supply), which requires planning authorities to "encourage higher density housing development on sites that are well located in relation to jobs, services and public transport" and "facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types." The amendment does not claim that apartments would be for social housing.	

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		The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services. Also, the Shire is currently preparing an *Integrated Transport Strategy* and a municipal *Development Contributions Plan* that would help fund new infrastructure and necessary upgrades.	
134.5	"Plus, why is all the development being suggested on the water, rather than inland, if it's not just about developer profits and wealthy investors/holiday makers?"	Most of the Peninsula's townships are established coastal townships. Directing future residential development towards established urban areas is consistent with the State policy under Clause 16.01-1S (Housing supply), which requires planning authorities 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." In addition, the Peninsula's hinterland comprises its Green Wedge, which is outside the UGB and not intended for residential development.	
134.6	"Mt Martha beach has become so over crowded in recent years. We can't get a park at the shops or the beach. Surrounding development will add to these issues."	Beyond the scope of the amendment.	
Submission number: 135 **Submitter:** Private landowner **Submission summary:** Concerned the amendment would not support the need for more people and jobs in Rosebud.			
135.1	"Not Happy with the c219 changes. We totally disapprove this changes. Everyone I know is unhappy, we need more people and jobs in this area."	Many residential areas in proximity to the Rosebud Activity Centre are designated for substantial or incremental change in the proposed Residential Development Framework. This would further strengthen jobs and businesses around the centre.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 136 **Submitter:** Local resident			

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Submission summary: Wants the housing change designation change to minimal to protect the area's environment and character.			
136.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given: - "the tree lined street, the serenity and the wonderful environment that we have here" - "the wide variety of our native birds and their habitat, and … our kookaburras and possums and other wildlife" - "We have narrow roads at this end of Hastings, but we enjoy our walks and watching the children and animals playing" - "We have diverse block sizes here and we love the quiet serenity and support from all our neighbours" - "Subdividing this area will definitely increase traffic, more noise levels and the safety of pedestrians etc" - "Our area is not easy accessible to trains and shopping, where higher density housing demands".	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 137 **Submitter:** Private landowner **Submission summary:** Wants a conditional exemption in the DDO3 retained and the minimum street setback distances in the proposed NRZ schedule reduced.			
137.1	"Under the existing provisions of DDO3 I am allowed to increase the area of my dwelling by 10% without the need for a Development Approval. I am planning to avail myself of this provision to make the dwelling more suitable for me as I age. I am advised that this provision is to be removed. I wish it to be retained."	Officers support retaining the existing 'building alteration or extension' exemption to the mandatory maximum building height where it currently applies, subject to minor changes to improve clarity, given minor buildings and works on the upper level of existing lawfully constructed buildings should be permissible.	Refer to R21 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
137.2	Wants the front and side setbacks in the proposed NRZ schedule reduced from 9 and 3 metres to 7 and 1 metre respectively for corner sites given the setbacks in the	Under the proposed NRZ schedule, walls of buildings on a corner site should only be set back from the front street a minimum of 9 metres if there is an existing building on the abutting allotment	

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	proposed NRZ would inequitably impose an undue constraint upon development.	facing the front street and the setback of the existing building is more than 9 metres. Otherwise, the proposed development should be set back by the same distance of the existing building, or 7.5 metres if there is no existing building on the abutting allotment facing the front street. Regarding setbacks from the side street for corner sites, the 3-metre distance in the proposed NRZ schedule cannot be considered to be an increase given the existing DDO3 already requires a setback from side streets of the same distance. As articulated in the MPS under Clause 02.03-5 (Built environment and heritage), these setbacks help contribute to the ability to retain a bushland, woodland or coastal setting by encouraging developments with minimal site coverage. Nonetheless, it needs to be clarified that these requirements are not mandatory.	
Submission number: 138 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would worsen road congestion and spoil the Peninsula's character.			
138.1	Concerned that the proposal to increase housing by 1,200 homes a year would worsen congestion due to added traffic especially during the holiday period and weekends, which would spoil the Peninsula's character. Urges that "the road problems be addressed before we turn the Mornington Peninsula into another suburb of Melbourne."	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy.*	**No changes recommended.** **Refer submission to Panel.**
Submission number: 139 **Submitter:** Local resident **Submission summary:** Opposes the maximum building height of 14 metres in Mornington and prefers it to be 9 metres.			
139.1	Concerned about the proposed substantial change area in Mornington, which is one of Greater Melbourne's few remaining strip shopping centres with some character. Thinks the amendment's proposal to allow buildings of up to	The Mornington town centre is designated for substantial change because it is a Major Activity Centre. Directing more housing towards	**No changes recommended.** **Refer submission to Panel.**

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	14 metres along the length of Main Street would affect sunlight and ambience. Opposes the maximum building height of 14 metres and prefers it to be 9 metres.	such centres is consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050* and advice in PPN90. The maximum building height permissible in the Mornington Activity Centre is controlled by the existing DDO13, which is underpinned by the *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007). Only buildings located around the corner of Gordon Street and Philip Street, and Barkly Street and Eastern Ring Road are permitted to go as high as 14 metres and 4 stories. Buildings in all other locations, which includes the length of Main Street, can only go as high as 11 metres and 3 stories. The existing DDO13 contains provisions that ensure new development does not detract from the coastal village character of the Mornington Activity Centre. The amendment is not proposing any changes to the existing DDO13.	
Submission number: 140 **Submitter:** Private landowner **Submission summary:** Would like to see more support for multi-dwelling developments, less NRZ and minimal change areas, fewer zone/overlay schedules and no NCO.			
140.1	"We support Council's endeavours to update its application of the various residential zones, and rationalise the application of the overlay controls affecting the various township areas of the Mornington Peninsula."	Acknowledge support.	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
140.2	"We agree that the Mornington Peninsula has a special character that should be protected and enhanced. We acknowledge this is given some statutory recognition (eg – Clause 12.05-1S and the refence *[sic]* document 'Mornington Peninsula Localised Planning Statement' - Victorian Government, 2014), and that the Mornington Peninsula is not a nominated growth area / corridor. However, it is part of Metropolitan Melbourne, and 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' needs to be achieved."	The amendment does address the urban consolidation objectives of the planning scheme and seek to achieve an appropriate balance. This is articulated in the Residential Development Framework by designating appropriate locations for incremental or substantial change and the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) where detached dwellings, units and townhouses are encouraged in incremental change areas, and units, townhouses and apartments are supported in substantial change areas. Nonetheless, the Shire would like to point out that the *Mornington Peninsula Localised Planning Statement* (Victorian	

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		Government, 2014) is a policy document under Clause 11.03-5S (Distinctive areas and landscapes), not Clause 12.05-1S. Notwithstanding above, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
140.3	"However, we do not accept that multi-dwelling development *per se* is necessarily something that will detract from the values (including character / vegetation and amenity) that are sought to be protected and enhanced on the Mornington Peninsula. To the contrary, well designed and site-responsive design can deliver many benefits to the Mornington Peninsula. In addition to the obvious employment benefits, it can improve demand for various services and facilities (schools, shops etc); create more homes for people who want to live on the Mornington Peninsula (and reduce the challenges of 'seasonality'), and make a meaningful contribution to the various community benefits arising with urban consolidation."	As per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments such as units and townhouses are encouraged in incremental change areas, and units, townhouses and apartments are supported in substantial change areas. The amendment does encourage and support urban consolidation provided it is located in these two housing change areas and the proposed development meets the proposed neighbourhood character objectives and controls in the relevant zone schedule to the satisfaction of the responsible authority.	
140.4	"… the approach undertaken appears to be premised on: • Little further growth being necessary, or desirable. • Anything other than 1-2 storey development being undesirable and inappropriate. • Placing most areas in areas designated for minimal change. • Seeking to adjust the various overlay controls, rather than starting afresh.	As acknowledged by the submitter, the Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. Nonetheless, the *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020) has been prepared to accord with the projected population growth in the State Government's *Victoria in Future 2019* (VIF2019) statistics, as required by the State Government. Residential developments that contain 3 or more stories are not undesirable and are in fact supported in areas designated for substantial change. For all other areas, the preferred building height is 1-2 stories, which is consistent with the findings and	

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		recommendations in the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Areas are designated for minimal change per the State Government's advice in PPN90. The observation that many areas in the Peninsula have been designated for minimal change reflects the fact that many areas are subject to one or more constraints including bushfire, erosion, inundation, sea level rise impacts, environmental and landscape significance, and special neighbourhood character. The adjustment of the various overlay controls is needed due to: - the Minister for Planning requiring officers to remove unnecessary permit triggers under the DDO - DELWP's advice against the use of sub-precincts in an overlay schedule - the lack of scope to incorporate neighbourhood character objectives and controls for land in the LDRZ via the zone schedule.	
140.5	"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)."	As explained in the Strategic Document, the housing change categories have been applied as per the State Government's advice in PPN90, which includes consideration of the matters mentioned by the submitter.	
140.6	"Apply reasonable locational criteria / proximity parameters to designate 'change levels' for the different areas (eg – substantial change only within or directly proximate to activity centres, incremental change within a comfortable walking distance of activity centres – say 400m, and limited change beyond this)."	This suggestion is not consistent with the State Government's advice in PPN90 given locational criteria / proximity parameters are not factors to consider when designating incremental or minimal change areas. Specifically, PPN90 advises that "Incremental change areas are where housing growth occurs within the context of existing or preferred neighbourhood character" while "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport".	

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140.7	"Applying the residential zones in a conventional manner (ie – MUZ / RGZ for substantial change; GRZ for incremental change, and NRZ / LPRZ *[sic]* for minimal change)."	This suggestion is not consistent with the State Government's advice in PPN91 given "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas.	
140.8	"Tailoring overlay controls and / or policy provisions to identify and protect the existing values and characteristics of a locale."	The amendment does this through the neighbourhood character objectives and controls that are proposed to be incorporated via a zone or overlay schedule. The objectives and controls that would apply to an area pertain to the neighbourhood character precinct as identified in the Ethos Urban neighbourhood character study or a more detailed study if the area is, for example, the Beleura Hill area	

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		in Mornington or Woodland area in Mount Eliza where character controls already exist in the Mornington Peninsula Planning Scheme.	
140.9	"As it stands, we believe the approach that has been undertaken is fundamentally flawed and unnecessarily complex."	The approach is per the advice contained in PPN90, PPN91 and correspondence from DELWP officers and the Minister for Planning.	
140.10	"The inclusion of the NRZ as slavishly as proposed will limit the ability to have multi-dwelling developments in appropriate locations." "The Amendment seeks to apply the NRZ to limited and incremental growth areas, and the GRZ to substantial change areas. This is unnecessarily restrictive."	This concern is unfounded given PPN91's advice that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ.	
140.11	"One of the criteria for including land in the NRZ is if the land is affected by overlays like the SLO, VPO or ESO. However, these are applied extensively on the Mornington Peninsula, and it is not necessarily the case that multi-dwelling developments cannot be achieved in these areas."	This assertion is incorrect. Land currently in the GRZ is to be rezoned to the NRZ if it is designated for incremental or minimal housing change. Land designated for incremental change is not subject to any constraints and hence considered suitable to accommodate multi-dwelling developments per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). Land designated for minimal change is subject to one or more constraints. Nonetheless, these constraints do not include the VPO as explained in the Strategic Document. Also, the SLO and ESO are only extensively applied in the Green Wedge south of Tuerong Road and Graydens Road, the hinterland villages of Red Hill and Red Hill South, and the Western Port coastal villages south of Bittern. Excluding the Green Wedge, these villages do not contain the bulk of urban residential land on the Peninsula. The predominant factor precluding multi-dwelling developments on land designated for minimal change	

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		is not the SLO or the ESO but the mandatory 'no more than one dwelling on a lot' requirement in the DDO.	
140.12	"There are far too many schedules to the DDO's and different character areas. They should be reduced and simplified."	The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
140.13	"The proposal for more Secluded Private Open Space than is required for the rest of Victoria is misguided. It *[sic]* the intention is to limit density and achieve 'greener' outcomes, this should be done through the vegetation / site coverage provisions."	This assertion is inaccurate. Not every municipality in the rest of Victoria has a planning scheme that does not contain a varied requirement for Standards A17 and B28 (Private open space) under a schedule to the residential zone. There are numerous instances of other municipal planning schemes that require a larger area and/or dimensions of private open space than the minima specified in the VPP. Rather than limiting density, the intention is to ensure each household in a multi-dwelling development has access to adequate	

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		private open space for recreation, leisure and the increasingly threatened Aussie backyard.	
140.14	"The proposal for a NCO in Tootgarook is not justified. While we have a house in Tootgarook and enjoy its character and ambience, there is nothing specific (other than its proximity to the Bay) to warrant special protection."	The northern half of Tootgarook has been identified in the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) to possess a neighbourhood character that is special enough to warrant greater protection through the application of the NCO. This approach is consistent with the advice in PPN90. The special character of this area is articulated in the statement of neighbourhood character contained in the proposed NCO2.	
Submission number: 141 **Submitter:** Private landowner **Submission summary:** Wants planning requirements affecting the property amended to enable development without needing a planning permit.			
141.1	Would like to "amend some of the planning requirements for this property to streamline the process so that we could proceed without the need for a planning permit." Specifically: - a 5-metre minimum street setback instead of 7.5 metres similar to what 2 and 13 Creswell have now and the proposed setback for 12 Creswell which is in the early stages of the planning process - side boundary setback of 1 metre - site coverage and permeability requirements to allow for a single storey dwelling - landscaping requirements deleted or modified due to the lot size - discuss any other requirements that may need reviewing because of the lot size.	The existing DDO23, which applies to the property, is proposed to be revised where the minimum street setback requirement is retained. All other requirements referred to by the submitter are contained in the proposed NRZ34, which applies to the area currently affected by the DDO23. The minimum street setback requirement in the DDO23 was introduced into the Mornington Peninsula Planning Scheme via amendment C188 (Part 2). This amendment is not proposing any changes to this requirement given it is underpinned by a more detailed character study and has been reviewed by an independent planning panel. For the other requirements, a planning permit is not required under the proposed NRZ34 to seek a variation given the size of the subject site is greater than 500 square metres and the proposed development concerns one dwelling on a lot. In addition, the landscape plan per the application requirements of the proposed NRZ34 would not apply given the proposed development would not be triggered under the proposed NRZ34.	**No changes recommended.** **Refer submission to Panel.**

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Submission number: 142 **Submitter:** Private landowner **Submission summary:** Concerned about excessive vegetation removal, lack of landscaping around multi-dwelling developments and associated car parking issues.			
142.1	Opposes the amendment because: - many recent demolitions in the submitter's area had led to removal of all vegetation including mature trees, contrary to the council's promotion of keeping the Peninsula green. This changes the nature of the neighbourhood, destroys wildlife habitats, and removes shade and pleasant views with lasting change to liveability. - the replacement of a single residence to "two story dwellings" limits landscaping opportunities and creates additional driveway requirements, leading to more vehicles on the street and nature strips.	Currently, an application for one dwelling on a lot must meet the 'Significant trees' objectives and should meet the corresponding standards (A8) under Clause 54.03-6 while an application for two or more dwellings on a lot must meet the 'Landscaping' objectives and should meet the corresponding standards (B13) under Clause 55.03-8. Both clauses seek to encourage development that respects the landscape character of the neighbourhood by providing for the retention or planting of trees where these are part of the character of the neighbourhood, and by providing for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Despite these provisions, the residential zone schedules of the Mornington Peninsula Planning Scheme currently do not specify whether trees are part of a residential area's neighbourhood character. They also do not specify any additional landscape requirements under Standard B13 for applications relating to two or more dwellings. Amendment C219morn proposes to strengthen these provisions by implementing the recommendations of the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), which has strongly identified vegetation as a dominant part of the character of many neighbourhoods in the Peninsula. This is reflected in the character objectives that are proposed to be incorporated into a zone or overlay schedule, as well as the additional landscape requirements under Standard B13 for applicable neighbourhood character precincts. The amendment also proposes to require applications for two or more dwellings to submit a landscape plan as part of the application requirements. The proposed character objectives also seek to ensure	**No changes recommended.** **Refer submission to Panel.**

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		new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead. The amendment also seeks to apply the VPO1 to four residential locations where vegetation has been identified to be an important element of the area's character. Notwithstanding the above, it should be noted that developments in a Bushfire Prone Area or affected by a BMO are allowed to remove vegetation, including trees, around the perimeter of a residential building under provisions of Clause 52.12 (Bushfire Protection Exemptions) in the VPP without needing a planning permit.	
Submission number: 143 **Submitter:** Environment Protection Authority **Submission summary:** Recommends updating the draft Explanatory Report to address MD1 despite the amendment's low risk to the environment, amenity and human health.			
143.1	The EPA has determined the amendment presents a low risk to the environment, amenity and human health as a result of pollution or waste and therefore does not have any specific advice for Council's consideration.	Acknowledge the EPA's determination.	Update the Explanatory Report as per the EPA's advice. **Refer submission to Panel.**
143.2	Supports Council in its implementation of the *Housing and Settlement Strategy: Refresh 2020-2036* and *Neighbourhood Character Study and Guidelines*, and recommends Council gives due consideration to: - MD1 by updating the draft Explanatory Report accordingly - potentially contaminated land - potential encroachment issues between land uses and recommended separation distances for existing industry, for any future rezoning proposals.	Acknowledge support and accept the EPA's recommendations.	
Submission number: 144 **Submitter:** Visitor			

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Submission summary: Objects the amendment because it allows more development to happen at the expense of the environment by removing red tape.			
144.1	Objects the amendment because it barely talks about the flora and fauna diversity and allows "any property owner to destroy the environment without oversight. Removal of 'red tape' is used to excuse the allowance of people to do as they wish whether it is destructive and inappropriate". The amendment appears "to have been brought in to satisfy the wishes for property developers which appear to have significant control and influence over most local councils."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Whilst flora and fauna diversity is not the subject of the amendment and is addressed by the Shire's adopted *Biodiversity Conservation Plan 2019*, the amendment encourages future residential development to retain existing native vegetation including canopy trees and understorey, provide for offset planting and have adequate side setbacks to allow planting and growth of trees, shrubs and understorey via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula).	**No changes recommended.** **Refer submission to Panel.**
Submission number: 145 **Submitter:** Private landowner **Submission summary:** Wants the housing change designation change to minimal to protect the area's environment and character.			
145.1	Wants the 'Old Tyabb' area bounded by Morrah Street, Marine Parade and Thornhill Street in Hastings re-designated for minimal change instead of incremental given: - the presence of significant remnant native trees, shrubs, bird life and nocturnal animals	The area does not meet the criteria for land to be designated for minimal change per the State Government's guidelines in PPN90. Nonetheless, the environmental qualities and informal vegetated setting of the area is reflected in the neighbourhood character objectives of the proposed NRZ9 (Bush Residential 1), which would apply to the area. The character controls in the proposed NRZ9 such as the maximum site coverage requirement of 40 per cent, minimum	**No changes recommended.** **Refer submission to Panel.**

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	- the quite streets (some unmade) with no footpaths that offer safe recreational activities - the diversity of block sizes ranging from large acreages to quarter of an acre and smaller that has suited young families and elderly residents who have enjoyed the quiet atmosphere and neighbourly support for many years - incremental change will inevitably increase traffic and noise levels, and threaten the safe pedestrian and cycling use of the streets - the area is not close to the train station or shopping precincts which higher density housing demands - the town deserves a quieter zone with larger spaces for recreation that places less demand on Shire amenities.	permeability requirement of 40 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help protect the valued character of the area.	
Submission number: 146 **Submitter:** Private landowner **Submission summary:** Concerned about diminishing vegetation and the amendment's inability to protect vegetation.			
146.1	Concerned about the diminishing vegetation particularly the loss of Moonahs. Can't see how the amendment will prevent further vegetation loss and protect vegetation.	Currently, an application for one dwelling on a lot must meet the 'Significant trees' objectives and should meet the corresponding standards (A8) under Clause 54.03-6 while an application for two or more dwellings on a lot must meet the 'Landscaping' objectives and should meet the corresponding standards (B13) under Clause 55.03-8. Both clauses seek to encourage development that respects the landscape character of the neighbourhood by providing for the retention or planting of trees where these are part of the character of the neighbourhood, and by providing for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Despite these provisions, the residential zone schedules of the Mornington Peninsula Planning Scheme currently do not specify whether trees are part of a residential area's neighbourhood character. They also do not specify any additional	**No changes recommended.** **Refer submission to Panel.**

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		landscape requirements under Standard B13 for applications relating to two or more dwellings. Amendment C219morn proposes to strengthen these provisions by implementing the recommendations of the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), which has strongly identified vegetation as a dominant part of the character of many neighbourhoods in the Peninsula. This is reflected in the character objectives that are proposed to be incorporated into a zone or overlay schedule, as well as the additional landscape requirements under Standard B13 for applicable neighbourhood character precincts. The amendment also proposes to require applications for two or more dwellings to submit a landscape plan as part of the application requirements. The proposed character objectives also seek to ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead. The amendment also seeks to apply the VPO1 to four residential locations where vegetation has been identified to be an important element of the area's character.	
146.2	Concerned that the absence of planning controls on the placement of large swimming pools is aggravating the issue of vegetation removal.	Buildings and works relating to a domestic swimming pool associated with one dwelling on a lot do not require a planning permit as per Clause 62.02-2 of the VPP.	
146.3	Thinks that the amendment's purpose of reducing red tape provides "greater ease for removing more and more vegetation and changing the landscape completely."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better	

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		building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Also, the amendment encourages future residential development to retain existing native vegetation including canopy trees and understorey, provide for offset planting and have adequate side setbacks to allow planting and growth of trees, shrubs and understorey via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula).	
146.4	"fire overlay rules allow for the total removal of vegetation aka Moonahs, because some expert is treating Moonahs as if they explode like Eucalypts do. That there can be removal of vegetation for 10 metres around a house to allow fire fighters access, is poorly thought through in this environment and I believe hastily and destructively applied just so there is a fire plan."	Developments in a Bushfire Prone Area or affected by a BMO are allowed to remove vegetation, including trees, around the perimeter of a residential building under provisions of Clause 52.12 (Bushfire Protection Exemptions) in the VPP without needing a planning permit. The Shire does not have the power to amend the VPP.	
Submission number: 147 **Submitter:** Local resident **Submission summary:** Concerned that the amendment would allow development to occur without needing a planning permit and hence no need to advertise.			
147.1	Concerned that the amendment would "allow a builder / developer to subdivide their own block of land and build a large new home; subject only to obtaining a Building Permit. And hence no public advertising requirement; with no opportunity for those affected to object – or, more importantly, to provide the opportunity to have designs modified to protect privacy, solar access, views to sky / trees, etc. etc."	A proposal to subdivide land requires a planning permit under the residential zone even if the land is not affected by an existing DDO, as per the VPP. Also, a planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Even if a planning permit is not required for one dwelling on a lot, issues relating to overlooking (loss of privacy), solar access, views to	**No changes recommended.** **Refer submission to Panel.**

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		the sky, etc. would still be addressed under relevant standards in Clause 54 of the VPP via the Building Permit process.	
Submission number: 148 **Submitter:** Private landowner **Submission summary:** Objects to the rezoning to the NRZ thinking it would remove third party review rights.			
148.1	"I completely object to the mass reclassifications of the Mornington peninsula from General Residential to Neighbourhood residential" because it "would give carte blanche of control and authority to the council over homeowners building needs, whether it be an extension or development. The council has a history of decision making when it comes to planning and what they personally want as opposed to what the owner is legally allowed. This going through the VCAT system will not be available to people if the zones are re-classified."	It appears that the submitter is actually objecting to the removal of planning permit triggers and associated third party review rights. The proposed rezoning from the GRZ to the NRZ itself has no impact on planning permit triggers that affect one dwelling on a lot. The proposed rezoning, which affects existing GRZ land that has been designated for incremental or minimal change under the amendment, is necessary to give effect to these areas not being suitable to accommodate residential developments higher than two stories per the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Regarding planning permit triggers, a planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regarding what the owner is legally allowed, Clause 65 (Decision Guidelines) of the VPP clearly states that "Because a permit can be granted does not imply that a permit should be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause."	**No changes recommended.** **Refer submission to Panel.**
148.2	"The council planning department are not elected to council, so they are not chosen by its residents, and as such are open to biased opinions and personal decision making."	All planning officers have a statutory obligation to act in accordance with the requirements under the *Planning and Environment Act 1987*.	

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148.3	"no reason for the decreasing in building heights other than making a two storey home have lowered ceilings which makes homes feel more closed in."	Refer to response in 148.1.	
148.4	On many occasions when a questions *[sic]* has been raised with planning this gets moved to another department and so forth, leaving the property owner frustrated and wasting time."	If a question raised with planning was moved to another department, it is likely that it relates to a non-planning matter. Given the Shire is a complex organisation comprising numerous departments, units and teams that deal with different matters, it is important that the appropriate team that is best equipped to address the question is contacted. Otherwise, the Shire would not be meeting its obligation to meet the needs of its customers.	
148.5	"I see no reason to re-zone the current overlays especially on such a mass scale."	It is not possible to rezone an overlay. Rezoning can only occur with a planning zone, not an overlay.	
Submission number: 149 **Submitter:** Fastnet Consulting on behalf of private landowner **Submission summary:** Requests that the GRZ4 be amended to allow a 14-metre building and construction of a fourth level.			
149.1	Opposes the application of a 13.5 metre, 3 storey building height on the property and requests that the GRZ4 "be amended to allow a 14 metre building height and the construction of a fourth level" on the following basis: - Provides additional housing opportunities within an expanded building envelope in direct compliance with Council's housing strategy detailed as part of Amendment C219.	The site is currently affected by the DPO18, which was introduced into the Mornington Peninsula Planning Scheme under amendment C175morn – approved and gazetted on 13 March 2014 following a panel hearing process conducted in March 2013. The DPO18 contains built form controls including a mandatory maximum wall height of 11 metres and a mandatory maximum building height of 13.5 metres and 3 stories. With agreement from DELWP, the proposed deletion of the DPO18, originally intended under amendment C267morn, has been removed from latter amendment. Amendment C219morn is not proposing any changes to the DPO18 given the overlay has already been reviewed by an independent planning panel. Nonetheless, the amendment proposes to translate, as much as feasible, the character controls in the DPO18 into the proposed GRZ4 whilst retaining the mandatory maximum building height controls of 13.5 metres and 3 stories in the proposed GRZ4. It	**No changes recommended.** **Refer submission to Panel.**

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		also proposes to incorporate new neighbourhood character objectives that are informed by the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) into the proposed GRZ4. While the proposed Residential Development Framework designates the site as a substantial change area, the designation was made to align with the panel's advice in amendment C175morn that the site "is in an area where change can and should occur and that in turn will incrementally shift the current character that exists … provided the intrinsic characteristics of the area are retained, such as a respectful architectural response to the site's coastal and residential interfaces." It is important to note that the change referred to in the panel's advice is in the context of the site prior to the construction of the existing development. In this sense, the substantial change designation is more retrospective rather than prospective.	
149.2	- Provides the opportunity for the consolidation of the existing urban area of Rosebud in a much sought after residential location.	The opportunity for the site to provide for modest consolidated development, as underpinned by the *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017) and the *Rosebud Activity Centre Urban Design Framework*, has already been realised following the construction of the existing three-storey development. The submitter's request to add a fourth storey is not a consolidation of the site but an intensification of the existing use and development, which is not supported by the aforementioned strategic documents and the panel's recommendations.	
149.3	- The modest height increase will not be readily discernible from a built form point of view but will enable the provision of additional accommodation / residential services to the building itself in direct compliance with identified housing strategies.	The addition of a fourth storey cannot be considered a modest height increase. While the Shire's housing strategy seeks to accommodate the State Government's projected population and housing growth, it also seeks to ensure future residential development in any location occurs in a way that is appropriate to the area's capacity for housing change as well as its preferred character. In this context, the strategy has not identified the site as	

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		suitable to accommodate a residential building that exceeds three stories.	
149.4	- The subject site has been recognised as the location where higher building height and scale can occur. The modest increase in the building's overall height will be readily integrated into the existing foreshore streetscape character without any adverse visual impacts.	The recognition of the site where higher building height and scale can occur, as underpinned by the *Rosebud Activity Centre Structure Plan* and the *Rosebud Activity Centre Urban Design Framework*, has already materialised following the construction of the existing three-storey development. Both aforementioned strategic documents only support a maximum building height of 3 stories, which is accepted by the Panel. The addition of a fourth storey cannot be considered a modest increase in the building's overall height given the panel's advice is for a maximum wall height of 11 metres with a maximum building height of three stories. The Panel also advised that expressing a building height as a wall height not exceeding 11 metres is "a more sensible approach provided that the roof space is not used as private dwellings" given "a roof can be utilised as a visual foil to soften the impact of the bulk of external walls by adding at the top of the wall a more prominent horizontal form." Regarding visual impacts, the Panel "formed the view that the height of the building at 13.5 metres would approximate the height of the foreshore vegetation. It might be slightly higher or slightly lower." Also, while the Panel did not regard it "as a significant silhouette above an existing tree canopy that should be avoided" if the "top of the building will be marginally visible above the height of the foreshore vegetation to its immediate north", the Panel advised that "as far as practicable it should be minimised." The Panel also noted that the roof form generally slopes away from the building line thereby reducing the visual impact.	
149.5	- The additional level of the building will screen existing rooftop structure, allow improved articulation and would represent a better building outcome to the locale.	This is inconsistent with the Panel's advice that "a roof can be utilised as a visual foil to soften the impact of the bulk of external walls by adding at the top of the wall a more prominent horizontal form" given that "it is usually the height and width of external walls of a development closest to its boundaries that are the main contributors	

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		of bulk rather than a roof, the pitch of which means that the roof height recedes away from external boundaries."	
149.6	- The recommended height increase will not impact upon the building's contribution to the garden setting of the area. Existing site conditions and ground level setbacks will be retained.	Although it would not impact upon the building's contribution to the garden setting of the area, the additional fourth storey would be detrimental to the character and amenity of the surrounding foreshore and neighbourhood as argued above.	
Submission number: 150 **Submitter:** Landowner **Submission summary:** Objects to the proposed amendment.			
150.1	"I object to Mornington council proposed amendments." Note: no further details or justification provided.	Objection noted.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 151 **Submitter:** Resident **Submission summary:** Concerned by the amendment, the capacity of the existing infrastructure and traffic congestion issues, particularly that the freeway stops at Rosebud.			
151.1	"I am concerned about this amendment. The infrastructure in the area as it cannot accommodate this growth. The freeway stops at Rosebud and all cars then need to join the Nepean Highway. The roads are grid lock as it is. Too many dangerous crossroads."	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 152 **Submitter:** Landowner **Submission summary:** Requests that their property be afforded the right to build multiple dwellings.			
152.1	"The property is located on a main road in close proximity to Rye township. We would like to build 2 side-by-side residences on the land. Subdivisions already exists" within close proximity to the mentioned property.	Minimal change areas are not suitable to accommodate a lot more housing due to specific constraints including natural hazards, such as being located within a bushfire prone area to which the subject property is.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 153			

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Submitter: Landowner and resident **Submission summary:** Supports the amendment but questions the application requirement to engage a Landscape Designer and require at least 50% native vegetation.			
153.1	"I fully support the proposed limitation of building size, relative to land size. I feel it is essential to keep the Peninsula green and open, rather than becoming another concrete jungle."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
153.2	"I do have some reservations about mandating the employment of Landscape Designers to show a specified percentage of 'native' vegetation... the planning department need to be mindful of infringing people's civil liberties." Suggests that people should be able to plan what they want.	The application requirement referred to only applies whereby a development is triggered under the Schedule to the Zone (noting that single dwellings wouldn't be triggered under the zone unless the lot size is less than 500 square metres). There is a level of discretion requiring a plan to be prepared by a "suitably qualified landscape professional" given that it is also to be "to the satisfaction of the responsible authority." A reasonable use of judgement on this basis would be ensured by the responsible officer. Planting of at least 50% indigenous vegetation (to the local Ecological Vegetation Class (EVC)) allows a degree of civil liberty by proposing to plant non-indigenous vegetation within the remaining 50% landscaped area. This requirement is supported by Clause 12.01-1L which encourage "the re-establishment of indigenous vegetation."	
Submission number: 154 **Submitter:** Part-time resident **Submission summary:** Doesn't support three storey development on the Mornington Peninsula and doesn't want it to become a part of Melbourne City.			
154.1	"Please do not have the Peninsula spoilt with high rise buildings-appt max 3 story. Don't let it become part of Melbourne City, let it keep it's character. Do not over develop."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The amendment is not proposing any zoning changes to the commercial areas of Mornington, Rosebud and Hastings. The building height controls in these activity centres are already in the Mornington Peninsula Planning Scheme under the DDO13, DDO26	**No changes recommended.** **Refer submission to Panel.**

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		and DDO27 respectively. Each of these activity centres also has a local policy under Clause 11.03-1L-02, Clause 11.03-1L-03 and Clause 11.03-1L-04 respectively that ensures its village atmosphere and character continues to be respected. Rye has a current planning scheme amendment (C275morn) that supports developments up to a maximum of three stories. Dromana now has the new DDO29 implemented by the recently gazetted C224morn, which supports a mandatory maximum building height of three stories.	
Submission number: 155 **Submitter:** Resident **Submission summary:** Concerned about loss of privacy.			
155.1	"I will have no privacy at all if you build in my back yard."	Overlooking (loss of privacy) and amenity concerns are addressed under Standard A15 in Clause 54 and Standard B22 in Clause 55 of the VPP.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 156 **Submitter:** Resident **Submission summary:** Questions continued multiple dwelling development in Safety Beach due to a lack of infrastructure spending and change of character.			
156.1	Development of multiple dwellings in Safety Beach has resulted in "ever increasing traffic and people that has changed the ambience of this formerly quite suburb." "There should be a pause in development of buildings other than single dwellings because there has been little to no infrastructure spending in Safety Beach. There is for example a complete lack of footpaths even on major roads like Dromana Parade and Pickings Road".	Principle 2 in PPN91 states that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Areas of Safety Beach, which have such constraints, are nominated as areas suitable for minimal change whilst areas that have no such constraints are nominated for incremental change. The amendment proposes to add to the MPS under Clause 02.03-6 (Housing) a strategic direction to ensure future development is properly supported with infrastructure and services.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 157 **Submitter:** Flinders Community Association			

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Submission summary: Strongly supports the amendment but requests changes to precinct boundaries, site coverage, permeability and specific DDO requirements.			
157.1	"The Association strongly supports the recommendations of the Western Port Villages Study and the Neighbourhood Character Study prepared by Ethos Urban in 2019, being central to the Shire's Housing and Settlement Strategy 2020-2023 *[sic]*."	Acknowledge support.	Refer to R3, R4, R12 and R17 in the officers' report to the 18 July 2022 PSC Meeting for details. Refer submission to Panel.
157.2	"Commitment to the achievement of the objectives of the schedules to the NRZ is essential unless these are to be regarded as mere wallpaper or public relations gloss. Too frequently developers "push the envelope", giving lip-service to the objectives and complying only reluctantly with the mandatory requirements in the planning scheme."	As per the decision guidelines of the NRZ under Clause 32.09-13, the responsible authority, before deciding on an application, must consider the (neighbourhood character) objectives set out in the schedule to this zone.	
157.3	The location and extent of the proposed NRZ13, NRZ16 and NRZ17 is generally appropriate. "However an exception is the Patterson Grove subdivision which extends north from Barker Street to Summons Road. Inclusion of this area in NRZ13 – BC2 may be more appropriate, given the form of existing development and its proximity to the Flinders business area."	The adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) has identified the area as having a character that is consistent with the Rural Settlement 1 neighbourhood character precinct.	
157.4	Requests that the maximum site coverage requirement of 30% in the proposed NRZ17 (RS1) be amended to 50%, same as that in the proposed NRZ16 (BCC3) given the lot sizes between these two neighbourhood character precincts are largely similar but there is no clear explanation in the Ethos Urban study for the difference.	The maximum site coverage requirement of 30% is integral to achieving the preferred character that pertains to the RS1 neighbourhood character precinct per the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). An amendment to the requirement would impede future development from achieving the preferred character of the RS1.	
157.5	Requests that the minimum permeability requirement of 30% and 50% in the proposed NRZ16 (BCC3) and NRZ17 (RS1) respectively be amended to 40% given it seems contradictory to require a lower permeability in the NRZ16 (BCC3) precinct while requiring a 40% permeability on the	The minimum permeability requirement of 30% and of 50% is integral to achieving the preferred character that pertains to the BCC3 and the RS1 neighbourhood character precinct respectively per the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). An amendment to the requirement would	

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	smaller lots in the NRZ13 (BC2) precinct despite apparently permitting larger dwellings in the former precinct.	impede future development from achieving the preferred character of the respective precinct.	
157.6	The need for different side setbacks, particularly between the NRZ16 (BCC3) and NRZ13 (BC2) precincts, is not adequately explained. A side setback of 3 metres appears inappropriate on the generally smaller lots in the NRZ13 (BC2) precinct.	For each neighbourhood character precinct, the distance specified for side setback is the minimum required to achieve the preferred character of that precinct per the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). For some precincts, a same minimum can be applied; for others, different minima would be necessary. In the case of Flinders, each of the three precincts has a side setback that is different to the rest given the preferred character of each precinct is quite different to the rest. It should be noted that the Ethos Urban study recommended that the minimum distance be applied to only one side boundary. As per PPN91, it is not permissible to specify asymmetric side boundary requirements in an applicable residential zone schedule. Nonetheless, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules.	
157.7	"building setbacks from road frontages have migrated from the DDO2 and 3 to the NRZ Schedules. The frontage setbacks indicated are generally equivalent to the current DDO requirements and are acceptable."	Acknowledge support.	
157.8	"Clauses relating to building materials and reflectivity of roofing reappear only in the decision guideline of the new NRZ Schedules. The choice of materials could effect *[sic]* local amenity and should be retained in some more prescriptive manner in the DDO or NRZ Schedules."	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. There is no scope, under the current Ministerial Direction on the form and content of planning schemes, to specify requirements relating to building materials and reflectivity in a more prescriptive manner in an applicable residential zone schedule. Nonetheless, officers support revising the built-form strategy relating to external finishes and roofing materials, and the built-form policy guideline relating to reflectivity of external finishes in the proposed new local policy under Clause 15.01-5L (Neighbourhood character –	

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		Mornington Peninsula) to emphasise the use of natural materials and subdued tones that complement the landscape to minimise glare.	
157.9	"The new application requirements include the preparation of a landscape plan and a planting schedule that includes indigenous species and specifies the height and pot sizes for selected trees and shrubs. These requirements are supported."	Acknowledge support.	
157.10	"the revised No Permit Required rules … could however limit the ability of neighbours or objectors to have input into the building approval process that will largely be handled by Building Inspectors."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
157.11	"Retention of the 10 metre setback requirement from a public land boundary is considered necessary" given "the minimum setback of 6 metres from a cliff edge does not provide sufficient scope for revegetation and landscaping" and "there is need to facilitate buffer planting of native vegetation … where a lot abuts public land".	This permit trigger is superfluous given Clause 19.02-6S (Open space), which requires a municipality to "Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of wastewater to reduce turbidity and pollution."	
157.12	"The mandatory maximum height limit of 8 meters *[sic]* and 2 stories, is carried from the current DDO's and is strongly supported. However it is inappropriate that an exemption from compliance with these height requirements should be granted to the list of non-residential buildings in Table 2 of the DDO's" given "These uses are likely to adversely impact the amenity of the neighbourhood even allowing that they may not meet the objectives or decision guidelines of either the NRZ Schedules or DDO2 or DDO3."	The building height exemption for specific non-residential buildings currently already exists in the Mornington Peninsula Planning Scheme. The amendment is not proposing any change to this exemption. It is beyond the scope of the DDO to control uses that may have adverse amenity impacts on the neighbourhood given the overlay can only affect development. Notwithstanding that, even if a proposed non-residential building were to exceed the mandatory height limit of 8 metres and 2 stories, the application would still be assessed against the objectives and decision guidelines of the NRZ	

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		and DDO noting that all buildings, regardless of their use, can potentially impact on the character of the area. In particular, the decision guidelines in both the GRZ and NRZ contain guidance on what needs to be considered if the application relates to a non-residential use and development.	
157.13	"The change to the lot size minimum to 650m^2 in DDO2 is considered appropriate. The former minimum requirement of 1300m^2 being a carry-over from the pre sewerage era in Flinders."	Acknowledge support.	
157.14	"The new DDO decision guidelines, although general in wording are more closely focused on the range of considerations that contribute to the appearance of buildings from the street and in the wider landscape. These are thus preferred over those in the former DDO guidelines."	Acknowledge support.	
157.15	"The minimum lot size in Subdivision of 0.4ha and 1ha respectively are specified in the LDRZ Schedules 4 and 7 and are supported. However no minimum lot size requirement appears in either of the new LDRZ DDO 47 or DDO 51 (unlike DDO 2 and 3). It would be preferred that the minimum lot size be referenced in DDO's 47 and 51 as these overlays contain the bulk of building requirements covering the two affected localities on the fringe of Flinders Township."	Per the 'Planning Scheme Rules' in *A Practitioner's Guide to Victorian Planning Schemes, Version 1.4* (DELWP, 2020), it is not appropriate to duplicate a control. While the amendment proposes to locate the minimum subdivision area control in the schedule to the LDRZ, an application to subdivide land would still be assessed against the relevant DDO given the latter does not contain an exemption for a planning permit to subdivide land.	
157.16	"Given the proximity of many of the lots in Glenvale Road to portion of the Mornington Peninsula National Park it would also be desirable that Building and Works requirements in DDO 47 specify a setback from the Crown land boundary and from Double Creek of 10 metres to facilitate buffer plantings of native vegetation."	Refer to response in 157.11.	
157.17	"the area to be added to VPO1 in Flinders has significant landscape value marking the approach and entry to village	Acknowledge support.	

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	from the north … it contains substantial stands of exotic trees set in broad garden landscape. The extension of the VPO1 to include this area is considered appropriate."		
Submission number: 158 **Submitter:** Resident **Submission summary:** References the image on the front of the exhibition brochure and indicates that the neighbourhood pictured lacks character and is a poor example.			
158.1	"I looked at the photo with horror. The houses are all too close together, they are too big for the blocks of land, are so close to the neighbours and to the front paths." "There is very little space for washing to dry, or children's play equipment, cubby houses." "I can see small trees in the grounds of some houses but no flowers in gardens, so no colour." "What a very sad photo you sent us. Was it meant to be a horrible example of what we should not support…. This brochure indicates an unacceptable character and the lowest standards of values."	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes. The proposed rezoning to the NRZ and incorporation of neighbourhood character objectives and controls into the NRZ schedules would ensure new development reflects the prevailing building height of 1-2 stories and provides adequate space around buildings for vegetation and private recreation. This would discourage boundary-to-boundary developments with large building footprints.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 159 **Submitter:** Resident **Submission summary:** Land of 1,100–1,200sqm should be able to subdivide. Expresses concerns that Capel Sound can develop to higher intensity, but Tootgarook cannot.			
159.1	"I wish to Propose to the Planning Minister that Will Allow Blocks just short of the 1300 SQM guidelines. A proposal being to allow subdivision of upto 2 Houses 500/600 SQM blocks on a block size of 1100 SQM. The character of homes to reflect the area and Council Building Guidelines." A specific address in Tootgarook is referred to which is 1180sqm and thereby 120sqm shy of the proposed subdivision requirement.	Both areas are identified in the NCS as having a special neighbourhood character that warrants greater protection through the application of the Neighbourhood Character Overlay (NCO). The NCO2 applies to The Avenues, Rosebud and parts of Tootgarook and Rye. Given that parts of Tootgarook has a special neighbourhood character, it is nominated as an area suitable for minimal change.	**No changes recommended.** **Refer submission to Panel.**

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	Indicates that Capel Sound and Tootgarook are separated by Truemans Road, one side of the road can be subdivided into smaller lots whilst the other side of the road (Tootgarook) is more constrained by subdivision. Expressed concerns that both areas are subject to the same sea level threats.	Areas subject to sea level rise are nominated as minimal change regardless of being in Tootgarook or Capel Sound.	
159.2	"Tootgarook has Clauses that allow Detached Dwellings and Outbuildings (dependence) to be built in back yards with No SQM guidelines. These buildings have building code guidelines which included no attached Toilets built separate to these Dwellings."	So long as the main residence has a toilet and the dependant persons unit has access to it, the National Construction Code does not place requirements on toilet facilities for the dependent persons.	
Submission number: 160 **Submitter:** Resident and landowner **Submission summary:** Does "not consent to nor wish to be part of an amendment that affects my land or property now or never."			
160.1	Does "not consent to nor wish to be part of an amendment that affects my land or property now or never."	Objection noted.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 161 **Submitter:** Resident **Submission summary:** Identifies that view lines and heights are a necessary consideration in areas with access to views.			
161.1	"Whilst built development, vegetation & landscape differentiates neighbourhoods other characteristics such as local amenity of view lines to the bay are necessary consideration & mostly the reason why people build in that neighbourhood anyway... Such precedents in legal terms become the law. These details should be recognised & not altered or interfered with... These properties & neighbourhoods have been established so that nobody is advantaged or disadvantaged.... in areas where the view amenity is not available nor of concern, provided that it is	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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	not out of place with other properties of the neighbourhood, the height consideration may not be of such importance. "		
Submission number: 162 **Submitter:** Landowner **Submission summary:** Identifies the fragile coast and biodiversity in the adjacent national park and seeks protection of the surrounding environment and limit development.			
162.1	The landowner has described the biodiversity that thrives and diminished in the adjacent national park to their property. "Without the present subdivision restrictions many of these animals will be lost forever and the Wild Coast Character that attracts so many will be destroyed... We are depending on you to protect this area adjacent to the park."	Submission noted.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 163 **Submitter:** Resident **Submission summary:** C219morn will assist protecting the diminishing character coastal areas but has concerns that the objectives can be effectively implemented.			
163.1	"Amendment will assist protect the diminishing character coastal areas. Whether the policy objectives can be effectively implemented at a council planning officer level remains a concern when it comes to the design of new housing... For many long-term residents in areas subject the DDOs have witnessed significant destruction of coastal landscape and character by poorly designed development despite the Mornington Peninsula Shire having ample planning policy supporting objectives for protection of neighbourhood/coastal character and vegetation."	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes. The proposed rezoning to the NRZ and incorporation of neighbourhood character objectives and controls into the NRZ schedules would ensure new development reflects the prevailing building height of 1-2 stories and provides adequate space around buildings for vegetation and private recreation. This would discourage boundary-to-boundary developments with large building footprints.	**No changes recommended.** **Refer submission to Panel.**
163.2	"Natural coastal vegetation of a palette of local-to-the-area trees, shrubs and ground covers in place, bind the streetscape together providing habitat for local wild life and	Where a planning permit is triggered the application requirements of the NRZ Schedules require a detailed landscape plan to be provided which will assist in addressing these issues.	

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	preserving coastal character....and diminishes the increasingly dominant visual impact of larger scale built form... The community driven policy objectives are being let down through lowest common denominator standards being applied at the planning application stage. These standards relate to over -reliance to basic Rescode metrics of setbacks, height and amenity."	The amendment seeks to apply the VPO1 to four residential locations where vegetation has been identified to be an important element of the area's character. Notwithstanding the above, it should be noted that developments in a Bushfire Prone Area or affected by a BMO are allowed to remove vegetation, including trees, around the perimeter of a residential building under provisions of Clause 52.12 (Bushfire Protection Exemptions) in the VPP without needing a planning permit.	
163.3	Suggests that the following tool is missing to assess how the application relates to policy and DDO's that apply: "A site analysis should be required to identify the features of the site and character of the site. Presenting a permit application with a preconceived arrangement of siting and built form without consideration of protection of existing vegetation and coastal landscape should not be allowed."	Mornington Peninsula Shire website indicates in the 'Plans required for your planning application section' references the need to supply the following plans: 1. Overview 2. Survey / Site Context Plans 3. Site Plans 4. Elevation Plans 5. Floor Plans 6. Landscape Plans 7. Bushfire Management Plans 8. Garden Area Plans	
163.4	Suggests that the following tool is missing to assess how the application relates to policy and DDO's that apply: "A design response, both in written and diagrammatic form should be required, as to how the design response relates to context, protects features such as existing vegetation, siting and to the character of the neighbourhood or location. This also should identify methods to respond to amenity impacts to neighbours."	The minimum plans required to support a planning application are detailed above. Checklists also found on the Mornington Peninsula Shire website indicates that a written assessment for a proposal against Clause 54 is required if the single dwelling is on a lot less than 500sqm. An assessment against Clause 55 is required for all multiple dwelling development.	
163.5	Suggests that the following tool is missing to assess how the application relates to policy and DDO's that apply: "A	The minimum plans required to support a planning application are detailed above, noting that a landscape plan is required and if not	

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	landscape plan should be required as part of the application that seeks to reinforce the coastal character. This should include 100% planting of indigenous to the area to the frontages the reinforcing coastal character diminishing the appearance of built form. This should also indicate how planting can moderate between adjoining buildings and provide a visual buffer and habitat for wildlife. Siting a building to Rescode metrics alone should not be the sole test."	supplied is generally required as a condition 1 requirement of the planning permit (if granted). As also noted above, where a planning permit is triggered the application requirements of the NRZ Schedules require a detailed landscape plan to be provided which will assist in addressing these issues.	
163.6	Suggests that the following tool is missing to assess how the application relates to policy and DDO's that apply: "Assistance of professional development for Shire planning staff."	Beyond the scope of the amendment, submission noted.	
163.7	Suggests that the following tool is missing to assess how the application relates to policy and DDO's that apply: "The planning approvals process also lacks oversight of the completed project. A process of post completion checks should be initiated to ensure compliance with permit conditions."	Whilst beyond the scope of the amendment, the Mornington Peninsula Shire is assessing how to best create post-approval compliance checks.	
Submission number: 164 **Submitter:** Resident **Submission summary:** Would like the provisions related to the Woodlands Estate to be redrafted and be enforceable rather than aspirational objectives.			
164.1	"I believe the intentions are good but have doubts as to the consistent implementation of the goals within the Planning Scheme... The guidelines appear to allow for a lot of variation and allow for a loose interpretation... This then does not protect the existing area...". The submitter copied and pasted the Design Objectives of the existing DDO18 which they believe are not being adhered to and "believe they will not be adhered to in the future. Therefore it is doubtful they will assist in preserving the character of the	While the NCS covers all residential localities across the Peninsula, it is not intended to supersede the character controls that have been incorporated into the MPPS via an amended or a new DDO schedule. The proposed NRZ19 to NRZ22 will be based on the four neighbourhood character precincts identified in the *Mount Eliza Woodland Neighbourhood Character Study* (Planisphere, 2006) for the Woodland Area given the study contains a preferred character statement, neighbourhood character objectives and other character	**No changes recommended.** **Refer submission to Panel.**

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	area." The submitter would like the existing DDO18 Design Objectives to be redrafted for inclusion in C219morn and "they should have enforceable design standards rather than aspirational objectives".	controls for each precinct. Translatable character controls in the existing DDO18 will be moved to the NRZ schedule and enhanced with applicable NCS controls, e.g. a landscape plan under application requirements. Non-translatable character controls will be retained in the amended DDO18. As per PPN90, the completion of a local neighbourhood character strategy, i.e. the NCS and other detailed studies in this instance, provides the basis for incorporating character controls underpinned by the local strategy into the proposed NRZ schedules.	
Submission number: 165 **Submitter:** Landowner **Submission summary:** To preserve the character of the Peninsula vegetation must be taller than the buildings and suggests approx. 8m height limit must apply.			
165.1	"The key to preserving the character of the Mornington Peninsula is ensuring that the vegetation is taller than the buildings. A height limit of around 8 metres must apply to achieve this. If the view it buildings then we have a city scape and those that want this can move to the city".	The maximum building height for a dwelling or residential building will be two stories in minimal (8m to 9m) and incremental (9m) change areas, and 3 to 4 stories in substantial (11m to 14m) change areas. The GRZ mandates a maximum building height of 11 metres and 3 stories for dwellings or residential buildings, and the building height may exceed these limits if the schedule specifies a higher height. It is thus not appropriate to apply the GRZ to incremental change areas in the Peninsula. In developing the residential character areas and precincts that are unique to the Peninsula, vegetation and landscaping were assessed. Each neighbourhood character precinct has a preferred character statement, neighbourhood character objectives and design guidelines, and these provide the basis for the character controls required to protect the identified valued characteristics.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 166 **Submitter:** Landowner **Submission summary:** Strongly objects to the side setback variations proposed to Standards A10 and B17 and the increased % to the site coverage (Standards A5 and B8).			

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166.1	The suggested setback requirements of 3m from one side boundary and 1m from the other side boundary are excessive and onerous, and are not required to achieve the Neighbourhood Character Objectives outlined within this Schedule... The siting character and spatial rhythm of built form can be appropriately maintained with substantially smaller side setbacks. The use of single roof form for side x side developments, will only increase the overall building height of the development, and will not provide a sense of street presentation or address the street, we therefore prefer each dwelling to have its own presentation of roof form to the street which will reduce the overall height appearance of each dwelling."	As per PPN90, the completion of a local neighbourhood character strategy, i.e. the NCS and other detailed studies in this instance, provides the basis for incorporating character controls underpinned by the local strategy into the proposed NRZ schedules. The property address referred to in Safety Beach is characterised in the NCS as 'Garden Residential 2' where the preferred character statement provides: "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 stories, using simple building and pitched roof forms with eaves." While PPN91 advises that the zone schedule cannot require asymmetric side setbacks, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules.	Refer to R12 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
166.2	"The reduction in site coverage from 60% to 50% we strongly object too, as we already have the garden space requirements to fulfil for each site and accordingly which equates to a good percentage of the site that cannot be used, and therefore the 60% site coverage should remain as currently within the Zone."	The additional 10% maximum site coverage above the 60% of Standards A5 and B8 assists in meeting the preferred character objective: "To maintain and strengthen the bushy garden setting of the precinct, characterised by dwellings with spaces for dense planting of canopy trees, bushes, shrubs and garden beds, and nature strips with informal native vegetation". The character controls in the proposed NRZ3 such as the maximum site coverage requirement of 50 per cent, minimum permeability requirement of 30 per cent, increased setbacks to the side and rear boundaries and landscaping requirements would help provide a preferred character for the area.	
Submission number: 167 **Submitter:** Landowner **Submission summary:** Agrees with minimal change for Blairgowrie, advocates for greater controls and landscaping requirements and retention of holiday 'shack' character.			

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167.1	Agrees with Blairgowrie being deemed a 'Minimal Change area'.	Submission noted.	**No changes recommended.** **Refer submission to Panel.**
167.2	"Endeavour to retain the remaining traditional holiday "shacks" and limit the reproduction of large "urban style" dwellings (trophy homes)".	The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes.	
167.3	"I appreciate that Blairgowrie is located in a bushfire prone area but the rate of clearing since the Bushfire Royal Commission findings has been too high... Introduce a landscape overlay which encourages local native coastal plantings, ie Ti-Trees and Moonahs etc.".	Currently, an application for one dwelling on a lot must meet the 'Significant trees' objectives and should meet the corresponding standards (A8) under Clause 54.03-6 while an application for two or more dwellings on a lot must meet the 'Landscaping' objectives and should meet the corresponding standards (B13) under Clause 55.03-8. Both clauses seek to encourage development that respects the landscape character of the neighbourhood by providing for the retention or planting of trees where these are part of the character of the neighbourhood, and by providing for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Despite these provisions, the residential zone schedules of the Mornington Peninsula Planning Scheme currently do not specify whether trees are part of a residential area's neighbourhood character. They also do not specify any additional landscape requirements under Standard B13 for applications relating to two or more dwellings. Amendment C219morn proposes to strengthen these provisions by implementing the recommendations of the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), which has strongly identified vegetation as a dominant part of the character of many neighbourhoods in the Peninsula. This is reflected in the character objectives that are proposed to be incorporated into a zone or overlay schedule, as well as the additional landscape	

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		requirements under Standard B13 for applicable neighbourhood character precincts. The amendment also proposes to require applications for two or more dwellings to submit a landscape plan as part of the application requirements. The proposed character objectives also seek to ensure new development does not dominate the streetscape. Notwithstanding the above, it should be noted that developments in a Bushfire Prone Area or affected by a BMO are allowed to remove vegetation, including trees, around the perimeter of a residential building under provisions of Clause 52.12 (Bushfire Protection Exemptions) in the VPP without needing a planning permit.	
Submission number: 168 **Submitter:** Landowner **Submission summary:** Objects and shares concerns with changed character and increased traffic and safety issues, particularly at Lonsdale Street / South Road intersection			
168.1	"The building of multi-storey buildings will not only change the relaxed streetscape of the Mornington Peninsula, but it will allow for a large increase in traffic to the area". "The current infrastructure on the Mornington Peninsula does not allow for an increase in traffic on most roads in this area. The roads on the peninsula are constantly at a bottleneck during holiday periods and traffic flow is most dangerous with children running across roads and in between cars eager to get to the beach". Expressed concerns on the safety of the Lonsdale Street / South Road which borders McCrae / Rosebud.	Per the State Government's advice and guidance in PPN90, it is necessary for a municipality to complete a housing strategy in conjunction with a neighbourhood character strategy to facilitate the development of the required Residential Development Framework. Following the completion and adoption of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), the Minister for Planning specifically instructed officers to incorporate the study's recommendations into the Mornington Peninsula Planning Scheme via this amendment. The amendment addresses traffic issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy.*	**No changes recommended.** **Refer submission to Panel.**

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		The intersection referred to is a Department of Transport (VicRoads) matter. Any upgrades to the intersection would be VicRoads' responsibility to investigate.	
Submission number: 169 **Submitter:** Landowner and resident **Submission summary:** The peninsula is overdeveloped, concerned about current environment capacity to accommodate further population. Public transport isn't adequate.			
169.1	"The Mornington Peninsula amenity is already seriously eroded by over development."	Per the State Government's advice and guidance in PPN90, it is necessary for a municipality to complete a housing strategy in conjunction with a neighbourhood character strategy to facilitate the development of the required Residential Development Framework. Following the completion and adoption of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), the Minister for Planning specifically instructed officers to incorporate the study's recommendations into the Mornington Peninsula Planning Scheme via this amendment.	**No changes recommended.** **Refer submission to Panel.**
169.2	"Don't believe the shire's land mass, or current environmental situation can healthily or sustainably cope with a greater resident, or otherwise population influx."	The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. This is despite areas designated for minimal change per the State Government's advice in PPN90. The observation that many areas in the Peninsula have been designated for minimal change reflects the fact that many areas are subject to one or more constraints including bushfire, erosion, inundation, sea level rise impacts, environmental and landscape significance, and special neighbourhood character.	
169.3	"Public transport isn't sufficient to cater for existing population. Congested roads at school times. Totally clogged roads during tourist seasons".	The amendment addresses this issue through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and	

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		transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 170 **Submitter:** Objector **Submission summary:** Objects to lack of infrastructure to cater for the growth and increased traffic/traffic safety concerns and change in character.			
170.1	"The building of multi-storey buildings will not only change the relaxed streetscape of the Mornington Peninsula, but it will allow for a large increase in traffic to the area." "The current infrastructure on the Mornington Peninsula does not allow for an increase in traffic on most roads in this area."	Per the State Government's advice and guidance in PPN90, it is necessary for a municipality to complete a housing strategy in conjunction with a neighbourhood character strategy to facilitate the development of the required Residential Development Framework. Following the completion and adoption of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), the Minister for Planning specifically instructed officers to incorporate the study's recommendations into the Mornington Peninsula Planning Scheme via this amendment. The amendment addresses traffic issues through the Residential Development Framework by directing future housing towards substantial change areas, which have better access to services and transport. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 171 **Submitter:** Resident **Submission summary:** Concerned about the proposed heights in Mornington Main Street and Rosebud, amenity and heritage impacts.			
171.1	"As life long Peninsula residents, we are concerned about the additional height of buildings in the main thoroughfares of Mornington Main Street and Rosebud. We have concerns about the quality of architecture, building design and finished building quality... We are concerned about the buildings that are being built and their impact on our unique coastal shire. The Heritage buildings are distinctive and ought to be treasured in the elevations of our Main Street...	The existing DDO13 (which applies to the Mornington Activity Centre) and DDO26 (which applies to the Rosebud Activity Centre) allow for a mix of 11 metres (3 stories) and 14 metres (4 stories) within specific areas of both Major Activity Centres. C219morn does not make changes to the existing DDO13 and DDO26. The existing DDO13 provision provides 'Decision guidelines' related to heritage, scale and form, consideration of existing neighbouring development, amenity impacts' etc. whilst the 'Design objectives'	**No changes recommended.** **Refer submission to Panel.**

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	Why are the buildings being allowed to be built at three stories high? What of the impact for neighbouring residential homes and small businesses."	reference low scale coastal village character, unique character, sympathetic interfaces etc. The existing DDO26 references similar sentiments which Statutory Planners consider in their decision-making processes.	
Submission number: 172 **Submitter:** Local resident **Submission summary:** Comments about population growth statistics, building heights in Rosebud Activity Centre, development on large sites and local traffic issues.			
172.1	"Department of Transport as mentioned by the Shire states population growth to reach 200k by 2036. These figure are not consistent with the figures released by Census".	The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies.	**No changes recommended.** **Refer submission to Panel.**
172.2	Submits that the 14-metre building height limit "will be detrimental to the neighbourhood character and would create a loss of outlook for many properties which would have an opposite effect on promoting building." "Any current permit issued with 14 metre height allowed is to be reviewed for location and effect on surrounding properties i.e., loss of outlook to Bay, character and property values and compliance to DDO26 clause 43.02 in relation to location and the required setbacks etc."	Beyond the scope of the amendment. The development would already have been assessed on its merits against the relevant policy provisions, objectives and decision guidelines prior to the issuing of an approved planning permit.	
172.3	"There are 45 listed hectare plus size land lots for sale on the peninsula. Council should work on these larger lots with developers to plan preferred housing modules to accommodate the additional required housing which would not interfere with the local area's character, outlook, amenity etc. and would not be detrimental to the area."	Beyond the scope of the amendment. The Shire cannot initiate development on private sites although areas with the potential for more intensive infill development have already been identified as investigation areas in the adopted Shire's housing strategy.	

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172.4	Suggests that the exceptional traffic delays experienced in summer on Point Nepean Road after Boneo Road heading towards Rye would be eliminated and a lot safer for residents living there by putting two 1.5-metre wide slip lanes (one at each entry and probably 15 metres long).	Beyond the scope of the amendment.	
Submission number: 173 **Submitter:** Private landowner **Submission summary:** Submits that the NRZ needs to have additional built-form controls that are made specific to each micro neighbourhood.			
173.1	Submits that having broad areas labelled NRZ is not sufficiently fine enough to ensure objective is achieved unless the additional controls on various built-form matters are included and made specific to each micro neighbourhood.	The amendment does seek to incorporate built-form controls into new NRZ schedules that are made specific to each neighbourhood character precinct per the recommendations in the Ethos Urban study.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 174 **Submitter:** Local resident **Submission summary:** Submits the amendment does not accurately reflect the area's character.			
174.1	"I do not support the amendment as is proposed, with reference to Golf Pde in Rye. This is because the proposed amendment does not accurately reflect the area. Since the 1980s, much development has occurred. The proposed amendment would have been suitable in the 1980s but not now. The horse has bolted for this area and does not match the character of the area and the development that occurred since the 1980s."	Neighbourhood character is identified based on the key attributes of a broader area. Individual streets with slight variations do not form different character areas.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 175 **Submitter:** Local resident **Submission summary:** Supports the substantial change area in Rye town centre and provides feedback about long-term vehicle plan for Rye.			

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175.1	"I would support the centre of Rye (Pub to Woolworth supermarket being higher level) substantial change area to 4 story max)"	Acknowledge support for substantial change area. Nonetheless, the maximum building height is subject to the *Rye Township Plan* and *Rye Urban Design Guidelines*, which are being implemented under amendment C275morn.	**No changes recommended.** **Refer submission to Panel.**
175.2	Provides feedback about why a long-term vehicle plan for Rye is needed independent of the freeway extension and how this may be achieved.	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 176 **Submitter:** Housing Industry Association Ltd **Submission summary:** Supports the amendment subject to changes to the housing change areas, local policies in the PPF, MPS, NCO1 and DDO schedules.			
176.1	Suggests that C1Z areas designated for minimal change become an 'investigation area' instead. It appears that "these areas may not support 'shop-top' housing or semi-detached dual occupancy development, even if site conditions are suitable" given a requirement for maintaining detached dwellings in minimal change areas.	The 'requirement' for maintaining detached dwellings in minimal change areas is not a requirement but a policy guideline in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). As per Clause 71.02-2 (Operation), policy guidelines "indicate how objectives can be met and how strategies can be implemented." While a responsible authority "must take a relevant policy guideline into account when it makes a decision … it is not required to give effect to it" given an alternative may be considered if the responsible authority "is satisfied that an alternative approach meets the objective."	**Refer to R3, R4 and R17 in the officers' report to the 18 July 2022 PSC Meeting for details.** **Refer submission to Panel.**
176.2	The proposed policy guideline for minimal change areas under Clause 16.01-1L (Housing supply – Mornington Peninsula) is too restrictive. Suggests that it be amended to: • *Maintaining detached dwellings and rural dwellings in minimal change areas, or consider alternative development where site conditions suit.* This is because some discretion could be applied to built form outcomes other than detached dwellings where site conditions suit.	As per Clause 71.02-2 (Operation), policy guidelines "indicate how objectives can be met and how strategies can be implemented." While a responsible authority "must take a relevant policy guideline into account when it makes a decision … it is not required to give effect to it" given an alternative may be considered if the responsible authority "is satisfied that an alternative approach meets the objective." Nonetheless, minimal change areas typically possess constraints that limit their capability to accommodate more residential development.	

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		Detached dwellings are thus considered the most appropriate development form in such areas.	
176.3	"It is HIA's view that a planning instrument should not refer to building products and quotas." Suggests that references to building materials, finishes and reflectivity be deleted from the policy given they may prevent a development from meeting the design verification methods and be in conflict with the National Construction Code. They may also be contributing to urban heat island effect given materials with high solar reflectivity can offer better thermal performance than materials with lower reflectivity by way of lower cooling energy costs and/or improved thermal comfort.	Building materials, finishes and colour reflectivity are important matters when considering neighbourhood character given they are parts of a dwelling that are often highly visible from the public realm. It is necessary that the need to meet design verification methods and minimise energy costs be balanced against the need for the proposed development to reflect the preferred character of the neighbourhood in which it is sited. Nonetheless, officers support revising the built-form strategy relating to external finishes and roofing materials, and the built-form policy guideline relating to reflectivity of external finishes in the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) to emphasise the use of natural materials and subdued tones that complement the landscape to minimise glare.	
176.4	Suggests that the strategic direction relating to minimal change areas under Clause 02.03-6 (Housing) be amended to: • *Maintain areas with constraints that limit their capacity and service capability to accommodate further residential development as minimal change or investigation areas.*	It is not appropriate to maintain areas with constraints that limit their capacity and service to accommodate further residential development as investigation areas. Investigation areas are not maintained; rather, they are identified.	
176.5	"Unless a compelling case is presented by MPSC that local variations to Rescode standards/statutory controls are required to achieve neighbourhood character objectives, zone schedules should not differ from Rescode. This may otherwise have the unintended consequence of a proliferation of report and consent applications, where the problem shifts from an overloaded planning system to the building system."	Per the State Government's advice and guidance in PPN90, it is necessary for a municipality to complete a housing strategy in conjunction with a neighbourhood character strategy to facilitate the development of the required Residential Development Framework. Following the completion and adoption of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), the Minister for Planning specifically instructed officers to incorporate the study's recommendations into the Mornington Peninsula Planning Scheme via this amendment.	

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176.6	Does not support the proposed modification to Standard A8 (Significant Trees) in the proposed NCO1 for the Ranelagh Estate "as it appears to be an arbitrary requirement when there are already landscape provisions in Clauses 54/55 that facilitate collaborative outcomes between applicants and Council." **N.B. the submitter has clarified that this section of the submission is actually referring to the proposed NCO1 rather than the proposed NRZ3.**	The proposed modification to Standard A8 in the proposed NCO1 is underpinned by the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) and *Ranelagh Conservation Management Plan* (Context, 2009). The modification is deemed necessary to help achieve an important element of the Ranelagh Estate's character. As explained in the Strategic Document, a key intention of the Ranelagh Estate is to retain as much "native vegetation as possible … so that the houses nestled in the surrounding vegetation". While the NRZ schedule includes a landscaping standard, the latter only applies to applications for two or more dwellings on a lot. The appropriate standard needed to facilitate this important attribute of the Estate's character is the significant trees standard, which applies to applications for one dwelling on a lot. This standard is included in the NCO. Under the NCO1, buildings and works should be sited to retain existing native trees and understorey.	
176.7	"HIA submits that tree and vegetation policies should not undermine the ultimate goal of Government to plan for the growth of Metropolitan Melbourne to facilitate an estimated 9 million people by 2056. Planning policy should prioritise the supply of diverse and affordable housing in Metropolitan Melbourne with reasonable consideration to minimising tree impact within the Australian Standard for Protection of Trees on Development Sites."	The State Government's metropolitan planning strategy, i.e. *Plan Melbourne 2017-2050*, and the VPP do not prioritise the supply of diverse and affordable housing in Metropolitan Melbourne over tree and vegetation retention and protection. Rather, the State Government requires planning and responsible authorities to "endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations" as per Clause 71.02-3 (Integrated decision making). Besides the need to ensure sufficient housing supply, the Shire is required under *Plan Melbourne 2017-2050* to "Make Melbourne cooler and greener" (Direction 6.4) by "greening urban areas, buildings, transport corridors and open spaces to create an urban forest" (Policy 6.4.1). It is also required under Clause 15.01-2S	

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		(Building design) of the VPP to "Encourage development to retain existing vegetation."	
176.8	Supports that "a planning permit will not be required for a dwelling under the DDOs provided the Table 1 requirements are met" but "Mandatory height limits (i.e. 8 metres / 9 metres / 10 metres in either Table 1 or 2) should be consistent with those in the NRZ and not trigger a planning permit for lesser requirements."	Following a careful consideration of feedback from the community, officers now support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
176.9	Under the DDOs, "The use of minimum front setback requirements that vary to ResCode standards are not supported (where applied)."	The minimum front setback requirements are not new requirements given they already currently exist in the DDO schedule. These requirements have not been translated into the residential zone schedule because they cannot be written in the ResCode format without losing their intent. The amendment is not proposing any changes to these requirements given they would already have been reviewed by an independent planning panel during the amendment through which they were introduced into the Mornington Peninsula Planning Scheme.	
176.10	Under the DDOs, "the Table 2 requirement which prohibits more than one dwelling on a lot and cannot be varied with a permit is considered too restrictive and is not supported. Each site should be assessed on merit to determine an appropriate number of dwellings."	The mandatory 'no more than one dwelling on a lot' requirement is not a new requirement given it already currently exists in the DDO schedule. The amendment is not proposing any changes to this requirement given its key role in shaping the development pattern that is characteristic of many residential locations in the minimal change areas. This characteristic is not only valued but also considered important given minimal change areas are typically affected by constraints that limit their capability to accommodate more residential development.	
176.11	Regarding golf courses inside the UGB and action 4.1 of the Shire's housing strategy, "HIA would like to review any further detail council has in this regard but in general believes it is premature to be making specific demands before a collaborative approach is taken between the	This issue is beyond the scope of the amendment given it concerns elements of the Shire's adopted housing strategy that are not included in the amendment.	

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	proponent and council at applications stage and the subject site is assessed on merit."		
176.12	Regarding golf courses outside the UGB and action 4.2 of the Shire's housing strategy, "HIA believes it is premature to be making specific demands such as the land should be rezoned as green wedge or a zone that delivers on "green wedge" objectives."	This issue is beyond the scope of the amendment given it concerns elements of the Shire's adopted housing strategy that are not included in the amendment.	
176.13	Regarding the absence of a UGB around the urban residential areas of Point Leo, Merricks, Merricks Beach and Balnarring Beach, "is against the use of hard UGBs and has a longstanding view that they contribute to higher land and house prices in the long term."	This issue is beyond the scope of the amendment given it concerns elements of the Shire's adopted housing strategy that are not included in the amendment.	
176.14	Regarding affordable and accessible housing and actions 2.1, 2.2 and 2.3 of the Shire's housing strategy, HIA's longstanding view is that "levies and charges applied to development to cover physical and social infrastructure significantly affect new housing affordability. They are in effect a tax on new homebuyers." "HIA suggests council continues to collaborate with developers at the permit stage to include provisions of affordable housing in major development applications. The traditional mechanism to secure this outcome is via a section 173 agreement."	This issue is beyond the scope of the amendment given it concerns elements of the Shire's adopted housing strategy that are not included in the amendment.	
176.15	"HIA notes that the National Construction Code 2022 review proposes significant reforms to mandate accessible housing in Victoria. Independently pursued legislative amendments in relation to accessible housing should not be sought until the outcome of NCC 2022 determines any new mandate for accessible housing in Victoria."	Acknowledge comment.	
Submission number: 177 **Submitter:** Private landowner			

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Submission summary: Doesn't like to be told what to do with their property; objects to encumbrances.			
177.1	"Stop telling us what to do with our own property's. I strongly disagree with encumbrances put onto Propery *[sic]* we love and have owned for years"	Acknowledge comment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 178 **Submitter:** Department of Jobs, Precincts and Regions **Submission summary:** Acknowledgement letter of receipt			
178.1	Thanks the Shire for providing notice of the preparation of an amendment. Welcomes officers to contact their office to discuss further if desired.	Acknowledge comment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 179 **Submitter:** Private landowner and member of the Ranelagh Residents' Association **Submission summary:** Supports the amendment regarding the Ranelagh Estate.			
179.1	"I support C219morn. I believe that it will help to protect the Ranelagh Estate in Mount Eliza which is of local, state and national heritage significance. I applaud the Shire's support of the Neighbourhood Character Overlay. I also hope that further incursions into Green Wedge land for what is clearly inappropriate uses will be halted by this legislation".	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 180 **Submitter:** Frankston City Council **Submission summary:** Supports the Residential Development Framework and proposed changes to the residential zones.			
180.1	**Frankston South/Mount Eliza**	Acknowledge support.	**No changes recommended.**

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	"Officers support the designation of land adjacent to Frankston South as Bush Coastal 2 as outlined within the Neighbourhood Character Study (Ethos Urban, 2019). This character is similar to Frankston South identified as Coastal Bush and Rural Bush within the Frankston Neighbourhood Character Study (2002) and will assist in preserving the vegetated character and low density nature of the area."		**Refer submission to Panel.**
180.2	**Frankston South/Mount Eliza** "The proposed Housing Change Framework Plan identifies residential land immediately adjacent to Frankston South as a minimal change area and seeks to rezone the land from the General Residential Zone – Schedule 1 (GRZ1) to the Neighbourhood Residential Zone (NRZ) with associated schedules 15, 19, 21 and 22. Officers support the application of these controls to ensure that development immediately adjacent to Frankston South is consistent with the preferred low density streetscape and neighbourhood character of the area."	Acknowledge support.	
180.3	**Langwarrin South/Baxter** "The Neighbourhood Character Study (Ethos Urban, 2019) designation of the adjacent residential land as Garden Court 1 is supported. The Langwarrin South Precinct borders part of the proposed amendment land and is defined in the Frankston Neighbourhood Character Study (2002) as having a spacious, semi-rural and bushland setting which is to be maintained. Garden Court 1 would therefore be appropriate in this rural, low density setting."	Acknowledge support.	
180.4	**Langwarrin South/Baxter** "The proposal to include the residential and commercial land as incremental change areas and rezone the residential land to neighbourhood residential zone including schedule	Acknowledge support.	

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	6 is supported. This would provide the appropriate controls to ensure new development is characterised by predominantly low-scale 1-2 storey dwellings with simple building forms that will not adversely affect adjacent land that is rural and low density in nature".		
Submission number: 181 **Submitter:** Private landowner **Submission summary:** Supports the amendment regarding the Ranelagh Estate.			
181.1	"I support C219morn. I think it will help protect the Ranelagh Estate, Mount Eliza which is of local, state and national heritage significance. I encourage the Shire's support of the Neighbourhood Character Overlay. I hope that further incursions into Green Wedge land for inappropriate use will be stopped by this legislation."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 182 **Submitter:** Visitor and private landowner **Submission summary:** Concerned about 4-storey buildings going up along Point Nepean Highway.			
182.1	Does not want 4 storey, square, ugly buildings going up along Point Nepean Highway changing the character of the place. The height should not exceed 9 metre and allow for a 3 storey building with each level stepping in to give it a bit of a shape.	4-storey buildings are only located in Precinct 1 of the Rosebud Activity Centre per the controls under the DDO26. Any proposal to develop a 4-storey building in this precinct would need to be assessed on its merits against the relevant policy provisions, objectives and guidelines.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 183 **Submitter:** Capel Sound Community Group **Submission summary:** Commends the Shire for addressing current and future housing needs; urges more action around public housing provision.			
183.1	"The Capel Sound Community Group commends the Mornington Peninsula Shire for addressing what is both the	Acknowledge support.	**No changes recommended.**

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	current and predicted future shortfall of housing on the Mornington Peninsula. This is a major issue for our community and can only be properly addressed with intelligent long-term planning."		**Refer submission to Panel.**
183.2	"we believe *an overlay should be provided to protect the environmental character of Capel Sound*, particularly in the area of the Wetlands and Chinaman's Creek that acts as an estuary of the wetlands into Port Phillip Bay."	This is being addressed via amendment C227morn 'Tootgarook Wetland'.	
183.3	"the disadvantage that currently exists in Capel Sound can't be addressed without housing policy that will: 1. **Drive the supply of suitable public housing**, and 2. **Avoid the accumulation of public housing in any one area** but ensures it is spread across the Peninsula."	Beyond the scope of the amendment. Nonetheless, this issue is addressed in the Shire's adopted *Triple A Housing Plan 2020-2030*.	
183.4	"Note also that transport is crucial to addressing disadvantage as it increases the range of housing options open to people that don't own a car."	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 184 **Submitter:** Local resident **Submission summary:** Wants Rosebud left alone; concerned about overshadowing, overpopulation, lack of parking and potentially taller buildings in the future.			
184.1	Wants Rosebud to be left as it is given it is a very unique part of Melbourne. Strongly objects to the amendment. Concerned about recent dwelling developments that have been fence-to-fence with no thought of light or sun coming into next door properties. Disappointed about overshadowing from neighbouring property despite 3 attempts to object to the building.	Large parts of Rosebud are designated for incremental or minimal change where future developments are required to respond to the preferred neighbourhood character more closely. While fence-to-fence dwellings are difficult to avoid with small lot developments, they are still required to address the overshadowing standards in Clause 54 or Clause 55 of the VPP. In many areas, the amendment will introduce larger side and rear setbacks through the proposed NRZ schedules.	**No changes recommended.** **Refer submission to Panel.**
184.2	"During X-mas & Easter holiday, there is a significant lower presence of water during these holiday when tourists are	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These	

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	here. In short, we do not have the facilities for large numbers of people being permanently here."	projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies.	
184.3	"Parking is at a premium now. Try parking along Nepean Highway or the Plaza Shopping Centre or any of the supermarket car parks at the moment it is difficult."	Beyond the scope of the amendment.	
184.4	"At the moment you say 11-14 metres, 3-4 stories, then it will be in a short time 5 stories then 6 and so on, it is only a matter of time."	Any future increases in building heights will need to be strategically justified through a detailed study.	
Submission number: 185 **Submitter:** Local resident **Submission summary:** Wants the Green Wedge to remain protected and heights limited to current established controls.			
185.1	"I want to see all Green Belt Land on the Peninsula continue to be protected and I want to see all proposed development controlled to be in-keeping with the character of this special place i.e. I do not want to see any high rise structures. All permanent residential development has to be inside established Urban Growth Boundaries with heights limited to current established controls. There can be no exceptions to these basic principles."	The amendment is not proposing any changes to the Green Wedge. In fact, it directs future residential development towards areas inside the UGB that are better equipped in accommodating more housing growth whilst protecting the valued neighbourhood character of the Peninsula's residential areas. The amendment would also lower the mandatory building height in many areas from the current 11 metres / 3 stories to 9 metres / 2 stories.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 186 **Submitter:** Local resident **Submission summary:** Concerned about overdevelopment, impacts on street parking, local infrastructure and community services.			
186.1	"I agree with the changes for houses on a single Lot but I disagree with the changes allowing Units, Townhouses all throughout the Incremental Change Areas. These changes do not take into account street parking, local infrastructure and most importantly Covid-19."	Potential impacts on street parking, local infrastructure, etc are considered during the planning application stage. As with any strategy, officers will monitor and review its housing strategy as and when the State Government's population and housing projections data is updated.	**No changes recommended.** **Refer submission to Panel.**

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186.2	"We simply cannot allow the sort of growth that is being considered over the next 15 yrs."	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies.	
186.3	"We cannot allow Townhouse after Townhouse throughout the Avenues in Rosebud. The streets aren't wide enough to cope with the parking and with Covid-19 we don't need 1000's of people living on top of each other."	The amendment proposes to apply a NCO over the northern half of The Avenues, which would provide stronger protections of the area's special neighbourhood character.	
186.4	"Our hospitals, roads, schools, sporting venues struggles to cope now so how will they be with an extra 200000 people living here."	Beyond the scope of the amendment.	
Submission number: 187 **Submitter:** Raffles Court Service Company on behalf of Raffles Court apartment owners and residents **Submission summary:** Supports the premise of the amendment but requests changes to the proposed zoning, new DDO3 and housing change category.			
187.1	Requests that the property be retained in the GRZ with a schedule that reflects an appropriate future planning outcome consistent with the existing neighbourhood character and PPF given: - the property lies within a mixed-use precinct bounded by Sorrento Park, Point Nepean Road, Ocean Beach Road and the Esplanade - the precinct is characterised by relatively intensive development of 2, 3 and 4 stories - the GRZ recognises the diverse forms of housing that exist in this precinct, the moderate growth that has occurred and is continuing to occur, and the proximity of the property to services and facilities	Neighbourhood character assessment is undertaken at a neighbourhood level and not based on individual properties. It also does not consider commercial land. In this context, the height of the residential buildings in the GRZ of this precinct is predominantly 2 stories and, as identified in the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban. 2019), should continue to be of this height. It is thus strategically justified and necessary to rezone the existing GRZ of this precinct to the NRZ per the State Government's advice in PPN91 given the GRZ should not be applied to areas where residential developments of three stories are not anticipated. Nonetheless, a building may exceed the NRZ's mandatory 9-metre / 2-storey building height requirement for a dwelling or residential building provided it meets the conditions specified under Clause 32.09-10.	Refer to R17, R18, R19 and R21 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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	- the proposed NRZ12 contains neighbourhood character objectives and controls that are at odds with the existing character, which is typified by limited vegetation and prominent 2-4 storey buildings with dwellings designed to maximise water views.	While the residential area is in proximity to the Sorrento Activity Centre, the Shire's adopted *Activity Centres Strategy 2018* continues to affirm the 'Small Township Activity Centre' status of this centre in relation to the Shire's Activity Centres Hierarchy as articulated in the MPS under Clause 02.03-1 (Settlement). Vegetation continues to play an important role in contributing to the character of the residential area as well as acting as privacy screens that obscure the built form. This is consistent with the fourth neighbourhood character objective of the proposed NRZ12. The fact that the residential area contains dwellings designed to maximise water views is consistent with the first neighbourhood character objective of the proposed NRZ12.	
187.2	Requests that the objectives of the new DDO3 that relate to 'maintaining and strengthening the single dwelling character' and 'ensuring buildings are designed and sited to avoid being visually obtrusive against a skyline or existing tree canopy line, when viewed from surrounding streets or properties' be removed given they make no sense having regard to the existing form of development in this precinct.	The objective relating to single dwelling character is associated with the mandatory 'no more than one dwelling on a lot' requirement which currently already applies in the existing DDO3. This character is consistent with the existing development pattern which comprises predominantly single detached dwellings. The objective relating to avoiding visually obtrusive buildings is one that also currently already applies in the existing DDO3. Following a careful consideration of feedback from the community, officers now support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Officers also recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger. It is important and necessary that both objectives be retained given they have played a significant role in shaping the character of the	

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		Peninsula's residential areas and protecting the valued landscape character of the Peninsula.	
187.3	Requests that the existing exemption from the mandatory height provision that allows a permit to be granted for existing buildings to be reconstructed/altered or extended to the same height be retained in the new DDO3 for the area immediately surrounding the property given: - the importance of allowing the building to be modernised, as required, to meet changing building regulation requirements and amenity standards - the removal of this exemption would create and perpetuate non-conforming development and result in confusion and costly disputes with respect to future planning applications.	Officers support retaining the existing 'building alteration or extension' exemption to the mandatory maximum building height where it currently applies, subject to minor changes to improve clarity, given minor buildings and works on the upper level of existing lawfully constructed buildings should be permissible.	
187.4	Requests that the decision guidelines in section 6.0 of the new DDO3 be revised to reflect the changes requested in 187.2 and 187.3.	Officers recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	
187.5	Request that the land bounded by Sorrento Park, Point Nepean Road, Ocean Beach Road and the Esplanade be redesignated for incremental change instead of minimal given: - townhouses and units are encouraged, together with detached dwellings in incremental change areas - there is no prospect that the future character of this precinct will revert to meet the description of 'minimal change', where detached dwellings and rural dwellings are maintained	Request is not consistent with the State Government's advice in PPN90 given the land is affected by several constraints that limit its capacity to accommodate more residential development. Also, the 'Small Township Activity Centre' status of Sorrento's activity centre, limited infrastructure and services of the township, high jobs seasonality, lack of public transport, and relatively high rate of vacant homes during off-peak season mean that it is not suitable and appropriate to: - promote consolidation of urban development - encourage higher density housing development - identify opportunities for increased residential densities to help consolidate urban areas	

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	- it would also be inconsistent with State Planning Policy that seeks to encourage a diversity of housing types and higher densities in areas close to services and facilities.	- facilitate diverse housing that offers choice and meets changing household needs in Sorrento's residential areas.	
Submission number: 188 **Submitter:** Local resident **Submission summary:** Primarily concerned about the potentially unsustainable impacts of population growth.			
188.1	Disappointed that "Mornington Peninsula is not called rural like it was before".	Beyond the scope of the amendment. The geographical status of the Mornington Peninsula is a State Government decision.	**No changes recommended.** **Refer submission to Panel.**
188.2	"The height of buildings are to 9 meters in some areas, does not help the population growth."	Buildings can go up to 11 metres / 3 stories where the GRZ is retained. In activity centres that are designated for substantial change, buildings can also go up to 11 metres and, in some cases, up to 14 metres / 4 stories.	
188.3	"In some parts of Dromana there can be buildings the same height as buildings in some parts of activity centres yet it was never supposed to be an activity centre area."	Having the same building height as those in an activity centre does not make it part of the centre. It is the zoning of the land that determines whether the area is part of an activity centre. Typically, it would be a commercial zone.	
188.4	"It was not explained that the increase in population will not only cause a need for more housing but other amenities as well such as roads, shops- including supermarkets and the provision of usable water etc".	It is precisely because the increase in population will increase the demand for such resources and facilities in the future that makes it important to prepare a housing strategy today so we can direct more future housing towards areas that are better equipped to accommodate the housing growth.	
188.5	"The population is to increase to the point it will be unsustainable for our way of life."	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies.	
Submission number: 189 **Submitter:** Local residents			

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Submission summary: Strong oppose some sections of the amendment and seek changes to the amendment.			
189.1	Opposes the removal of planning permit triggers in the DDO. Does not think removing 'red tape' will help protect neighbourhood character.	A planning permit would still be required for buildings and works relating to one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R3, R4 and R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
189.2	Submits that council town planners are the only people who can ensure the third design objective in the DDO about protecting reasonable sharing of views is achieved. "Building height is an essential control so the current permit triggers for height should remain."	officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
189.3	Submits that a council planner claims during an information sessions that it is "Up to the discretion of a private building surveyor as to whether or not they would grant a variation and usually if it's a variation it would be advertised or (they) would seek neighbour's permission".	The private building surveyor cannot grant a variation. They will need to seek the variation through the Report and Consent process with the municipal building surveyor.	
189.4	Submits that the property report provided online is misleading when it states that an area is designated for	The level of change indicated on the property report is in the context of housing change, not planning controls. This is clearly indicated on the report under the section header 'Housing Change Area'. The	

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	minimal change given the numerous amendments to the DDO upon examination.	notification letter to owners and occupiers clearly advises that the amendment makes substantial changes to the Mornington Peninsula Planning Scheme. Given the complexity of the amendment, the Shire's approach is to communicate the key changes as simply as possible and provide links to current and proposed controls for those who are keen on and comfortable with details.	
189.5	Submits that it is misleading and oversimplified for the property report to state that both the current and proposed building height control is 8 metres when under the existing schedule a permit is required for exceeding a wall height of 5.5 metres or building height of 6 metres.	The intent of the 'Building Height' section of the property report was to highlight the relevant building height control, i.e. mandatory building height permissible under either the zone or the DDO.	
189.6	Submits that the reflectivity trigger should be retained given the planning guidelines on the council's website state that the Mornington Peninsula Planning Scheme aims to protect the Peninsula's natural values by curtailing the development of visually disruptive or intrusive features into these important landscapes.	Reflectivity is addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula). Officers support revising the built-form strategy relating to external finishes and roofing materials, and the built-form policy guideline relating to reflectivity of external finishes in the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) to emphasise the use of natural materials and subdued tones that complement the landscape to minimise glare.	
189.7	Submits that specific design objectives should be retained so that consideration is given to the local surroundings and environment and the configuration, location and aspect of structures.	The amendment retains the design objectives relating to shared views in the amended DDO schedules. There is no need to retain the design objective about having proper regard for the established streetscape and development pattern in terms of building height, scale and siting given these matters are already included in the decision guidelines of the parent DDO clause.	
Submission number: 190 **Submitter:** Pitard Group on behalf of private landowners **Submission summary:** Requests that the existing minimum subdivision area in the DDO4 be removed or a new DDO schedule with a lesser or no minimum be applied.			
190.1	"The retention of the 2500m^2 minimum lot size in the proposed DDO4 is inconsistent with the established	The 2,500 m^2 minimum subdivision area requirement currently already applies in the existing DDO4. The amendment is not	**No changes recommended.** **Refer submission to Panel.**

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	neighbourhood character." "A density limit of 2500m² is more akin to lot sizes in the LDRZ, outside established settlements. The subject site is not in an area characterised by low density residential development, a majority of surrounding lots (and lots within the proposed DDO4 area of Sorrento and Blairgowrie) vary in size between 750m² and 2000m²." "Either DDO4 is amended to remove the 2500m² minimum lot size, or a different DDO schedule with a lesser, or no, minimum lot size should be applied to the site and surrounds."	proposing any changes to the requirement, which is retained in the revised DDO4. Given the site is encumbered by the BMO, it is not appropriate to reduce the minimum subdivision area to allow more residential development per the State Government's advice in PPN90.	
Submission number: 191 **Submitter:** KLM Spatial Pty Ltd on behalf of private landowner **Submission summary:** Requests that the proposed DDO33 be removed and the subject site designated for incremental change instead of minimal.			
191.1	Requests that the proposed DDO33 be removed from the land given: - the subject site is dislocated from the remainder of the area to be encumbered by DDO33 - the area to the north of Mount Eliza where the DDO33 is to be applied is proposed to be located within the NRZ10 and NRZ15. The design objectives of the DDO33 and Neighbourhood Character Objectives of the NRZ10 and NRZ15 align with each other. Whereas, the DDO33 design objectives are at odds with the Neighbourhood Character Objectives of the NRZ8.	Officers support removing the proposed DDO33 from the subject site. Nonetheless, officers recommend that an amended DDO1 be applied to the site instead.	Refer to R29 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
191.2	Requests that the subject site be located within the Incremental Change Area given: - its proximity to the Mount Eliza township (less than 1km away), and due to the existing context of the area located to the west of the subject stie where higher density	Officers support redesignating the site as an incremental change area.	

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	development has occurred (characterised by lots with areas of approximately 250m² – 500m²). Land immediately to the west of the subject site is to be located within an Incremental Change Area.		
191.3	Supports the application of the proposed NRZ8 as this is justified through the character study for the area.	Acknowledge support.	
Submission number: 192 **Submitter:** Urbis Pty Ltd on behalf of private landowner **Submission summary:** Requests that the subject site be included in the amendment as a minimal change area and be rezoned to the LDRZ.			
192.1	Requests that the subject site, which is currently in the GWZ2 abutting the UGB, be included in the amendment as a 'minimal change area' and be rezoned to the LDRZ given: - the subject site is an outlier in the area, not large enough to sustainably maintain productive agricultural use and too large to maintain a single rural living lot - there is no potential to further subdivide the land into more manageable lot sizes - the surrounding GWZ2 lots to the north and west are a lot smaller than the site and generally inconsistent with the purpose of the GWZ2; these lots and the site are more appropriately suited to a zone that reflects the prevalent lot sizes - the site sits on the edge of an urban area and provides opportunity for well-considered low density housing which is consistent with the immediately surrounding land uses - development of the land can remain consistent with the prevailing and preferred character of the BC2 area and could assist with vegetating the otherwise generally bare land	Not consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S (Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020), which all seek to protect the green wedge by maintaining the UGB and the GWZ. Not consistent with State and Metropolitan Melbourne policies on housing supply, i.e. Clause 16.01-1S and Clause 16.01-1R respectively, which seek to, among other things, facilitate well-located, integrated and diverse housing that meets community needs in designated locations in established urban areas, and facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.	**No changes recommended.** **Refer submission to Panel.**

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	- the site is accessible by public transport as it is less than 600 metres from the nearest bus stop.		
192.2	Requests that Council advocates to the State Government for a minor realignment of the UGB to allow for the future rezoning of the land as part of Action 1.4 of the Shire's housing strategy, which seeks to advocate to the State Government for other UGB realignments.	This request has no merit and cannot be accepted given the response in 192.1 and the submitter's incorrect understanding of the intent of Action 1.4, which seeks to place a UGB around the urban areas, i.e. GRZ and LDRZ, of Balnarring Beach, Merricks Beach, Merricks and Point Leo, rather than realign the existing UGB.	
Submission number: 193 **Submitter:** Private landowner **Submission summary:** Does not want housing density to increase in the Mornington area.			
193.1	"I do not want the housing density increases in the Mornington area. Instead some more green wedge land can be released for new housing. This local area has houses on plot sizes more than 500sq meters and reducing the plot size would change the character of the neighbourhood significantly and increase traffic, noise and congestion."	Housing density currently can already increase in many areas in Mornington given these areas do not have controls on the subdivision minimum area. The amendment is not proposing to introduce any new controls on subdivision in the Mornington area. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. It is not appropriate to use green wedge land to support new housing. This is not consistent with the State Government's metropolitan planning strategy *Plan Melbourne 2017-2050*, the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) under Clause 11.03-5S (Distinctive areas and landscapes), the *Green Wedge Management Plan* (MPS, 2019) and *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020), which all seek to protect the green wedge by maintaining the UGB and the GWZ.	**No changes recommended.** **Refer submission to Panel.**

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Submission number: 194 **Submitter:** Private landowners **Submission summary:** Wants existing building height trigger retained and vegetation considered in the second decision guideline of the proposed NRZ14.			
194.1	"C219 Morn in DDO3 permits an 8m planning permit trigger for building height. Currently this is 6m. Without planning permit being triggered there is no mechanism for advice to surrounding properties of a new build, and hence no possibility of negotiation in view sensitive areas. This is particularly critical in established areas where 6m trigger has been applied to existing buildings and satisfactory compromises have been achieved. By applying 8m without review, the DDO3's objective of shared viewlines and lack of visual obtrusiveness is not met."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
194.2	Submits that the second decision guideline in the proposed NRZ14 should be amended as follows: "Whether the buildings and vegetation are designed and sited with consideration of existing views to the coastline from nearby properties …". Believes this is important given considerable loss of views to the coastline due to significant growth of non-native trees.	The need to provide reasonable sharing of views to the coastline needs to be balanced against the need to ensure buildings avoid being visually obtrusive against a skyline or existing tree canopy line when viewed from surrounding streets and properties.	
Submission number: 195 **Submitter:** Private landowners **Submission summary:** Wants to see the amendment go through.			
195.1	"We would like to see the amendment go through to ensure that this will help buildings that are Presently dealing with over height issues. Our recently built house is restricted by the Current planning scheme and at present our building is being held back from Occupancy. The new amendment would alleviate all our present height issues. As you can see	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**

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	from the photos attached our house is considerably lower than our neighbouring properties. Thank you."		
Submission number: 196 **Submitter:** Local resident **Submission summary:** Requests changes to reinstate specific local planning policy lost as a result of amendment C279morn.			
196.1	Requests that "Council initiates a Planning Scheme Amendment to reinstate important aspects of local planning policy for the overall settlement on the Mornington Peninsula, lost as a result of Amendment C279."	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
196.2	Requests that "the proposed Clause 02.03-6 in C219 be adjusted to include the previous policy and strategic directions regarding: Identifying and strengthening the hierarchy of townships and villages – referring to the corrected Framework Plan; directing residential growth to the large townships within the hierarchy." Requests that "C219 include an adjusted Framework Plan in Clause 02.04 in line with the above and consistent with the Framework Plan contained in the planning scheme prior to C279."	The proposed Clause 02.03-6 articulates the strategic directions in the adopted Shire's housing strategy. The Strategic Framework Plan under Clause 02.04 has been updated via the 'PPF Translation' amendment C279morn to reflect the Shire's activity centres hierarchy given the Plan is to be read in conjunction with the strategic directions in Clause 02.03, which refers to the activity centres hierarchy under Clause 02.03-1 (Settlement).	
196.3	Requests that "Council reviews the above requests, prior to its consideration of the current Planning Application P21/1949 for a retirement complex at 60 Kunyung Road, Mt Eliza."	Beyond the scope of the amendment.	
Submission number: 197 **Submitter:** Appletree Sorrento Pty Ltd **Submission summary:** Requests changes to specific provisions in the proposed NRZ12 and revised DDO3, as well as the adopted Ethos Urban study.			
197.1	The first neighbourhood character objective of the proposed NRZ12 should not make a reference to "predominantly single-storey dwellings" given:	Officers recommend that "new development should complement the 1-2 storey building height and forms of existing dwellings" for the BC1 neighbourhood character precinct, as identified in the NCS.	**Refer to R5, R6, R13 and R24 in the officers' report to the**

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	- the council's preferred character statement for 'Bush Coastal 1' precinct does not reference "predominantly single storey dwellings" as part of the preferred character of the area - the planning controls allow for and facilitate development of up to 8 metres or two stories - the existing conditions in this part of Sorrento include a high proportion of two storey dwellings; the historic dwelling on the site is, in fact, three stories in part.		18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
197.2	"Our properties, like many others, are located on a busy, main road and experience noise emissions and privacy incursions. The design of front fencing needs to take account of such site conditions." Requests that the last neighbourhood character objective of the proposed NRZ12, which relates to fences, be amended as follows: - *To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by low and permeable front fences that allow views to front garden areas and trees from the street for land that does not have a frontage to a Road Zone.*	Officers do not support the proposed changes given neighbourhood character objectives apply to the entire precinct. The need to treat busy, main roads differently to other streets is already provided for through Standards A20 and B32 under Clause 54.06-2 and Clause 55.06-2 respectively where a higher front fence height limit can be prescribed for streets in a Road Zone, Category 1.	
197.3	Requests that the recommended design guidelines relating to fences for the Bush Coast 1 precinct in the Ethos Urban study be amended as follows: - *Provide no or a low, open style front fence up to 1.2m in height for properties that do not have a frontage to a Road Zone* - ~~*Provide no, or a low, open style side fence up to 1.2m in height from the front of the dwelling*~~ [delete this on the basis that the Zone cannot control side fences] - ~~*On main roads*~~ *For lots with frontage to a Road Zone, higher front fences* ~~*(up to 1.8m)*~~ *may be constructed*	Officers do not support the proposed changes given the Ethos Urban study has already been through community consultation, reviewed and adopted by the council. While the residential zone does not control side fences, it does not preclude a neighbourhood character study from making recommendations on it given side fences do and can affect residential character. The Ethos Urban study underpins the amendment's proposal to introduce policy guidelines on side fences through the new proposed local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula).	

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	~~*where they provide at least 20% permeability*~~ *in recognition of the noise impacts and privacy requirements*	It is totally within the scope of a neighbourhood character study to recommend quantitative design standards if they are deemed necessary to achieve the preferred character and objectives of the identified neighbourhood character precinct.	
197.4	Requests that the decision guideline relating to fences in the proposed NRZ12 be amended as follows: - *Whether the ~~choice~~ design of fencing appropriately mitigates noise impacts and accommodates privacy requirements for land with frontage to a Road Zone, and for other land whether the design of fencing allows views to front garden areas and trees from the street.*	Officers support replacing 'choice' with 'design'. Nonetheless, the decision guidelines for Standards A20 and B32 under Clause 54.06-2 and Clause 55.06-2 respectively already requires the responsible authority to consider "Whether the fence is needed to minimise noise intrusion." Per the 'Planning Scheme Rules' in *A Practitioner's Guide to Victorian Planning Schemes, Version 1.4* (DELWP, 2020), it is not appropriate to duplicate a provision.	
197.5	Questions whether the NRZ12 needs to control fencing on land north of Point Nepean Road given the ESO25 applies and also triggers a planning permit for a fence.	Officers will be reviewing the ESO schedules of the Mornington Peninsula Planning Scheme with the view of improving their operational efficiency per the State Government's Smart Planning initiative.	
197.6	The first design objective relating to subdivision pattern in the revised DDO3 is unreasonable given: - it should not pre-suppose that the "existing subdivision pattern" on a site, precinct or local area is the preferred or most appropriate arrangement - it should not pre-suppose that existing vegetation is the preferred or most appropriate outcome for a site; the BC1 character statement contemplates retention *where possible* and new planting works - the achievement of "substantial vegetation cover" in private open space is not a subdivision matter and relates more to buildings and works - a planning permit application should be assessed on its merits. The objective should be amended as follows:	Officers do not support the proposed changes given the design objective aligns with the State policy under Clause 15.01-5S (Neighbourhood character), which requires the planning authority to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the: - Pattern of local urban structure and subdivision. - Underlying natural landscape character and significant vegetation. - Neighbourhood character values and built form that reflect community identity. The design objective also aligns with the State policy under Clause 15.01-2S (Building design), which requires the planning authority to encourage development to retain existing vegetation.	

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	- *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~~ and landscaping outcomes that are consistent the with the coastal and landscape character of the area.*	Regarding ResCode, Standard A8 under Clause 54.03-6 (Significant trees objectives) and Standard B13 under Clause 55.03-8 (Landscaping objectives) both seek to encourage development that respects the landscape character of the neighbourhood, and encourage the retention of significant trees / mature vegetation on the site. Under both standards, development should: - provide for the retention or planting of trees, where these are part of the neighbourhood character. - provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. The adopted Ethos Urban study has identified the provision of adequate space to allow for the retention of remnant native vegetation, as well as the continued planting of native, coastal vegetation and gardens as an essential element of the BC1's preferred character. This strengthens the objectives of Standards A8 and B13 and supports the design objective. The comment about achieving substantial vegetation cover in private open space as not being a subdivision matter is inconsistent with State policy provisions relating to subdivision. For example: - Clause 15.01-3S (Subdivision design) provides that subdivision should be designed to create liveable and sustainable communities by, among other things, protecting and enhancing native habitat. - Clause 56.01-1 (Subdivision site and context description) provides that the site and context description must accurately describe, among other things, natural features including trees and other significant vegetation. - Clause 56.01-2 (Subdivision design response) provides that the design response must explain how the proposed design responds to any site and context features for the area identified in	

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		a local planning policy or a Neighbourhood Character Overlay, and any relevant objective, policy, strategy or plan set out for the area in this scheme. - Clause 56.04-2 (Lot area and building envelopes objective) seeks to provide lots with areas and dimensions that enable, among other things, the appropriate siting and construction of a dwelling, private open space and the retention of significant vegetation and site features. In addition, lot dimensions and building envelopes should protect, among other things, significant vegetation and site features. When assessing the merits of a planning permit application, the responsible authority has to decide whether the application generally achieves the preferred character that has already been identified in an adopted neighbourhood character study, not whether the application achieves a preferred character that is to be identified at the time of the application.	
197.7	There does not appear to be any substantive justification for the proposed changes from average lot size to minimum lot size relating to the subdivision control in the DDO3 despite the basis for the change as set out on pages 37-38 of the Council-authored "desktop review".	Officers support retaining the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.	
Submission number: 198 **Submitter:** Local resident **Submission summary:** Objects to the removal of planning permits for single houses; concerned about increasing population density on congestion, parking & infrastructure.			
198.1	Concerned about the impacts of increasing population density on road congestion, car parking near shops and medical facilities, and infrastructure.	Beyond the scope of the amendment. Nonetheless, the Shire is currently preparing an *Integrated Transport Strategy*.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.
198.2	Objects to the change "that private single houses will not need a planning permit."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for	Refer submission to Panel.

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		Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into the applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
198.3	Submits that the retirement village "is ageing and would appreciate assistance in maintaining the footpaths and lighting to a safe standard."	Beyond the scope of the amendment.	
198.4	Submits that the "Mornington-Tyabb Rd outside is now a busy and congested speedway that makes it hazardous for us to exit our village."	Beyond the scope of the amendment. Nonetheless, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 199 **Submitter:** Private landowners **Submission summary:** Wants the building height trigger in the existing DDO3 retained.			
199.1	Objects to the removal of the building height trigger as it would be above the tree line and compromise the view sharing concept. The existing provisions in DDO3 relating to building height (the 6 metres trigger) should be retained.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17, R18 and R19 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**

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		Officers also recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	
Submission number: 200 **Submitter:** Local resident **Submission summary:** Wants the minimum subdivision area in the DDO6 changed from 10,000 to 1,000 square metres.			
200.1	Requests that the subdivision control in the amended DDO6 be changed so that "Each lot created by the subdivision must be at least 1,000 square metres" instead of 10,000 square metres given "all services are available in the area now including reticulated sewerage, so all design, development, environmental and character objectives are achievable on 1000m2 lots."	The land is currently subject to the BMO and in a bushfire prone area. As per PPN90, the Shire is required to direct future housing away from areas that are prone to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 201 **Submitter:** Linfox Property Pty Ltd and Fox Shelf No 1 Pty Ltd **Submission summary:** Requests that the existing GRZ be retained; believes it is unnecessary to mandate building heights via the DDO given the zone's provisions.			
201.1	Requests that the existing GRZ be retained given the application of the NRZ is inappropriate for the following reasons: - the zone selection fails to recognise the locational characteristics of each of the properties - the zone relies on a neighbourhood character statement that covers a broad geographic area and that extent is not relevant or meaningful to the properties - None of the sites are located in a *predominantly single and double storey residential area* - The application of the NRZ fails to respond to Planning Practice Note 91 that requires land to have ***values that***	Officers do not support retaining the GRZ given PPN91 advises that the GRZ should not be applied to areas where residential buildings of up to three stories are not anticipated. The submitter's properties are not in an area where three stories are anticipated for residential buildings given they are not part of any adopted structure plan that supports a maximum three-storey building height. Also, the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) has identified these properties as part of the broader BC1 neighbourhood character precinct, which comprises predominantly 1-2 storey dwellings with high levels of coastal vegetation including occasional canopy trees and frequent lower level trees such that dwellings do not penetrate the existing tree canopy, are not visually dominant from the street level, sit within the	**No changes recommended.** **Refer submission to Panel.**

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	distinguish [it] from other parts of the municipality. The distinguishing elements of the precincts / properties have not been demonstrated by the Amendment.	vegetated landscape setting, and have low and permeable front fences with views to front garden areas. While neighbourhood character precincts apply at a neighbourhood scale, which can include a number of individual properties across the precinct that deviate from a precinct's key attributes, the submitter's properties actually do fit very well with the preferred character of the BC1 given they contain single-storey dwellings that are not visually dominant from the street level, do not penetrate the existing tree canopy, fit within the vegetated landscape setting, and contain low and permeable front fences with views to front garden areas. These characteristics, besides others that relate to the BC1, distinguish the precinct from other parts of the municipality such as the substantial change areas, which can better accommodate higher density residential development. In addition, two of the submitter's properties, which abut each other, are affected by the BPA mapping while the remaining third property is in an area of environmental significance. As per PPN90, these properties are thus designated for minimal change, which makes them unsuitable to remain in the GRZ.	
201.2	It is unnecessary for the amended DDO provisions to specify mandatory height limits for development that is already controlled by the Zone provisions.	The mandatory building height requirement of no more than 8 metres and 2 stories currently already applies in the existing DDO. The amendment is not proposing any changes to this requirement. Nonetheless, the comment that it is unnecessary for a DDO to specify mandatory height controls given the zone's provisions is inconsistent with State planning provisions given Standard A4 under Clause 54.03-2 and Standard B7 under Clause 55.03-2, which relate to the building height objective, provides that the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.	
Submission number: 202 **Submitter:** Local resident			

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Submission summary: Complains about problems associated with a neighbouring short stay accommodation.			
202.1	Complains about partying, noise, loud music, drunk people swearing, people sleeping in tents and cars associated with a neighbouring property that provides short stay accommodation.	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 203 **Submitter:** Private landowner **Submission summary:** Submits that the local area is suitable for a higher density zone.			
203.1	Congratulates the Shire for its "forward planning to provide more homes for the growing population."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
203.2	Submits that the whole of Raymond Street, Somerville is suitable for a higher density zone given its proximity to the town centre, train station and many other services. Also, there are no significant environmental features in the street to discourage higher density housing.	The land is currently in a bushfire prone area. As per PPN90, the Shire is required to direct future housing away from areas that are prone to natural hazards.	
Submission number: 204 **Submitter:** Owners Corporation **Submission summary:** Supports the amendment; requests the housing change maps be removed from Clause 16.01-1L.			
204.1	The Owners Corporation which represents five owners of our property supports the amendment.	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
204.2	Suggests that the housing change maps in the proposed Clause 16.01-1L be removed given it "will not alter the provisions of the Amendment but will simplify the Planning Scheme ordinance and avoid potential ambiguity with the zoning map 27". Also, it 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	Officers do not support the proposed changes because the 17 housing change maps are not zoning maps; rather, they comprise the Residential Development Framework (RDF), which has a different purpose to zoning maps. While the latter shows the uses that are permissible or prohibited in any given area, the RDF shows how much residential development may be expected over the time horizon of the Shire's housing strategy. Although the RDF is part of the housing strategy, which is proposed to be added to the Mornington Peninsula Planning Scheme as a background document,	

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	(Victorian Government, 2014) but does not include detail from the report."	it is necessary to incorporate the RDF separately via the proposed new local policy under Clause 16.01-1L in order for the responsible authority to consider and give effect to it when it decides under the Mornington Peninsula Planning Scheme as per Clause 71.02-2 (Operation). This is because a background document does not form part of the planning scheme. Its purpose, as per Clause 72.08 (Background documents), is to: - show how it has informed the preparation of, or an amendment to, a planning scheme - provide information to explain the context within which a provision has been formed assist the understanding of a planning scheme.	
204.3	Notes that the housing change maps "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."	The lots that have been designated for minimal change is due to them being in a bushfire prone area while the other lots are not.	
Submission number: 205 **Submitter:** Private landowner **Submission summary:** Suggests the DDO18 could cross-reference the 4 proposed NRZ schedules for the Woodlands Area; wants the muted colours trigger retained.			
205.1	Submits that moving some of the controls in the existing DDO18 into the proposed NRZ schedules might be usual for professional panners but extremely confusing for normal people. Wonders whether the amended DDO18 could cross-reference the 4 proposed NRZ schedules for the Woodlands Area.	DELWP has advised to implement character controls primarily through the residential zone schedules and only resort to an overlay for controls that are beyond the scope of the zone schedules. It is not recommended to include cross-references between overlay and zone schedules per the advice in the *A Practitioner's Guide to Victorian Planning Schemes, Version 1.4* (DELWP, 2020).	**No changes recommended.** **Refer submission to Panel.**
205.2	"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."	The issue of colours have been moved into the decision guidelines of the proposed NRZ schedules.	

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Submission number: 206 **Submitter:** Local resident **Submission summary:** Advocates Tiny Houses on Wheels to be hosted on sufficiently large properties on a full-time basis.			
206.1	Wants the amendment to enable properties with enough acreage to host Tiny Houses on Wheels on a full-time basis for practical and environmental reasons.	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 207 **Submitter:** Local resident **Submission summary:** Advocates Tiny Houses on Wheels to be hosted on sufficiently large properties on a full-time basis.			
207.1	Wants the amendment to enable properties with enough acreage to host Tiny Houses on Wheels on a full-time basis for practical and environmental reasons.	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 208 **Submitter:** Local resident **Submission summary:** Concerned that the amendment will not protect neighbourhood character and that further community consultation is required.			
208.1	"The proposed amendment appears to be extraordinarily complex and untransparent."	The Mornington Peninsula Planning Scheme in its current form is very complex and this has been identified as an issue by the Minister for Planning. As a result, the changes required to incorporate new character controls, remove unnecessary permit triggers and simplify complex requirements is inevitably a complex process. Regarding transparency, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**

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		- the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
208.2	The proposed amendment appears to function in isolation as it does not allow referral to other Shire policies, e.g. ESD, climate change, biodiversity and others.	The amendment seeks to implement the Shire's adopted housing strategy and the adopted Ethos Urban neighbourhood character study, which is already a massive undertaking. Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
208.3	The process of community consultations could have been better. There were no question and answer sessions. While it	Twenty in-person consultation sessions across the Peninsula were initially planned for but they had to be cancelled due to COVID-19	

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	was helpful that community groups and consultants could book a discussion with planning officers, these were not open to the broader community.	restrictions, unfortunately. The option to book a discussion with a planning officer is open to anyone in the community, not just community groups and consultants.	
208.3	The amendment shifts the responsibility and accountability for planning on the Peninsula to Registered Building Surveyors. This directly conflicts the first purpose of the amendment – to maintain and enhance neighbourhood character. The building system has limited public consultation, no community input, no ads, no yellow signs, no call-in opportunities, no appeals to VCAT.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
208.4	The proposed NRZ schedules omit some of the controls that were previously provided such as: - 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.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres	

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		for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ.	
208.5	Recommends that the Shire delays the approval of the amendment to allow for further meaningful consultations to ensure the twin purposes of protection of neighbourhood character and economic efficiencies can be achieved effectively.	Officers have yet to set a date on which the council will decide whether to approve the amendment given it is likely that the amendment has to undergo a planning panel stage.	
208.6	Recommends that the strong elements of the current planning scheme are recognised and protected, especially when it comes to the role of the existing DDOs.	DELWP has advised to implement character controls primarily through the residential zone schedules and only resort to an overlay for controls that are beyond the scope of the zone schedules.	
208.7	Recommends 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.	Beyond the scope of the amendment. Nonetheless, officers will assess how to best create post-approval compliance checks.	
208.8	Recommends that the existing planning permits application system is maintained and strengthened to allow for advertising and objections to continue.	The existing planning permits application system through the planning department is unsustainable given the current complexities of the Mornington Peninsula Planning Scheme. The Shire persistently ranks highest among all Victorian LGAs in terms of the volume of planning permit applications received. A significant percent of this is related to single dwellings and extensions to single dwellings. The amendment is therefore necessary to reduce the number of unnecessary planning permit triggers.	
Submission number: 209 **Submitter:** Local resident **Submission summary:** Objects to the amendment due to grave concerns regarding tighter setbacks and site coverage controls, and lack of transparency.			

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209.1	"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 an 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".	The Mornington Peninsula Planning Scheme (MPPS) currently does not contain neighbourhood character objectives and controls in its GRZ schedules. A review of historical VCAT cases relating to residential development has identified several weaknesses in the MPPS that need to be addressed such as: - Lack of a neighbourhood character study. - Absence of planning controls in specific areas where neighbourhood character protection is desired either through schedules to the GRZ or a DDO. - Insufficiency of the Mornington Peninsula Localised Planning Statement in protecting neighbourhood character due to its overly-broad directions. The State Government's PPN90, which provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes, articulates the importance of undertaking local strategic studies including a local housing strategy and a local neighbourhood character strategy. The State Government's policy in the Planning Policy Framework (PPF) under Clause 15.01-5S, which is part of the Victoria Planning Provisions (VPP), requires councils to "ensure development contributes to existing or preferred neighbourhood character." For these reasons, the Shire commissioned Ethos Urban to prepare the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019), which was adopted by Council in October 2019. The Minister for Planning, in his correspondence to Council dated 18 September 2019, specifically instructed Council to "incorporate the recommendations of the Neighbourhood Character Study, once adopted by the council."	Refer to R8, R9, R11 and R12 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
209.2	"The manner in which it has been presented to Property Owners (and Property Occupants for some reason) is	The *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the	

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	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."	community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
209.3	"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 officers to be less able to support unit and townhouse	While the amendment proposes to introduce new variations to Clause 54 and 55 requirements to all residential areas that currently do not have them in the schedule to the zone, not all areas will have a proposed side setbacks of 2 or 3 metres. There are many areas where the proposed side setbacks are the same as those in the state provisions, i.e. 1 metre. An example of a proposed Neighbourhood Residential Zone schedule with a 1 metre side setback is the NRZ6	

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	development due to very much reduced building footprint in order to direct the proposed new residents to officers towards the 3 and 4 storey developments within the 5 nominated Substantial Change Areas is simply outrageous."	(Garden Court 1). The NRZ6 applies in many townships such as Rosebud, Capel Sound, Safety Beach, Mount Martha, Mornington, Mount Eliza, Baxter, Somerville, Tyabb and Hastings. Also note that the NRZ6 is not the only proposed NRZ schedule with a side boundary of 1 metre, other examples include the NRZ4 (Garden Residential 4) and NRZ8 (Garden Court 3). As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Nonetheless, while PPN91 advises that the zone schedule cannot require asymmetric side setbacks, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules.	
209.4	"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."	Feedback received from the community during the second phase of community consultation of the draft Neighbourhood Character Study & Guidelines, as contained in the Consultation Summary Report, clearly indicates the community's dislike of developments with large building footprints and 'McMansions'. The community is generally not opposed to two-storey houses as dwellings of one-to-two stories are the norm in the Peninsula. Most community members are opposed to dwellings with three or more stories in their neighbourhood. Communities around the Shire typically are not opposed to the concept of unit developments, but rather those that attempt to squeeze as many units as possible on a property such that there is hardly any meaningful space for private open space and landscaping. An often-cited example of a bad unit development is one that is located along Green Island Avenue in Mount Martha. As stated in Clause 54, "A standard should normally be met. However, if the responsible authority is satisfied that an application	

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		for an alternative design solution meets the objective, the alternative design solution may be considered."	
209.5	"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."	As per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments such as units and townhouses are encouraged in incremental change areas, and units, townhouses and apartments are supported in substantial change areas. The amendment does encourage and support urban consolidation provided it is located in theses latter two housing change areas and the proposed development meets the proposed neighbourhood character objectives and controls in the relevant zone schedule to the satisfaction of the responsible authority. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
209.6	"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."	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
209.7	"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	There are still many properties around the Peninsula's residential areas that have the potential to support infill development, especially in areas that are not currently subject to any control on the minimum subdivision area. An application to subdivide land and/or develop two or more dwellings on a lot would still require a planning permit	

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	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 officers will have little or no impact on local neighbourhood character."	and would be assessed against the proposed new character controls under the new NRZ schedules.	
209.8	"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."	Refer to response in 209.1. Nonetheless, it should be noted that under Clause 54, a building can still be built on or within 200 mm of a boundary. Otherwise, it should be set back by at least the distance prescribed in the zone schedule or, if no distance is prescribed, at least 1 metre.	
209.9	"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!"	The rationale for including these new local controls to the zone schedules is because of the need to protect / enhance neighbourhood character as identified in the Ethos Urban study. The Background Report and Consultation Summary Report to the Ethos Urban study clearly capture the concerns that the community has about out-of-character development. Examples include boundary-to-boundary developments, lack of private open space and rear backyards, inadequate landscaping and vegetation loss, etc. To further strengthen the rear setback requirement, officers recommend including an additional guideline on the siting and setback of buildings from the side and rear boundaries of a lot to articulate the need for developments to maintain the predominant backyard character of the area.	
209.10	"I would recommend that this "Amendment" in its current form not be proceeded with."	The Shire would not recommend abandoning the amendment given it is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. It is also required to	

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		incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
Submission number: 210 **Submitter:** Local resident **Submission summary:** Concerned that the amendment would not protect neighbourhood character and will remove the rights of residents to object.			
210.1	Submits that the "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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**
210.2	"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."	Converting a holiday home into a permanent home normally would not involve a change of ownership given the owner would simply be staying the holiday home on a permanent basis.	
210.3	Submits that "C219 does not explore alternative, creative approaches to the provision of housing" and that "council still issue planning permits for the development of retail shops with tawdry apartments above" which "are not designed for permanent occupancy." "Our towns need more planning flexibility to provide a mix of alternative housing and retail areas in the Commercial 1 zone."	Beyond the scope of the amendment. Nonetheless, these matters can be addressed via a structure plan for the activity centre.	
210.4	"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 amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red	

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		tape by removing unnecessary permit triggers in relevant DDO schedules.	
Submission number: 211 **Submitter:** Local resident **Submission summary:** Requests the amendment be abandoned or amendments be made to ensure the property remains in the GRZ1.			
211.1	Objects to the proposed rezoning of the property from the GRZ1 with no planning overlays to the NRZ2. Submits 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. This would reduce pressure and protect more significant townships across the peninsula which have defined neighbourhood character."	As per the advice in PPN91, the GRZ should be applied to areas where dwellings of three or more stories are anticipated. Proximity to activity centres is not the only consideration. The proposed NRZ2 is the appropriate zoning given the preferred character of the precinct does not support dwellings that exceed two stories.	**No changes recommended.** **Refer submission to Panel.**
211.2	"I do not believe my property has the same 'character as areas in Mt Martha, Rosebud and more broadly Rye and Somerville which are included within the same Garden Residential 1 Precinct".	The character precinct is per the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019).	
211.3	"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 DDO18 Mount Eliza Woodland Area and DDO24 Beleura Hill, Mornington."	As explained in the Strategic Document, if an area is already subject to character controls that are based on a more detailed study, the existing controls would prevail over the Ethos Urban study's.	
211.4	"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."	Acknowledge support.	

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211.5	"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. Council have failed to clearly explain in their [lack of] 'community consultation' the full implications of Amendment C219 on my property".	Planning schemes can be and do get amended over time for a range of reasons including the need to maintain relevance and currency of policy provisions and planning controls. The last review of the Mornington Peninsula Planning Scheme has identified the lack of neighbourhood character statements and controls as a significant issue that warrants urgent rectification. Hence, the Shire commissioned the Ethos Urban neighbourhood character study and was instructed by the Minister for Planning to incorporate the recommended controls into its planning scheme. Regarding transparency, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all	

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		requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
211.6	"I accept that the Mornington Peninsula is not a nominated growth municipality, however officers have 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."	Per the State Government's advice in PPN91, "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context."	
Submission number: 212 **Submitter:** Private landowner **Submission summary:** Wants the subject site excluded from the amendment.			
212.1	Opposes the amendment because "There is no masterplan for the future use or development of 183 and 185 Hotham. Incremental, creeping, and piecemeal subdivision of 183 and 185 Hotham will be possible through Stonecutters Road and its tributaries (Pembroke Road, Pembroke Place, Tea Tree Rise, Wildcoast Road, etc)."	The future use or development of private land is the discretion of the private landowner. A proposal to use and/or develop the land that requires a planning permit will be assessed on its merits. Nonetheless, the amendment proposes to introduce new character controls through the proposed NRZ that would ensure future developments respect the preferred character of the area.	**No changes recommended.** **Refer submission to Panel.**

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	Proposes that the amendment excludes the subject site until the council: - "develops a masterplan for this land, including community consultation; and" "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."	The proposed rezoning of the GRZ part of the subject site to the NRZ would not affect existing uses even though they are not residential uses. Also, the land uses referred to by the submitter are discretionary uses under the NRZ. It is not appropriate to rezone the land to the Green Wedge given the land is not outside the UGB.	
Submission number: 213 **Submitter:** Private landowner **Submission summary:** Opposes the side and rear setbacks and POS requirements under the proposed NRZ6.			
213.1	Opposes the proposed 5-metre rear setback, 60 sqm SPOS for a 3-bedroom unit or 80 sqm for 4-bedroom, and the minimum 1-metre side setback.	The site is part of a Garden Court 1 neighbourhood character precinct. As per the Ethos Urban study, the proposed character controls via the new NRZ6 that would apply to the site are deemed necessary to achieve the preferred neighbourhood character for the area. It should be noted, nonetheless, that a building may still be constructed on or within 200 mm of a boundary as per Clause 54.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 214 **Submitter:** Shoreham Community Association **Submission summary:** Supports providing more housing in MACs and protecting neighbourhood character but wants specific requirements retained and the NCO applied.			
214.1	The SCA commends and supports elements of the amendment to protect Shoreham's neighbourhood character and acknowledges the work that has been undertaken by Council Officers to prepare and promote the amendment.	Acknowledge support.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**

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214.2	The SCA supports the plan to accommodate additional housing in the major towns of Mornington, Rosebud and Hastings.	Acknowledge support.	
214.3	The SCA is pleased to see the implementation of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) to convert the GRZ areas in Shoreham's coastal village to either the proposed NRZ12 (BC1) or NRZ13 (BC2). The SCA strongly supports these amendments which will in principle further protect Shoreham's neighbourhood character.	Acknowledge support.	
214.4	Requests that the following GRZ land be rezoned to the proposed LDRZ4 instead of the proposed NRZ12 given they "contain mostly larger properties that best fit the LDRZ criteria and are on three sides contiguous with LDRZ areas": - land bounded by Buxton Lane, Nelson Street and Howard Street - land bounded by Sydney Road through to Prout Webb Road, Prout Webb Road, the Foreshore and Stony Creek.	Officers do not support this request given the purpose of the LDRZ is "To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater". The Shire's adopted housing strategy has not identified any particular characteristics in both areas that warrant a low-density residential development designation. Rezoning both areas to the proposed LDRZ4 would not aid in protecting their character given the LDRZ4 contains neither neighbourhood character objectives nor controls. The rezoning would also reduce Shoreham's housing capacity. The rezoning would in effect be contrary to the vision of the Shire's housing strategy, which is to ensure adequate housing supply in the Peninsula to meet the State Government's projected population and housing growth whilst protecting the valued character of its residential areas.	
214.5	Requests that the existing 5.5 metres wall height and 6 metres building height permit requirements in the current DDO3 be retained in the proposed DDO43 given their removal "may encourage taller new constructions in the area in conflict with the goals of fitting in with the landscape, sharing of views."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

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214.6	"DDO6 has a mandatory height limit of 8m/2stories whereas DDO45 and DDO53 specifies this height limit as a general requirement." The SCA requests that the mandatory height control be included in the proposed DDO45 and DDO53 given its absence has the potential to weaken the neighbourhood character.	Officers do not support this request given the maximum building height requirement of 8 metres or less containing no more than 2 stories in the existing DDO6 is a permit requirement, not a mandatory requirement. There is no mandatory building height control in the existing DDO6. The amendment is not proposing any changes to this permit requirement for land affected by the proposed DDO45 or DDO53.	
214.7	"Additionally, DDO6 mandates one dwelling per block which is not part of DDO45 and DDO53." The SCA requests that the mandatory dwelling control be included in the proposed DDO45 and DDO53 given its absence has the potential to weaken the neighbourhood character.	Officers do not support this request given the mandatory 'no more than one dwelling on a lot' requirement in the existing DDO6 only applies to land outside the UGB while land in Shoreham affected by the proposed DDO45 or DDO53 is inside the UGB. The amendment is not proposing any changes to this mandatory requirement for land affected by the proposed DDO45 or DDO53.	
214.8	Requests that a permit to clear vegetation be put in place to prevent and control indiscriminate felling of trees and foliage in the BMO.	Officer cannot support this request given a planning authority must not consider a submission that requests a change to the terms of any State standard provision per Section 22(3) of the *Planning and Environment Act 1987*.	
214.9	Concerned that historical instances of non-compliant developments are adversely impacting the vegetation, environmental significance, landscape and unique character of Shoreham thereby limiting efforts to protect biodiversity and mitigate the urban heat island effect. The SCA submits that the Shire "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."	Beyond the scope of the amendment. Nonetheless, some of the non-compliance examples cited in the submission might have been compliant given: - the LDRZ land affected by the existing DDO6 is permitted to have more than one dwelling on a lot - vegetation removal on land affected by an existing VPO, SLO or ESO may be permissible due to Clause 52.12 (Bushfire Protection Exemptions).	
214.10	The SCA opposes streamlining the planning process to bypass the planning permit stage as it will lead to inappropriate building developments adversely impacting Shoreham's character with no opportunity to contest an	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for	

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	application. Given the NCO requires a permit to construct a building, demolish or remove a building, or to remove, destroy or lop trees under given circumstances, the SCA requests that the NCO be applied to Shoreham.	Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. The adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) has not identified Shoreham as having a character that is sufficiently special to warrant the application of the NCO. Also, despite the NCO's permit requirement to remove, destroy or lop trees, landowners would still be exempt from this requirement due to Clause 52.12 (Bushfire Protection Exemptions).	
Submission number: 215 **Submitter:** National Trust Mornington Peninsula Branch **Submission summary:** Concerned about heritage matters and questions the need to have so much housing given the availability of aged care and retirement living facilities.			
215.1	Concerned that a real conflict could arise by not allowing the Heritage Review Area IV to be completed before deciding the final amendment.	The amendment is not proposing any changes to heritage controls.	**No changes recommended.** **Refer submission to Panel.**
215.2	"An option of four stories is out of character for the Peninsula and the National Trust would not support such 2 a proposal."	4-storey buildings are only located in Precinct 1 of the Rosebud Activity Centre per the controls under the DDO26. Any proposal to develop a 4-storey building in this precinct would need to be assessed on its merits against the relevant policy provisions, objectives and guidelines.	

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215.3	Holds concerns about "the strength of the building permit outlets in enforcement, expertise in local neighbourhood character and compliance measures."	Whilst beyond the scope of the amendment, the Mornington Peninsula Shire is assessing how to best create post-approval compliance checks.	
215.4	Regarding aged care and retirement living facilities, "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."	The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies.	
215.5	"Consideration of dual occupancy opportunities rather than height increases where possible."	This will be considered at the time of the permit application on its merits.	
Submission number: 216 **Submitter:** Private landowner **Submission summary:** Wants to ensure the green wedge and park areas are preserved.			
216.1	"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."	The amendment is not proposing any changes that would affect the Green Wedge. The Waterfall Gully area in Rosebud is designated a minimal change area and hence not anticipated to accommodate high density housing in the future.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 217 **Submitter:** Urbis Pty Ltd on behalf of Ryman Healthcare Pty Ltd **Submission summary:** Wants the site treated differently to the surrounding area in relation to the proposed NRZ6 given the large lot size.			

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217.1	Thinks the proposed NRZ6 is not an appropriate outcome for the site given it is relatively large, in proximity to existing services and amenities, and has "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." "With appropriate controls, larger sites … could significantly contribute to the provision of housing in the Mornington Peninsula while still providing an appropriate response to the surrounding residential character.	The site is designated for incremental change where detached dwellings, units and townhouses are encouraged per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). The proposed NRZ6, which applies to the site and surrounding area, prescribes the same site coverage, permeability, landscaping and side setbacks standards as those under Clause 54 and Clause 55. The proposed NRZ6 is considered appropriate given the area's character has been assessed and identified in the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) and the objectives articulate how future developments should respond to achieve the preferred character.	**No changes recommended.** **Refer submission to Panel.**
217.2	Highlights that "larger sites have not been considered for strategic redevelopment as part of the *Mornington Peninsula Housing and Settlement Strategy*."	Officers disagree with this comment given the adopted housing strategy has identified several sites as investigation areas, i.e. areas that have the potential to support denser infill development.	
217.3	Concerned that the proposed NRZ6 would conflict with the current planning permit application to use and develop the site for a Residential Aged Care Facility and Retirement Village given the proposal includes buildings of up to 4 stories but would still need to have regard to the objectives of the zone including the preferred low-scale development of 1-2 stories. This is despite a Residential Aged Care Facility being subject to Clause 53.17 and Retirement Village not limited by height controls or subject to ResCode.	The mandatory building height controls under the proposed NRZ6 only apply to a building constructed for use as a dwelling or a residential building per Clause 32.09-10. The extent to which any future redevelopment on the site should meet the objectives would be a matter to be determined at the application stage.	
217.4	The current proposed use and development aligns with key policy outcomes of the draft Southern Framework Plan, that forms part of the Melbourne's Future Planning Framework. Hence, the zoning should be considered in balance with the contribution the site could have to the region's growing ageing population.	The need to provide adequate housing for an ageing population in the Peninsula is acknowledged in the Shire's adopted housing strategy, which also includes consideration of the Shire's adopted *Tiple A Housing Strategy*. Residential aged care facility is a Section 1 use while a Retirement village is a Section 2 use in the proposed NRZ6. Both uses are thus permissible. Nonetheless, the merits of the	

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		current proposed use and development for the site is a matter to be decided at the application stage.	
Submission number: 218 **Submitter:** Private landowner **Submission summary:** Wants the land restored to the pre-consolidated boundaries.			
218.1	"I want to restore the land at 7 0utlook Rd McCrae 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 amendment retains the current control in the DDO3 on the minimum subdivision area that applies to the submitter's land. Under this control, there is no opportunity to restore the land to the pre-consolidated boundaries.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 219 **Submitter:** Prossor Town Planning **Submission summary:** Concerned about loss of review rights, impacts on views, too many new schedules, shifting workload to building system and no transitional provisions.			
219.1	Concerned about the expanse of changes and the inability of the community to comprehend the changes and how they will be impacted by them. In particular, the "removal of so many permit triggers" and that the amendment "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".	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment has articulated the strategic basis for removing so many permit triggers in the exhibited Explanatory Report and *Desktop Review of Strategic Work* (MPS, 2021). Both documents were available on the amendment's webpage on the Shire's website as well as DELWP's. Regarding community engagement, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per	Refer to R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting. **Refer submission to Panel.**

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		these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
219.2	"An 8m 'as of right' building height will fundamentally alter the unique and distinctive character of the townships of the Mornington Peninsula and dissolves *[sic]* the 'sharing of viewlines' ".	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

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219.3	"The removal of opportunity for development to exceed 8m in height north of Ellerina Road and Council's representation of the current opportunity that exists in this area to develop above 8m has been falsely represented to the community." "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."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories. Officers disagree that it has falsely represented to the community given the property report generated through the property search tool on the amendment's webpage encourages the reader to view the current and proposed controls for detailed information. Also, the intent of the 'Building Height' section of the property report was to highlight the relevant building height control, not the maximum building height attainable, under current and proposed provisions. Exemptions to building height controls are numerous and complex, and are provided in specific residential zones as well as the DDO. The 'Ellerina Road' exemption is just one of many. It would be unnecessarily complex and challenging to communicate the maximum building heights attainable on the property report given the answer depends on what a building is used for, where it is located, what development is proposed on an existing building, the existing height of the building, whether the land is prone to flooding, etc.	
219.4	"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." "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."	Technically, the amendment is proposing 36 NRZ schedules, 22 DDO schedules, and 2 NCO schedules that are new to the Mornington Peninsula Planning Scheme whilst also proposing to delete 4 existing DDO schedules. The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific	

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		conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
219.5	"The relocation of the workload from the Planning Department to the Building Department appears counterintuitive if the objective is to streamline the approval process."	Officers acknowledge this issue and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
219.6	"C219 lacks transitional provisions to guide decisions *[sic]* makers on when and how the proposed changes impact upon applications in the planning system upon adoption of the changes."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 220 **Submitter:** Private landowner **Submission summary:** Opposes the minimal change designation and retention of the single dwelling requirement; wants the site to remain in the GRZ.			

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220.1	Objects to the property being located within a minimal change area and the single dwelling requirement contained in the DDO2.	The property is designated for minimal change because it is part of a neighbourhood that is identified to possess a special neighbourhood character that warrants the application of the NCO. This is consistent with the advice in PPN90. The mandatory 'single dwelling requirement' in the DDO has played a significant role in influencing the character of the area. The amendment is not proposing any changes to it.	**No changes recommended.** **Refer submission to Panel.**
220.2	Submits that the GRZ is the appropriate planning control that should be applied.	As per the advice in PPN91, the GRZ should be applied to areas where dwellings of three or more stories are anticipated. Proximity to activity centres is not the only consideration. The proposed NRZ37 is the appropriate zoning given the preferred character of the precinct does not support dwellings that exceed two stories.	
Submission number: 221 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment will not protect neighbourhood character and that further community consultation is required.			
221.1	Deeply concerned about the removal of key planning triggers as the applications are moved from the planning to the building department which will result in a range of issues including no advertising and no objection process, etc.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
221.2	Recommends 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.	Beyond the scope of the amendment. Nonetheless, the State Government has considered the 'Planning and Building Approvals Process Review' report and is acting on all 27 of its recommendations.	
221.3	The removal of controls in the DDO would result in many issues such as taller buildings impacting on existing views, no guidance on wall finishes and colours, no controls on side fences, etc.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street.	

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221.4	"The terminology for the proposed DDOs has changed from the word 'ensure' to 'encourage' which sounds as though developers can basically please themselves."	A planning permit application would still be assessed on its merits.	
221.5	"The 8m 'as of right' height should be removed and replaced with 6m mandatory height, measured to the gutter."	There is no strategic justification to reduce the existing mandatory building height from 8m to 6m. The existing DDOs already seek to ensure developments fit within the landscape under the existing 8m mandatory building height.	
221.6	The amendment "will have a detrimental impact on vegetation: vegetation loss is already marked on the Nepean Peninsula, C219 exacerbates this further."	The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. It should be noted that many parts of the Nepean Peninsula are in bushfire prone areas where exemptions to vegetation removal currently exist in the VPP.	
221.7	Concerned about diverting planning controls to private building surveyors and whether the relevant departments are adequately resourced to deal with increased workloads.	Officers acknowledge this issue and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
221.8	Wants the council to not rush its decision on the amendment and suggests rescheduling the Independent Panel hearing date to give the council proper consideration to community concerns and ensure that the amendment is redrafted appropriately.	The Panel Hearing dates have been rescheduled to between July and August 2022 to give the council more time to consider community concerns.	
Submission number: 222 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment will not achieve its aim of protecting and enhancing neighbourhood character and improve operational efficiency.			
222.1	"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	Per the *Building Act 1993* and *Building Regulations 2018*, private building surveyors must still have regard to the tighter ResCode requirements in the proposed NRZ schedules and must seek	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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	should be given this responsibility as they are private commercial businesses."	dispensation from the Shire via the Report and Consent process for every requirement that is not met.	**Refer submission to Panel.**
222.2	"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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
222.3	"A decrease in building setbacks will increase the profile of buildings to the immediate detriment of the visual appearance of the neighbourhood."	The amendment is not proposing any decreases in setbacks from the front street, side boundary and rear boundary. In fact, for several neighbourhood character precincts, the amendment is proposing to increase the setbacks from side and rear boundaries.	
222.4	"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."	Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street.	
222.5	"Landscape plans are key to ensuring that the neighbourhood character is 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."	The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ.	
Submission number: 223 **Submitter:** Private landowner **Submission summary:** Wants the land designated for incremental change or the minimum subdivision area reduced.			

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223.1	Wants the land included in the incremental change area instead of minimal, or the minimum subdivision area revised from the current 650 to 500 sqm.	The land is designated for minimal change because it is part of a neighbourhood that is identified to possess a special neighbourhood character that warrants the application of the NCO. This is consistent with the advice in PPN90. As a minimal change area, it is not appropriate to further increase housing density. Hence, it is not appropriate to revise the minimum subdivision area downwards to 500 sqm.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 224 **Submitter:** Private landowner **Submission summary:** Recommends changes to specific character controls to better preserve the integrity of Precinct 6 in the Beleura Hill area, Mornington.			
224.1	Proposes that the following changes be made to preserve the integrity of Precinct 6 in the Beleura Hill area, Mornington: - increase the minimum subdivision area from 700 to 1000 sqm - increase the minimum street setback from 7.5 to 12 metres - reduce the maximum dwelling height from 10 to 8 metres - reduce the side boundary setback from 2 to 1.8 metres for single stories - increase the side boundary setback from 2 to 2.4 metres for double stories - increase the rear boundary setback from 8 to 12 metres.	The amendment is essentially retaining the current controls that apply to the area via the existing DDO24, which has already been through a planning panel process.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 225 **Submitter:** Private landowner **Submission summary:** Opposes the removal of the building height trigger.			

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225.1	"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."	For incremental change areas that are currently not affected by a DDO, the amendment is actually reducing the maximum building height from the existing 11 metres to 9 metres given these area would be rezoned from the GRZ to the NRZ. For other areas that are currently affected by DDO that contains a building height trigger, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 226 **Submitter:** Planning Sense (Town Planning Consultants) on behalf of private landowner **Submission summary:** Wants the land designated for substantial change and rezoned to the proposed GRZ4 instead of minimal change and the proposed NRZ2.			
226.1	Wants the proposed housing change designation amended to 'substantial change' instead of 'minimal change' given: - the current and well-established land use, i.e. a Convenience restaurant & takeaway premises (with an associated residential component) - the physical context of the subject land	Officers do not support this request given the land is subject to several constraints that limit its suitability to accommodate substantial housing change per the advice in PPN90. These constraints include bushfire risks (BPA mapping), sea level rise impacts (as mapped by Melbourne Water), and environmental significance (ESO25).	**No changes recommended.** **Refer submission to Panel.**

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	- accepted planning principles underpinning urban consolidation - proximity to the Rosebud Activity Centre, where Council should be actively promoting and facilitating housing growth/diversity.		
226.2	Wants the proposed zoning of the land amended to the GRZ4 instead of the exhibited NRZ2 given: - the land exhibits direct frontage to a TRZ2 while the NRZ 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 - the robust urbanised environment is considered a more suitable location for a GRZ4 - the physical context is a node of intensive activity for local residents and visitors that should be strengthened with mid-range housing development opportunities under the GRZ4.	Officers do not support this request given the land needs to be designated for minimal change per the advice in PPN90 and the GRZ should not be applied in areas designated for minimal change per the advice in PPN91. The comment about the NRZ is incorrect given PPN91's advice that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Also, per the advice in PPN90, locational criteria / proximity parameters are not factors to consider when designating minimal change areas. Specifically, "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport". In other words, it is completely acceptable from a planning perspective to designate land in proximity to an intensive activity node for minimal change if the land is affected by constraints that limit its potential to support increased housing. The GRZ4 is drafted specifically for the Banksia Point development at 866 Point Nepean Road only given the development is currently subject to the controls in the existing DPO18.	
226.3	866 Point Nepean Road (Banksia Point) is identified as part of the Jetty Road Café precinct under Clause 11.03-1L (Rosebud Activity Centre), which includes a strategy that promotes the precinct as "an appropriate location to establish food and drink premises associated with residential development." It is an incongruous planning and urban design outcome for the submitter's land to be potentially	Firstly, the submitter's land is also identified as part of the Jetty Road Café precinct under Clause 11.03-1L (Rosebud Activity Centre). The local policy supports the existing use of the land as a Convenience restaurant & takeaway premises (with an associated residential component). Secondly, while the land is designated for minimal change and proposed to be rezoned to the NRZ2, nothing in the NRZ2 says that	

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	constrained to a single storey built form outcome in the future despite its contextual proximity to the 3-storey development at Banksia Point.	future development should be constrained to a single storey built form. In fact, the first neighbourhood character objective states that 1-2 storey dwellings predominantly characterise the Garden Residential 1 neighbourhood character precinct. It should also be noted that the mandatory building height requirement of no more than 9 metres and containing no more than 2 stories in the NRZ only applies to a building constructed for use as a dwelling or a residential building (Clause 32.09-10). Thirdly, while the *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017), which is a policy document under Clause 11.03-1L (Rosebud Activity Centre), supports three stories for development in the Jetty Road Café precinct, the plan was prepared and adopted prior to the State Government's release of PPN90 and PPN91. Advice from both practice notes indicates the importance of incorporating climate change risks into planning decisions. There are many State policies in the PPF that require officers to consider climate change risks too when making planning decisions.	
226.4	The land is part of a small pocket of residential properties located between Jetty Road and the Southern Peninsula Community Support Centre at 878 Point Nepean Road. This context clearly isolates the land within a sub-precinct that requires a more nuanced and site-specific response regarding future housing and built form, as opposed to the generic approach of simply applying the NRZ2 to every property fronting this section of Point Nepean Road (apart from Banksia Point).	There is no support for this small pocket to be identified as a distinct sub-precinct in the local policy under Clause 11.03-1L (Rosebud Activity Centre) nor in the *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017). The proposed NRZ2 is underpinned by the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019).	
Submission number: 227 **Submitter:** Urbis Pty Ltd on behalf of Burbank, a potential buyer of a private property **Submission summary:** Wants the entire site to have the same 'incremental change' designation and the current GRZ1 retained.			
227.1	Supports the "implementation of a Housing Change Strategy and Neighbourhood Character design guidelines" as they	Acknowledge support. Nonetheless, the Shire would like to point out that the correct name for the municipality is 'Mornington Peninsula	**No changes recommended.**

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	provide "guidance for development of residential land in Mornington Shire *[sic]*."	Shire'. The former Mornington Shire no longer exists following the amalgamation of the three former Shires in 1999. Also, the submitter's site is not inside the former Mornington Shire's boundary.	**Refer submission to Panel.**
227.2	Wants the lots with frontage to Point Nepean Road designated for incremental change instead of minimal change so that the entire site has the same designation given: - the site is in proximity to the Large Township Activity Centre of Dromana, which is equipped to accommodate housing diversity with access to services, facilities and employment opportunities per Clause 02.03 (Strategic Directions) - Clause 02.03-1 (Settlement) encourages greater housing diversity in established areas, which are "to be complimented *[sic]* by the emerging mixed character, which consists of contemporary and moderate infill development" - the lots designated for minimal change abuts Point Nepean Road, which is a TRZ2 where "typically higher order development is encouraged".	Officers do not support this request given it is inconsistent with the State Government's advice in PPN90. The lots with frontage to Point Nepean Road has been designated for minimal change because it is in an area of environmental significance and subject to ESO25. The bulk of the site is designated for incremental change, where units and townhouses, besides detached dwellings, are encouraged per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). Nonetheless, it should be noted that while Dromana's town centre is classified as a Large Township Activity Centre, Clause 02.03-1 (Settlement) provides that "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". Under the same subclause-section, Council's strategic directions for 'Settlement' are to direct growth primarily to major activity centres, and the remainder to neighbourhood activity centres.	
227.3	Wants to retain the current GRZ1 for the entire site given: - the proposed NRZ2 and NRZ35 "will severely restrict the ability to provide housing density and diversity proximate Dromana Town Centre" and "also severely impact housing affordability - the current GRZ1 "is a suitable response to the need for increased housing whilst respecting neighbourhood character" per the purposes of the zone, which "are aligned with the broad intent of Mornington Peninsula's Planning Policy Framework (as it relates to residential development)"	Officers do not support this request. Per the State Government's advice in PPN91, "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. The adopted *Neighbourhood Character*	

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	- the proposed rezoning "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."	*Study and Guidelines* (Ethos Urban, 2019) has not identified the site as being in a broader residential area where three or more stories are supported.	
227.4	Supports the "implementation of the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by inserting a new Clause 15.01-5L" given "it provides guidance to ensure development respects the existing or preferred character of the area."	Acknowledge support.	
227.5	Submits that the Garden Residential 1 does 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)', which is "inconsistent with our review of the site and its context and of the emerging character of the area."	Neighbourhood character is identified based on the key attributes of a broader area. Individual streets with slight variations do not form different character areas. Nonetheless, the submitter should note that the first neighbourhood character objective in the proposed NRZ2 and NRZ35 characterises the preferred built form as predominantly small-scale 1-2 storey dwellings.	
227.6	Submits that the design objectives and design responses of the Ethos Urban study 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 [be] designed, to allow for flexibility in responding to a site's surrounding context."	Some of the design objectives / responses relate to specific ResCode standards, which are prescriptive by nature and have been translated into relevant zone or overlay schedules. Other objectives / responses that are prescriptive have been translated into policy guidelines under the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula). As per Clause 71.02-2 (Operation), policy guidelines indicate how objectives can be met and how strategies can be implemented. The Shire must take a relevant policy guideline into account when deciding on an application, but is not required to give effect to it. An alternative approach may be considered if it meets the objective.	
Submission number: 228 **Submitter:** Private landowner **Submission summary:** Concerned about the removal of the building height trigger leading to no rights to object with adverse impacts on views and surrounding landscape.			

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228.1	"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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 229 **Submitter:** Private landowner **Submission summary:** Concerned about private building surveyors issuing permits, loss of rights to object and no controls on the built form and vegetation.			
229.1	"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."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ.	
Submission number: 230 **Submitter:** Local resident **Submission summary:** Concerned about amenity and environmental impacts of high-density development, and the inability to voice concerns about amenity impacts.			
230.1	"Neighbours should still be notified by the Mornington Council *[sic]* of proposed building projects so that they have the opportunity to voice concerns regarding the impact of building two story homes before plans are finalized." Of particular concern are the issues of overshadowing and overlooking.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Issues relating to solar aspect, overshadowing and privacy (overlooking) are already required to be addressed under relevant standards in Clause 54 and Clause 55.	**No changes recommended.** **Refer submission to Panel.**
230.2	"Mornington Council *[sic]* 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." Of particular concern are the issues of insufficient setbacks from side and rear boundaries for vegetation and associated impacts on the environment, and lack of garden and backyard space.	It is inappropriate for the Mornington Peninsula Shire to forward a submission to VCAT on these matters given the developments referred to in the submission were able to be of such high density because the current GRZ1 does not prescribe larger setback distances and private open space than those specified in the VPP under Clause 54 and Clause 55. This amendment seeks to rectify this issue as it proposes to implement the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by incorporating its recommended character controls into new zone or overlay schedules. As far as the submitter's neighbourhood is concerned, the proposed NRZ3 prescribes a lower site coverage, higher permeability, larger side and	

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		rear setbacks, and larger private open space than the VPP under Clause 54 and Clause 55. It also contains a landscaping requirement for at least one canopy tree in the front setback and a landscape plan, if the application relates to two or more dwellings.	
Submission number: 231 **Submitter:** Private landowner **Submission summary:** Wants the existing DDO schedule changed to enable subdivision, and a further investigation on a zoning change to general residential.			
231.1	Wants the current DDO changed from Schedule 6 to Schedule 2 to match their neighbours' properties on the west side of Hopetoun Avenue, Mount Martha to enable subdivision and "improve housing availability on the peninsula but preserve the character and natural landscape of Hopetoun Avenue" given "Mount Martha has excellent services and resources, and is better placed to cope with an increasing population than other already high-density populations areas."	Officers do not support this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing at a density similar to that on the west side of Hopetoun Avenue. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	**No changes recommended.** **Refer submission to Panel.**
231.2	Submitter feels that their property, and others on the east side of Hopetoun Avenue, "deserve further investigation, ideally a dedicated study into the zoning change to general residential."	The adopted *Housing and Settlement Strategy: Refresh 2020-2036* (MPS, 2020) has not identified a basis on which to classify the land and neighbouring properties as an investigation area.	
Submission number: 232 **Submitter:** Private landowner **Submission summary:** Objects to the change from average to minimum lot size for subdivision in LDRZ areas, and wants transitional provisions included.			
232.1	Objects to the amendment's proposal for a minimum lot size for subdivision rather than the existing average lot size regarding land in the LDRZ, e.g. DDO6. Considers this "a substantial change from existing, which provides much less flexibility to cater for specific circumstances of a site … may	Given lot sizes in the LDRZ tend to be fairly large, they thus have a greater scope to address site-specific constraints, if any, on subdivision that may warrant the need for an average subdivision area instead of a minimum subdivision area requirement.	**No changes recommended.** **Refer submission to Panel.**

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	result in less successful and desirable planning outcomes particularly for irregular shaped sites."		
232.2	"Transitional provisions should be included in the new controls to provide more clarity in the planning process in the short to medium term."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 233 **Submitter:** Mornington Peninsula Ratepayers' and Residents' Association Inc **Submission summary:** Wants the mandatory 8-metre / 2-storey building height requirement retained, and suggests removing the RDF from the proposed Clause 16.01-1L.			
233.1	Generally supports the amendment given it seeks to strengthen the neighbourhood character of the Peninsula's residential areas, which is deemed different from metropolitan Melbourne.	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
233.2	Opposes increasing the allowable height limit in the NRZ to 9 metres where an existing DDO height limit of 8 metres applies given: - increasing this height limit is inconsistent with the stated neighbourhood character objectives in the proposed NRZ schedules such as the proposed NRZ12 which seeks to ensure new development provides reasonable sharing of views to the coastline and neither dominates the streetscape nor the tree canopy - 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	The amendment is not proposing any changes to the mandatory building height requirement of 8 metres and 2 stories where it currently applies.	

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	- there is no gain or benefit since it neither allows an extra storey nor increase the occupancy rate - tens of thousands of developments have previously been able to comply, hence not an imperative to increase the height by 1 metre - the hilly terrain affording sea views on the Peninsula, hence the Peninsula's difference from most other suburban LGAs.		
233.3	Suggests that the maps included in Clause 16.01-1L are superfluous and not necessary given: - the zoning maps will be the official maps in the Mornington Peninsula Planning Scheme ordinance and VicPlan, i.e. confusing to have another set of maps in the Planning Scheme - the maps are contained in the Shire's housing strategy, which is referenced under Clause 16.01-1L - including them would be inconsistent with, for example, Clause 11.03-5S (Distinctive areas and landscapes) where the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) is referenced but not its contents.	Officers do not support this request given the 17 housing change maps are not zoning maps; rather, they comprise the Residential Development Framework (RDF), which has a different purpose to zoning maps. While the latter shows the uses that are permissible or prohibited in any given area, the RDF shows how much residential development may be expected over the time horizon of the Shire's housing strategy. Although the RDF is part of the housing strategy, which is proposed to be added to the Mornington Peninsula Planning Scheme as a background document, it is necessary to incorporate the RDF separately via the proposed new local policy under Clause 16.01-1L in order for the responsible authority to consider and give effect to it when it decides under the Mornington Peninsula Planning Scheme as per Clause 71.02-2 (Operation). This is because a background document does not form part of the planning scheme. Its purpose, as per Clause 72.08 (Background documents), is to: - show how it has informed the preparation of, or an amendment to, a planning scheme - provide information to explain the context within which a provision has been formed - assist the understanding of a planning scheme.	
Submission number: 234			

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Submitter: Private landowner **Submission summary:** Opposes the proposed side and rear setbacks and private open space requirements; wants all applicants to go through planning.			
234.1	"I oppose the changes with respect to Side and rear setback (A10 and B17) and Private Open Space (B28)" given "my block is 272sqm and … I would be severely impacted by these new requirements because I would be extremely restricted what I could build on this block." "I request that some provision is made for plots under 300sqm that were subdivided before this amendment came into affect *[sic]* 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."	Officers do not support this request given there is no scope within the VPP to make such a provision in the NRZ schedule. It is important to note that these requirements are not mandatory – an applicant can use their discretion to provide side and rear setbacks and private open space that are appropriate to their site. They can be lower than the requirements if there are physical limitations on the site to warrant the variations. Also, the Private Open Space (B28) requirement only applies to two or more dwellings. The proposed NRZ2, which applies to the submitter's land, does not specify any requirement for Private Open Space (A17), which applies to one dwelling on a lot. This means the default requirement under Clause 54.05-2 (Private open space objective) would apply. Under the default setting, "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." This implies a private open space of at least 54 square metres should be provided on the submitter's land.	**No changes recommended.** **Refer submission to Panel.**
234.2	"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 … the Private Building Survey (Red Textas) tell me that they don't need to abide by the ResCode planning standards because they are building one dwelling on the lot and planning is not required … they just need to adhere the building regulations and because the wall is under under *[sic]* 3.6m it's allowed." "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."	The Private Building Surveyor is correct and is acting in accordance with the *Planning and Environment Act 1987* and *Building Regulations 2018*. No municipality has the power to amend these provisions. The suggestion that everyone should have to go through planning is not sensible and practicable. It will unnecessarily burden the planning system tremendously, consume a lot of resources, and create significant delays in processing applications. It would be unfair for applicants who are proposing a development that has limited impacts on neighbours and the environment.	
Submission number: 235			

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Submitter: Private landowner **Submission summary:** Wants the current controls amended to enable subdivision.			
235.1	Wants the current controls amended to enable subdivision on the east side of Hopetoun Avenue that would match the other side of the street. This would help improve housing availability on the Peninsula with a booming population. Submitter feels "it makes complete sense and is somewhat overdue for this side of Hopetoun avenue to be classed general residential."	Officers do not support this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing at a density similar to that on the west side of Hopetoun Avenue. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 236 **Submitter:** Private landowners **Submission summary:** Wants the amendment abandoned, or suitable changes made to retain the existing GRZ1 with no planning overlays.			
236.1	"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 Eliza which are also included within the same Garden Residential 2 Precinct". "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 objectives of amendment C219" to meet the range of housing needed, direct future housing to appropriate areas, ensure the special values and character of the Peninsula are protected. "Whilst we acknowledge that the Mornington Peninsula is not a nominated growth municipality, in our opinion, officers have failed to apply the appropriate zone & schedule to our property."	Officers do not support this request. Per the State Government's advice in PPN91, "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. The adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) has identified the site as part of the Garden Residential 2 (GR2) neighbourhood character precinct. Neighbourhood character is identified based on the key attributes of a broader area. Individual streets with slight variations do not form different character areas. The existing GRZ1 is not an appropriate zone given the site is not part of a structure plan that supports three or more stories, as	**No changes recommended.** **Refer submission to Panel.**

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	"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."	explained in the Strategic Document. The predominance of single and double stories is also a key attribute of the area that is consistent with the GR2. The amendment is necessary to incorporate the recommended character controls into new zone or overlay schedules to ensure future development reflects the preferred character. The amendment is not proposing any new planning overlay in Capel Sound. While it designates the submitter's land for incremental change, such a designation does not mean housing growth at any cost, particularly if it means eroding neighbourhood character.	
236.2	"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."	Planning schemes can be and do get amended over time for a range of reasons including the need to maintain relevance and currency of policy provisions and planning controls. The last review of the Mornington Peninsula Planning Scheme has identified the lack of neighbourhood character statements and controls as a significant issue that warrants urgent rectification. Hence, the Shire commissioned the Ethos Urban neighbourhood character study and was instructed by the Minister for Planning to incorporate the recommended controls into its planning scheme. Regarding transparency, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers	

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		- the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
Submission number: 237 **Submitter:** Private landowner **Submission summary:** Would like some flexibility/discretion rather than a hard 650sqm minimum lot size for subdivision in the proposed DDO2.			
237.1	"It would be good if some flexibility/discretion could be maintained with the minimum lot size based on performance standards" rather than "making a hard 650sqm minimum lot size" in the proposed DDO2.	Officers support retaining the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.	Refer to R24 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 238 **Submitter:** Nepean Ratepayers Association **Submission summary:** Supports the NCO but concerned about removing permit triggers and specific planning controls, the building system and vegetation removal.			
238.1	"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."	Acknowledge support.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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238.2	Concerned about the proposed removal of planning permit triggers as it will result in: - no advertising therefore no objection process - no yellow sign and notice to nearby neighbours - no community engagement - no facility for councillors to "call in" applications - no appeal to VCAT - no transparency in the process or check and balances in design.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO.	**Refer submission to Panel.**
238.3	Concerned about the proposed removal of specific controls given: - as-of-right to extend height to the mandatory 8-metre/2-storey requirement "will impact the existing views on or near ridgelines to the coastline from nearby properties and public areas" - no clear direction on wall finishes and colours "will allow unacceptable colours to be introduced to residential buildings" - the potential for "solid high fences (particularly front fences)" "will result in significant changes to the street scape" and "impervious to wildlife" - landscape plans are "key to ensuring that the neighbourhood character is maintained" and that "*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".	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ.	

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		The amendment is retaining the existing permit trigger relating to ground excavation.	
238.4	Delegation to building surveyors "is extremely problematic" given: - the impartiality of building surveyors is questionable considering their client is the developer and their loyalty lies with the person who pays their fee - there is no transparency in this process since building approval is effectively in the hands of private individuals.	Beyond the scope of the amendment.	
238.5	"Officers have not adequately explained why they are unable to deal with applications in a timely manner." Could resolve this issue by restructuring the department if it is due to inefficiencies, or giving building surveyors access to the Shire's advertising page to upload plans for exhibition on the Shire's website, which would allow real-time objections or comments that would be remedied by building surveyors or a planner if an objection cannot be resolved. The latter approach "would allow neighbours and the community to have input and maintain the transparency of the planning process."	The inability to deal with applications in a timely manner is not due to inefficiencies and that is despite the Shire having one of the largest planning teams among Victoria's LGAs. Rather, it's due to the excessive number of permit triggers in the Mornington Peninsula Planning Scheme. Per the monthly planning permit applications data compiled and published by the State Government, the Mornington Peninsula Planning Scheme persistently generates the largest volume of permit applications in Victoria that exceeds all other LGA's planning scheme by a significant margin. Applications relating to one dwelling on a lot comprises the largest and a very significant proportion of the total. To complicate matters, the planning department faces frequent staff turnovers and difficulties in attracting new and replacement staff due to the Peninsula's distance from Melbourne CBD. The second approach is not feasible given the provisions in the *Building Act 1993* and *Building Regulations 2018*. Nonetheless, the Shire acknowledges this issue and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
238.6	The "wholesale removal of vegetation on vacant blocks prior to building … continues to be of considerable concern to	It should be noted that developments in a Bushfire Prone Area or affected by a BMO are allowed to remove vegetation, including	

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	the community". Specific provisions in the VPO1 "are routinely ignored by developers". "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", which would ensure "very old and established, moonahs or other native vegetation are saved from destruction."	trees, around the perimeter of a residential building under provisions of Clause 52.12 (Bushfire Protection Exemptions) in the VPP without needing a planning permit. Officers will continue to advocate the State Government to provide greater protection of vegetation in bushfire prone areas.	
Submission number: 239 **Submitter:** Private landowner **Submission summary:** Wants to be able to subdivide the land in the future.			
239.1	"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."	Officers do not support this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing at a density similar to that on the west side of Hopetoun Avenue. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 240 **Submitter:** Local resident **Submission summary:** Thinks the foreshore should be designated as protected in the brochure's map rather included in a general category.			
240.1	"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."	The submitter is referencing the map contained in the brochure enclosed in the notification letter to owners and occupiers. The term 'other' is used to denote land that is not included in the Residential Development Framework, which is only concerned with land where future residential development is anticipated. This 'other' land comprises a range of zones such as the PCRZ, PPRZ, C2Z, IN3Z and PUZ, where future residential development is not anticipated. Although it is a general category, the term 'other' has no inferences at all regarding development as far as the purpose of the map is	**No changes recommended.** **Refer submission to Panel.**

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		concerned, which is to provide a snapshot of the three housing change areas where future residential development is anticipated.	
Submission number: 241 **Submitter:** Town Planning Consultants on behalf of private landowners **Submission summary:** Supports removing permit triggers but wants more infill development opportunities, ability to exceed 8m height, no NCO1, and transitional provisions.			
241.1	Supports the removal of permit triggers for a single dwelling where opportunities exist.	Acknowledge support.	Refer to R8, R9, R15 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
241.2	"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)."	How the GRZ and other residential zones are applied is explained in section 2.5 of the Strategic Document. It should be noted that proximity to an activity centre per se is not a sufficient basis to apply the GRZ given the State Government's advice in PPN91, where it is "inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area." Also, per PPN91, the choice about which residential zone to apply "must be based on the strategic outcomes being sought by the MPS and PPF." Per PPN90, land where the GRZ is to be applied should not contain constraints that would limit its capacity to accommodate more housing. The choice of where the GRZ is proposed to be retained under this amendment is informed by the structure plans adopted by the council as well as the advice in PPN90 and PPN91, as articulated in the adopted housing strategy.	
241.3	Where the NRZ is appropriate, "the modified standards are expected to significantly reduce infill development opportunities when considering the onerous requirements for" specific standards. Hence, "detrimental impacts are expected to result when considering housing diversity."	PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ. PPN91 also advises that the	

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		NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
241.4	Wants the existing 'Ellerina Road' exemption to the mandatory 8-metre building height requirement in relevant DDO schedules retained. "There does not appear to be any justification for … why the height exemption currently found in DDO2, DDO3 and DDO4 has been removed."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
241.5	"We understand that C219 seeks to introduce three new NCO's, including NCO1 to the Ranelagh Estate Mt. Eliza." "It is assumed that to warrant NCO1 the residential character within the Estate is unique. We respectfully challenge that notion" given the Garden Residential 2 neighbourhood character precinct is also found in other townships per the Ethos Urban study.	The amendment seeks to introduce the NCO into the Mornington Peninsula Planning Scheme and two (not three) new schedules to the NCO, i.e. one overlay with two schedules, not three new NCO's. The strategic justification for the proposed NCO1 is provided in section 3.7.10 of the Strategic Document.	
241.6	The proposed NCO schedules will require a planning permit for all buildings and works, demolition, and native vegetation removal. The introduction of additional permit triggers is not supported given a planning permit is not required under the existing DDO2 and DDO3 where the general requirements are met. Under the NCO1, "no opportunity appears to exist to avoid a planning permit –	Officers support removing the demolition trigger from the two proposed NCO schedules given the planning permit required under the NCO to construct a building or construct or carry out works is deemed sufficient for the responsible authority to assess an application. While the Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the	

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	which, we submit, is onerous and departs from the intent of the broader objectives of C219."	DDO, the permit triggers associated with the two proposed NCO schedules are deemed necessary given the areas where the schedules would apply have been identified as special neighbourhood character areas per the Ethos Urban study, as explained in section 3.7.10 of the Strategic Document. This approach is consistent with the advice in PPN90. It should be noted that the areas where the proposed NCO schedules would apply are just a fraction of all residential areas that have an existing DDO.	
241.7	C219 "should be subject to generous transitional arrangements allowing for" a range of development contexts.	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 242 **Submitter:** Private landowner **Submission summary:** Supports the amendment regarding protecting neighbourhood character but does not support removing key planning triggers.			
242.1	"I support the protection of neighbourhood character purpose of C219."	Acknowledge support.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
242.2	"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	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further	

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	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."	changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
242.3	"C219 is far-reaching and complex – more time is needed for community consideration and comment."	The exhibition period was extended 5 weeks to conclude Friday, 29 October 2021. Officers have received more than 300 submissions from a wide range of stakeholders covering numerous issues.	
Submission number: 243 **Submitter:** Best Hooper Lawyers on behalf of private landowner **Submission summary:** Wants the subject site redesignated for substantial change, or removed from the Residential Development Framework.			
243.1	Wants the subject site "nominated as a substantial change area, having regard to its zoning and overlay and the development outcomes which could be achieved in the alternative".	DDO28, which affects the subject site, is not underpinned by a strategic plan that is considered in the Shire's housing strategy, even though it contains specific built form controls that apply to Sorrento's commercial precinct. As explained in section 2.4 of the Strategic Document, a centre that is not a major activity centre needs to be part of a strategic plan that supports three or more stories to be designated for substantial change. Also, per the Shire's *Activity Centres Strategy 2018*, the commercial precinct in Sorrento is classified as a Small Township Activity Centre given the permanent population of the centre's primary catchment is relatively small due to the significant number of holiday homes. In the context of providing housing to meet the State Government's projected population growth, the centre is thus not considered suitable to accommodate a substantial number of additional housing.	**No changes recommended.** **Refer submission to Panel.**
243.2	Alternatively, the subject site and indeed any land zoned C1Z should be removed from the mapping and local policy at Clause 16.01-1L (Housing supply – Mornington Peninsula) given the "inclusion in a policy directed at residential zoned land (in terms of mapping) is inappropriate and creates confusion" and the "wording of the proposed control is clear	The C1Z areas have been included in the Residential Development Framework (RDF) following advice from DELWP to include the Shire's activity centres when assessing areas for future residential development. As explained in section 2.6.2 of the Strategic Document, including the C1Z areas in the RDF "will provide clarity and certainty to the community about how housing in different change areas across the Peninsula's towns and villages is expected to	

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	that this policy should not apply to these areas and therefore the mapping should be updated to reflect same."	change." This is consistent with the advice in Clause 71.02-2 (Operation). While the wording of the policy guidelines in the proposed local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) makes specific references to detached and rural dwellings in minimal change areas, which may seem inappropriate in the C1Z, policy guidelines as per Clause 71.02-2 (Operation) "indicate how objectives can be met and how strategies can be implemented." While a responsible authority "must take a relevant policy guideline into account when it makes a decision … it is not required to give effect to it" given an alternative may be considered if the responsible authority "is satisfied that an alternative approach meets the objective."	
Submission number: 244 **Submitter:** Mornington & District Historical Society Inc **Submission summary:** Welcomes neighbourhood character controls but concerned about heritage protection, third party review rights, fence heights, and 4-storey buildings.			
244.1	Welcomes the additional controls to protect neighbourhood character.	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
244.2	Concerned about the potential impacts of increased pressure for housing on heritage protection where more buildings included in the Heritage Overlay or would be considered worthy of inclusion in future heritage reviews will be at greater risk of demolition or extensive alteration.	The amendment is not proposing any changes to the HO. Any future development on land included in the HO will still be assessed on its merits at the planning application stage. Nonetheless, The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed	

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		towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
244.3	Concerned that three-storey residential developments could be built on land behind the main shopping area in Main Street, Mornington currently zoned General Residential given "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."	There are only two residential locations in proximity to the Mornington Activity Centre that would remain in the existing GRZ under the amendment. These locations are currently, and will continue to be, in the GRZ3. All other GRZ land behind the main shopping area are proposed to be rezoned the NRZ, which has a mandatory building height of 9 metres / 2 storey for dwellings and residential buildings. While there is a potential for urban consolidation in these areas given they are designated for incremental change, such developments would need to respond to and reflect the preferred neighbourhood character as articulated in the neighbourhood character objectives in the proposed new NRZ schedules.	
244.4	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." This means a lack of advertising and no opportunity to make an objection. Hopes 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."	A planning permit would still be required for buildings and works relating to one dwelling on a lot that is adjacent to Heritage Overlays if the lot size is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Per the *Building Act 1993* and *Building Regulations 2018*, private building surveyors must still have regard to the tighter ResCode requirements in the proposed NRZ schedules and must seek dispensation from the Shire via the Report and Consent process for every requirement that is not met.	

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244.5	Concerned about "the impact removal of controls on fence heights will have on streetscapes, particularly in more historic streets."	The amendment is not removing controls on fence height; rather, it proposes to regulate front fence height through the zone schedule, or a new DDO schedule for land in the LDRZ. The amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under specific DDO schedules regardless of the type of street. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing.	
244.6	"We don't support 4 storey developments; structures of this height are not in keeping with the character of the entire Mornington Peninsula."	The amendment is not proposing any new locations that would support 4-storey developments. Existing locations where 4-storey developments are supported are already underpinned by an adopted strategic plan. An example is the *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017). These locations are already subject to a DDO schedule that contains controls to protect the township's character.	
Submission number: 245 **Submitter:** Local resident **Submission summary:** Generally disappointed with the lack of more stringent objectives and guidelines, which are needed to prevent extinction and environmental damage.			
245.1	"A permit should still be required for a building and any modifications … and adjacent landholders informed of the potential changes for objection".	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
245.2	"Site coverage should be no more than 35% (not 50%) as mentioned" to avoid further vegetation loss.	The Ethos Urban study has recommended a 50% site coverage for the proposed NRZ12 (Bush Coastal 1), which applies to the submitter's area. It should be noted that the submitter's property is located in an area where the BMO1 applies.	
245.3	"Fencing needs to be non-existent or open / mesh / lattice to enable the movement of skinks bluetongues, birds, etc" and "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."	It is not permissible under the VPP for the council to prohibit the construction of fences. Nonetheless, the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) encourages new developments to: - avoid constructing front fences - maintain a front fence with at least 20% permeability - select an open style for front and side fences - limit the height of a side fence forward of the front dwelling façade to 1.2 metres or less.	
245.4	"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 hazards". "… introduced pines and cypresses must be removed, heritage or not, as they are subject to the same stresses as an isolated tree" and other issues.	The landscaping (B13) standard in the proposed NRZ12 requires at least one canopy tree in an area with minimum dimensions of 5 metres by 5 metres. It doesn't limit the number of trees to just one. The landscape plan under the application requirements section can accommodate consideration for clustering. Council cannot issue an order for introduced pines and cypresses to be removed from private land unless they pose a risk to public health or safety.	
245.5	Wants the maximum 8-metre building height from natural ground retained. Agrees with the 2-metre side setback and 5-metre rear setback. Agrees with the front setbacks. Agrees that no buildings should be built on ridge lines.	The amendment as exhibited is not proposing any changes to the existing mandatory 8-metre building height maximum. Acknowledge agreement regarding side, rear and front setbacks, and no buildings on ridge lines.	

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	Distance from cliff edges needs to be expanded to 12-18 metres given "the increased frequency of contraction and expansion now in soil and topographic elements".	The 6-metre setback from a cliff edge or cliff face is an existing requirement that has been retained. The amendment is not proposing any changes to it.	
245.6	"Erosion has been removed as factor for consideration in the proposals which is serious" given it is "a major consideration presently with outbursts from storm cells, vegetation removal and unsuitable paving, concreting and asphalting of driveways and roads."	The EMO is the appropriate overlay to manage erosion issues and erosion will still be considered where an EMO applies. Officers will update its erosion mapping as per the recommendations in the adopted *Mornington Peninsula Planning Scheme Review No. 4* (MPS, 2018) subject to available funding.	
245.7	"All building should be built with the provisions of energy, water, sewerage and waste recycling on the block, if not immediately, for within the next decade" 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."	These are already addressed under relevant state and local policies such as Clause 19.01-1S (Energy supply), Clause 19.03-3S (Integrated water management), Clause 19.03-3L (Integrated water management – Mornington Peninsula), Clause 19.03-5S (Waste and resource recovery), Clause 13.02-1S (Bushfire planning) and Clause 53.02 (Bushfire Planning).	
Submission number: 246 **Submitter:** Private landowners **Submission summary:** Oppose the new changes.			
246.1	"In regards to above mentioned Planning Scheme Amendment C219morn we oppose the new changes."	Acknowledge objection.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 247 **Submitter:** Private landowner **Submission summary:** Concerned about the lack of notification and opportunity to comment or object if more applications are processed under the building system.			
247.1	Concerned about more applications being processed via the building system resulting in neighbours not receiving notification of development proposals, including proposals to subdivide to accommodate additional properties, and therefore no opportunity to comment or object. Concerned that this would thus enable prospective developers to get	An application to subdivide land will still require a planning permit and be assessed under the planning system. Similarly for an application to develop two or more dwellings.	**No changes recommended.** **Refer submission to Panel.**

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	around the character controls and erode the low-density areas of Mount Martha.		
Submission number: 248 **Submitter:** Private landowner **Submission summary:** Concerned the amendment is not protecting the vegetation and character of the Birdrock-Clarkes Avenue precinct as recognised in amendment C189.			
248.1	"The document does not properly recognise the C189 amendment & VPO covering the Birdrock-Calarkes *[sic]* Avenue precinct by having two defenitions *[sic]* within the one short street eg: Birdrock Ave."	The Birdrock-Clarkes Avenue precinct is already covered by the existing VPO1. The amendment is proposing to extend the coverage of the VPO1 to the west and south of the precinct.	**No changes recommended.** **Refer submission to Panel.**
248.2	"The significant majority of properties in Birdrock Avenue 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".	The Birdrock-Clarkes Avenue precinct is designated as a minimal change area given the character and subdivision controls that currently apply to the area are retained under the amendment. The section to the west of the precinct is partly designated minimal change with the remainder designated incremental change. This section is outside of the precinct and therefore not considered under C189. Part of it is designated minimal change because it is affected by the bushfire prone mapping. The remainder is designated incremental change because it is not affected by a constraint that warrants a minimal change designation. This is consistent with the advice in PPN90.	
248.3	"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."	Whilst beyond the scope of the amendment, the Mornington Peninsula Shire is assessing how to best create post-approval compliance checks.	
Submission number: 249 **Submitter:** Ratio Consultants on behalf of private landowner **Submission summary:** Wants the site to remain in the current GRZ1 to enable higher-density multi-dwelling development.			

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249.1	"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."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
249.2	Submits that the Mornington Peninsula is part of Metropolitan Melbourne and "therefore still has a role to play with respect to the urban consolidation objectives of the planning scheme (housing supply, diversity and affordability)" even though its special attributes "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."	The amendment does address the urban consolidation objectives of the planning scheme and seek to achieve an appropriate balance. This is articulated in the Residential Development Framework by designating appropriate locations for incremental or substantial change and the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) where detached dwellings, units and townhouses are encouraged in incremental change areas, and units, townhouses and apartments are supported in substantial change areas. Nonetheless, the Shire would like to point out that the *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014) is a policy document under Clause 11.03-5S (Distinctive areas and landscapes), not Clause 12.05-1S.	
249.3	"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 homes for people seeking to live in the area (thus reducing the challenges of 'seasonality') and increased community access to amenities."	As per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments such as units and townhouses are encouraged in incremental change areas, and units, townhouses and apartments are supported in substantial change areas. The amendment does encourage and support urban consolidation provided it is located in theses latter two housing change areas and the proposed development meets the proposed neighbourhood character objectives and controls in the relevant zone schedule to the satisfaction of the responsible authority.	
249.4	"…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 stories is inappropriate, most locations for residential development should be placed in areas designated for 'minimal change',	As acknowledged by the submitter, the Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. Nonetheless, the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* has been prepared to accord with the projected	

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	and overlay controls are to be adjusted rather than formulated from scratch."	population growth in the State Government's *Victoria in Future 2019* (VIF2019) statistics, as required by the State Government. Residential developments that contain 3 or more stories are not undesirable and are in fact supported in areas designated for substantial change. For all other areas, the preferred building height is 1-2 stories, which is consistent with the findings and recommendations in the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Areas are designated for minimal change per the State Government's advice in PPN90. The observation that many areas in the Peninsula have been designated for minimal change reflects the fact that many areas are subject to one or more constraints including bushfire, erosion, inundation, sea level rise impacts, environmental and landscape significance, and special neighbourhood character. The adjustment of the various overlay controls is needed due to: - the Minister for Planning requiring officers to remove unnecessary permit triggers under the DDO - DELWP's advice against the use of sub-precincts in an overlay schedule - the lack of scope to incorporate neighbourhood character objectives and controls for land in the LDRZ via the zone schedule.	
249.5	"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)."	As explained in the Strategic Document, the housing change categories have been applied as per the State Government's advice in PPN90, which includes consideration of the matters mentioned by the submitter.	
249.6	"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	This suggestion is not consistent with the State Government's advice in PPN90 given locational criteria / proximity parameters are not factors to consider when designating incremental or minimal change areas. Specifically, PPN90 advises that "Incremental change areas are where housing growth occurs within the context of existing or	

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	walking distance of activity centres – say 400 metres, and limited change beyond this)."	preferred neighbourhood character" while "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport".	
249.7	"Applying the residential zones in a conventional manner (i.e. MUZ / RGZ for substantial change; GRZ for incremental change, and NRZ / LPRZ *[sic]* for minimal change)."	This suggestion is not consistent with the State Government's advice in PPN91 given "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas.	
249.8	"Tailoring overlay controls and/or policy provisions to identify and protect the existing values and characteristics of a locale."	The amendment does this through the neighbourhood character objectives and controls that are proposed to be incorporated via a zone or overlay schedule. The objectives and controls that would apply to an area pertain to the neighbourhood character precinct as	

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		identified in the Ethos Urban neighbourhood character study or a more detailed study if the area is, for example, the Beleura Hill area in Mornington or Woodland area in Mount Eliza where character controls already exist in the Mornington Peninsula Planning Scheme.	
249.9	"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." "The Amendment seeks to apply the NRZ to 'limited' and 'incremental' growth areas, and the GRZ to substantial change areas, which is unnecessarily restrictive."	This concern is unfounded given PPN91's advice that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ.	
249.10	"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."	This assertion is incorrect. Land currently in the GRZ is to be rezoned to the NRZ if it is designated for incremental or minimal housing change. Land designated for incremental change is not subject to any constraints and hence considered suitable to accommodate multi-dwelling developments per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). Land designated for minimal change is subject to one or more constraints. Nonetheless, these constraints do not include the VPO as explained in the Strategic Document. Also, the SLO and ESO are only extensively applied in the Green Wedge south of Tuerong Road and Graydens Road, the hinterland villages of Red Hill and Red Hill South, and the Western Port coastal villages south of Bittern. Excluding the Green Wedge, these villages do not contain the bulk of urban residential land on the Peninsula. The predominant factor precluding multi-dwelling developments on land designated for minimal change is not the SLO or the ESO but the mandatory 'no more than one dwelling on a lot' requirement in the DDO.	

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249.11	"Based on our cursory review it appears that there are far too many schedules for the zones, DDO's and different character areas."	The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
249.12	"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)."	This assertion is inaccurate. Not every municipality in the rest of Victoria has a planning scheme that does not contain a varied requirement for Standards A17 and B28 (Private open space) under a schedule to the residential zone. There are numerous instances of other municipal planning schemes that require a larger area and/or dimensions of private open space than the minima specified in the VPP. Rather than limiting density, the intention is to ensure each household in a multi-dwelling development has access to adequate private open space for recreation, leisure and the increasingly threatened Aussie backyard.	

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249.13	"We strongly oppose the rezoning of the Subject Site from GRZ1 to NRZ2 and introducing a maximum height of 2 stories / 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" given its proximity to the Dromana Activity Centre, Point Nepean Road, and Port Phillip Bay, its large land area, it's not affected by a DDO, VPO, SLO or BMO nor subject to bushfire risk, flooding or erosion, and it has "no special characteristics that distinguish them from other parts of the municipality of surrounding areas."	The *Dromana Township Plan* (Hansen Partnership, 2018) has not identified the site as being suitable to have a preferred building height that exceeds 2 stories / 9 metres. Per the State Government's advice in PPN91, the GRZ should not be applied to areas where residential developments of three stories are not anticipated.	
Submission number: 250 **Submitter:** Private landowner **Submission summary:** Wants changes to subdivision requirements on minimum lot size and frontages of battle-axe lots, and wording of dwelling numbers requirement.			
250.1	Wants the minimum subdivision size of 1 ha in the existing DDO6, which is translated into the proposed LDRZ7 under the amendment, removed and the minimum subdivision size to be 0.4 ha as per the standard provisions in the LDRZ for sites without reticulated sewerage.	Officers do not accept this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing in this area. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	Refer to R27 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
250.2	Wants to existing 'let out' provision regarding the minimum frontage of battle-axe lots retained under the proposed DDO51.	Officers do not support this request given the 'let out' provision does not contain adequate information that would assist the responsible authority in decision-making. As a result, it adds unnecessary complexity to an already complex planning scheme.	
250.3	Suggests rewording the number of dwellings requirement under Table 2 of the proposed DDO51 to "For land in Point Leo or Merricks – the number of dwellings on a lot must not exceed one".	Acknowledge suggestion.	

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250.4	Seeks confirmation that the approval date in the proposed LDRZ7 is the date of approval of amendment C219morn.	The approval date refers to the commencement of the Mornington Peninsula Planning Scheme under the New Format Planning Scheme on 6 May 1999. Officers recommend amending the drafting to specifically reflect the 6 May 1999 date for the clarity.	
Submission number: 251 **Submitter:** Private landowner **Submission summary:** Submits that the proposed DDO53 is too restrictive and not an appropriate fit for the precinct.			
251.1	Submits that neither the existing DDO6 nor the proposed DDO53 is an appropriate fit for Precinct 3 of the Mornington North Policy Area particularly in terms of land use. Submits that the low-density / rural settlement aspirations articulated in Clause 11.03-6L (Regional and local places – Mornington North) and the proposed DDO53 to maintain Precinct 3 as part of the 'soft edge' (or buffer) between the more urban residential areas to the west and the Green Wedge to the east is not appropriate for the area given it does not possess the usual characteristics associated with other successful soft edge areas in the Peninsula.	Both the existing DDO6 and the proposed DDO53 deal with buildings and works, not land uses. The proposed DDO53 seeks to incorporate character controls that would guide residential development in the LDRZ. These controls are important given there is no scope in the schedule to the LDRZ to provide character controls for residential development that would reflect the preferred built form for the area. These controls are consistent with the policy provisions for the precinct under Clause 11.03-6L (Regional and local places – Mornington North) which encourages "development to provide setbacks and landscaping that align with the low-density character of the area."	**No changes recommended.** **Refer submission to Panel.**
Submission number: 252 **Submitter:** Tract Consultants on behalf of private landowner **Submission summary:** Wants the site to be excluded from the proposed rezoning to the NRZ.			
252.1	Objects the amendment on the following grounds: - No RGZ and very limited retention of the GRZ, which will make it challenging for officers to meet the projected population growth. - The application of variations through NRZ schedules will stifle the ability to provide desired housing outcomes. - The NRZ is not an appropriate zone for the site given its size, proximity to the Dromana Activity Centre, frontages	Officers disagree given the adopted *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause	**No changes recommended.** **Refer submission to Panel.**

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	to three streets, and the surrounding context which includes three storey built form. Requests that: - the amendment be withdrawn and further work undertaken to review the extent of the NRZ with reference to the ability to meet the housing targets as well as to review 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; or - exclude the size from the proposed rezoning.	16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. The adopted housing strategy has already identified several sites marked 'investigation areas' that may have the potential to support infill development of a higher.	
Submission number: 253 **Submitter:** Private landowner **Submission summary:** Wants to retain the need for a planning permit for a new dwelling and additions in the DDO3 to ensure reasonable sharing of views is protected.			
253.1	"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" "specifically in relation to the reasonable sharing of views."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 254 **Submitter:** Nepean Conservation Group **Submission summary:** Concerned that the amendment will not protect neighbourhood character and that further community consultation is required.			
254.1	The proposed amendment appears to be extraordinarily complex and lacks transparency.	The Mornington Peninsula Planning Scheme in its current form is very complex and this has been identified as an issue by the Minister for Planning. As a result, the changes required to incorporate new character controls, remove unnecessary permit triggers and simplify complex requirements is inevitably a complex process.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		Regarding transparency, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
254.2	The proposed amendment fractures the Peninsula as it does not allow similar concerns and issues to be considered across different parts of the Peninsula.	The amendment does allow similar concerns and issues to be considered across different parts of the Peninsula to the extent the concerns and issues apply to the different areas. For example, the issue of having too many unnecessary permit triggers in a particular	

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		schedule to the DDO is considered across all the areas of the Peninsula where the schedule applies.	
254.3	The proposed amendment appears to function in isolation as it does not allow referral to other Shire policies, e.g. ESD, climate change, biodiversity and others.	The amendment seeks to implement the Shire's adopted housing strategy and the adopted Ethos Urban neighbourhood character study, which is already a massive undertaking. Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
254.4	The process of community consultations could have been better. There were no question and answer sessions. While it was helpful that community groups and consultants could book a discussion with planning officers, these were not open to the broader community.	Twenty in-person consultation sessions across the Peninsula were initially planned for but they had to be cancelled due to COVID-19 restrictions, unfortunately. The option to book a discussion with a planning officer is open to anyone in the community, not just community groups and consultants.	
254.5	The amendment shifts the responsibility and accountability for planning on the Peninsula to Registered Building Surveyors. This directly conflicts the first purpose of the amendment – to protect, maintain and enhance neighbourhood character across the Peninsula. The building system has limited public consultation, no community input, no ads, no yellow signs, no call-in opportunities, no appeals to VCAT.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO.	
254.6	The proposed NRZ schedules omit some of the controls that were previously provided such as: - wall and building heights - building setbacks	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further	

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	- 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.	changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ.	
254.7	Recommends that the Shire delays the approval of the amendment to allow for further meaningful consultations to ensure the twin purposes of protection of neighbourhood character and economic efficiencies can be achieved effectively.	Officers have yet to set any date on which the council will decide whether to approve the amendment given it is likely that the amendment has to undergo a planning panel stage.	
254.8	Recommends that the strong elements of the current planning scheme are recognised and protected, especially when it comes to the role of the existing DDOs, i.e. that the existing controls and triggers remain.	DELWP has advised to implement character controls primarily through the residential zone schedules and only resort to an overlay for controls that are beyond the scope of the zone schedules.	
254.9	Recommends that the proposed responsibility and compliance systems and processes are reviewed, in consultation with the community, to ensure that	Beyond the scope of the amendment. Nonetheless, officers will assess how to best create post-approval compliance checks.	

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	neighbourhood character can be maintained and enhanced across the Peninsula.		
254.10	Recommends that the existing planning permits application system through the planning department is maintained and strengthened to allow for advertising and objections to continue.	The existing planning permits application system through the planning department is unsustainable given the current complexities of the Mornington Peninsula Planning Scheme. The Shire persistently ranks highest among all Victorian LGAs in terms of the volume of planning permit applications received. A significant percent of this is related to single dwellings and extensions to single dwellings. The amendment is therefore necessary to reduce the number of unnecessary planning permit triggers.	
254.11	Recommends 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.	Beyond the scope of the amendment. Nonetheless, the State Government has considered the 'Planning and Building Approvals Process Review' report and is acting on all 27 of its recommendations.	
Submission number: 255 **Submitter:** Local resident **Submission summary:** Wants the existing subdivision, setback and building height requirements retained.			
255.1	"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."	The amendment is not proposing any changes to the minimum lot size for subdivision, street setback, total setback distance from both side boundaries, rear setback, and the maximum building height of 10 metres for this precinct.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 256			

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Submitter: A Different City Pty Ltd on behalf of Aranday Pty Ltd **Submission summary:** Supports the intent of the strategies but objects to the proposed rezoning and changes to the DDOs without reviewing other existing overlays.			
256.1	In principle, the submitter supports "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."	Acknowledge support.	Refer to R24 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
256.2	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." The submitter notes that the VIF2019 projections and the Shire's housing strategy were "prepared before Covid 19 pandemic and therefore the population and growth assumptions are now likely under-estimated" considering "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."	The adopted *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. The adopted housing strategy has already identified several sites marked 'investigation areas' that may have the potential to support infill development of a higher.	

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		As with any strategy, officers will monitor and review its housing strategy as and when the State Government's population and housing projections data is updated.	
256.3	Submits that "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."	Officers will be reviewing the environmental and landscape overlays of the Mornington Peninsula Planning Scheme with the view of improving their operational efficiency per the State Government's Smart Planning initiative.	
256.4	Submits that the average lot size subdivision requirement in the DDO2 and DDO3, which apply to the site, should be retained so 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)."	Officers support retaining the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.	
256.5	Submitter "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 environmental and landscape overlay controls)."	Acknowledge objection.	
Submission number: 257 **Submitter:** LS Planning Pty Ltd on behalf of private landowners **Submission summary:** Concerned that the proposed NRZ and NCO is too burdensome, and the blanket application of the NRZ would limit development opportunities.			
257.1	Applying the NRZ "in the area of the Avenues will require a planning permit for any development on a lot less than 500 square metres … which will create a greater cost and time	The existing GRZ1 already requires a planning permit to construct or extend one dwelling on a lot less than 500 square metres. It also already requires a planning permit to construct or extend a fence	

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	delay to construct a dwelling or extension to one dwelling or construct a fence."	within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence height exceeds the maximum height specified in Clause 54.06-2.	Refer to R15 in the officers' report to the 18 July 2022 PSC Meeting for details.
257.2	The proposed NCO will require a planning permit for one dwelling on a lot regardless of the land size and this is "burdensome and unreasonable." It will require a planning permit for demolition of a dwelling, removal of vegetation, and construction of one dwelling and outbuildings, which "flys in the face of what is sought" by the amendment, i.e. "to reduce the cost and time to develop or extend one dwelling on a lot by updating specific Design and Development Overlays".	Officers support removing the demolition trigger from the two proposed NCO schedules given the planning permit required under the NCO to construct a building or construct or carry out works is deemed sufficient for the responsible authority to assess an application. While the Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO, the permit triggers associated with the two proposed NCO schedules are deemed necessary given the areas where the schedules would apply have been identified as special neighbourhood character areas per the Ethos Urban study, as explained in section 3.7.10 of the Strategic Document. This approach is consistent with the advice in PPN90. It should be noted that the areas where the proposed NCO schedules would apply are just a fraction of all residential areas that have an existing DDO.	**Refer submission to Panel.**
257.3	"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."	The NCO is proposed in areas that possess special neighbourhood character that warrant the application of the overlay as per the advice in PPN90. The Ethos Urban study has identified the areas that possess such special character. The application of the NCO does not compromise the Shire's role with respect to urban consolidation given the amendment encourages units and townhouses in incremental change areas, and supports units, townhouses and apartments in substantial change areas as reflected in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
257.4	"The inclusion of the NRZ as proposed will limit the ability to have multi-dwelling developments in appropriate locations	Multi-dwelling developments are encouraged in areas where the NRZ is proposed if the area is designated for incremental change. As	

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	particularly within close proximity to Activity Centres in Rosebud undermining the 20 minute suburbs and climate change impacts."	per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), units and townhouses are encouraged in incremental change areas.	
257.5	"Criteria for including land in the NRZ is that the land must be affected by overlays like the NOC *[sic]* which creates the perspective that multi-dwelling developments cannot be achieved in these areas."	This is incorrect. As per the advice in PPN90, land is included in the NRZ if dwellings of three or more stories are not anticipated and the existing or preferred neighbourhood character is to be respected. The are many areas which the amendment proposes to rezone to the NRZ that are currently not, or will not be, affected by an overlay.	
257.6	"The Amendment seeks to apply the NRZ to limited and incremental growth areas, and the GRZ to substantial change areas, which is unnecessarily restrictive."	PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	
257.7	There are "far too many schedules for the zones, DDO's".	The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific	

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		exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
257.8	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. It *[sic]* the intention is to limit density and achieve 'greener' outcomes, this should be done through the vegetation/site coverage provisions."	This assertion is inaccurate. Not every municipality in the rest of Victoria has a planning scheme that does not contain a varied requirement for Standards A17 and B28 (Private open space) under a schedule to the residential zone. There are numerous instances of other municipal planning schemes that require a larger area and/or dimensions of private open space than the minima specified in the VPP. Rather than limiting density, the intention is to ensure each household in a multi-dwelling development has access to adequate private open space for recreation, leisure and the increasingly threatened Aussie backyard.	
257.9	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)."	As explained in the Strategic Document, the housing change categories have been applied as per the State Government's advice in PPN90, which includes consideration of the matters mentioned by the submitter.	
257.10	"Apply reasonable locational criteria/proximity parameters to designate 'change levels' for the different areas (e.g.	This suggestion is not consistent with the State Government's advice in PPN90 given locational criteria / proximity parameters are not	

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	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)."	factors to consider when designating incremental or minimal change areas. Specifically, PPN90 advises that "Incremental change areas are where housing growth occurs within the context of existing or preferred neighbourhood character" while "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport".	
257.11	"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 *[sic]* for minimal change.	This suggestion is not consistent with the State Government's advice in PPN91 given "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas.	

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257.12	"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 does this through the neighbourhood character objectives and controls that are proposed to be incorporated via a zone or overlay schedule. The objectives and controls that would apply to an area pertain to the neighbourhood character precinct as identified in the Ethos Urban neighbourhood character study or a more detailed study if the area is, for example, the Beleura Hill area in Mornington or Woodland area in Mount Eliza where character controls already exist in the Mornington Peninsula Planning Scheme.	
Submission number: 258 **Submitter:** A Different City Pty Ltd on behalf of Tango Property Group and Tango Development No. 6 Pty Ltd **Submission summary:** Wants the subject site designated for substantial change and rezoned to the GRZ, and the proposed DDO53 removed or amended.			
258.1	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." The submitter notes that the VIF2019 projections and the Shire's housing strategy were "prepared before Covid 19 pandemic and therefore the population and growth assumptions are now likely under-estimated" considering "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." Submits that "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."	The adopted *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. Also, the amendment is not proposing to rezone all GRZ land to the NRZ. Some GRZ is proposed to be retained in Mornington, Rosebud and Hastings. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations	Refer to R2 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		but also ensure development contributes to existing or preferred neighbourhood character. The adopted housing strategy has already identified several sites marked 'investigation areas' that may have the potential to support infill development of a higher. As with any strategy, officers will monitor and review its housing strategy as and when the State Government's population and housing projections data is updated.	
258.2	"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."	As far as the subject site is concerned, the amendment seeks to implement the adopted Shire's housing strategy, which is to formally identify the subject site as an investigation area in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). How the area is to be redeveloped would be a matter to be assessed and considered under a separate amendment given the housing strategy only identifies the area as suitable to be considered for redevelopment but does not articulate the details on how it is to be redeveloped. It is unfortunate that there was a considerable lapse of time between the date when the amendment was submitted to the Minister for Planning for authorisation (24 July 2020) and the date of the gazettal notice of exhibition (12 August 2021).	
258.3	The housing strategy should be reviewed and the population / housing projections reconsidered in the strategic context of the post Covid 19 environment.	As with any strategy, officers will monitor and review its housing strategy as and when the State Government's population and housing projections data is updated.	
258.4	"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".	Officers support revising the strategy relating to investigation areas in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) to acknowledge that development in investigation areas should respect, rather than replicate, the character of surrounding residential areas. Nonetheless, development in investigation areas still need to be responsive to the environmental conditions and constraints, if any, of the site.	

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258.5	The existing policies relating to the Mornington North Outline Development Plan Area should be updated to reflect the investigation area status of the precinct containing the subject site, and 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.	The Mornington North Outline Development Plan (MNODP) was prepared many years prior to the adopted Shire's housing strategy. The investigation area status of the precinct is underpinned by the housing strategy, not the MNODP. Hence, it is not appropriate to amend the MNODP to reflect the new status. Any changes to the provisions in Clause 11.03-6L (Regional and local places – Mornington North), which relate to the MNODP, that are required to facilitate the redevelopment of the precinct will need to be made through a separate amendment.	
258.6	The proposed DDO53 should be removed from 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.	The proposed DDO53 retains relevant character controls from the existing DDO6 and incorporates additional character controls recommended by the Ethos Urban study for the precinct in the context that the precinct remains in the current LDRZ given the housing strategy only identifies the area as an investigation area but does not articulate the details on how it should be redeveloped. Any changes required to the zoning and overlay affecting the land to facilitate the redevelopment would need to be assessed and considered on its merits under a separate amendment.	
258.7	"The land forming part of the Woodbyne Crescent / Albany Way Precinct 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)".	Any changes required to the zoning to facilitate the redevelopment would need to be assessed and considered on its merits under a separate amendment given the amendment seeks to implement the adopted Shire's housing strategy, which is to formally identify the precinct as an investigation area in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
258.8	"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	How the precinct should be redeveloped would need to be a matter to be assessed and considered on its merits under a separate amendment.	

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	and character, having regard for both surrounding residential and non-residential land."		
Submission number: 259 **Submitter:** Best Hooper Lawyers on behalf of private landowner **Submission summary:** Wants the subject site redesignated for substantial change or excluded from the amendment.			
259.1	"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".	While the existing DDO28 provides for up to 11 metres / 3 stories for the subject site, its controls are not underpinned by a structure plan or similar study that would normally include directions on residential development in addition to controls on the built form. Instead, the DDO28 is primarily intended to regulate the design and development of built-form to ensure buildings in the precinct complement or enhance the historic heritage values of the site. Given the Sorrento Activity Centre is classified a 'Small Township Activity Centre' per the activity centres hierarchy of the Shire's adopted Activity Centres Strategy 2018, the site is thus designated for minimal change.	**No changes recommended.** **Refer submission to Panel.**
259.2	"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".	The C1Z is included in the Residential Development Framework of the Shire's adopted housing strategy per the advice from DELWP officers to include activity centres when assessing housing capacity and housing supply.	
259.3	"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 C1Z is included in the Residential Development Framework of the Shire's adopted housing strategy per the advice from DELWP officers to include activity centres when assessing housing capacity and housing supply.	
Submission number: 260 **Submitter:** Best Hooper Lawyers on behalf of private landowner **Submission summary:** Wants the site redesignated for substantial change and to remain in the existing GRZ.			
260.1	"The proposed re-zoning of the Subject Site from the General Residential Zone to the Neighbourhood Residential	As per PPN91, the GRZ should be applied where dwellings of three stories or more are anticipated. The subject site is part of a precinct	**No changes recommended.**

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	Zone and inclusion in a *[sic]* "incremental change area" is inappropriate having regard to its site, zoning interfaces and locational attributes".	in the *Dromana Township Plan* (Hansen Partnership, 2018) where a maximum building height of 2 stories / 9 metres is recommended for the precinct. Accordingly, the NRZ is the appropriate zoning for the site.	**Refer submission to Panel.**
260.2	"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".	This suggestion is not consistent with the State Government's advice in PPN90 given locational criteria / proximity parameters are not factors to consider when designating incremental or minimal change areas. Specifically, PPN90 advises that "Incremental change areas are where housing growth occurs within the context of existing or preferred neighbourhood character" while "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport". While the subject site is in proximity to the Dromana Activity Centre, the *Dromana Township Plan* (Hansen Partnership, 2018) has not identified the site as suitable to accommodate dwellings of three stories or more.	
260.3	"The current zoning of the Subject Site is entirely appropriate and there is not sufficient justification for the amendments proposed."	As per PPN91, the GRZ should be applied where dwellings of three stories or more are anticipated. The subject site is part of a precinct in the *Dromana Township Plan* (Hansen Partnership, 2018) where a maximum building height of 2 stories / 9 metres is recommended for the precinct. Accordingly, the NRZ is the appropriate zoning for the site.	
Submission number: 261 **Submitter:** Kellock Town Planning on behalf of private landowner **Submission summary:** Wants the site redesignated for incremental change and to remain in the existing GRZ; concerned about the lack of transitional provisions.			
261.1	"Does not support the inclusion of the site within a minimal change area under the RCFP at Clause 16.01-1L." For various reasons, the site should be incremental change rather than minimal change.	The site is included in a minimal change area because it is impacted by the existing ESO17 as well as a climate change hazard, which is the sea level rise and storm tide impacts (0.8 metres by 2100) mapping prepared by Melbourne Water. As per the advice in PPN90, the consideration of these constraints thus warrant the site to be designated for minimal change.	**No changes recommended.** **Refer submission to Panel.**

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261.2	"Does not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 3)." The character controls in the proposed NRZ3 "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."	The adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) has identified the site to be in the Garden Residential 2 (GR2) neighbourhood character precinct, where the recommended building height is no more than two stories. The character controls in the proposed NRZ3 are deemed necessary to achieve the preferred character of the GR2 precinct. As per the advice in PPN91, the GRZ should be applied to areas where dwellings of three or more stories are anticipated. The proposed NRZ3 is thus the appropriate zoning given the preferred character of the precinct does not support dwellings that exceed two stories. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	
261.3	"Is concerned with the lack of transitional provisions."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 262 **Submitter:** SJB Planning on behalf of private landowners **Submission summary:** Does not oppose the intent of the housing strategy and proposed rezoning to the NRZ but objects to the application of the NCO2 and demolition.			
262.1	Does not "oppose the intent of updating the housing and settlement framework for the municipality. This task is long overdue and welcomed in principle."	Acknowledge comment.	Refer to R15 in the officers' report to the 18 July 2022 PSC Meeting for details.

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262.2	Accepts the "proposed change in land use zoning from Schedule 1 to the General Residential Zone (GRZ) to Schedule 2 to the Neighbourhood Residential Zone (NRZ)" and acknowledges 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."	Acknowledge comment. Nonetheless, the amendment is proposing to rezone the site to the proposed NRZ37, not NRZ2. The proposed NRZ37 introduces an application requirement for a landscape plan for applications that require a permit under Clause 32.09. It does not, however, contain any variations to the standards under Clause 54 and Clause 55. This is because the character controls required to protect the special neighbourhood character of the area in which the site is located are incorporated into the proposed NCO2.	**Refer submission to Panel.**
262.3	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)." The NCO is presently not a feature of the Mornington Peninsula Planning Scheme and previous character studies completed by Council did not seek to utilise this control.	The claim that the NCO is proposed over almost all of Rye and large expansive swaths of the Peninsula is incorrect and grossly exaggerated. In the Nepean Peninsula region, the NCO is proposed over a small section of Rye around the northeast corner, which is a fraction of Rye's entire residential areas, plus the northern half of Tootgarook, and The Avenues in Rosebud. Elsewhere in the Peninsula, the NCO is proposed over the Ranelagh Estate in Mount Eliza only. As a whole, the areas where the NCO is proposed to apply cover a very small proportion of the Peninsula's entire residential areas. Previous character studies completed by the council did not include the areas where the NCO is proposed to apply. In fact, the areas assessed by all these studies together only cover a small proportion of the Peninsula's entire residential areas. Just because these studies did not identify areas that warrant the application of the NCO does not mean there are no areas elsewhere that would warrant the application of the NCO.	
262.4	"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	Officers agree that this approach would work for areas where the NRZ is the appropriate zone and the character controls required to achieve the preferred character can be incorporated by varying the ResCode standards through the zone's schedule. However, for areas with special neighbourhood character, the character controls required to protect the character would warrant a modification to	

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	other policy imperatives for sustainable, equitable, resilient and affordable development within the Shire's residential neighbourhoods."	some standards that cannot be achieved through the NRZ schedule. The modification can only be achieved through the NCO schedule. This approach aligns with the advice in PPN90.	
262.5	"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 strategic justification for the application of the NCO and the proposed two new schedules is contained in the Strategic Document. The justification aligns with the advice in PPN90. Regarding the proposed NCO2, The Avenues in Rosebud and parts of Tootgarook and Rye have been determined as having an intact special character. In particular, the northern half of the General Residential 4 (GR4) precinct in Rosebud is considered to exemplify the identified special character. The southern part has experienced more change and is still considered to be part of the overall GR4 precinct but does not warrant the NCO. As articulated in the statement of neighbourhood character, the "character of this precinct is attributed to an abundance of older housing stock from the Post-war and early Modern architectural eras. Dwelling materials primarily consist of weatherboard and fibro with both hipped and flat metal roofs." This style of housing stock is very different to the rest of the municipality and this warrants a specific approach to neighbourhood character. Due to its intact special character defined by the unique housing stock and other elements, cl 54/55 modifications would be required to achieve the preferred character.	
262.6	Objects to "the Amendment proposing the inclusion of a permit requirement for demolition of existing dwellings in this schedule." This "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." "If the NCO2 is to be retained as part of the Amendment, the NCO2 should not include a	Officers support removing the demolition trigger from the two proposed NCO schedules given the planning permit required under the NCO to construct a building or construct or carry out works is deemed sufficient for the responsible authority to assess an application.	

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	requirement for a permit to demolish the existing dwellings on the land."		
Submission number: 263 **Submitter:** Private landowner **Submission summary:** Double-storey dwelling applications should require a permit to control overlooking while single-storey dwellings should not.			
263.1	Submits that an application for one single-storey dwelling should not be subject to an extended planning permit. An application for one double-storey dwelling, however, should be subject to a planning permit to enable neighbours to receive notification, inspect proposed plans and comment on overlooking issues. "It is essential that existing residents have recourse to V-cat *[sic]* as some form of independent adjudication."	The amendment seeks to reduce planning permit requirements for applications relating to one dwelling on a lot regardless of the number of stories. Issues relating to overlooking associated with one dwelling on a lot are addressed under Standard A15 in Clause 54. A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO.	**No changes recommended.** **Refer submission to Panel.**
263.2	Concerned that the "proposed changes would turn the peninsula into a real estate developers paradise" and erode the "natural wonderland of the peninsula" when developers maximise potential and search out million dollar views.	Housing development on land zoned for residential purpose is a legitimate economic activity. As far as planning is concerned, residential development that requires a planning permit would still continue to be assessed on its merits.	
263.3	"The C219 amendment needs to be thoroughly questioned as a cure-all for housing pressure on the peninsula."	The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates its VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on	

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		managing future housing change sustainably are implemented. Nonetheless, the Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*.	
263.4	"Perhaps a closer inspection of the contrary nature of decision-making in the Planning Department is the answer. If could stop the excessive time delays forced on the owners of perfectly reasonable developments like" my adjacent neighbour who is proposing a single-storey dwelling.	Much of the time delay is due to the excessive volume of planning permit applications that are predominantly triggered by the large number of unnecessary permit requirements. By removing the unnecessary permit requirements, the amendment hopes that perfectly reasonable developments such as a single-storey dwelling would no longer require a planning permit in the future.	
Submission number: 264 **Submitter:** Private landowners **Submission summary:** Wants more intensive subdivision opportunities for the land.			
264.1	Wants the amendment to include "more intensive subdivision of land south of Bungower Road between Coolart and Jones Road". This would "help 'spread the load' of the population growth as anticipated over the next 15 years" and "release some pressure on the need for more intensive development units and townhouses in the Somerville Township."	While this would add to the municipality's housing capacity, the addition is not necessary to meet the State Government's projected population growth. Also, the land is in a bushfire prone area. State Government's advice in PPN90 requires officers to direct future housing away from such areas, which is a sustainable approach.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 265 **Submitter:** Kellock Town Planning on behalf of private landowner **Submission summary:** Supports the substantial change and GRZ designation but does not support the amended GRZ1, Clause 15.01-5L and lack of transitional provisions.			
265.1	"Supports the subject site being within an area earmarked for substantial change."	Acknowledge support.	Refer to R8 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
265.2	"Supports the site being retained within the GRZ."	Acknowledge support.	
265.3	"Does not support the proposed amendments to Schedule 1 to the GRZ" given the site is located in an area that is identified for medium-density housing in the *Rosebud*	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited	

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	Activity Centre Structure Plan (Hansen Partnership, 2017) but the proposed neighbourhood character objectives and character controls in the amended GRZ1 seek to "in effect 'constrain' future development opportunities". "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." In particular, the new Clause 55 requirements on side and rear setbacks and private open space "are necessarily likely to constrain intensive development, as they are more onerous than the existing Clause 55 standards".	setbacks and private open space requirements from the GRZ1 and GRZ3.	
265.4	"Does not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L" given the strategies and guidelines seem to focus on achieving the existing character rather than recognise that character will necessarily change over time for substantial change areas, and the guidelines may prejudice intensive development if applied prescriptively.	As per Clause 71.02-2 (Operation), policy guidelines indicate how objectives can be met and how strategies can be implemented. The Shire must take a relevant policy guideline into account when deciding on an application, but is not required to give effect to it. An alternative approach may be considered if it meets the objective.	
265.5	"Is concerned with the lack of transitional provisions" which "should be included as a matter of fairness."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 266 **Submitter:** Peninsula Planning Consultants Pty Ltd **Submission summary:** Concerned about the broad application of the NRZ, variations to the NRZ schedules, and loss of average lot size for subdivision in the DDO.			

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266.1	Submits that the application of the NRZ will limit the Shire's ability to create healthy 20-minute neighbourhoods as required under relevant clauses for the Metropolitan Melbourne region in the PPF. This is particularly so for land in proximity of an activity centre like Dromana, Rosebud, Hastings, Somerville, etc.	While the Mornington Peninsula is included in the Metropolitan Melbourne boundary, it is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	Refer to R8, R9 and R24 in the officers' report to the 18 July 2022 PSC Meeting for details. Refer submission to Panel.
266.2	Submits 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."	As per PPN91, the GRZ should be applied in areas where dwellings of three stories or more are anticipated. Proximity to activity centres is not the only consideration. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Accordingly, the amendment proposes to retain land in proximity to a major or large township activity centre in the GRZ if it is underpinned by an adopted structure plan or similar study that supports three stories or more for a dwelling. As per PPN90, if an area contains special neighbourhood character, heritage, environmental or landscape attributes, or other constraints	

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		and hazards, it should be designated for minimal change even if it is in proximity to an activity centre. The GRZ would therefore not be an appropriate zoning for such an area per PPN91.	
266.3	"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."	The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
266.4	"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 large volume of planning permit applications received by the Shire is nearly entirely generated by the numerous planning permit triggers contained in the DDO, not by a lot less than 500 square metres. Land within a 20-minute walk to a relatively large activity centre tend to be subject to urban consolidation or more intensive infill	

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		development which would normally still require a planning permit regardless of the original lot size.	
266.5	"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."	As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Nonetheless, officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	
266.6	Wants the average lot size for subdivision in applicable DDO schedules retained.	Officers support retaining the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.	
Submission number: 267 **Submitter:** Kellock Town Planning Pty Ltd on behalf of private landowner **Submission summary:** Wants the site to remain in the existing GRZ and the amendment to include transitional provisions.			
267.1	"Does not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 6)" given "its proximity to numerous services and facilities" and "it is not subject to any overlay controls that may be considered a 'constraint' to development."	PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations	**No changes recommended.** **Refer submission to Panel.**

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		but also ensure development contributes to existing or preferred neighbourhood character.	
267.2	"Does not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L" given the strategies and guidelines seem to focus on achieving the existing character rather than recognise that character will necessarily change over time for incremental and substantial change areas, and the guidelines may prejudice intensive development if applied prescriptively.	As per Clause 71.02-2 (Operation), policy guidelines indicate how objectives can be met and how strategies can be implemented. The Shire must take a relevant policy guideline into account when deciding on an application, but is not required to give effect to it. An alternative approach may be considered if it meets the objective.	
267.3	"Is concerned with the lack of transitional provisions" which "should be included as a matter of fairness."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
Submission number: 268 **Submitter:** Local residents **Submission summary:** Concerned about excessive population and housing growth, losing neighbourhood character, climate change impacts and traffic issues.			
268.1	Concerned that the population growth and housing development as projected is unsustainable.	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed	**No changes recommended.** **Refer submission to Panel.**

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		towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
268.2	Concerned that neighbourhood character will be lost in incremental and substantial change areas.	The character controls in the proposed NRZ schedules that would apply in areas designated for incremental change would ensure future developments respect the preferred character. In areas designated for substantial change, there will be some change in character given more intensive residential development would be anticipated in such areas. As per the advice in PPN90, officers have to balance the competing objectives of protecting neighbourhood character and providing more housing and housing diversity in suitable locations.	
268.3	"This amendment does not take into account the impacts of climate change and sea level rise."	The amendment does consider the impacts of sea level rise and storm tides of up to 0.8 metres by the year 2100, as prepared by Melbourne Water, and this information has been used when preparing the Residential Development Framework.	
268.4	Concerned about traffic management issues.	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
Submission number: 269 **Submitter:** Dromana Association **Submission summary:** Supports the amendment but is concerned about fewer permit triggers, vegetation protection, and issues relating to wider side setbacks.			
269.1	Appreciates the work that has gone into this significant amendment that seeks to simplify the complexity of the current legacy planning controls over our residential areas.	Acknowledge appreciation.	Refer to R12 and R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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269.2	Supports the intent behind the majority of the changes C219 proposes and particularly pleased to see the neighbourhood character descriptions applied through the various schedules. While there are many schedules, they appear to be the key mechanism to apply the descriptions.	Acknowledge support.	**Refer submission to Panel.**
269.3	Broadly agrees 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 (Dromana Hillside).	Acknowledge agreement. Nonetheless, officers recommend retaining the existing DDO1 and revising it to remove unnecessary permit triggers and complexities, following a review of feedback concerning the building height trigger.	
269.4	Pleased that the area west of Codrington Street has a new NRZ13 schedule applied, and a VPO1 to the eastern section. Appreciates that earlier strategic work done by the Shire in these two residential areas has been fed into C219.	Acknowledge appreciation.	
269.5	Welcomes 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.	Acknowledge support.	
269.6	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 given the growing trend of a reduction in private vegetation.	Beyond the scope of the amendment. Nonetheless, the Shire is currently working on an *Urban Greening Strategy* that seeks to promote more street trees across the Peninsula's residential areas.	
269.7	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	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Issues relating to solar aspect, overshadowing and privacy (overlooking) are already required to be addressed under relevant standards in Clause 54 and Clause 55.	

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	historical planning controls and process has given due regard to coastal landscapes and the above factors.	Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
269.8	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.	The Residential Development Framework, which must be prepared as part of a housing strategy per the advice and guidance in PPN90, provides information and a level of certainty to the community on the extent of residential development that can be expected in a residential location over the planning horizon of the associated housing strategy. It does not and is not intended to convey information about the associated changes to planning controls for any residential location.	
269.9	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?	The Shire acknowledges this issue and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
269.10	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. 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.	It should be noted that the Ethos Urban study recommended that the minimum distance be applied to only one side boundary. As per PPN91, it is not permissible to specify asymmetric side boundary requirements in an applicable residential zone schedule. Nonetheless, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules. The Ethos Urban study has not identified two-storey dwellings as being out-of-character for the Peninsula's residential areas. Two-storey single detached dwellings are also permissible as-of-right under the NRZ on lots larger than 500 square metres. It is not feasible	

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		to limit single detached dwellings to only one storey for practical and statutory reasons. All residential developments in the NRZ must address overlooking, overshadowing, etc. under Clause 54 and Clause 55 whether or not a planning permit is required. Regarding shared view lines, officers will review the building height trigger and consider alternative approaches to managing building heights in areas where views to the coastline matter. The primary intention of the proposed wider side setbacks is to facilitate the planting of vegetation around dwellings following feedback from the community during the consultation phase of the Ethos Urban study about concerns relating to vegetation loss, excessive building footprint and boundary-to-boundary developments.	
269.11	Not clear about whether under a building-approved process the designed landscape and planting requirements will eventuate despite the detailed vegetation conditions in the NRZ schedules. Officers have encouraged meaningful and appropriate landscaping and planting through its planning processes and we would like to see this continued with all developments.	All proposed developments in the NRZ relating to two or more dwellings must consider the varied landscaping requirement for Standard B13, if applicable, and the applications requirements for a landscape plan. Proposed developments relating to one dwelling on a lot under 500 square metres must also consider the application requirements for a landscape plan given they require a planning permit under the NRZ. Nonetheless, the officers acknowledge that proposed developments relating to one dwelling on a lot larger than 500 square metres would be an issue given such developments do not require a planning permit under the NRZ. The amendment proposes to address this issue in residential areas where vegetation has been identified in the Ethos Urban study as an important character element by applying the existing VPO1 where the overlay is currently absent. Officers will also undertake further strategic work on how the VPO1 could be strengthened to better protect vegetation.	

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269.12	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.	It should be noted that the Ethos Urban study recommended that the minimum distance be applied to only one side boundary. As per PPN91, it is not permissible to specify asymmetric side boundary requirements in an applicable residential zone schedule. Nonetheless, officers support including an additional guideline on reducing side setback from one side boundary in relevant NRZ schedules. It's important to note that ResCode requirements are discretionary. Also, a building may still be constructed on or within 200 millimetres of a side boundary if it is not set back by the minimum distance specified in the schedule.	
269.13	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. Other methods to avoid the terrace effect include the use of articulated facades providing a variable and semi-permeable view from the street.	An amendment to a planning scheme must be within the scope of what is permissible under the VPP and the Ministerial Direction on the Form and Content of planning schemes.	
269.14	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.	The proposed side setback standards do not limit appropriately designed duplexes if the duplex development is proposed in conjunction with subdivision given the standards would be applied to the parent lot and not to each lot created by the subdivision. Also, ResCode provides for a building to be constructed on or within 200 millimetres of a side boundary if it is not setback by the minimum distance specified in the schedule.	
269.15	Questions whether the opportunities for officers to encourage lower-cost and accessible housing stock has been enabled by the setback standards.	The proposed side setback standards do not limit appropriately designed multi-unit development if the development is proposed in conjunction with subdivision given the standards would be applied to the parent lot and not to each lot created by the subdivision. Also, ResCode provides for a building to be constructed on or within 200	

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		millimetres of a side boundary if it is not setback by the minimum distance specified in the schedule.	
269.16	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.	The primary intention of the proposed wider side setbacks is to facilitate the planting of vegetation around dwellings following feedback from the community during the consultation phase of the Ethos Urban study about concerns relating to vegetation loss, excessive building footprint and boundary-to-boundary developments. The wider side setbacks together with the tighter requirements on site coverage and permeability would in effect promote a more environmentally sustainable development given they would enable more stormwater to be infiltrated onsite.	
Submission number: 270 **Submitter:** Local resident **Submission summary:** Wants an area rezoned to the LDRZ; concerned that too many triggers have been removed from the DDO; wants LDRZ schedules to be named.			
270.1	"All of Shoreham 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 Shoreham like it is and will serve to protect the village into the future."	Acknowledge comment.	Refer to R17, R18 and R19 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
270.2	"the former DDO3 portion or the SCA Study Area 6 should be rezoned LDRZ. This should further protect the foreshore and bottom of Cliff Road – an area which is likely to be at least partly impacted by Climate Change precautions under C271morn in future".	Officers do not accept this request given the purpose of the LDRZ is "To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater". The Shire's adopted housing strategy has not identified any particular characteristics in both areas that warrant a low-density residential development designation. Rezoning the area to the LDRZ would not aid in protecting it climate change impacts given the LDRZ contains neither neighbourhood character objectives nor controls. The rezoning would also reduce Shoreham's housing capacity. The rezoning would in effect be contrary to the vision of the Shire's housing strategy, which is to ensure adequate housing supply in the Peninsula to meet the State Government's projected population and	

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		housing growth whilst protecting the valued character of its residential areas.	
270.3	"With relatively few exceptions, the controls are as strong or improved on the current situation."	Acknowledge comment.	
270.4	"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."	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
270.5	"Noting that MPS has been weak in enforcing specific overlays (eg heritage overlays at Shoreham), 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 Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
270.6	"The third design objective of DDOs 2&3 omits the necessity to prevent buildings dominating the view from beaches – and should be added."	The third objective is adapted from existing objectives which do not include preventing buildings dominating the view from beaches. Nonetheless, officers recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	
270.7	"All of Shoreham, 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."	The maximum building height requirement of 8 metres or less containing no more than 2 stories in the existing DDO6 is a permit requirement, not a mandatory requirement. There is no mandatory building height control in the existing DDO6. The amendment is not	

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		proposing any changes to this permit requirement for land affected by the proposed DDO45 or DDO53. The mandatory 'no more than one dwelling on a lot' requirement in the existing DDO6 only applies to land outside the UGB while land in Shoreham affected by the proposed DDO45 or DDO53 is inside the UGB. The amendment is not proposing any changes to this mandatory requirement for land affected by the proposed DDO45 or DDO53.	
270.8	"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."	It is not permissible to refer a schedule to the LDRZ with a name under current Ministerial Directions on the Form and Content of Planning Schemes.	
270.9	"the capacity for new housing in Shoreham remains exaggerated and unrealistic in" the revised HSS.	The housing capacity in Shoreham has been assessed per the planning controls that currently apply to the township.	
270.10	"It seems unfortunate that "neighbourhood character" has to be implemented in such a convoluted way." "a better approach would be to have zones and specific Neighbourhood Character overlays for each variant of Neighbourhood Character that applies."	The NCO can only be applied in areas that are identified to have a special neighbourhood character.	
Submission number: 271 **Submitter:** Planning consultants **Submission summary:** Concerned about too few GRZ, too many NRZ, too many DDO triggers removed, too many ResCode variations, and losing 'Ellerina Road' exemption.			
271.1	Concerned about the expansive application of the NRZ. "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."	As per PPN91, the GRZ should be applied in areas where dwellings of three stories or more are anticipated. Proximity to activity centres is not the only consideration. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Accordingly, the amendment proposes to	Refer to R8, R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		retain land in proximity to a major or large township activity centre in the GRZ if it is underpinned by an adopted structure plan or similar study that supports three stories or more for a dwelling.	
271.2	Concerned about the "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." "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."	The RDF comprising the 17 housing change area maps is carefully prepared per the State Government's advice in PPN9). Officers stress that the Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*.	
271.3	Recommends 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."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited setbacks and private open space requirements from the GRZ1 and GRZ3.	
271.4	Recommends to "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."	As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules. Nonetheless, the Shire acknowledges the issue regarding the Building Department resources and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
271.5	Recommends to "Amend the general building height requirement in the DDO's to 7 metres to be consistent with	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a	

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	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 of Ellerina Road W.*"	later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
271.6	Recommends "That the DDO mandatory maximum building height exclusion area north of Ellerina Road W 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."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
271.7	Recommends to "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."	The Clause 54 consideration will continue to remain in the DDO schedules given officers support retaining the existing building height trigger where it currently applies via the DDO.	
271.8	"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."	The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued.	
271.9	Recommends "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."	As per PPN90, the NCO can be applied in areas that are identified to have a special neighbourhood character. The rationale underpinning the application of the proposed NCO1 and NCO2 is articulated in the Strategic Document. While the Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO, the permit triggers associated with the two proposed NCO schedules are deemed necessary given the areas where the schedules would apply have been identified as special neighbourhood character areas per the Ethos Urban study, as explained in section 3.7.10 of the Strategic Document. This approach is consistent with the advice in PPN90.	

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		It should be noted that the areas where the proposed NCO schedules would apply are just a fraction of all residential areas that have an existing DDO.	
271.10	Recommends "That further consideration be given to the implications of reduced permit triggers and the subsequent inability of Council's to achieve policy outcomes" "such as the draft ESD policy".	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regarding ESD, the officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn.	
271.11	"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."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
271.12	Recommends "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 Buidling *[sic]* department to accommodate any additional demand on their resources be fully explored and understood."	As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules.	

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		The Shire acknowledges the issue regarding the Building Department resources and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
Submission number: 272 **Submitter:** Hansen Partnership Pty Ltd on behalf of 4 private landowners **Submission summary:** Wants changes to local policy provisions, zoning and overlay controls that would better facilitate development on the subject site.			
272.1	The amendment 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)".	This suggestion is not consistent with the State Government's advice in PPN91 given "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the	Refer to R2 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		Peninsula's residential areas relative to most other metropolitan suburban areas.	
272.2	The amendment should be changed to "Apply tailored Overlay controls and/or policy provisions to identify and protect the existing (or preferred) values and characteristics of particular areas."	The amendment does this through the neighbourhood character objectives and controls that are proposed to be incorporated via a zone or overlay schedule. The objectives and controls that would apply to an area pertain to the neighbourhood character precinct as identified in the Ethos Urban neighbourhood character study or a more detailed study if the area is, for example, the Beleura Hill area in Mornington or Woodland area in Mount Eliza where character controls already exist in the Mornington Peninsula Planning Scheme.	
272.3	The amendment should 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."	As far as the subject site is concerned, the amendment seeks to implement the adopted Shire's housing strategy, which is to formally identify the subject site as an investigation area in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula). How the area is to be redeveloped would be a matter to be assessed and considered under a separate amendment given the housing strategy only identifies the area as suitable to be considered for redevelopment but does not articulate the details on how it is to be redeveloped. It is unfortunate that there was a considerable lapse of time between the date when the amendment was submitted to the Minister for Planning for authorisation (24 July 2020) and the date of the gazettal notice of exhibition (12 August 2021). Nonetheless, officers support revising the strategy relating to investigation areas in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) to acknowledge that development in investigation areas should respect, rather than replicate, the character of surrounding residential areas. Nonetheless, development in investigation areas still need to be responsive to the environmental conditions and constraints, if any, of the site.	

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272.4	Submits that "there is opportunity of this precinct to be further reviewed and consider applying a General Residential Zone to the land."	As per PPN91, the GRZ should be applied in areas where dwellings of three stories or more are anticipated. Proximity to activity centres is a consideration but not the only consideration. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	
272.5	Submits that the proposed DDO53 and the preferred character statement in the Ethos Urban study "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" and "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."	The proposed DDO53 retains relevant character controls from the existing DDO6 and incorporates additional character controls recommended by the Ethos Urban study for the precinct in the context that the precinct remains in the current LDRZ given the housing strategy only identifies the area as an investigation area but does not articulate the details on how it should be redeveloped. Any changes required to the zoning and overlay affecting the land to facilitate the redevelopment would need to be assessed and considered on its merits under a separate amendment.	
Submission number: 273 **Submitter:** Tract Consultants Pty Ltd on behalf of private landowner **Submission summary:** Wants the average subdivision provision in the DDO3 retained.			
273.1	Does not object the broader amendment but requests that the DDO3 "be amended to allow properties affected by the Heritage Overlay to utilise an averaging provision, whilst still ensuring the design objectives and decision guidelines area complied with."	Officers support retaining the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.	Refer to R24 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
Submission number: 274 **Submitter:** Local resident **Submission summary:** Concerned that the amendment will not protect neighbourhood character and that further community consultation is required.			

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274.1	Wants the council to not rush its decision on the amendment and suggests rescheduling the Independent Panel hearing date to give the council proper consideration to community concerns and ensure that the amendment is redrafted appropriately.	The Panel Hearing dates have been rescheduled to between July and August 2022 to give the council more time to consider community concerns.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. Refer submission to Panel.
274.2	Recommends 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.	Beyond the scope of the amendment. Nonetheless, the State Government has considered the 'Planning and Building Approvals Process Review' report and is acting on all 27 of its recommendations.	
274.3	Deeply concerned about the removal of key planning triggers as the applications are moved from the planning to the building department which will result in a range of issues including no advertising and no objection process, etc.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
274.4	The removal of controls in the DDO would result in many issues such as taller buildings impacting on existing views, no guidance on wall finishes and colours, no controls on side fences, etc.	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any	

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		further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street.	
274.5	"The terminology for the proposed DDOs has changed from the word 'ensure' to 'encourage' which sounds as though developers can basically please themselves."	A planning permit application would still be assessed on its merits.	
274.6	"The 8m 'as of right' height should be removed and replaced with 6m mandatory height, measured to the gutter."	There is no strategic justification to reduce the existing mandatory building height from 8m to 6m. The existing DDOs already seek to ensure developments fit within the landscape under the existing 8m mandatory building height.	
274.7	The amendment "will have a detrimental impact on vegetation: vegetation loss is already marked on the Nepean Peninsula, C219 exacerbates this further."	The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. It should be noted that many parts of the Nepean Peninsula are in bushfire prone areas where exemptions to vegetation removal currently exist in the VPP.	

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274.8	Concerned about diverting planning controls to private building surveyors and whether the relevant departments are adequately resourced to deal with increased workloads.	The Shire acknowledges the issue regarding the Building Department resources and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
274.9	"Key MPS policies (such as Biodiversity and Climate Change) will no longer be considered if the current C219 is approved."	The amendment seeks to implement the Shire's adopted housing strategy and the adopted Ethos Urban neighbourhood character study, which is already a massive undertaking. Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
274.10	The amendment is not transparent, e.g. "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."	The level of change indicated on the property report is in the context of housing change, not planning controls. This is clearly indicated on the report under the section header 'Housing Change Area'. The notification letter to owners and occupiers clearly advises that the amendment makes substantial changes to the Mornington Peninsula Planning Scheme. Given the complexity of the amendment, the Shire's approach is to communicate the key changes as simply as possible and provide links to current and proposed controls for those who are keen on and comfortable with details.	
Submission number: 275 **Submitter:** Millar & Merrigan Pty Ltd on behalf of private landowners **Submission summary:** Wants the land included in the DDO2 instead of the current DDO3 to increase subdivision potential.			

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275.1	Requests that "for areas of DDO3, such as the area around our client's land, to be included within the DDO2 rather than the DDO3 overlay."	Including areas of DDO3, such as the area around the submitter's land, would increase the potential for more housing in bushfire prone areas. This is not consistent with the advice in PPN90, which requires officers to direct future housing away from areas subject to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 276 **Submitter:** Millar & Merrigan Pty Ltd on behalf of private landowners **Submission summary:** Wants the minimum lot size for subdivision in the DDO3 reduced to 1,000 sqm.			
276.1	Supports the "ongoing controls to restrict development in the surrounding area to preserve the character of the area."	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**
276.2	Wants the minimum lot size for subdivision in the DDO3 revised to 1,000 sqm for existing areas of the Shire such as the submitter's land, which "would lead to modest opportunities for redevelopment in this area providing for additional housing in the area that is in high demand, without negatively impacting the areas valued character."	Reducing the minimum lot size for subdivision in the DDO3 would increase the potential for more housing in bushfire prone areas. This is not consistent with the advice in PPN90, which requires officers to direct future housing away from areas subject to natural hazards.	
Submission number: 277 **Submitter:** Tuckey Track Friends Group **Submission summary:** Concerned that the loss of controls over fence heights would have detrimental amenity impacts on the Tuckey Track reserve.			
277.1	Submitter's concern is "to protect the landscape character of the Tuckey Track amenity." Concerned that the amendment "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."	The fences abutting the Tuckey Track Reserve are essentially side and rear fences, where secluded private open spaces are typically situated. It is officers' view that the height of side and rear fences is a civil matter and for private landowners to decide at their discretion what the appropriate height should be to protect secluded private open spaces. Some owners may, on the other hand, prefer a lower height to benefit from views to the reserve. Consideration of ecological values and biodiversity of the reserve should be addressed through the ESO, rather than the DDO.	**No changes recommended.** **Refer submission to Panel.**

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Submission number: 278 **Submitter:** Kellock Town Planning Pty Ltd on behalf of private landowners **Submission summary:** Wants the site to remain in the existing GRZ and the amendment to include transitional provisions.			
278.1	"Do not support the rezoning of the subject site to a Neighbourhood Residential Zone (Schedule 6)" given its proximity to the Rosebud activity centre, public transport and community facilities. The proposed setbacks and private open space requirements would also constrain intensive development.	PPN91 advises that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	**No changes recommended.** **Refer submission to Panel.**
278.2	"Do not support the proposed wording of the neighbourhood character policy at Clause 15.01-5L" given the strategies and guidelines seem to focus on achieving the existing character rather than recognise that character will necessarily change over time for incremental and substantial change areas, and the guidelines may prejudice intensive development if applied prescriptively.	As per Clause 71.02-2 (Operation), policy guidelines indicate how objectives can be met and how strategies can be implemented. The Shire must take a relevant policy guideline into account when deciding on an application, but is not required to give effect to it. An alternative approach may be considered if it meets the objective.	
278.3	"Are concerned with the lack of transitional provisions" which "should be included as a matter of fairness."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing	

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		sufficient notice to landowners of impending planning scheme changes.	
Submission number: 279 **Submitter:** Nepean Planning and Bushfire Consultants **Submission summary:** Concerned about too few GRZ, too many NRZ, too many DDO triggers removed, too many ResCode variations, and losing 'Ellerina Road' exemption.			
279.1	Concerned about the expansive application of the NRZ. "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."	As per PPN91, the GRZ should be applied in areas where dwellings of three stories or more are anticipated. Proximity to activity centres is not the only consideration. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. Accordingly, the amendment proposes to retain land in proximity to a major or large township activity centre in the GRZ if it is underpinned by an adopted structure plan or similar study that supports three stories or more for a dwelling.	Refer to R8, R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
279.2	Concerned about the "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." "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."	The RDF comprising the 17 housing change area maps is carefully prepared per the State Government's advice in PPN9). Officers stress that the Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*.	
279.3	Recommends 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."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited setbacks and private open space requirements from the GRZ1 and GRZ3.	
279.4	Recommends to "Reconsider the use and overuse of modified standards in zone schedules and undertake a	As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply	

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	thorough investigation into the implications on the resources of the Building Department and its ability to meet any demand."	and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules. Nonetheless, the Shire acknowledges the issue regarding the Building Department resources and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
279.5	Recommends to "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 of Ellerina Road W.*"	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
279.6	Recommends "That the DDO mandatory maximum building height exclusion area north of Ellerina Road W 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."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
279.7	Recommends to "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."	The Clause 54 consideration will continue to remain in the DDO schedules given officers support retaining the existing building height trigger where it currently applies via the DDO.	
279.8	"There must be a greater connectivity between VPO and DDO provisions. Consider the deletion of the above	The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage	

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	exemption in the VPO1, or the deletion of this exemption in Townships where vegetation is a cherished characteristic."	planting of canopy trees and other vegetation in areas where vegetated landscape is valued.	
279.9	Recommends "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."	As per PPN90, the NCO can be applied in areas that are identified to have a special neighbourhood character. The rationale underpinning the application of the proposed NCO1 and NCO2 is articulated in the Strategic Document. While the Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO, the permit triggers associated with the two proposed NCO schedules are deemed necessary given the areas where the schedules would apply have been identified as special neighbourhood character areas per the Ethos Urban study, as explained in section 3.7.10 of the Strategic Document. This approach is consistent with the advice in PPN90. It should be noted that the areas where the proposed NCO schedules would apply are just a fraction of all residential areas that have an existing DDO.	
279.10	Recommends "That further consideration be given to the implications of reduced permit triggers and the subsequent inability of Council's to achieve policy outcomes" "such as the draft ESD policy".	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Regarding ESD, the officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn.	
279.11	"Transitional arrangements should exist for Applications lodged prior to introduction of C219 into the Scheme. This includes any new Zone and its Schedule requirements	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an	

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	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."	amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
279.12	Recommends "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 Buidling *[sic]* department to accommodate any additional demand on their resources be fully explored and understood."	As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character. DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules. The Shire acknowledges the issue regarding the Building Department resources and will advocate the State Government to allocate more resources to the workforce of building surveyors and inspectors per the Red Tape Commissioner's recommendations for planning and their implementation.	
Submission number: 280 **Submitter:** Peninsula Community Housing and Specialised Accommodation Providers Pty Ltd **Submission summary:** Wants looser requirements to facilitate provision of affordable housing.			
280.1	"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	The amendment supports more intense residential development in substantial change areas where the GRZ is proposed to be retained. As per the proposed local policy in Clause 16.01-1L (Housing supply – Mornington Peninsula), residential developments such as units, townhouses and apartments are supported in substantial change areas.	Refer to R8 and R9 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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	therefore it can sell for less making them more affordable to live and or own."		
280.2	Regarding the GRZ, the construction or extension of a dwelling or residential building should be exempt from the minimum garden area requirement as "there needs to be some dispensation here for affordable and disability housing."	Garden areas provide a wide range of benefits that improve a person's wellbeing. They also improve the environmental sustainability performance of the development. All households, regardless of the price or purpose of the housing, should not be deprived of the opportunity to benefit from garden areas.	
280.3	Regarding the GRZ, the minimum street setback where no dwelling on either side "should be 6m not 7.5m as front yards are wasted space."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited setbacks and private open space requirements.	
280.4	Regarding the GRZ, "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."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited setbacks and private open space requirements.	
280.5	Regarding the GRZ, "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."	Officers support facilitating greater housing diversity and housing affordability in substantial change areas by removing the exhibited setbacks and private open space requirements.	
280.6	"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."	The GRZ permits a building that is used as a dwelling or residential building to have a maximum height of 11 metres / 3 stories. As per PPN91, the GRZ is applied in areas where dwellings of three stories are anticipated.	
280.7	Regarding the GRZ and NRZ6, "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	Officers support facilitating greater housing diversity and housing affordability in substantial change areas and selective incremental change areas around the Mornington, Rosebud and Hastings activity centres by removing the exhibited setbacks and private open space requirements.	

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	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."		
280.8	"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."	There is no Activity Centre Zone (ACZ) in the Mornington Peninsula Planning Scheme. If the submitter is referring to activity centres, any proposed dwelling development will be assessed on its merits against the current controls in the C1Z and other relevant policy provisions.	
280.9	"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."	The Shire does not have the power to amend car parking requirements in the VPP. An application that seeks to reduce the car parking requirement will be assessed on its merits against the provisions under Clause 52.06-7.	
Submission number: 281 **Submitter:** New Zalia Pty Ltd on behalf of private landowners **Submission summary:** Does not support applying any DDO on the subject land; wants to be able to subdivide the land per the LDRZ requirements.			
281.1	Requests the "removal of the 50 metre setback from Bungower Road requirement – whether within existing DDO7 or within the exhibited replacement DDO53." In fact, "supports the withdrawal of existing DDO7 completely, and opposes and objects to the imposition of any replacement DDO over his land." Submits that the land should be able to be subdivided per the 0.4 ha minimum requirement in the LDRZ, which would "reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land."	Officers have assessed its housing capacity and ascertained that it is able to meet the State Government's projected population and housing growth per the *VIF2019* report whilst retaining the subdivision controls affecting the LDRZ. It should be noted that the land is in a bushfire prone area. As per the advice in PPN90, the Shire is required to direct future housing away from areas subject to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
281.2	Objects to the retention of the 2 ha minimum subdivision requirement in the proposed LDRZ8.	Acknowledge objection.	

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281.3	Objects to the proposed DDO53, particularly the "excessively detailed requirements for a Landscape Plan."	The proposed DDO53 seeks to incorporate character controls that would guide residential development in the LDRZ. These controls are important given there is no scope in the schedule to the LDRZ to provide character controls for residential development that would reflect the preferred built form for the area.	
Submission number: 282 **Submitter:** Local resident **Submission summary:** Concerned that the amendment would not protect neighbourhood character in Rosebud.			
282.1	Concerned that the amendment would not protect the neighbourhood character of Rosebud. Objects to 3 or more storey buildings and incursions into green space. Wants more tree-lined streets, not high concrete walls locking out community.	Three or more stories in and around the Rosebud Activity Centre are only located in areas where such building heights are supported by the adopted *Rosebud Activity Centre Structure Plan* (Hansen Partnership, 2017).	**No changes recommended.** **Refer submission to Panel.**
282.2	Suggests the council could reclaim some golf courses and transform them into "areas combining quality individual housing interspersed with nature reserves."	Beyond the scope of the amendment.	
Submission number: 283 **Submitter:** Local residents **Submission summary:** Supports the application of the NRZ and minimal change area but is concerned about the loss of triggers and review rights.			
283.1	"The application of the Neighbourhood Residential Zone is supported and is consistent with its classification as an area of minimal change."	Acknowledge support.	Refer to R17, R18 and R19 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
283.2	"The proposed allowable building height of 8 metres is a significant increase and will result if 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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Officers also recommend revising the design objective and decision guideline relating to the skyline and existing tree canopy line in	

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		relevant DDO schedules to provide clearer guidance when assessing development that exceeds the building height trigger.	
283.3	"The development on ridge lines and steep slopes is also not consistent with Bushfire Management Overlay that applies on the south side of Melbourne Road, covered by DDO4."	The amended DDO4 contains a permit requirement that a building should not be located on a ridge.	
283.4	"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."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
Submission number: 284 **Submitter:** Private landowners **Submission summary:** Wants the overlay changed to enable more development potential.			
284.1	"We have a property in Hopetoun ave 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."	Officers do not support this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing at a density similar to that on the west side of Hopetoun Avenue. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 285			

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Submitter: Local resident **Submission summary:** Objects to having too many schedules to the LDRZ and DDO, and too many other overlays; objects to detailed content in proposed schedules.			
285.1	Objects to the "overuse of multiple LDRZ zones. Each with its own unreasonable & often unsupported restrictions."	DELWP has advised to implement character controls primarily through the residential zone schedules and only resort to an overlay for controls that are beyond the scope of the zone schedules. Hence, the varied subdivision controls in the existing DDO schedules affecting the LDRZ have been translated into new schedules to the LDRZ.	**No changes recommended.** **Refer submission to Panel.**
285.2	Objects to the "overuse of multiple DD overlays. Again, each with unreasonable & unsupported restrictions."	The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	

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285.3	Objects to having "Far too many other Overlays - often applied in inappropriate locations or covering vegetation which no longer exists."	Beyond the scope of the amendment. The amendment does not affect other overlays such as the ESO and SLO.	
285.4	Objects to 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."	Having detailed content in the proposed schedules provide clarity to both planners and planning permit applicants of the requirements that need to be met thereby saving time and speeding the application process.	
Submission number: 286 **Submitter:** Private landowner **Submission summary:** Wants the subject site excluded from the amendment.			
286.1	Opposes the amendment because "There is no masterplan for the future use or development of 183 and 185 Hotham. Incremental, creeping, and piecemeal subdivision of 183 and 185 Hotham will be possible through Stonecutters Road and its tributaries (Pembroke Road, Pembroke Place, Tea Tree Rise, Wildcoast Road, etc)."	The future use or development of private land is the discretion of the private landowner. A proposal to use and/or develop the land that required a planning permit will be assessed on its merits. Nonetheless, the amendment proposes to introduce new character controls through the proposed NRZ that would ensure future developments respect the preferred character of the area.	**No changes recommended.** **Refer submission to Panel.**
286.2	Proposes that the amendment excludes the subject site until the council: - "develops a masterplan for this land, including community consultation; and" - "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."	The proposed rezoning of the GRZ part of the subject site to the NRZ would not affect existing uses even though they are not residential uses. Also, the land uses referred to by the submitter are discretionary uses under the NRZ. It is not appropriate to rezone the land to the Green Wedge given the land is not outside the UGB.	
Submission number: 287 **Submitter:** Private landowner			

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Submission summary: Concerned that the greater reliance on the building approval process will erode character and encourage overdevelopment.			
287.1	Concerned that "there will be less regulation around building applications as they will go via a Building approval process instead of Planning permit approval", "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."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
287.2	Residents in low density areas in Mount Martha don't want to see the character changed and significant trees removed as a result of subdivision of larger blocks into significantly smaller lots.	The amendment is not proposing any changes to the subdivision controls affecting low density areas.	
287.3	Concerned that "the application of this amendment could significantly impact my aspect."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
Submission number: 288 **Submitter:** Private landowner **Submission summary:** Concerned that the greater reliance on the building approval process will erode character and encourage overdevelopment.			
288.1	Concerned that the proposed removal of many permit triggers would be open slather and lead to more vegetation removal and problems of overshadowing.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO.	**No changes recommended.** **Refer submission to Panel.**

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		The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. Overshadowing is addressed under Standard A14 in Clause 54 and Standard B21 in Clause 55 of the VPP. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
288.2	"the safety and movement of wildlife must take priority with fencing and people won't do that unless they are required to."	Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street.	
Submission number: 289 **Submitter:** Private landowner **Submission summary:** Concerned about loss of review rights, impact on Mornington's Main Street, increased illegal rubbish and traffic problems.			
289.1	"I am concerned that I will loose *[sic]* 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."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Issues relating to	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		solar aspect, overshadowing and privacy (overlooking) are already required to be addressed under relevant standards in Clause 54 and Clause 55. The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
289.2	"It is at odds with the Councils aspirations to become sustainable and green, the Council & Councillors want to 'have their cake & eat it too'."	The Mornington Peninsula is not a designated growth area under the State Government's metropolitan planning strategy – *Plan Melbourne 2017-2050*. The projected population growth is based on the State Government's *Victoria in Future 2019* (VIF2019) statistics. The State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. These projections are not targets to be met but provide guidance for local governments when they prepare their housing strategies. A housing strategy is necessary to ensure future housing is sustainably directed towards appropriate areas. This is achieved through the strategy's Residential Development Framework (RDF), which marks out the locations for substantial, incremental and minimal housing change. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
289.3	"This amendment will allow large scale, high rise (2 and 3 story) buildings along large sections of Morningtons *[sic]*	The commercial precinct along Main Street, Mornington is subject to the design and development controls in the existing DDO13, which	

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	Main Street. Changing it sunny, wide pedestrian aspects significantly. It would denigrate a feature of the township that draws tourists and holiday makers to the area."	is underpinned by the council-adopted *Mornington Activity Centre Structure Plan* (Ratio Consultants, 2007) The amendment is not proposing any changes to the DDO13.	
289.4	"Council currently has problems with illegal rubbish dumpers in rural & semi rural areas; this amendment will significantly increase this problem".	Beyond the scope of the amendment.	
289.5	"Traffic problems; e.g. along Bungower Rd, Mornington-Tyabb Rd 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."	Beyond the scope of the amendment. Notwithstanding that, the Shire is currently preparing an *Integrated Transport Strategy*.	
289.6	"When are we as a community & Council begin to start living within our countries capabilities ??"	The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented.	
Submission number: 290 **Submitter:** Private landowner **Submission summary:** Concerned that the amendments fails to distinguish the Southern Peninsula's character from the rest; concerned about loss of review rights.			
290.1	"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."	The predominantly bush coastal character of the Southern Peninsula, which is a key distinguishing feature, has been identified in the Ethos Urban study and reflected in the character controls of the NRZ schedules that apply to the region.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
290.2	"It concerns me that there will be be *[sic]* building permits issued as of right, with no local, visible advertising process	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less	

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	maintained which would permit some community consultation and negotiation."	than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
290.3	"Streamlined it may be, but without necessarily observing other Mornington Peninsula Shire policies which protect vegetation, biodiversity and provide for climate change."	The amendment seeks to implement the Shire's adopted housing strategy and the adopted Ethos Urban neighbourhood character study, which is already a massive undertaking. Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
Submission number: 291 **Submitter:** Private landowner **Submission summary:** Concerned that the amendment would result in further inappropriate development and further erosion of the natural environment.			
291.1	Concerned about "residents having no say with respect to new developments" if "more applications for one dwelling on a lot can be processed under the Building Regulations without the need for a planning permit."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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291.2	"processing more applications under the Building Regulations will lead to further inappropriate development" since "private building surveyors are not accountable to council" and "may not even conduct site inspections."	Beyond the scope of the amendment. Nonetheless, private building surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*.	
291.3	"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."	An application to subdivide land would still require a planning permit. Also, a planning permit would still be required for buildings and works relating to two or more dwellings. The character controls incorporated into the proposed NRZ schedules would ensure new developments respect the preferred neighbourhood character.	
291.4	"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."	The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
291.5	"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."	Beyond the scope of the amendment. Nonetheless, private building surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*.	
Submission number: 292 **Submitter:** Private landowner **Submission summary:** Concerned about the applications being processed via the building system rather than planning.			
292.1	"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	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details.

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	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 neighbourhoof *[sic]* will change – that is why I left where I lived previously and moved down to the peninsula."	Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. It should be noted that an application must still meet the mandatory maximum building height for a dwelling or residential building under the relevant residential zone even if it is processed under the building system. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	**Refer submission to Panel.**
Submission number: 293 **Submitter:** New Zalia Pty Ltd on behalf of private landowners **Submission summary:** Wants to be able to subdivide the land per the LDRZ requirements.			
293.1	Submits that the land should be able to be subdivided per the 0.4 ha minimum requirement in the LDRZ, which would "reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land."	Officers have assessed its housing capacity and ascertained that it is able to meet the State Government's projected population and housing growth per the *VIF2019* report whilst retaining the subdivision controls affecting the LDRZ. It should be noted that the land is in a bushfire prone area. As per the advice in PPN90, the Shire is required to direct future housing away from areas subject to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
293.2	Objects to the retention of the 2 ha minimum subdivision requirement in the proposed LDRZ8.	Acknowledge objection.	

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293.3	Objects to the proposed DDO53, particularly the "excessively detailed requirements for a Landscape Plan."	The proposed DDO53 seeks to incorporate character controls that would guide residential development in the LDRZ. These controls are important given there is no scope in the schedule to the LDRZ to provide character controls for residential development that would reflect the preferred built form for the area.	
Submission number: 294 **Submitter:** Private landowner **Submission summary:** Objects to the Neighbourhood Character Study and the proposed NRZ schedule.			
294.1	Objects to the Neighbourhood Character Study as "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."	The last review of the Mornington Peninsula Planning Scheme has identified the lack of neighbourhood character statements and controls as a significant issue that warrants urgent rectification. Hence, the Shire commissioned the Ethos Urban neighbourhood character study and was instructed by the Minister for Planning to incorporate the recommended controls into its planning scheme. The incorporation of character controls into the planning scheme to ensure future developments respect the preferred neighbourhood character is consistent with the advice in PPN90.	**No changes recommended.** **Refer submission to Panel.**
294.2	"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."	Neighbourhood character is identified based on the key attributes of a broader area. Individual streets with slight variations do not form different character areas.	
294.3	"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."	Neighbourhood character is identified based on the key attributes of a broader area. Individual streets with slight variations do not form different character areas.	
294.4	"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 9 The Esplanade, Sorrento & 2A Morgan Street, Sorrento to build dwellings. I am very concerned as to the implications the proposed amendment	The proposed controls apply to future developments. As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date.	

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	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)."		
294.5	"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."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
294.6	"I do support the removal of permit triggers/requirements from DDO3 relating to buildings and works & fencing."	Acknowledge support.	
Submission number: 295 **Submitter:** Hansen Partnership Pty Ltd on behalf of private landowners **Submission summary:** Concerned that the amendment is not addressing housing affordability and promoting 20-minute neighbourhoods.			
295.1	"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."	The minimal change areas have been identified per the advice in PPN90. As per PPN90, locational criteria / proximity parameters are not factors to consider when designating minimal change areas. Specifically, PPN90 advises that "Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport".	**No changes recommended.** **Refer submission to Panel.**
295.2	"From a character perspective, the area of the subject site is not significantly different from the area designated for	The housing change categories have been applied per the advice in PPN90.	

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	incremental growth to the east of Lyons Street to warrant the ad hoc application of incremental and minimal change areas around the Rye township."		
295.3	"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 more prescriptive siting and private open space controls in the existing DDO2 apply to the Birdrock / Clarkes Avenue precinct only. For all other areas, the existing DDO2 does not provide adequate character controls to guide future developments. It also does not contain preferred character statements.	
295.4	"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 purpose of this objective is to support the existing mandatory one dwelling per lot control which is retained under the amendment.	
295.5	"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"	There is no contradiction here. Development density is regulated via the subdivision control, i.e. the minimum subdivision area. This affects the number of lots that can be created for a given area and hence development density even though the number of dwellings on each lot cannot exceed one.	
295.6	"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."	Reticulated sewerage is not the only consideration. Environmental, infrastructure and service capacities of the area are also key considerations. The minimum lot size requirement has played a critical role in shaping the subdivision pattern of the area, which in turns shapes the residential character.	
295.7	"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	The housing change categories have been applied per the advice in PPN90. Constraints associated with natural hazards such as sea level rise and storm tide impacts, bushfire, erosion, inundation, etc have been considered.	

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	townships or areas prone to environmental risks such as sea-level rise, bushfire etc."		
295.8	"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."	This has been addressed via the adopted *Rye Township Plan* and implemented through amendment C275morn.	
295.9	"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."	Areas where the NRZ is proposed are designated either for incremental or minimal change. There are many proposed NRZ areas that are designated for incremental change. Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	
259.10	"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 State Government requires every local government to plan for housing over a 15-year period through a housing strategy that accommodates the VIF2019's population projections. As with any strategy, officers will monitor and review its housing strategy as and when the State Government's population and housing projections data is updated.	

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259.11	"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."	The Shire would not recommend abandoning the amendment given it is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. It is also required to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
Submission number: 296 **Submitter:** Private landowner **Submission summary:** Concerned about transferring applications from planning to the building system.			
296.1	"Amendment C219 transfers planning from the Planning Dept to Building. Approvals through Building ignore key residential issue such as height limits, excessive density coverage, character & form with surrounds, green wedge."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Private building surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*. The amendment is not proposing any changes to the mandatory maximum building height of 8 metres / 2 stories that currently applies via relevant DDO schedules. The mandatory maximum building height in areas that are not affected by a DDO or are affected by the DDO1 would actually be reduced to 9 metres / 2 stories if they are designated for incremental or minimal change and thus proposed to be rezoned to the NRZ. The amendment is required to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules	**No changes recommended.** **Refer submission to Panel.**

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		that would encourage future developments to respond to the preferred neighbourhood character. The amendment is not proposing any changes to the Green Wedge.	
Submission number: 297 **Submitter:** Town Planning & Co Pty Ltd **Submission summary:** Concerned about many issues such as too many NRZ areas and the NCO; suggests separating the amendment into parts.			
297.1	"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."	Per the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula), multi-dwelling developments are encouraged in incremental change areas even though they are proposed to be rezoned to the NRZ while such developments are supported in substantial change areas, which are proposed to remain in the existing GRZ. PPN91 also advises that the NRZ is a suitable residential zone to apply in areas designated for incremental change. As per PPN90, State policies in the PPF require officers to not only plan for urban growth that provides for increased housing supply and higher density housing development in appropriate locations but also ensure development contributes to existing or preferred neighbourhood character.	Refer to R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
297.2	"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."	DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules.	
297.3	"The introduction of a new mandatory height to all land located north of Ellerina Road West. Mount Martha."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	

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297.4	"Lack of consideration of how the DDO's and VPO1 work together to protect township vegetation and landscape character."	The character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued.	
297.5	"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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
297.6	"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."	The strategic justification for the application of the NCO1 is contained in the Strategic Document.	
297.7	"The introduction of the NCO2 will limit infill opportunities in areas otherwise ripe for infill development."	The areas where the proposed NCO2 would apply are identified to have a special neighbourhood character that warrants stronger character controls. These controls do not prohibit development but require them to respond to the special neighbourhood character.	
297.8	"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."	It is not feasible nor sensible to separate the amendment into parts, presumably by geography, given many of the proposed zone and overlay schedules apply to different parts of the Peninsula.	
Submission number: 298 **Submitter:** Private landowner **Submission summary:** Objects the amendment in its current form even though its intent to simplify the planning scheme and reduce permit triggers is supported.			
298.1	"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."	Technically, the amendment is proposing 36 NRZ schedules, 22 DDO schedules, and 2 NCO schedules that are new to the Mornington Peninsula Planning Scheme whilst also proposing to delete 4 existing DDO schedules. The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the	Refer to R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. Refer submission to Panel.

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		level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	
298.2	"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."	The amendment is not proposing any changes to minimum lot sizes that currently apply in the Mornington Peninsula Planning Scheme. The increased SPOS and setbacks to the side and rear boundaries are underpinned by the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Community feedback received during the consultation phases of the study strongly indicated a dislike of developments that are built boundary-to-boundary, have large building footprints, and do not provide adequate and meaningful open space for vegetation and recreation. As per PPN91, "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to	

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		apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas. The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*.	
298.3	"I welcome and support a relaxing of the height controls that often drive the need 3 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".	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

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298.4	"The 8m mandatory height requirement should not be applied in the area North of Elerina Rd because it is a historic height control and would unreasonably constrain design expression to suit character values present, particularly on land with steep slopes."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
298.5	"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."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
298.6	"The overuse of the Neighbourhood Residential Zones will effectively limit the ability for unit /medium density developments from being developed."	As per PPN91, there is no prescribed percentage for how much land in a municipality should be in each residential zone. Principle 2 in PPN91 states that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 advises that the NRZ is applied to "areas where there is no anticipated change to the predominantly single and double storey character" and "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." Also, it is "inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area." PPN91 advises that the choice about which residential zone to apply must be based on the strategic outcomes being sought by the MPS and PPF as well as implement the relevant strategic framework plan or residential development framework plan identified in the MPS.	

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		The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) identify 1-2 stories as the predominant and preferred dwelling height across the Peninsula's residential areas. This is reflected in the Residential Development Framework of the Shire's housing strategy, which is proposed to be incorporated into the PPF under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
Submission number: 299 **Submitter:** Private landowner **Submission summary:** Concerned that the amendments fails to distinguish the Southern Peninsula's character from the rest; concerned about loss of review rights.			
299.1	"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."	The predominantly bush coastal character of the Southern Peninsula, which is a key distinguishing feature, has been identified in the Ethos Urban study and reflected in the character controls of the NRZ schedules that apply to the region.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
299.2	"It concerns me that there will be be *[sic]* building permits issued as of right, with no local, visible advertising process maintained which would permit some community consultation and negotiation."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

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299.3	"Streamlined it may be, but without necessarily observing other Mornington Peninsula Shire policies which protect vegetation, biodiversity and provide for climate change."	The amendment seeks to implement the Shire's adopted housing strategy and the adopted Ethos Urban neighbourhood character study, which is already a massive undertaking. Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
Submission number: 300 **Submitter:** Private landowner **Submission summary:** Concerned about lack of review rights and private building contractors issuing permits.			
300.1	"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."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Private building surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ. The amendment is required to incorporate the necessary planning policies and controls into the Mornington Peninsula Planning Scheme to ensure the directions in the Shire's housing strategy on managing future housing change sustainably are implemented. It is also required to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules.	
Submission number: 301 **Submitter:** Private landowner **Submission summary:** Concerned about loss of permit triggers and review rights, and lack of transparency.			
301.1	"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	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Private building	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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	appeal to VCAT. No protection for vegetation as the only trigger is the BMO. No transparency in the design process."	surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
301.2	"No consideration of key MPS policies eg Biodiversity and climate change."	Officers are proposing an amendment to introduce ESD local policy into its planning scheme under amendment C232morn. It is also proposing an amendment to introduce planning controls to address potential climate change impacts on specific Western Port coastal townships and surrounding villages under amendment C271morn. Officers will continue to review existing and new adopted strategies and plans and undertake necessary amendments to implement them subject to funding availability.	
301.3	"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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. Permeability and style of fences are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for fencing. Nonetheless, it should be noted that the amendment proposes a uniform approach towards managing front fence height across the Peninsula's residential areas, where the height should not exceed 1.8 metres if it faces a TRZ2, and 1.2 metres for all other streets. On the other hand, a permit is not required for	

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		front fences that are 1.8 metres or lower under relevant DDO schedules regardless of the type of street. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ. The amendment is retaining the existing permit trigger relating to ground excavation.	
301.4	"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 it's aims. I don't believe it protects my asset on the Peninsular and the community needs to be given more time for consultation."	Regarding transparency, the *Planning and Environment Act 1987* contains specific requirements that must be met when providing notice to the community about a planning scheme amendment, and officers have provided the necessary notice per these requirements. Specifically, officers have communicated information about the amendment through: - the notification letter to the owner and occupier - the brochure included in the above letter - the Shire's website - the online information sessions, i.e. webinars - the local papers - the Explanatory Report. Officers have provided many ways through which the community can get more information such as: - making an online enquiry - direct phone calling - making a booking for a planner to call back at a suitable time - writing to the Strategic Planning team - emailing the Strategic Planning team. Officers have received hundreds of requests from the community through the above ways for more information and responded to all requests. Officers have also conducted post-exhibition engagement	

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		sessions via video conference with specific community / resident associations that have made submissions between December 2021 and January 2022.	
Submission number: 302 **Submitter:** Private landowner **Submission summary:** Wants the current overlay changed to enable subdivision potential.			
302.1	"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 Mt Martha area 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 Hopetoun Avenue is listed as a "minimal Change Area" but would urge you to consider further investigation into this proposal."	Officers do not support this request given the land is in a bushfire prone area and thus designated for minimal change, i.e. it is not suitable to accommodate more housing at a density similar to that on the west side of Hopetoun Avenue. The Shire is required to direct future housing away from locations that are subject to natural hazards as per PPN90. Enabling subdivision at such a density will significantly erode the existing character and natural landscape of the area.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 303 **Submitter:** Rye Community Group Alliance (RCGA) **Submission summary:** Concerned about removing too many permit triggers, loss of review rights and the building process.			
303.1	"RCGA 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."	Officers have already rescheduled the Directions Hearing and Panel Hearing to a later date.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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303.2	There appears to be a lack of rationale for the removal of planning triggers. "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."	The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The strategic justification for the removal is contained in the Strategic Document. Much of the time delay in processing planning permit applications is due to the excessive volume of applications that are predominantly triggered by the large number of unnecessary permit requirements. By removing the unnecessary permit requirements, the amendment hopes that perfectly reasonable developments such as a single-storey dwelling would no longer require a planning permit in the future.	
303.3	The removal of planning triggers also means the loss of right to object.	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
303.4	"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."	Private building surveyors must still abide by the *Building Act 1993* and *Building Regulations 2018*. That means they still have a responsibility to ensure a development meets the tighter character controls under the proposed NRZ schedules, or apply for a Report and Consent if a variation is needed.	
303.5	"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."	Whilst beyond the scope of the amendment, the Mornington Peninsula Shire is assessing how to best create post-approval compliance checks.	

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303.6	"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."	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment. Wall finishes and colours, including reflectivity, are addressed via the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) through the objective, strategies and policy guidelines for the built form. The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ. Also, the character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. The amendment is retaining the existing permit trigger relating to ground excavation.	
303.7	"There is need to increase controls for vegetation (and habitat) protection starting with the BMO as it applies to residential areas."	The amendment proposes to include a landscape plan as an application requirement in the proposed GRZ and NRZ schedules as well as the proposed DDO schedules that apply to the LDRZ. Also, the character controls in the proposed NRZ schedules will help increase building setbacks and private open space, and encourage planting of canopy trees and other vegetation in areas where vegetated landscape is valued. Officers will continue to advocate the State Government to provide greater protection of vegetation in bushfire prone areas.	
303.8	"It is not clear why the proposed DDOs has changed from the use ofthe word 'ensure...' to the benign word 'encourage...' The difference in meaning makes the DDOs sounds as though developers can basically please	A planning permit application would still be assessed on its merits.	

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	themselves. RCGA requests reinstatement of the word – ensure".		
303.9	"RCGA requests Council re-examine the DDOs for the Nepean Ward with a view to strengthening the authority of the overlays."	DELWP has advised the Shire that the residential zone schedules should be the primary planning tool to implement character controls and that an overlay should only be used to implement controls in a manner that is beyond the scope of the zone schedules.	
Submission number: 304 **Submitter:** Private landowner **Submission summary:** Wants the subdivision control loosened.			
304.1	Requests that the 2-ha subdivision control be lifted so as to match the 0.4-ha subdivision control that applies opposite the property, i.e. north of Bungower Road, Somerville.	The land is in a bushfire prone area. As per the advice in PPN90, the Shire is required to direct future housing away from areas subject to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 305 **Submitter:** Private landowner **Submission summary:** Wants the subdivision control loosened.			
305.1	Wants the land and other properties on the south side of Bungower Road between Coolart and Jones Roads to be able to subdivide 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."	Officers have assessed its housing capacity and ascertained that it is able to meet the State Government's projected population and housing growth per the *VIF2019* report whilst retaining the subdivision controls affecting the LDRZ. It should be noted that the land is in a bushfire prone area. As per the advice in PPN90, the Shire is required to direct future housing away from areas subject to natural hazards.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 306 **Submitter:** Private landowners **Submission summary:** Concerned about the application of the NCO over the Ranelagh Estate.			
306.1	"The stated preferred neighbourhood character for modest, low-scale dwellings is unrealistic and does not reflect the contemporary character of the Ranelagh Estate."	While some properties in the Estate exhibit a contemporary character, there are still many that are of a modest, low-scale character, which is the preferred character of the Estate.	**Refer to R15 in the officers' report to the 18 July 2022 PSC Meeting for details.**

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306.2	"The Ranelagh Conservation Study reinforced the significance of the Ranelagh Estate 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."	The basis for applying the NCO1 is contained in the Strategic Document.	**Refer submission to Panel.**
306.3	"The introduction of planning permit triggers for all single houses, demolition, and outbuildings within the Ranelagh Estate is unreasonable, not justified and is certainly not a system able to be effectively managed by the Shire. We would encourage officers to revisit the opportunity to introduce reasonable thresholds for permit trigger points."	Officers support removing the demolition trigger from the two proposed NCO schedules given the planning permit required under the NCO to construct a building or construct or carry out works is deemed sufficient for the responsible authority to assess an application.	
306.4	"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."	The design standards as prescribed are deemed necessary to guide future developments so that they reflect preferred character of the Estate.	
306.5	"We support the preservation of Ranelagh Estate 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."	As per the advice in PPN90, the NCO may be used for areas identified to have a special neighbourhood character. Any development proposal will be assessed on its merits.	
Submission number: 307 **Submitter:** Property developer			

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Submission summary: Objects the amendment in its current form even though its intent to simplify the planning scheme and reduce permit triggers is supported.			
307.1	"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."	Technically, the amendment is proposing 36 NRZ schedules, 22 DDO schedules, and 2 NCO schedules that are new to the Mornington Peninsula Planning Scheme whilst also proposing to delete 4 existing DDO schedules. The complexity of a planning scheme is not determined by the number of schedules it has to a zone or overlay but the number of provisions and requirements in a schedule and the level of difficulty in comprehending and meeting these provisions and requirements. Many existing schedules to the DDO contain numerous design objectives far exceeding the permitted number of five, and numerous permit triggers of which several include specific exemptions. Some of these exemptions only apply if specific conditions are met. Some existing DDO schedules also include numerous sub-precincts with differing requirements. DELWP has strongly advised the Shire that a property owner should be able to easily work out the provisions and requirements that apply to their land and not have to identify which precinct their land falls under. The need to introduce that many NRZ and DDO schedules is due to the varied neighbourhood character across the Peninsula's residential areas in the existing GRZ and LDRZ respectively, which thus requires differing neighbourhood character objectives and controls, as well as the need to minimise the use of sub-precincts as much as possible. A property owner need only be concerned about the zone and overlay (if any) schedules that apply to their land given the total number of schedules to a zone or overlay has no impact on this concern.	Refer to R17 and R20 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
307.2	"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."	The amendment is not proposing any changes to minimum lot sizes that currently apply in the Mornington Peninsula Planning Scheme. The increased SPOS and setbacks to the side and rear boundaries are underpinned by the *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019). Community feedback received during the consultation phases of the study strongly indicated a	

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		dislike of developments that are built boundary-to-boundary, have large building footprints, and do not provide adequate and meaningful open space for vegetation and recreation. As per PPN91, "There is no 'default' residential zone to be applied to a residential area in Victoria" and "There is no prescribed percentage for how much land in a municipality should be in each residential zone." More importantly, "A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF" and "whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS." In addition, PPN90 advises that regardless of the category of housing change, the degree of change in any change category will differ in different built form contexts. "For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context." When the advice in PPN90 and PPN91 is considered together, it is therefore appropriate that the amendment proposes to apply the GRZ to substantial change areas, the NRZ to incremental change areas and the NRZ or LDRZ to minimal change areas. This approach not only implements the Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and the adopted *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) but also carefully considers the built form context that is more appropriate for the Peninsula's residential areas relative to most other metropolitan suburban areas. The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*.	

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307.3	"I welcome and support a relaxing of the height controls that often drive the need 3 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 Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
	"The 8m mandatory height requirement should not be applied in the area North of Elerina Rd because it is a historic height control and would unreasonably constrain design expression to suit character values present, particularly on land with steep slopes."	Officers support retaining the 'Ellerina Road' exemption to the mandatory maximum 8-metre building height where it currently applies given the proposed rezoning to the NRZ would reduce the mandatory maximum building height for a dwelling or residential building to 9 metres and 2 stories.	
307.4	"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."	As per Section 68 of the *Planning and Environment Act 1987*, any planning permit approved prior to the approval date of an amendment will still be valid provided the permitted use and/or development commences before the applicable expiration date. Officers and DELWP do not support including transitional provisions and consider the exhibition period for the amendment as providing sufficient notice to landowners of impending planning scheme changes.	
307.5	"The overuse of the Neighbourhood Residential Zones will effectively limit the ability for unit /medium density developments from being developed."	As per *PPN91*, there is no prescribed percentage for how much land in a municipality should be in each residential zone. Principle 2 in PPN91 states that "All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist." PPN91 advises that the NRZ is applied to "areas where there is no anticipated change to the predominantly single and double storey character" and "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." Also, it is "inappropriate to	

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		apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area." PPN91 advises that the choice about which residential zone to apply must be based on the strategic outcomes being sought by the MPS and PPF as well as implement the relevant strategic framework plan or residential development framework plan identified in the MPS. The Shire's *Housing and Settlement Strategy: Refresh 2020-2036* and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) identify 1-2 stories as the predominant and preferred dwelling height across the Peninsula's residential areas. This is reflected in the Residential Development Framework of the Shire's housing strategy, which is proposed to be incorporated into the PPF under Clause 16.01-1L (Housing supply – Mornington Peninsula).	
Submission number: 308 **Submitter:** Private landowner **Submission summary:** Concerned about controls on outbuildings and potential impact on coastal views if buildings can be erected 8m without a permit.			
308.1	Objects to the limit of 80 sqm for an outbuilding. "As a proportion of the land size on my back block this is only 2.8% of the space".	The 80 sqm is not mandatory. Larger outbuildings may be erected with an approved planning permit.	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**
308.2	Objects to the "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".	Officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	
Submission number: 309 **Submitter:** New Zalia Pty Ltd on behalf of private landowner **Submission summary:** Wants to be able to subdivide the land per the LDRZ requirements.			
309.1	Submits that the land should be able to be subdivided per the 0.4 ha minimum requirement in the LDRZ, which would	Officers have assessed its housing capacity and ascertained that it is able to meet the State Government's projected population and	**No changes recommended.**

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	"reduce the demand for rural residential or rural lifestyle dwellings on smaller Green Wedge Zone land – outside the UGB – on primarily agricultural land."	housing growth per the *VIF2019* report whilst retaining the subdivision controls affecting the LDRZ. It should be noted that the land is in a bushfire prone area. As per the advice in PPN90, the Shire is required to direct future housing away from areas subject to natural hazards.	**Refer submission to Panel.**
309.2	Objects to the retention of the 2 ha minimum subdivision requirement in the proposed LDRZ8.	Acknowledge objection.	
309.3	Objects to the proposed DDO53, particularly the "excessively detailed requirements for a Landscape Plan."	The proposed DDO53 seeks to incorporate character controls that would guide residential development in the LDRZ. These controls are important given there is no scope in the schedule to the LDRZ to provide character controls for residential development that would reflect the preferred built form for the area.	
Submission number: 310 **Submitter:** Breese Pitt Dixon Pty Ltd on behalf of Collins Street Properties Pty Ltd and Collins Dromana Pty Ltd **Submission summary:** Wants the average subdivision requirement retained.			
310.1	Requests that "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."	Given lot sizes in the LDRZ tend to be fairly large, they thus have a greater scope to address site-specific constraints, if any, on subdivision that may warrant the need for an average subdivision area instead of a minimum subdivision area requirement.	**No changes recommended.** **Refer submission to Panel.**
310.2	"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."	Acknowledge comment.	
Submission number: 311 **Submitter:** Private landowner **Submission summary:** Seeks to amend existing covenant to allow more dwellings on the land.			

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311.1	Seeks 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."	Beyond the scope of the amendment.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 312 **Submitter:** DSA Law Pty Ltd on behalf of Alesci Investments Pty Ltd **Submission summary:** Wants to retain the existing GRZ.			
312.1	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." Submits that "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." Submits that "the zoning of the subject land should not be changed from the status quo, which is General Residential Zone."	The land is affected by the Sea Level Rise and Storm Tide (0.8 metres by 2100) impact as mapped by Melbourne Water. As per the advice in PPN90, land affected by a natural hazard should be designated for minimal change. As per PPN91, the GRZ is not an appropriate zone for land designated for minimal change.	**No changes recommended.** **Refer submission to Panel.**
Submission number: 313 **Submitter:** Ranelagh Residents' Association Inc. **Submission summary:** Supports the proposed NCO1 and amendments to the DDO2 and DDO3 for the Ranelagh Estate.			
313.1	"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." "We consider	Acknowledge support.	**No changes recommended.** **Refer submission to Panel.**

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	that this amendment C219 is the perfect vehicle to implement further recommendations contained in the CMP."		
Submission number: 314 **Submitter:** Private landowner **Submission summary:** Concerned about more double-storey dwellings and the removal of planning permit requirements.			
314.1	Concerned that the amendment would lead to more double-storey dwellings in minimal change areas as it would "force multi dwelling developments to reduce double garages to single garages, remove outdoor alfresco areas and force developments to go up. This would profoundly impact the number of dwellings that can be provided to accommodate the demand for housing supply."	While the amendment seeks to, among other things, encourage a smaller building footprint to better protect the valued vegetated landscape of Peninsula's many residential areas, officers disagree that it would limit the Shire's ability to accommodate future housing demand given the adopted *Housing and Settlement Strategy: Refresh 2020-2036* has conducted a housing capacity analysis of the Peninsula's residential areas that shows the Peninsula has the housing capacity to meet the State Government's projected population and housing growth per the *VIF2019*. In addition, a single two-storey dwelling is already permissible as-of-right in a residential zone if the application does not trigger any other planning requirement.	**No changes recommended.** **Refer submission to Panel.**
314.2	Concerned about the removal of planning requirements for dwellings up to 8m in height in DDO overlay areas as neighbours would be able to demolish and rebuild "in an area with high natural character without community input."	A planning permit would still be required for buildings and works relating to two or more dwellings, or one dwelling on a lot that is less than 500 square metres under the GRZ or NRZ. The Minister for Planning has instructed officers to remove unnecessary permit triggers for one dwelling on a lot under the DDO. The amendment proposes to incorporate neighbourhood character objectives and controls into applicable zone or overlay schedules that would encourage future developments to respond to the preferred neighbourhood character, which would result in better building and environmental outcomes whilst reducing excessive red tape by removing unnecessary permit triggers in relevant DDO schedules. Nonetheless, officers support retaining the existing building height trigger where it currently applies via the DDO and will undertake	Refer to R17 in the officers' report to the 18 July 2022 PSC Meeting for details. **Refer submission to Panel.**

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		detailed work at a later stage to determine whether any further changes to this trigger is warranted as part of a 'Stage 2' planning scheme amendment.	

Planning and Environment Act 1987

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C219morn

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of the Mornington Peninsula Shire Council.

Land affected by the amendment

The amendment applies to:

- 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).

What the amendment does

The amendment 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~~ policy provisions affecting the Shire's residential areas.

The amendment proposes to amend the Mornington Peninsula Planning Scheme (MPPS) as follows:

Ordinance

- Amend the Municipal Planning Strategy by inserting a new strategic direction on housing under ~~clause~~ Clause 02.03-6 and renumbering subsequent sub-clause sections.
- Amend the Planning Policy Framework (PPF) by inserting a new local policy on neighbourhood character under ~~clause~~ Clause 15.01-5L, and a new local policy on housing supply under ~~clause~~ Clause 16.01-1L.
- Delete the existing Schedule to the LDRZ.
- Insert ~~new~~ proposed Schedules 1 to 11 to the LDRZ with requirements on minimum subdivision area and outbuildings.
- Amend Schedules 1 and 3 to the GRZ to include neighbourhood character objectives, ~~variations to Clause 54 and Clause 55~~front fence height requirements ~~(Cl 54/55 variations)~~, ~~a landscape plan under~~ application requirements for a landscape plan, and decision guidelines.
- Insert ~~new~~ proposed Schedule~~s 2 and~~ 4 to the GRZ with neighbourhood character objectives, Clause 54/55 ~~variations~~requirements, maximum building height requirements, ~~a landscape plan under~~ application requirements for a landscape plan, and decision guidelines based on the requirements in the existing Schedule 18 to the Development Plan Overlay (DPO18).
- Insert ~~new~~ proposed Schedules 2 to ~~36~~ 18, 23 to 33 and 35 to the Neighbourhood Residential Zone (NRZ) with neighbourhood character objectives, Clause 54/55 ~~variations~~requirements, ~~a landscape plan under~~ application requirements for a landscape plan, and decision guidelines.
- Insert proposed Schedules 19 to 22, 34 and 36 to the NRZ with neighbourhood character objectives, minimum subdivision area, Cl 54/55 requirements, application requirements for a landscape plan, and decision guidelines.

- Insert ~~new~~ proposed Schedule 37 to the NRZ, which will apply to special neighbourhood character areas, with a neighbourhood character objective about vegetation around dwellings, ~~a landscape plan under~~ application requirements for a landscape plan, and decision guidelines
- Insert proposed Schedules 39 to 41 to the NRZ with neighbourhood character objectives, front fence height requirements, application requirements for a landscape plan, and decision guidelines.
- ~~Delete Schedules 1, 19, 20 and 23 to the DDO, and move translatable character controls and the minimum subdivision area in Schedules 19, 20 and 23 to the NRZ schedule~~
- Amend Schedules ~~2~~ 1 to 7, 11, 17, 18 to 20, 23 and 24 to the DDO to:
  - remove unnecessary permit triggers, redundant exemptions, and superfluous controls and terminologies
  - simplify complex requirements
  - move translatable character controls ~~in Schedules 2, 17, 18 and 24~~ to the NRZ schedule
  - move minimum subdivision area to the NRZ ~~for S~~schedule~~s 17, 18, 20, 23 and 24~~
  - minimise the use of sub-precincts ~~so that each schedule contains the same permit triggers, controls, and other requirements for the area to which it applies~~.
- Amend Schedule 22 to the DDO to include controls on outbuildings and application requirements for a landscape plan, and move minimum subdivision area to the LDRZ schedule.
- ~~Apply~~ Insert ~~new~~ proposed Schedule 32 to the DDO, which will apply to 3 Clarkes Avenue, 4 and 6 Morrisons Avenue, and 113 to 163 Osborne Drive in Mount Martha to cater for a different ~~minimum~~ subdivision area requirement to the amended DDO2.
- ~~Apply~~ Insert ~~new~~ proposed Schedule 33 to the DDO, which will apply to a precinct in Mount Eliza west of Nepean Highway to cater for a different ~~minimum~~ subdivision area requirement to the amended DDO4.
- ~~Apply~~ Insert ~~new~~ proposed Schedules 34 to 53 to the DDO, ~~with~~ which include neighbourhood character controls that will apply to land in the LDRZ ~~land~~ except land in the Kinfauns Estate in Bittern, land affected by the DDO22, and land affected by concurrent amendment C228morn, i.e. 146-152 Bungower Road, Mornington.
- Insert new ~~clause~~ Clause 43.05 (Neighbourhood Character Overlay) into the MPPS.
- ~~Apply~~ Insert ~~new~~ proposed Schedules 1 and 2 to the Neighbourhood Character Overlay (NCO), which will apply respectively to the Ranelagh Estate in Mount Eliza, and The Avenues in Rosebud and parts of Tootgarook and Rye.
- Amend the Schedule to ~~clause~~ Clause 72.03 (What Does this Scheme Consist of?) to accord with the proposed mapping changes.
- Amend the Schedule to ~~clause~~ Clause 72.08 (Background Documents) to insert three documents as background documents.
- Amend the Schedule to ~~clause~~ Clause 74.01 (Application of Zones, Overlays and Provisions) to explain how the residential zones, DDO and NCO will be applied to manage use and development in residential areas.

Maps

- Rezone land in the LDRZ ~~land~~ to ~~one of the 11~~a proposed LDRZ schedule~~s, i.e.~~; these proposed schedules comprise the LDRZ1 to LDRZ11.
- ~~Rezone part of the GRZ1 land in proximity to Rosebud activity centre designated for substantial change to the proposed GRZ2~~
- Rezone the land at 866 Point Nepean Road, Rosebud from the GRZ3 to the proposed GRZ4.
- Rezone land in the GRZ1 ~~land~~ that is designated for minimal or incremental change to ~~one of the 36~~a proposed NRZ schedule~~s, i.e.~~; these proposed schedules comprise the NRZ2 to NRZ37 and NRZ39 to NRZ41.
- Delete DDO1~~, DDO19, DDO20 and DDO23~~from specific pockets of land around the Rye Activity Centre and Rosebud Activity Centre.

- ~~Apply DDO17 to the areas currently affected by DDO19, DDO20 and DDO23~~
- Delete the existing DDO2 from, and apply the proposed DDO32 to, 3 Clarkes Avenue, 4 and 6 Morrisons Avenue, and 113 to 163 Osborne Drive in Mount Martha.
- Delete the existing DDO4 from, and apply the proposed DDO33 to, a precinct in Mount Eliza west of Nepean Highway.
- Delete the existing DDO4 from, and apply the DDO1 to, land at 1501 Nepean Highway in Mount Eliza and a section of Nepean Highway north of the site.
- Delete the existing DDO schedules from, and apply ~~the~~ a proposed DDO schedule ~~34 to DDO53~~ to, land in the LDRZ; these proposed schedules comprise the DDO34 to DDO53.
- Apply the proposed NCO1 to the Ranelagh Estate in Mount Eliza, and the proposed NCO2 to The Avenues in Rosebud and parts of Tootgarook and Rye.
- Apply the Vegetation Protection Overlay Schedule 1 (VPO1) to ~~four~~ a residential area~~s respectively~~ in Dromana, Flinders, McCrae, and Mount Martha.
- Correct zoning anomalies at four locations by rezoning them from the GRZ1 to either the Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ).
- Correct zoning anomalies at 6, 8, 10, 12, 14, 16 and 18 Hull Road in Mount Martha by rezoning the LDRZ part of the land to the proposed NRZ15.

Strategic assessment of the amendment

A detailed discussion of the strategic work underpinning the amendment, the proposed changes to the MPPS, and the strategic justification for these changes are contained in *A Desktop Review of the Strategic Work Underpinning Amendment C219morn* (Mornington Peninsula Shire, 2021), which is attached to, and forms part of, this Explanatory Report.

Why is the amendment required?

The amendment is required to:

- ensure the ~~neighbourhood~~ special values and character of the ~~residential areas in the~~ Peninsula's ~~towns and villages is~~residential areas are protected and enhanced as ~~it~~ the Shire's population continues to ~~accommodate the projected population growth~~grow to the year 2036
- direct future housing growth to appropriate locations across the Peninsula
- improve the operational efficiency of the ~~MPPS~~ planning scheme so that more applications ~~to construct a building or construct or carry out works~~ for one dwelling on a lot ~~could~~ can be processed under the Building Regulations without ~~a need for~~needing a planning permit.

Housing and Settlement Strategy

Per the Victorian Government's *Victoria in Future 2019* (VIF2019), the Peninsula's population is projected to grow to 200,360 people by the year 2036. That is an increase of 38,830 people relative to the 2016 ABS Census. In terms of dwelling numbers, VIF2019 projects that around 24,010 net new dwellings are needed to accommodate the projected increase in the population, which is an average of 1,200 net new dwelling per year.

To meet the housing challenge, the Shire prepared the *Housing and Settlement Strategy: Refresh 2020-2036* (HSS) as per the information and guidance in *Planning Practice Note 90: Planning for Housing* (PPN90). The HSS outlines how future housing and population growth will be accommodated on the Peninsula over the next 16 years while ensuring the special values and character of the Peninsula are protected for current and future Victorians. A key element of the HSS is the ~~residential~~ Residential ~~development~~ Development ~~framework~~Framework (RDF), which identifies housing change areas of minimal, incremental and substantial change across the Peninsula's towns and villages.

Referred to as 'Residential Change Framework Plan' (RCFP) in the HSS, the ~~residential development framework~~RDF is a scaled approach to residential development that ensures the extent of housing change is commensurate with the housing capacity, limitations (if any), and service capability of an area. The ~~RCFP~~ RDF comprises 17 housing change framework maps that will be incorporated into the PPF under ~~clause~~ Clause 16.01-1L (Housing supply – Mornington Peninsula). The incorporation will provide guidance for decision making and help the community to understand how the responsible authority will consider a proposal relating to residential development. Also, it will provide clarity and

certainty to the community about how housing in different change areas across the Peninsula's towns and villages is expected to change.

In addition, the amendment will insert new content into the 'Housing' section of ~~clause~~ Clause 02.03 (Strategic Directions), which will articulate why the Peninsula is a special and distinctive place with a relatively spacious development pattern across many parts that provides a point of difference to the rest of metropolitan Melbourne, why the Peninsula is under increasing pressure for residential development, the need for the various risks and challenges linked to the Peninsula's natural assets to be considered when determining the best locations for increased housing, and the unequal access to services, employment and recreational opportunities via walking, cycling and public transport across the Peninsula's towns and villages.

The new content will also articulate the council's strategic directions for 'Housing', which will comprise the five key directions in the HSS and another five directions that seek to apply a scaled approach to residential development to meet the State Government's projected population growth, maintain the relatively spacious development pattern through the retention of existing subdivision controls, and ensure the extent of housing change is commensurate with the housing capacity, limitations (if any), and service capability of an area.

As per *Planning Practice Note 91: Using the Residential Zones*, the HSS will apply the GRZ to areas designated for substantial change, the NRZ to areas designated for incremental ~~or minimal~~ change, and the NRZ and LDRZ to areas designated for minimal change. This means that existing GRZ areas designated for incremental or minimal change under the ~~residential development framework~~RDF will need to be rezoned to the NRZ.

Neighbourhood Character Study and Guidelines

To ensure the valued characteristics of the Peninsula's residential areas are protected and enhanced as the population grows, the Shire commissioned Ethos Urban to prepare the *Neighbourhood Character Study and Guidelines* (NCSG), which is a study of all residential localities in the existing GRZ and LDRZ that identifies the neighbourhood character precincts in the Peninsula and develops preferred character statements, neighbourhood character objectives and design guidelines for each precinct.

While the NCSG covers all residential localities across the Peninsula, it is not intended to supersede existing character controls that have been incorporated into the MPPS via an amended or a new Design and Development Overlay (DDO) schedule. The areas with existing character controls, and the DDO schedules in which these controls are respectively contained, are:

- the Birdrock / Clarkes Avenue precinct in Mount Martha (DDO2)
- the Woodthorpe Estate in Capel Sound (DDO17)
- the Mount Eliza Woodland Area (DDO18)
- parts of the residential areas in Bittern and Crib Point (DDO19 and DDO20)
- the Hendersons – Creswell residential precinct in Bittern (DDO23)
- the Beleura Hill Area in Mornington (DDO24).

The character controls that respectively apply to the above areas are underpinned by more detailed studies, have been through the planning scheme amendment process and reviewed by an independent planning panel. For these reasons, the NCSG recommends that for these areas, it is considered appropriate to retain the existing character controls. Similarly, Dromana includes residential areas that have been included in the detailed *Dromana Residential Investigation Areas Report* (Hansen Partnership, 2018) from which the character controls would prevail over the NCSG's.

Accordingly, the character controls in the proposed NRZ schedules are derived as follows:

- NRZ2 to NRZ18 – from the NCSG
- NRZ19 to NRZ22 – primarily from the DDO18 (Mount Eliza Woodland Area)
- NRZ23 to NRZ27 – primarily from the DDO24 (Beleura Hill Area in Mornington)
- NRZ28 – primarily from the DDO2 (Birdrock / Clarkes Avenue precinct in Mount Martha)
- NRZ29 – primarily from the DDO17 (Woodthorpe Estate in Capel Sound)
- NRZ30 to NRZ33 – primarily from the DDO19 and DDO20 (Bittern and Crib Point residential areas)

- NRZ34 – primarily from the DDO23 (Hendersons – Creswell residential precinct in Bittern)
- NRZ35 to NRZ36 – primarily from the *Dromana Residential Investigation Areas Report* (Hansen Partnership, 2018)
- NRZ37 – no character controls except application requirements for a landscape plan (special neighbourhood character areas); character controls are contained in the proposed NCO1 and NCO2
- NRZ39 to NRZ41 – limited character controls (incremental change areas inside the structure plan area of Mornington Activity Centre and of Hastings Activity Centre).

The proposed NRZ39 to NRZ41 contain limited character controls to facilitate greater housing diversity and housing affordability in incremental change areas around the major activity centre of Mornington and of Hastings. Similarly, the amended GRZ1 and GRZ3 contain limited character controls to facilitate greater housing diversity and housing affordability in substantial change areas. The character controls in the proposed GRZ4 are primarily translated from the endorsed plan underpinned by the existing Development Plan Overlay Schedule 18 (DPO18), which applies to the Banksia Point development at 866 Point Nepean Road, Rosebud.

Some of the character controls underpinned by the NCSG (NCSG controls) will be incorporated into the MPPS via a new local policy on neighbourhood character under ~~clause~~ Clause 15.01-5L (Neighbourhood character – Mornington Peninsula). Others will be incorporated into the zone schedule for land in the GRZ or NRZ, and the DDO schedule for land in the LDRZ. The DDO schedule is required for land in the LDRZ ~~land~~ because the LDRZ schedule only allows a planning authority to control minimum subdivision area and outbuildings. If the LDRZ is affected by an existing DDO schedule, the existing schedule will be deleted and a new one will be created in its place. Nonetheless, the new schedule will include controls that are to be retained from the existing schedule as per the Shire's review of the DDO. Controls to be retained include existing building height triggers and mandatory controls on maximum building height, number of dwellings on a lot, and reticulated sewerage. Proposed DDO schedules created for the LDRZ comprise the DDO34 to DDO53.

For special neighbourhood character areas, the NCSG controls will be incorporated via the Neighbourhood Character Overlay (NCO) schedule. The following two areas are identified in the NCSG as having a special neighbourhood character:

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

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

Design and Development Overlay Review

The review of the DDO concerns those schedules that affect residential land. The purpose of the review is to:

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

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

The amended DDO schedules ~~will also be amended~~ comprise the DDO1 to DDO7, DDO11, DDO18 to DDO20, DDO23 and DDO24. These schedules have been amended to remove:

- permit requirements that deal with issues that no longer have currency
- permit requirements that are unnecessary, overly complex, or not adding value to the desired planning outcome

- provisions that have become superfluous or redundant following the modernisation of the Victoria Planning Provisions (VPP) and the introduction of reformed residential zones.

Some DDO schedules also contain one or more sub-precincts to cater for separate areas with different controls, particularly those that affect subdivision. These schedules will also be amended by splitting the sub-precincts into separate schedules ~~so that each schedule applies the same controls over the entire land to which it applies~~. These changes are undertaken as per the advice from DELWP. Proposed DDO schedules created specifically for this purpose are the DDO32 and DDO33.

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

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria in accordance with section 4 of the Act since it:

- provides for the fair, orderly, economic, and sustainable use, and development of land by
  - providing clear and consistent direction for residential growth and housing change across the Peninsula's townships and villages through residential development framework
  - ensuring the extent of housing change is commensurate with the housing capacity, limitations (if any), and service capability of an area
- balances the present and future interests of the Peninsula's residents by
  - protecting and enhancing the valued characteristics of the Peninsula's residential areas
  - ensuring enough capacity to accommodate the projected population growth to the year 2036.

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

Environmental effects

The amendment addresses environmental effects by ensuring future residential development across the Peninsula occurs in a way that is commensurate with the housing capacity, limitations (if any), and service capability of an area.

It also addresses environmental effects by promoting a cooler and greener Peninsula as it encourages residential development to retain existing vegetation, plant more canopy trees, and replace trees that have to be removed with new ones that will grow to a similar mature height.

The amendment also ensures future housing is directed away from areas that are prone to natural hazards such as bushfires, flooding, inundation, erosion, and sea level rise impacts. It also seeks to direct future housing away from environmentally sensitive areas, i.e. areas of environmental or landscape significance.

Social effects

The amendment addresses social effects by ensuring residential development reflects the preferred character to protect and enhance the valued characteristics of the Peninsula's residential areas.

Also, as the amendment seeks to improve the operational efficiency of the MPPS to enable more applications to construct a building or construct or carry out works for one dwelling on a lot to be processed under the Building Regulations without a need for a planning permit, it would make it easier for residents who wish to undertake dwelling extensions or reconstructions to continue living in the Peninsula.

Economic effects

The amendment addresses economic effects by ensuring the Peninsula continues to have the capacity to accommodate the projected population growth to the year 2036, which not only sustains jobs in the development industry but also enables new households to be located in proximity to the Peninsula's activity centres.

It also addresses economic effects by reducing administrative burden thereby facilitating a smoother and more efficient development process.

Does the amendment address relevant bushfire risk?

The amendment addresses relevant bushfire risk as it directs, through the ~~residential development framework~~RDF, areas designated for incremental and substantial change away from locations that are identified to be in a Bushfire Prone Area (BPA). While the Peninsula comprises a substantial amount of areas that are prone to bushfires, the amendment applies to established residential land and does not propose any changes to the application of the Bushfire Management Overlay (BMO). In this manner, the amendment is consistent with the objective and gives effect to the strategies in the PPF that seek to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

While the amendment seeks to encourage the planting of canopy trees for developments relating to two or more dwellings, and includes application requirements for a landscape plan, these provisions are not deemed to be significant enough to increase bushfire risks given the areas where canopy tree plantings are encouraged contain lot sizes that are predominantly too small to have a material effect.

Nonetheless, the amendment prioritises the risk to life by requiring that landscaping be of a low-threat bushfire risk as defined in c2.2.3.2 of the Australian Standard *AS 3959-2018 Construction of buildings in bushfire prone areas*.

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

Ministerial Direction – The Form and Content of Planning Schemes

The amendment complies with the requirements of this Ministerial Direction as it has been prepared via the Amendment Tracking System and Objective Keystone authoring platform. The amendment also ensures the amended or proposed schedules to the zone or overlay contain the right number of objectives as specified in The Form and Content of Planning Schemes.

Ministerial Direction No. 1 – Potentially Contaminated Land

The amendment complies with the requirements of this Ministerial Direction given:

- the proposed rezoning does not alter the existing purpose of the land, which is primarily for residential uses
- it does not result in the use or development of potentially contaminated land.

Ministerial Direction No. 9 – Metropolitan Planning Strategy

The amendment complies with the requirements of this Ministerial Direction as it supports or gives effect to the following directions in *Plan Melbourne 2017-2050*:

- 2.2 Deliver more housing closer to jobs and public transport
- 2.5 Provide greater choice and diversity of housing
- 4.4 Respect Melbourne's heritage as we build for the future
- 5.1 Create a city of 20-minute neighbourhoods
- 6.2 Reduce the likelihood and consequences of natural hazard events and adapt to climate change
- 6.4 Make Melbourne cooler and greener

Ministerial Direction No. 11 – Strategic Assessment of Amendments

The amendment complies with the requirements of this Ministerial Direction as the *Strategic Assessment Guidelines Checklist* has been applied during its preparation.

Ministerial Direction No. 17 – Localised Planning Statements

The amendment complies with the requirements of this Ministerial Direction as it is a deliberate measure to help implement the following objectives in the *Localised Planning Statement*:

- To recognise that maintaining the special values of the Mornington Peninsula is dependent on integrated and balanced planning, involving all agencies and having regard to the needs and aspirations of current and future generations.
- To protect the role and character of the Mornington Peninsula's settlements, towns, and villages.
- To protect landscape and cultural values.

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

The amendment supports or gives effect to the following clauses in the PPF:

- 11.02-1S (Supply of urban land)
- 11.03-5S (Distinctive areas and landscapes)
- 15.01-1S (Urban design)
- 15.01-2S (Building design)
- 15.01-6S (Design for rural areas)
- 15.01-5S (Neighbourhood character)
- 16.01-1S (Integrated housing)
- 16.01-2S (Location of residential development)
- 16.01-3S (Housing diversity).

The amendment ensures enough supply of urban land is available to accommodate the projected population growth to the year 2036 by encouraging residential development primarily in areas that are designated for substantial change followed by areas designated for incremental change. Through this, a more diversified range of housing is encouraged.

The incorporation of character controls into the MPPS will ensure new development reflects the preferred character in all residential areas. The insertion of a local policy on neighbourhood character under ~~clause~~ Clause 15.01-5L gives effect to the state policy on neighbourhood character as it articulates how specific matters relating to the built form, garden setting and fencing should be considered as far as residential development in the Mornington Peninsula is concerned.

The amendment gives effect to some of the key strategic directives of the *Localised Planning Statement*, which identifies the Peninsula as distinct from metropolitan Melbourne. It delivers on the key objective of implementing a robust land-use planning framework to provide certainty for landholders and the community. The amendment achieves this through a greater reliance on the schedules to the GRZ and NRZ to guide development and only using the DDO schedule to regulate buildings and works that are beyond the remit of the residential zone schedules.

Overall, the amendment meets the objective in ~~clause~~ Clause 11.03-5S, which is "To protect and enhance the valued attributes of identified distinctive areas and landscapes."

How does the amendment support or implement the Municipal Planning Strategy?

The amendment implements the Municipal Planning Strategy as it:

- directs population growth towards the Peninsula's activity centres as per ~~clause~~ Clause 02.03-1 (Settlement), which would protect the unique characteristics of small coastal townships and rural villages as well as areas of environmental, landscape, agricultural or recreational significance
- directs population growth away from land that is constrained by environmental risks or possesses significance environmental or landscape values as per ~~clause~~ Clause 02.03-3 (Environmental risks and amenity), which would protect the unique environmental and landscape values of the Peninsula
- seeks to ensure new development reflects the preferred character of an area as per ~~clause~~ Clause 02.03-5 (Built environment and heritage), thereby ensuring the location, design and construction of buildings and works are compatible with the built form and landscape character of the surrounding area
- continues to ensure new development has access to reticulated sewerage or an alternative to the satisfaction of the responsible authority as per ~~clause~~ Clause 02.03-9 (Infrastructure), which would ensure new development neither adversely impacts on the drainage capacity of the area nor contributes to the pollution of groundwater or surface waters.

The amendment supports the Municipal Planning Strategy as it proposes to insert new content under ~~clause~~ Clause 02.03-6 (Housing). The new content will articulate the context that underpins the strategic directions of the council for 'Housing'.

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

Large parts of the Peninsula's residential areas are characterised by low-scale 1-2 storey detached dwellings that are often the only dwelling on a lot. The NRZ is therefore the most appropriate zoning considering its mandatory 9-metre and 2-storey height limit.

The DDO is also the most appropriate overlay to regulate other matters that are beyond the remit of the NRZ schedule, e.g. directing buildings away from ridgelines, slope of the land, difference between finished and natural ground levels, and proximity to cliff edges.

In addition, the DDO, through mandatory requirements in the schedule, helps to maintain the 'single dwelling per lot' character that is predominant across large parts of the Peninsula, as well as the prevalent 8-metre and 2-storey building height maximum, which is not possible through the residential zone schedules.

There are two areas in the Peninsula that have been identified as having a neighbourhood character that is special enough to warrant the use of the NCO. One area is the Ranelagh Estate in Mount Eliza; the other is The Avenues, Rosebud and parts of Tootgarook and Rye. No other overlay besides the NCO can provide the same level of protection for these special neighbourhood character areas.

The VPO is also an appropriate tool to use to protect vegetation in areas where vegetation has been identified as an important character element.

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

Feedback from DELWP was sought and addressed during the preparation of the HSS and the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*.

Resource and administrative costs

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

The amendment is likely to decrease the number of planning permit applications given unnecessary permit requirements and provisions in existing DDO schedules will be removed so that more applications to construct a building or construct or carry out works for one dwelling on a lot will be processed under the Building Regulations.

While the new NRZ schedules do specify a lot size under which a planning permit is required to construct or extend one dwelling or a fence associated with a dwelling on a lot, the lot size specified, which is 500 square metres, is a policy neutral translation of the lot size in the existing GRZ1.

The amendment is therefore likely to decrease planning staff resources and increase the capacity to consider new applications within the prescribed time.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, on the Shire's website at www.mornpen.vic.gov.au.

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

- Rosebud Office: 90 Besgrove Street, Rosebud VIC 3939
- Mornington Office: 2 Queen Street, Mornington VIC 3931
- Hastings Office: 21 Marine Parade, Hastings VIC 3915

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning's website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **5pm, Friday ~~24 September~~29 October 2021**.

A submission must be sent to Mornington Peninsula Shire by:

- Online form (preferred) – visit www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme-Amendments
- Email at strategic.admin@mornpen.vic.gov.au
  Please use 'Amendment C219morn – submission' in the email subject line
- Mail – Manager Strategic Planning, Mornington Peninsula Shire,
  Private Bag 1000, Rosebud VIC 3939

Panel hearing dates

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

- Directions hearing: to commence in the week of Monday, ~~28~~ 15 ~~February~~ August 2022
- Panel hearing: to commence in the week of Monday, ~~28~~ 19 ~~March~~ September 2022

Planning and Environment Act 1987

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C219morn

INSTRUCTION SHEET

The planning authority for this amendment is the Mornington Peninsula Shire Council.

The Mornington Peninsula Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of ~~105~~ 101 attached maps.

Zoning Maps

1. Amend Planning Scheme Map Nos. 1 to 3, 5 to 9, 11 to 19, 21 to 39, 41 and 45 in the manner shown on the 38 attached maps marked "Mornington Peninsula Planning Scheme, Amendment C219morn".

Overlay Maps

2. Amend Planning Scheme Map Nos. 1DDO, 2DDO, ~~5DDO,~~ 6DDO, 8DDO, 9DDO, 12DDO to 15DDO, 17DDO to 19DDO, 21DDO, 23DDO to 28DDO, 30DDO to 35DDO, ~~37DDO~~ 38DDO, ~~to~~ 39DDO, 41DDO, 45DDO, 12VPO, 27VPO and 45VPO in the manner shown on the ~~62~~ 59 attached maps marked "Mornington Peninsula Planning Scheme, Amendment C219morn".

3. Insert new Planning Scheme Map Nos. 1NCO, 25NCO, 26NCO and 35NCO in the manner shown on the 4 attached maps marked "Mornington Peninsula Planning Scheme, Amendment C219morn".

~~4. Delete Planning Scheme Map No. 36DDO in the manner shown on the 1 attached map marked "Mornington Peninsula Planning Scheme, Amendment C219morn".~~

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

~~5.~~4. In **Municipal Planning Strategy** – insert a new clause 02.03-6 in the form of the attached document.

~~6.~~5. In **Planning Policy Framework** – insert new clauses 15.01-5L and 16.01-1L in the form of the attached documents.

~~7.~~6. In **Zones** – clause 32.03, delete the Schedule.

~~8.~~7. In **Zones** – clause 32.03, insert new Schedules 1 to 11 in the form of the attached documents.

~~9.~~8. In **Zones** – clause 32.08, replace Schedules 1 and 3 with new Schedules 1 and 3 respectively in the form of the attached documents.

~~10.~~9. In **Zones** – clause 32.08, insert new Schedule~~s 2 and~~ 4 in the form of the attached document~~s~~.

~~11.~~10. In **Zones** – clause 32.09, insert new Schedules 2 to 37 and 39 to 41 in the form of the attached documents.

~~12.~~11. In **Overlays** – clause 43.02, replace Schedules ~~2~~ 1 to 7, 11, 17~~,~~ to ~~18~~20~~,~~ and 22 ~~and~~ to 24 with new Schedules ~~2~~ 1 to 7, 11, 17~~,~~ to ~~18~~20~~,~~ and 22 ~~and~~ to 24 respectively in the form of the attached documents.

~~13.~~12. In **Overlays** – clause 43.02, insert new Schedules 32 to 53 in the form of the attached documents.

~~14. In **Overlays** – clause 43.02, delete Schedules 1, 19, 20 and 23.~~

~~15.~~13. In **Overlays** – insert clause 43.05 in the form of the attached document.

~~16.~~14. In **Overlays** – clause 43.05, insert new Schedules 1 and 2 in the form of the attached documents.

~~17.~~15. In **Operational Provisions** – clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

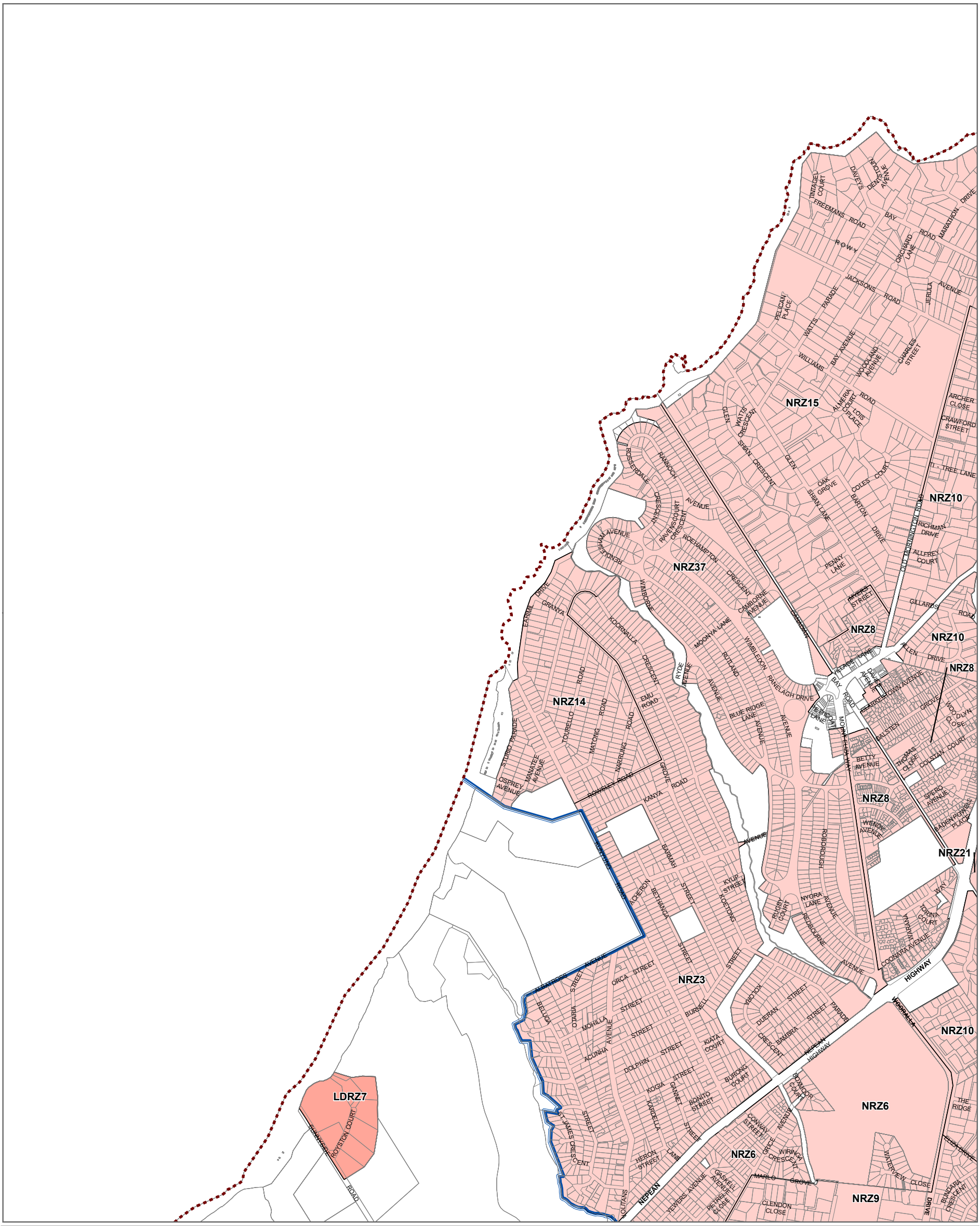
~~18.~~16. In **Operational Provisions** – clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

~~19.~~17. In **Operational Provisions** – clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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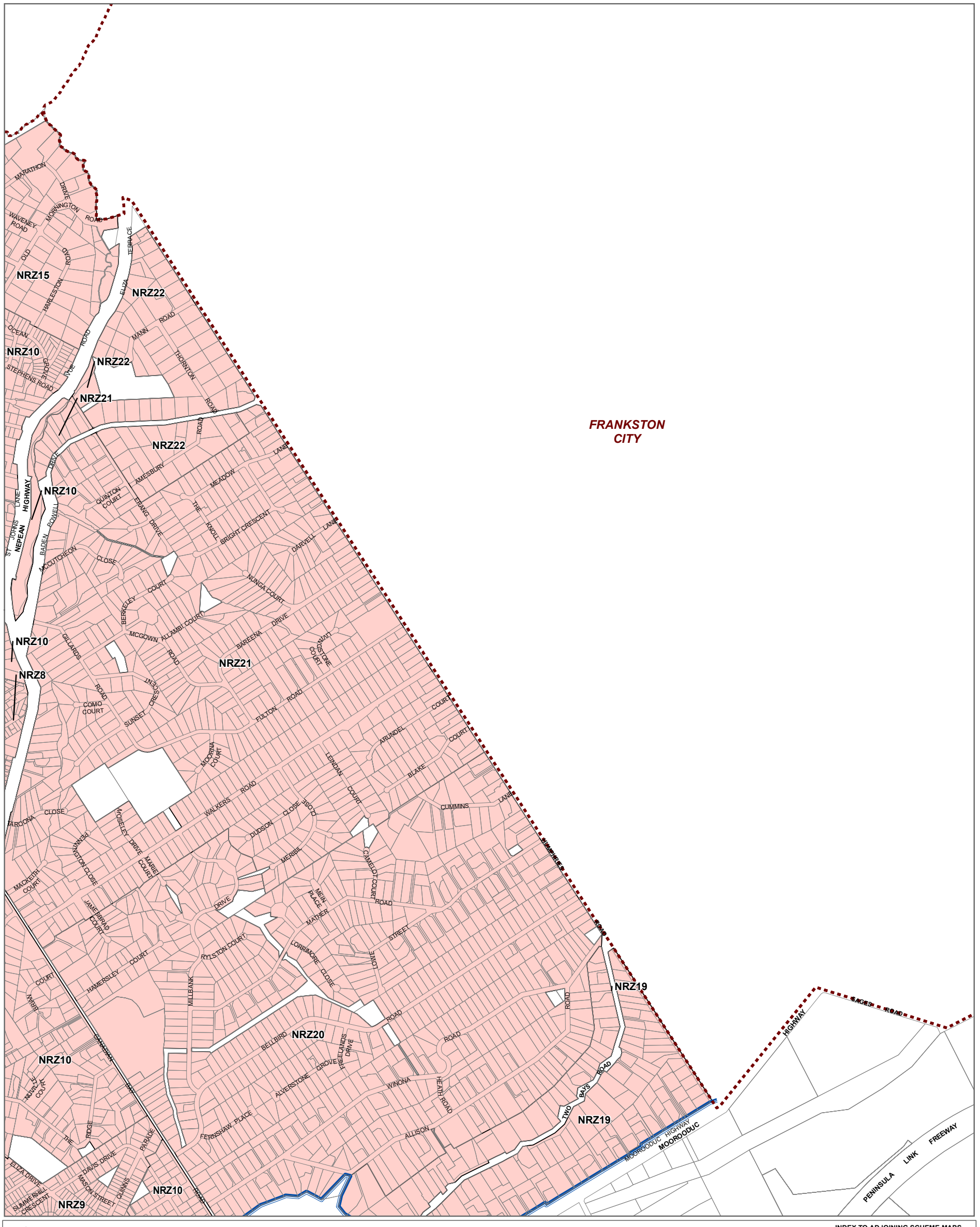
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LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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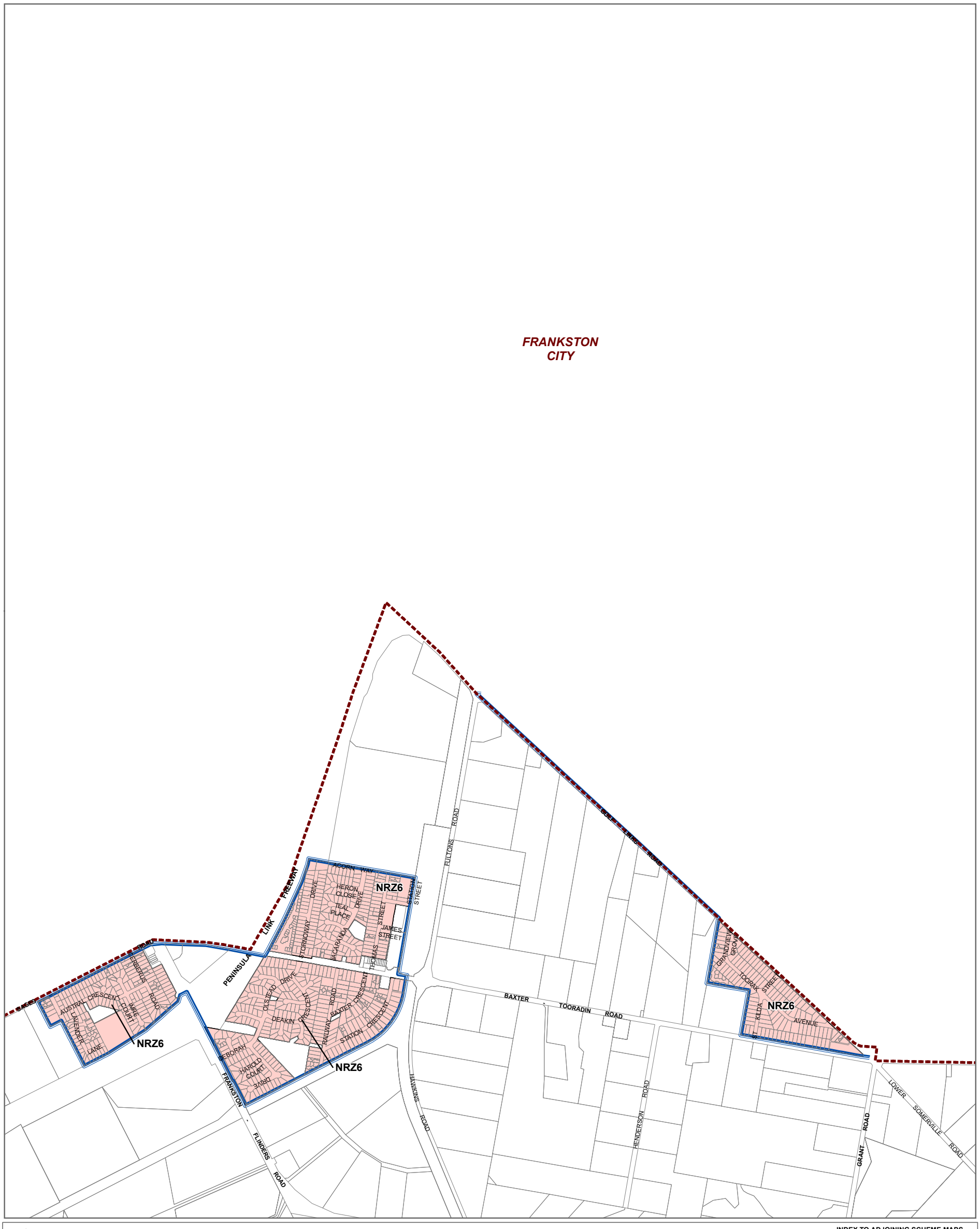
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ZONES **MAP No 2**

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LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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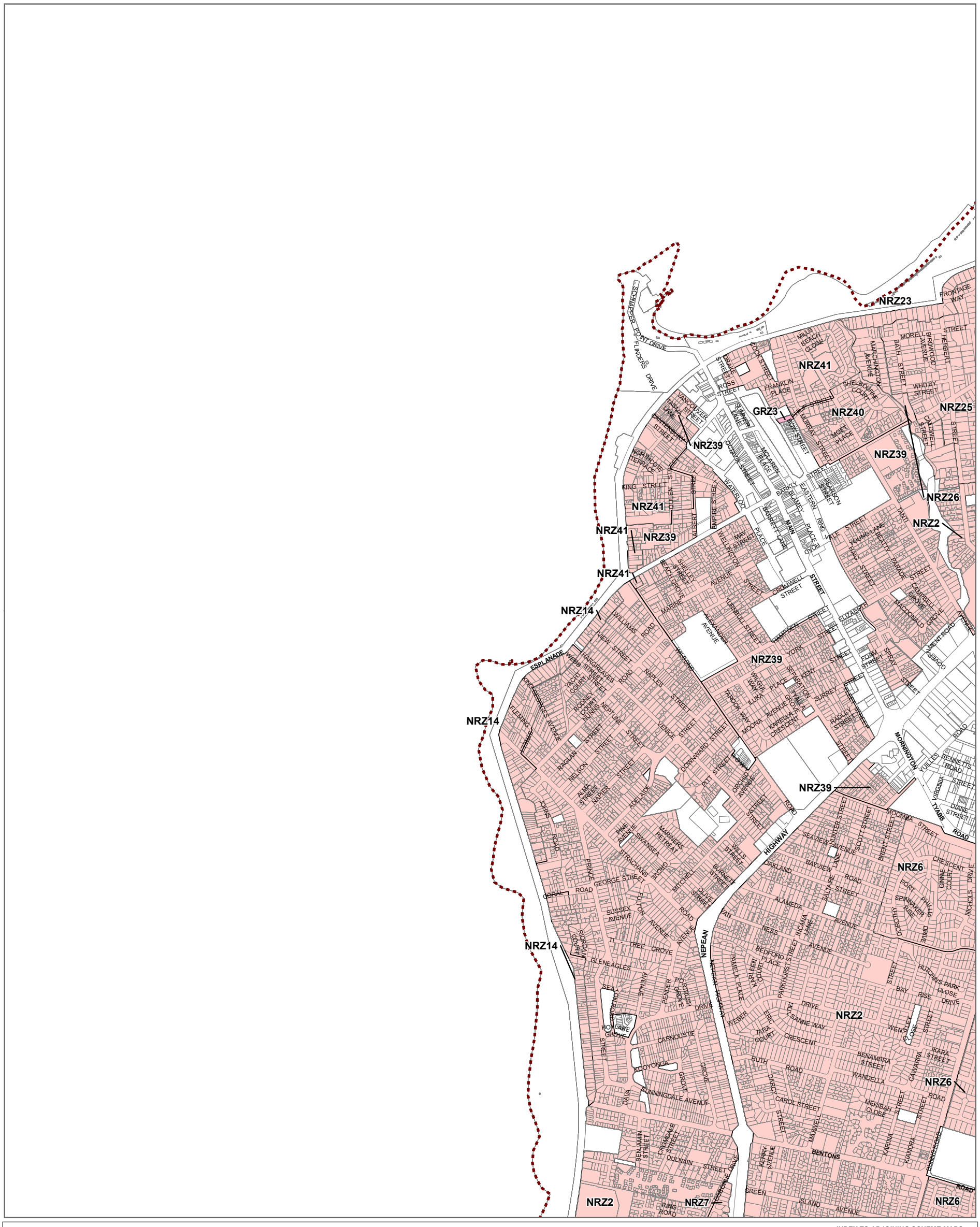
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ZONES **MAP No 3**

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LEGEND

GRZ - General Residential Zone

NRZ - Neighbourhood Residential Zone

Municipal Boundary

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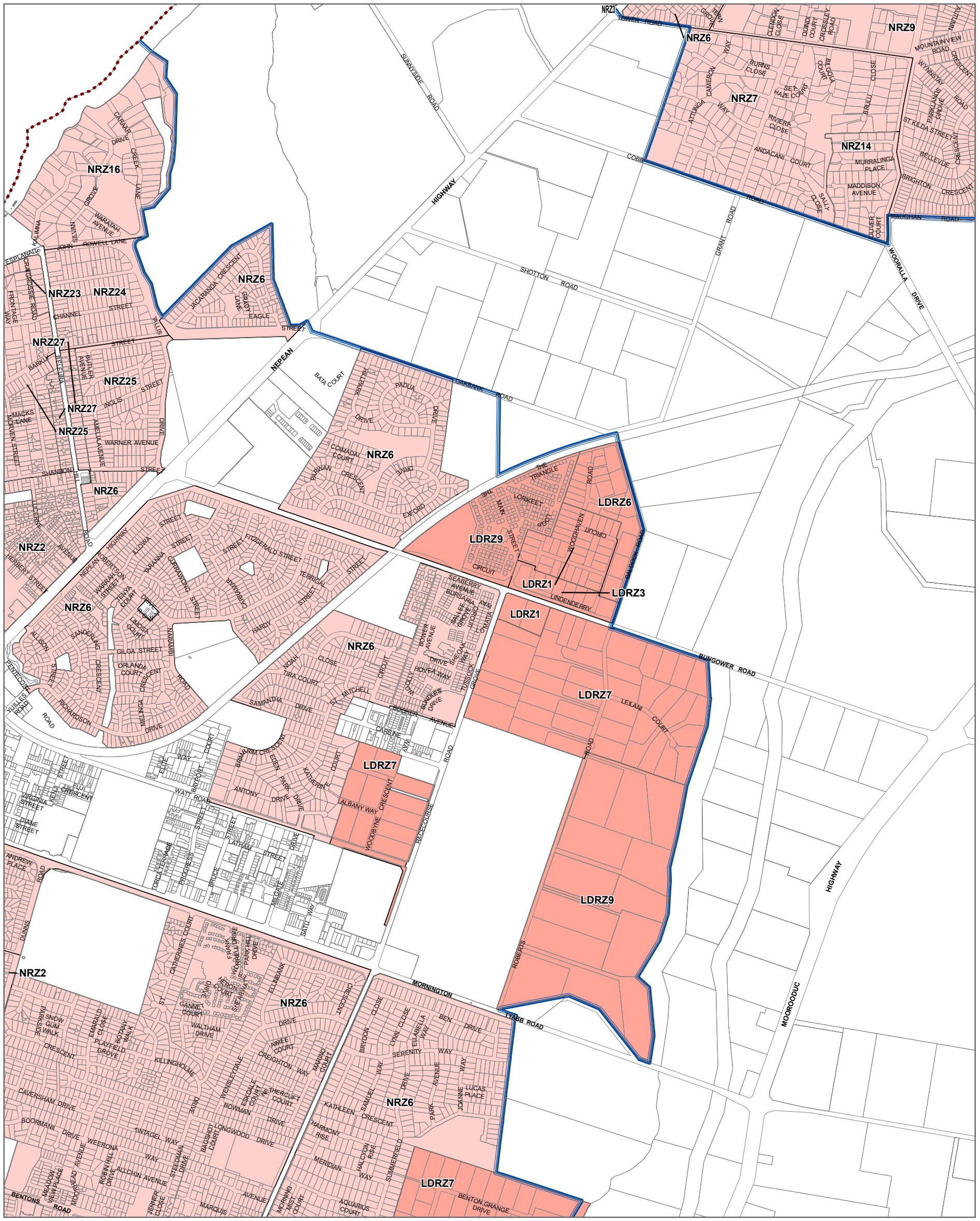
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ZONES **MAP No 5**

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- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
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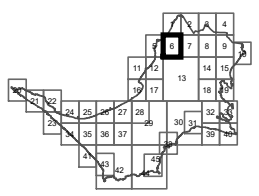
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ZONES **MAP No 6**

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LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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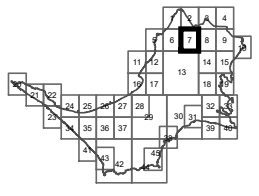
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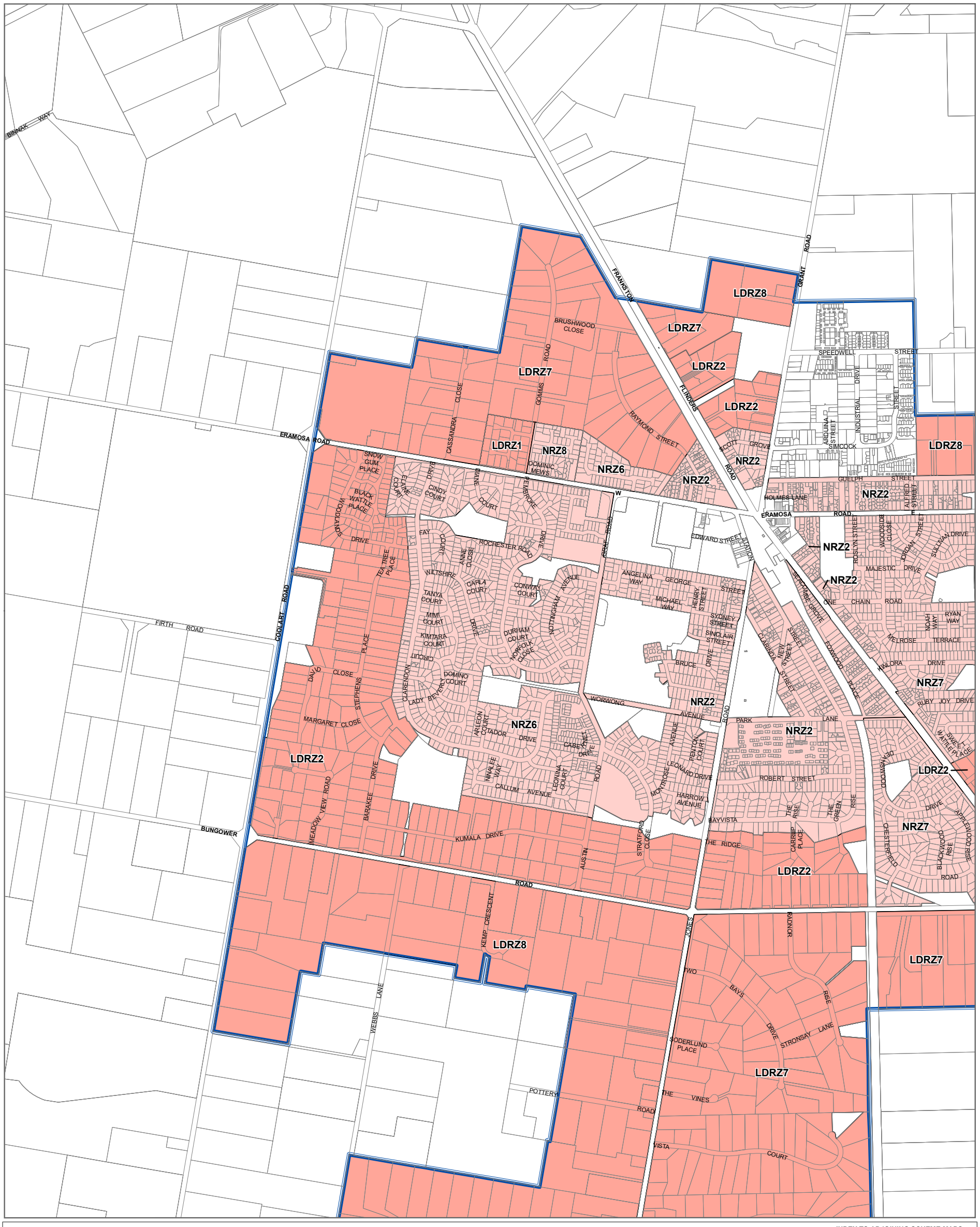
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- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
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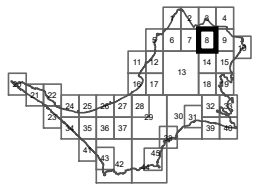
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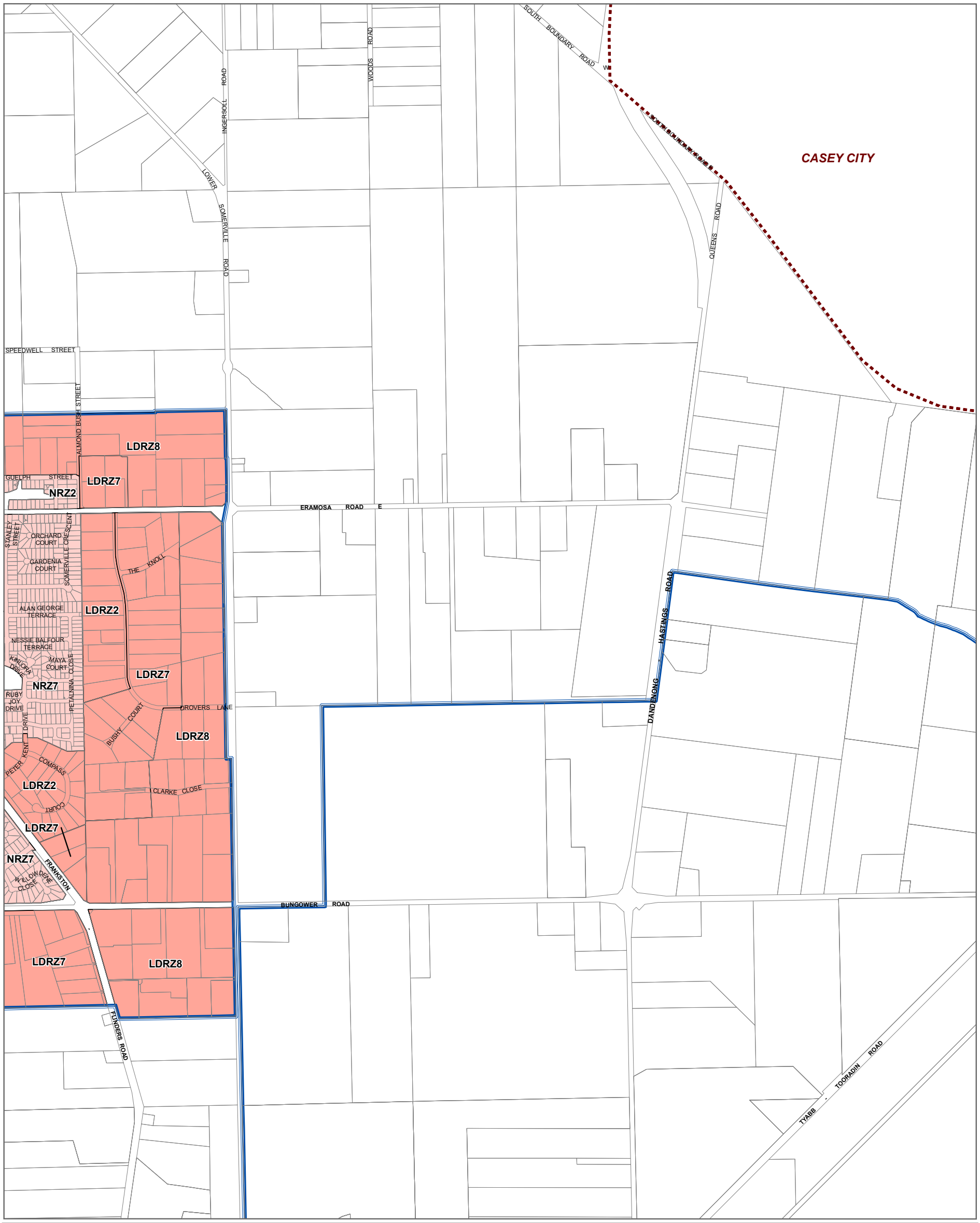
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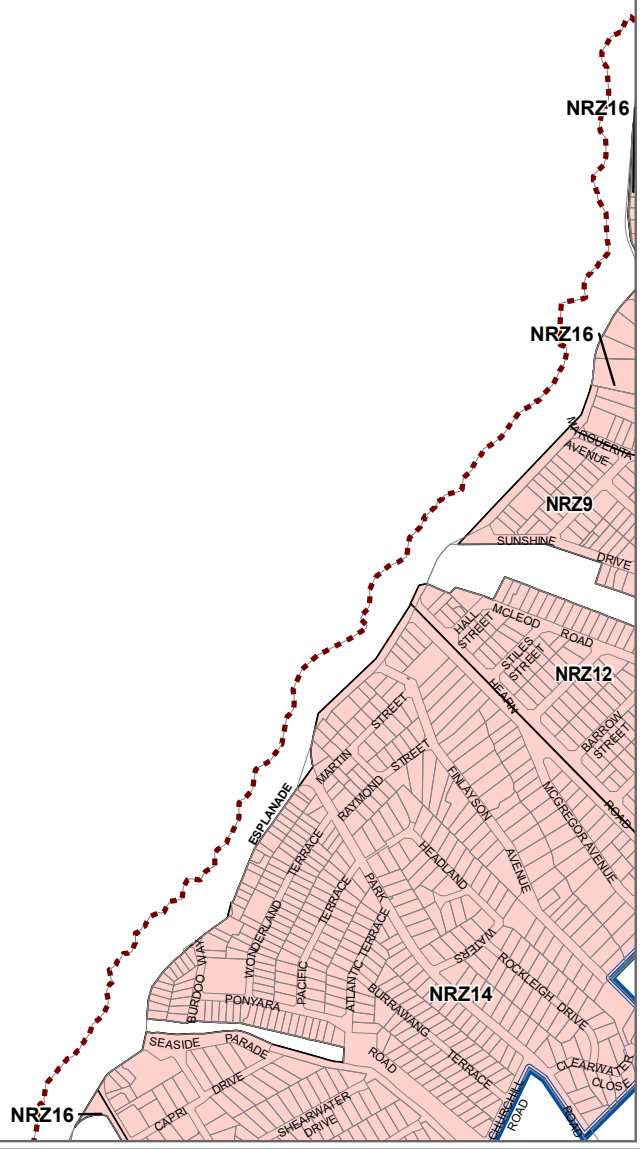
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LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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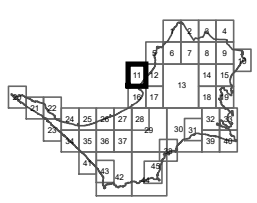
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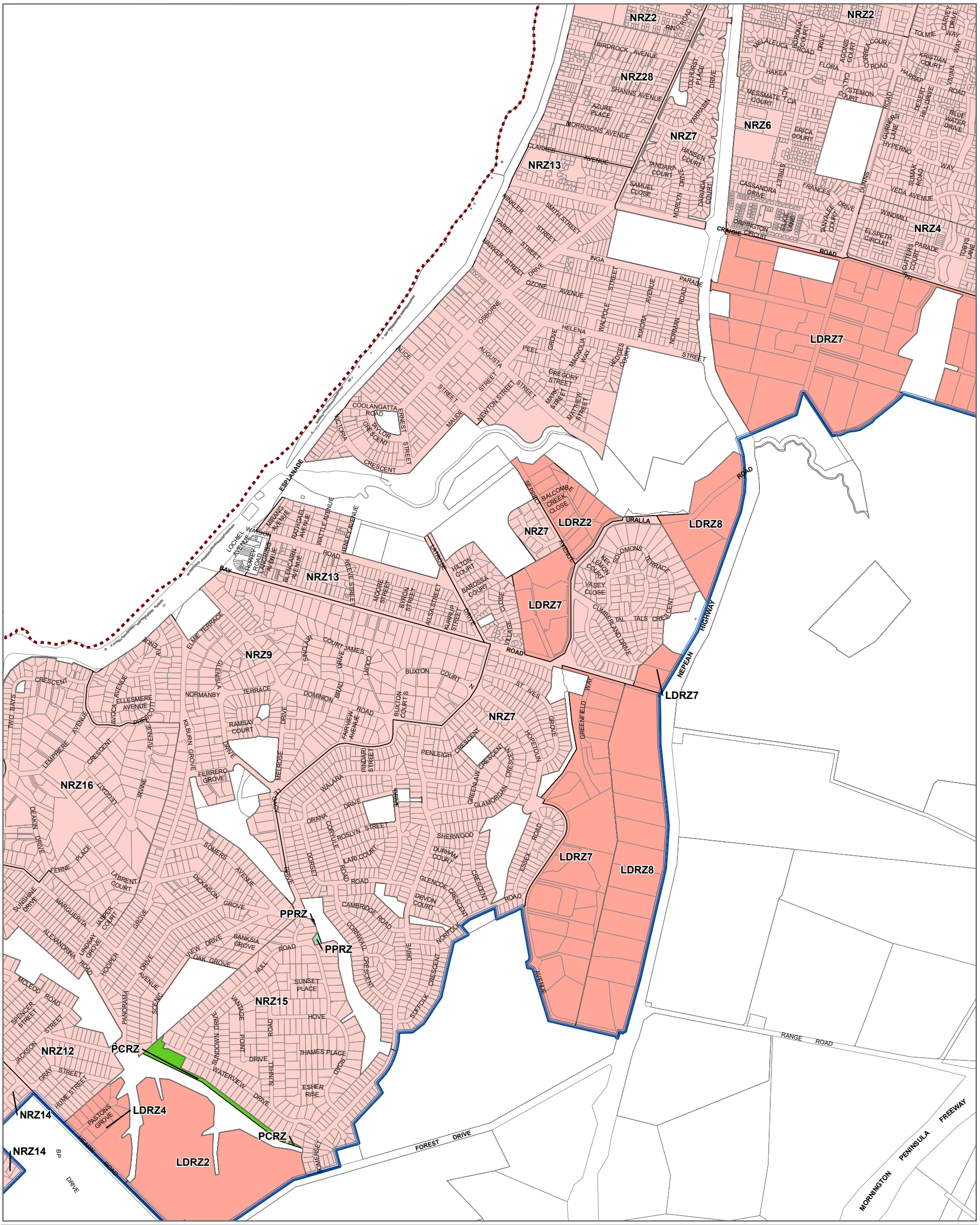
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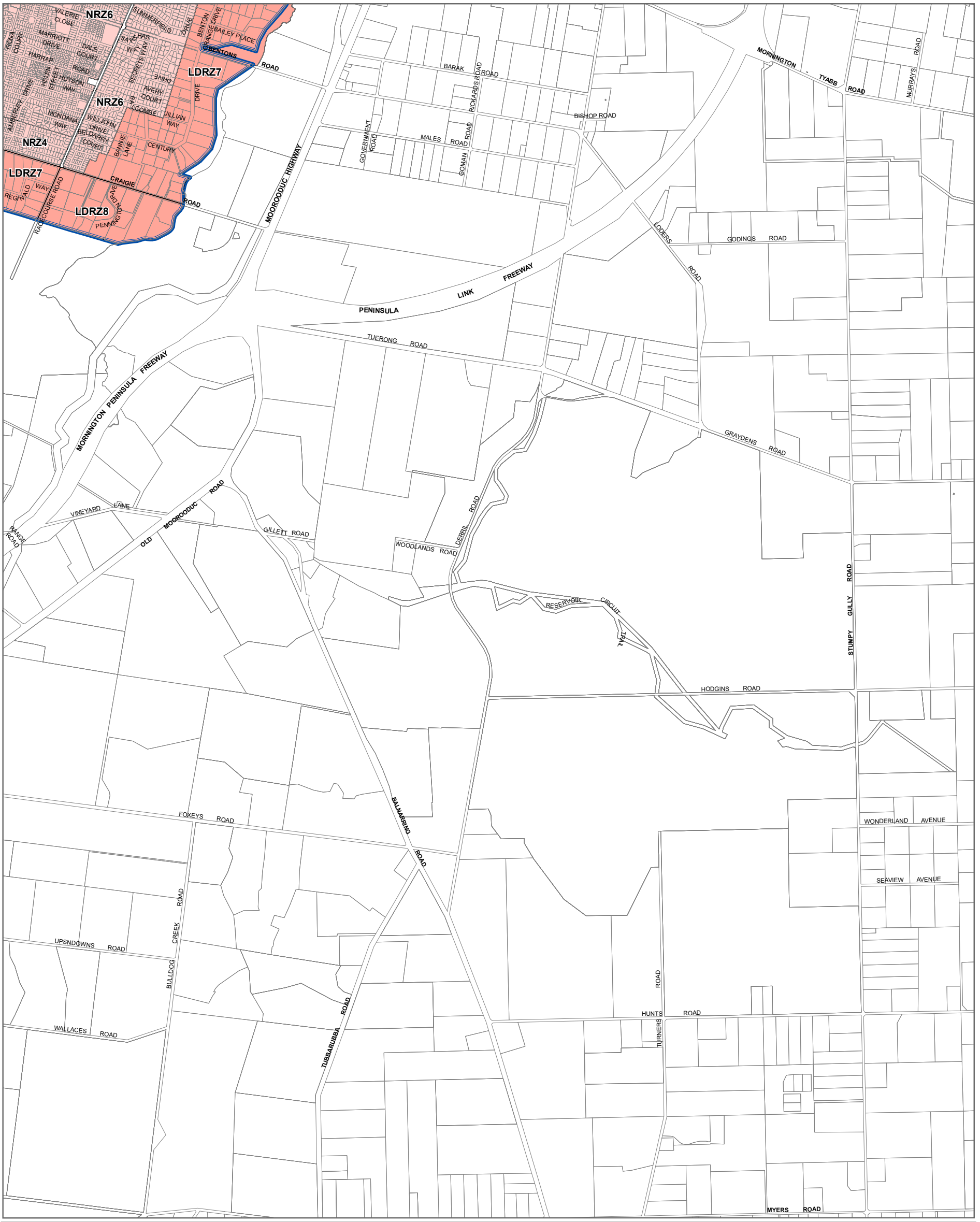
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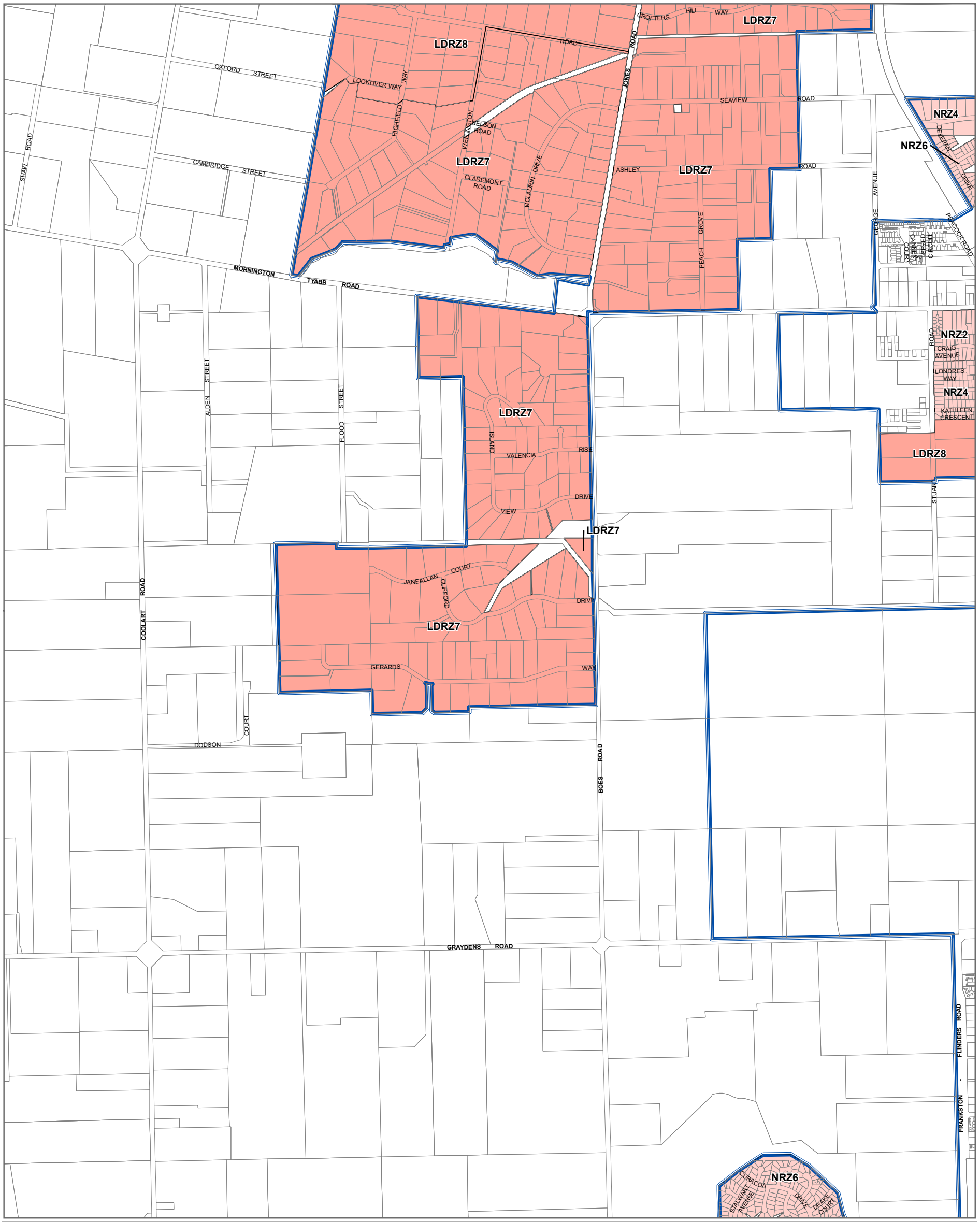
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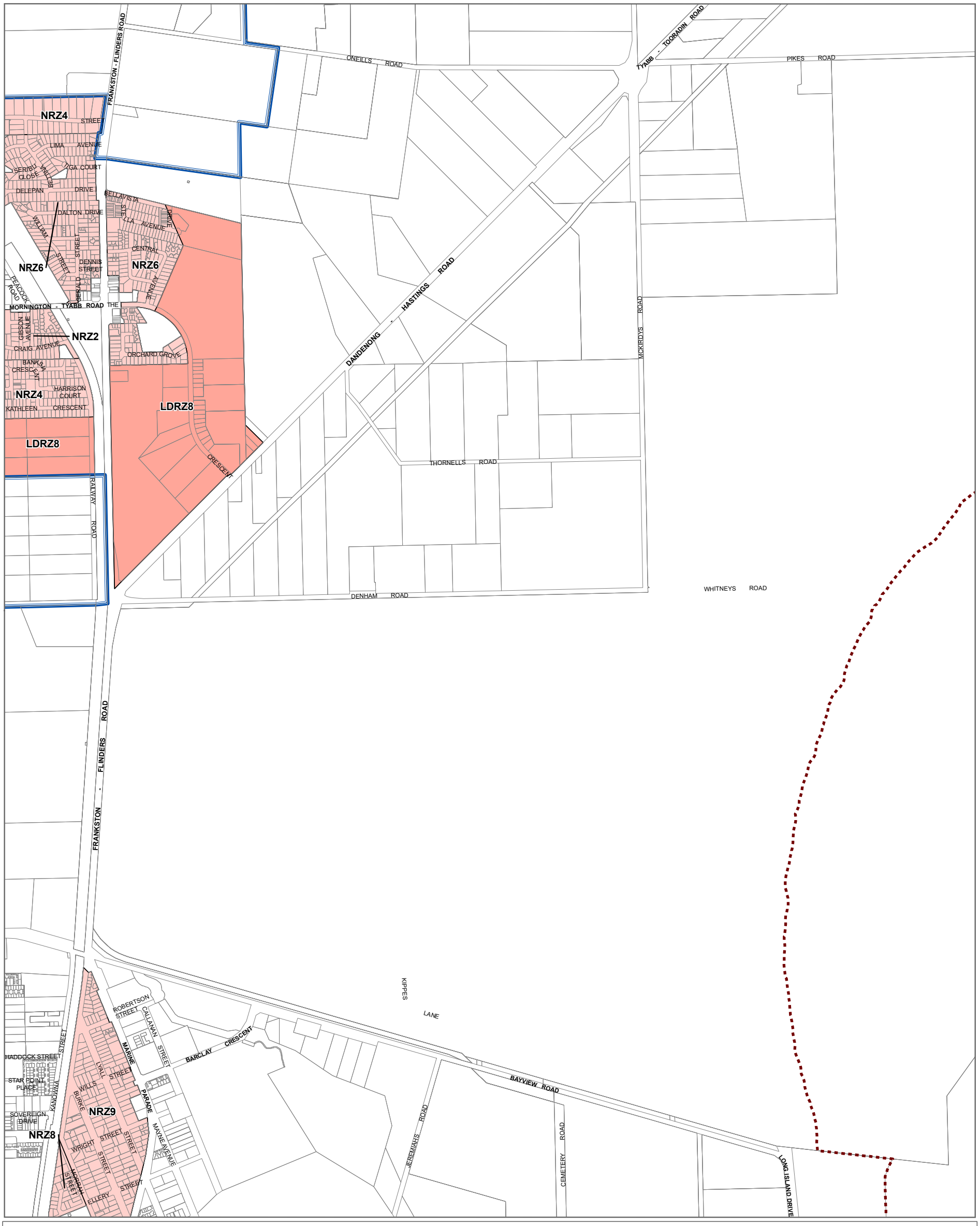
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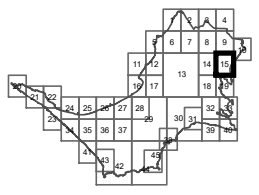
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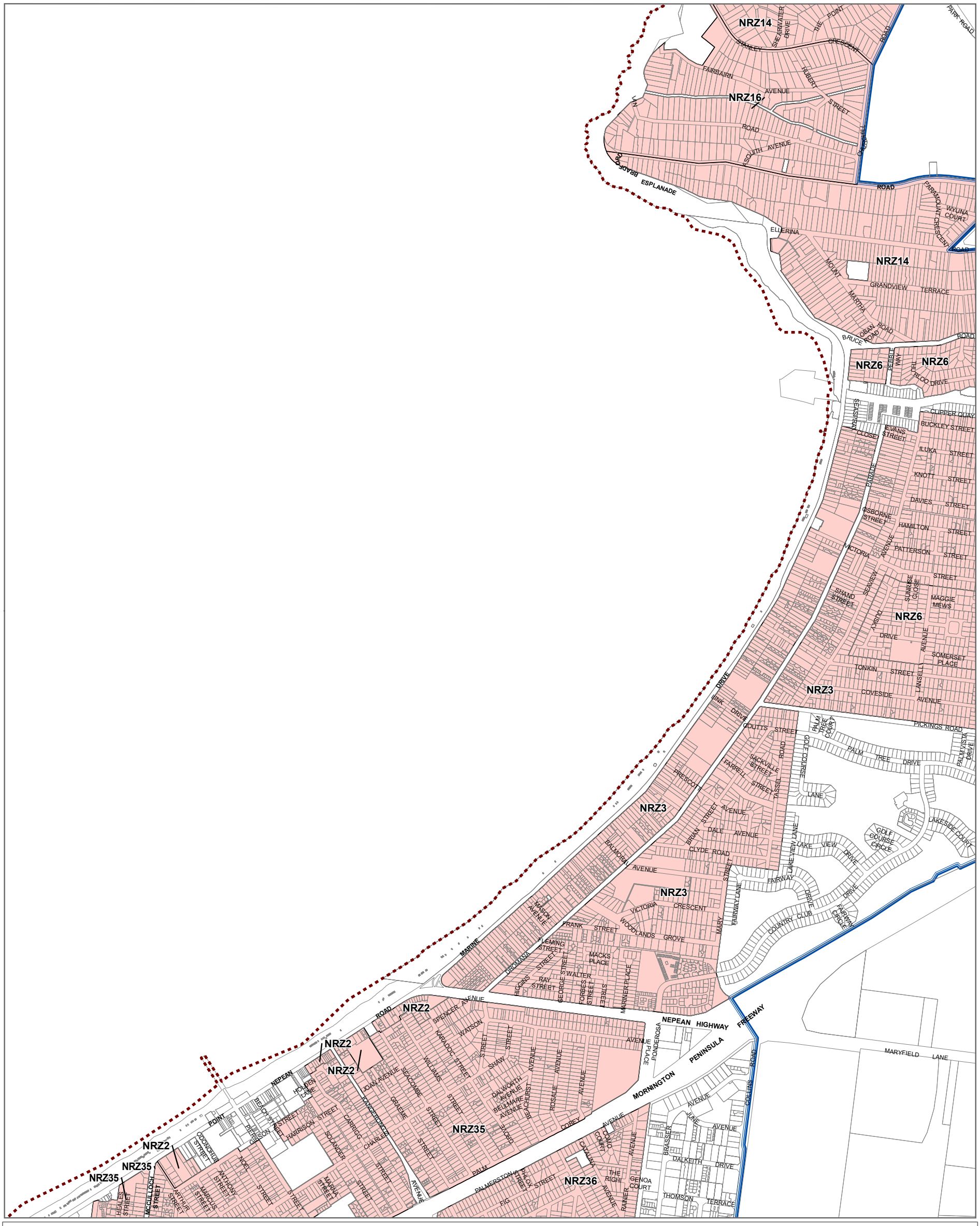
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Municipal Boundary

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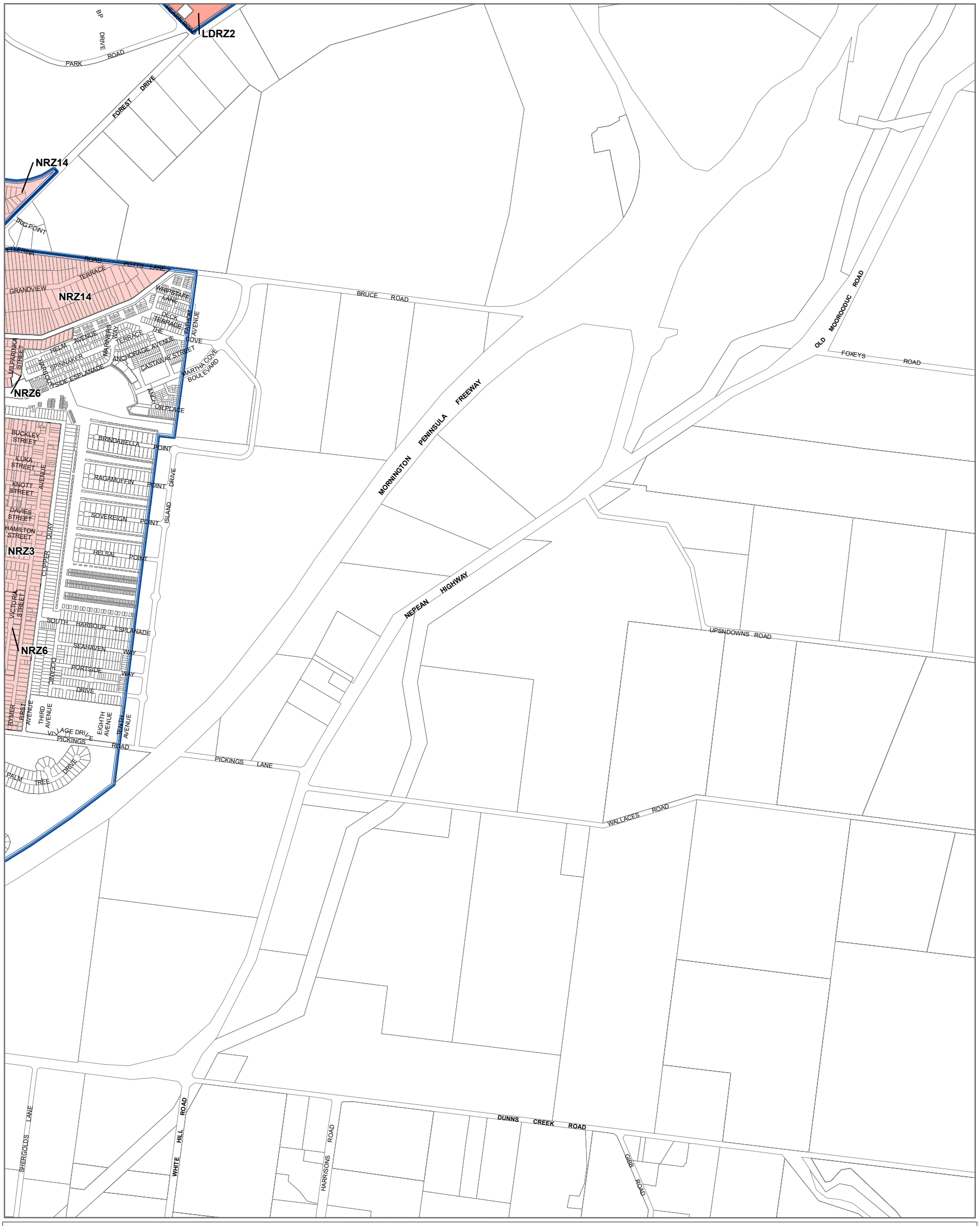
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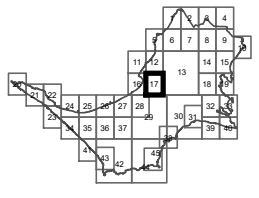
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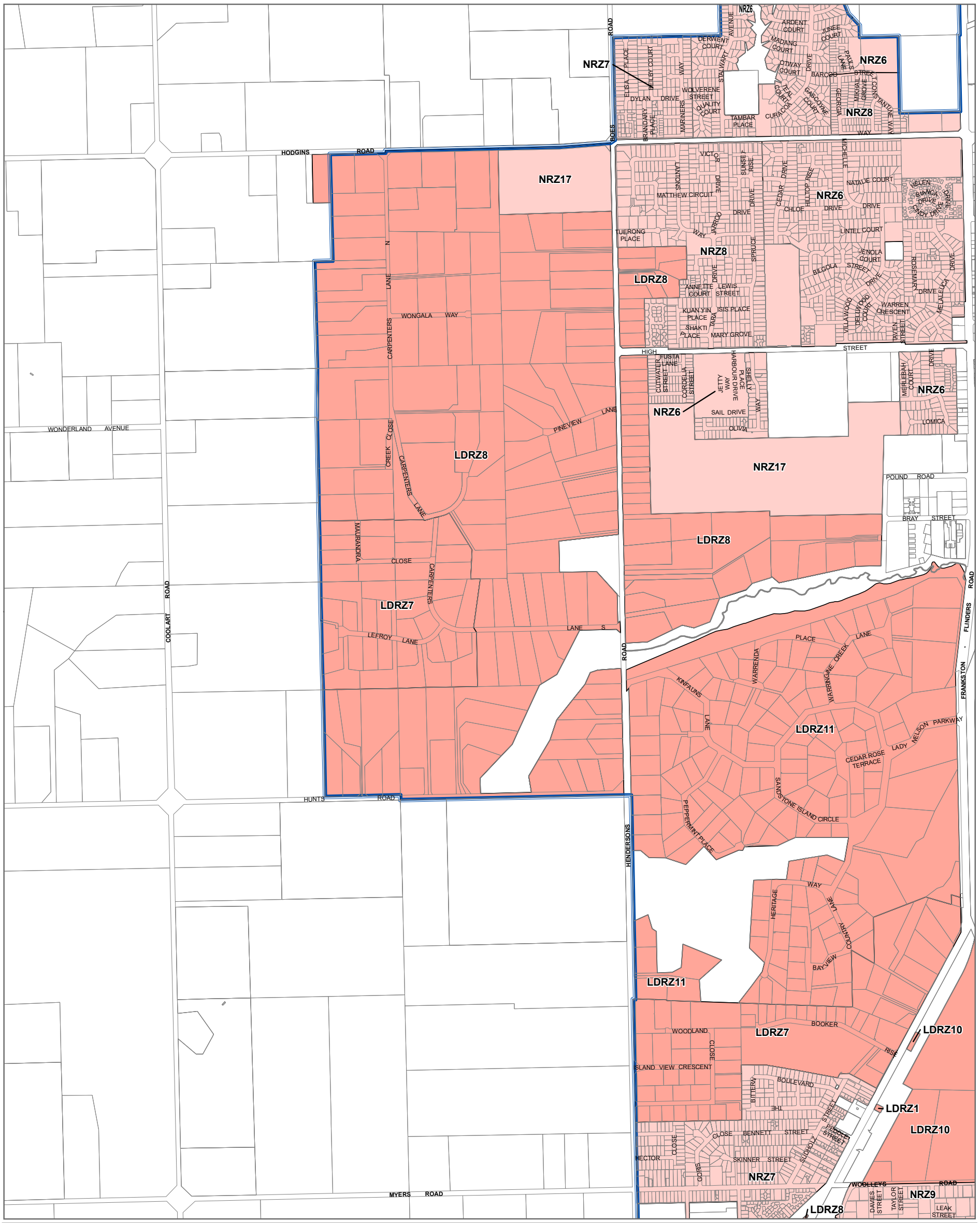
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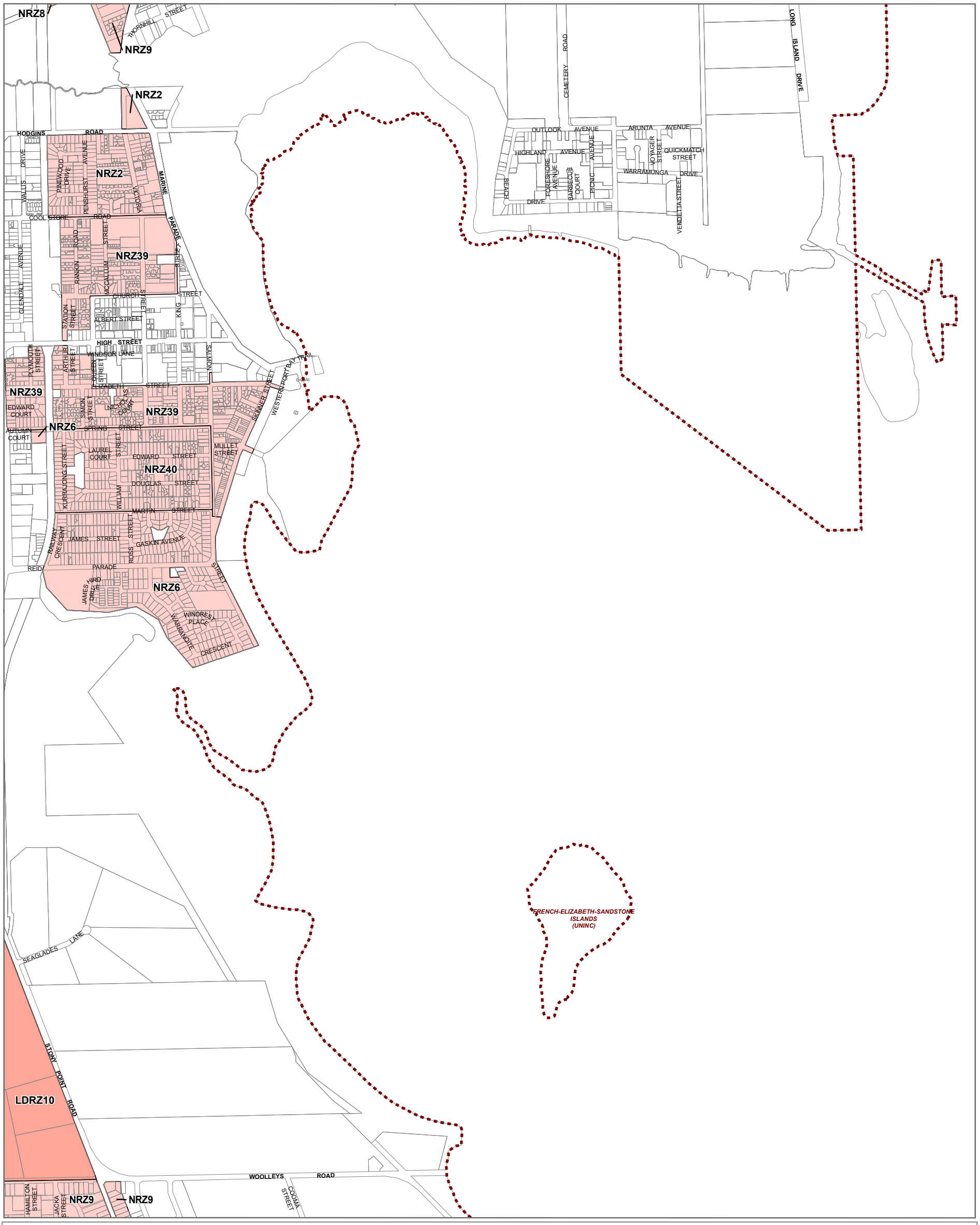
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- Municipal Boundary

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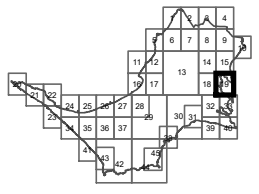
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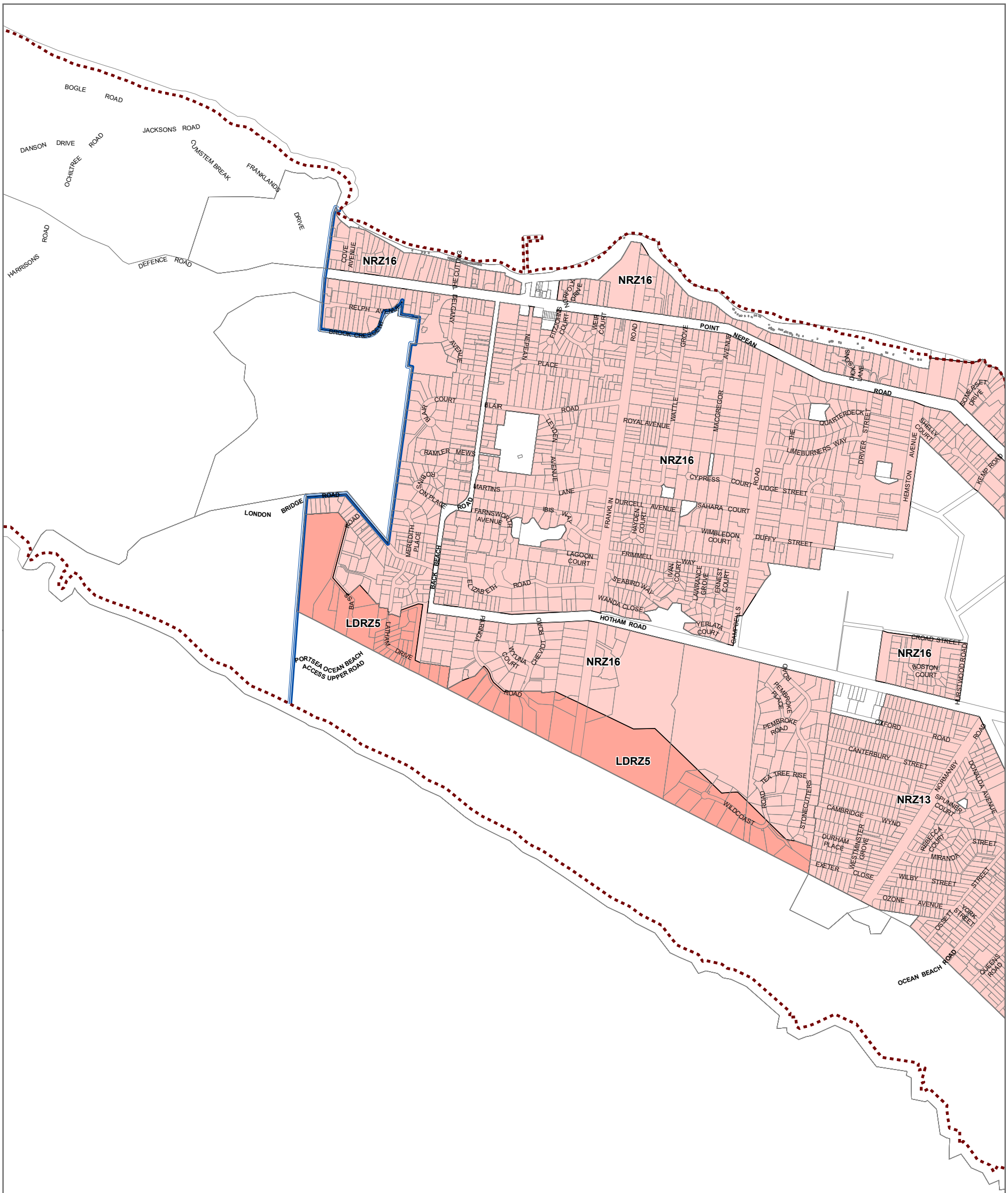
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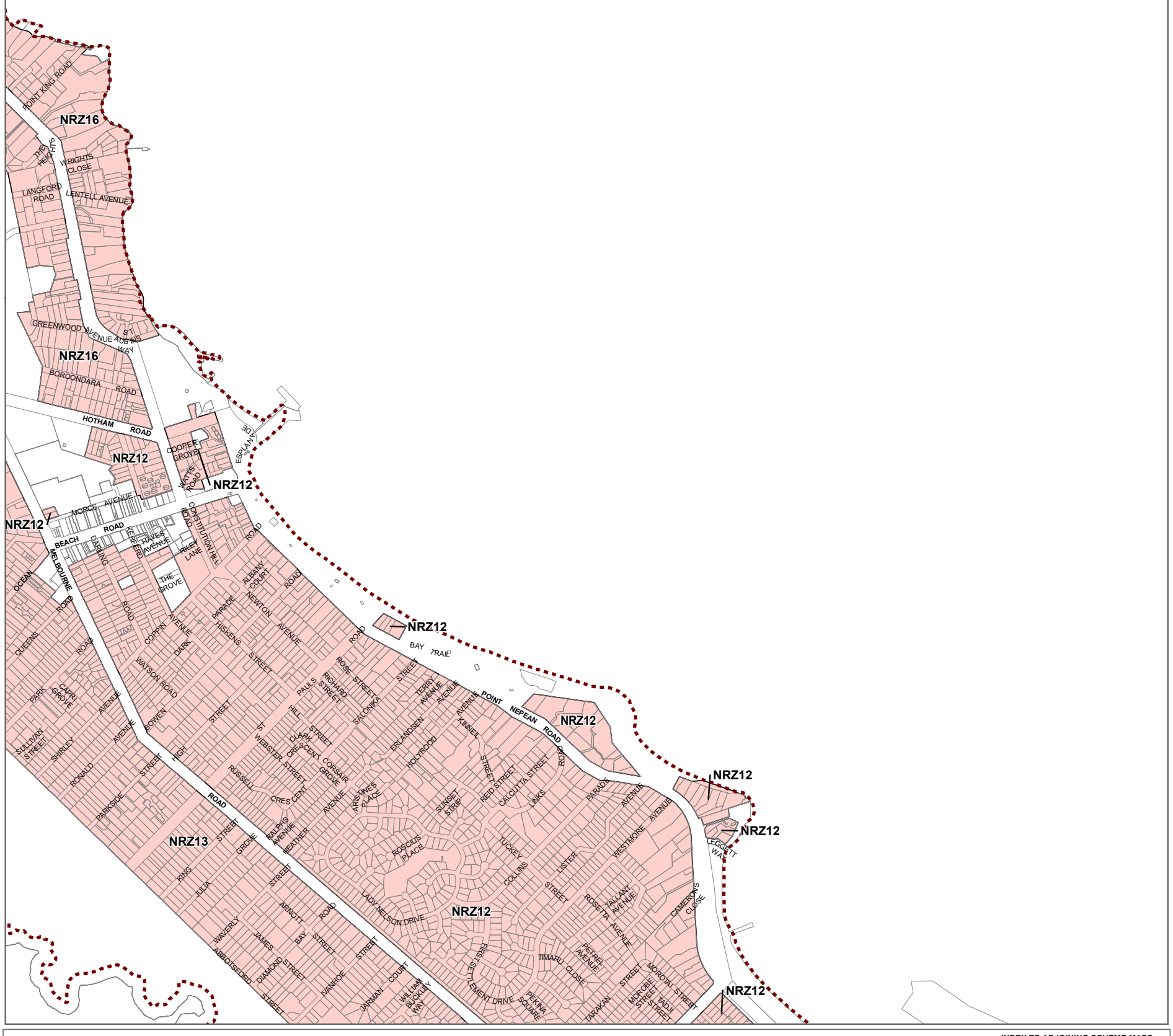
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LEGEND
NRZ - Neighbourhood Residential Zone
Municipal Boundary

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ZONES **MAP No 22**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary

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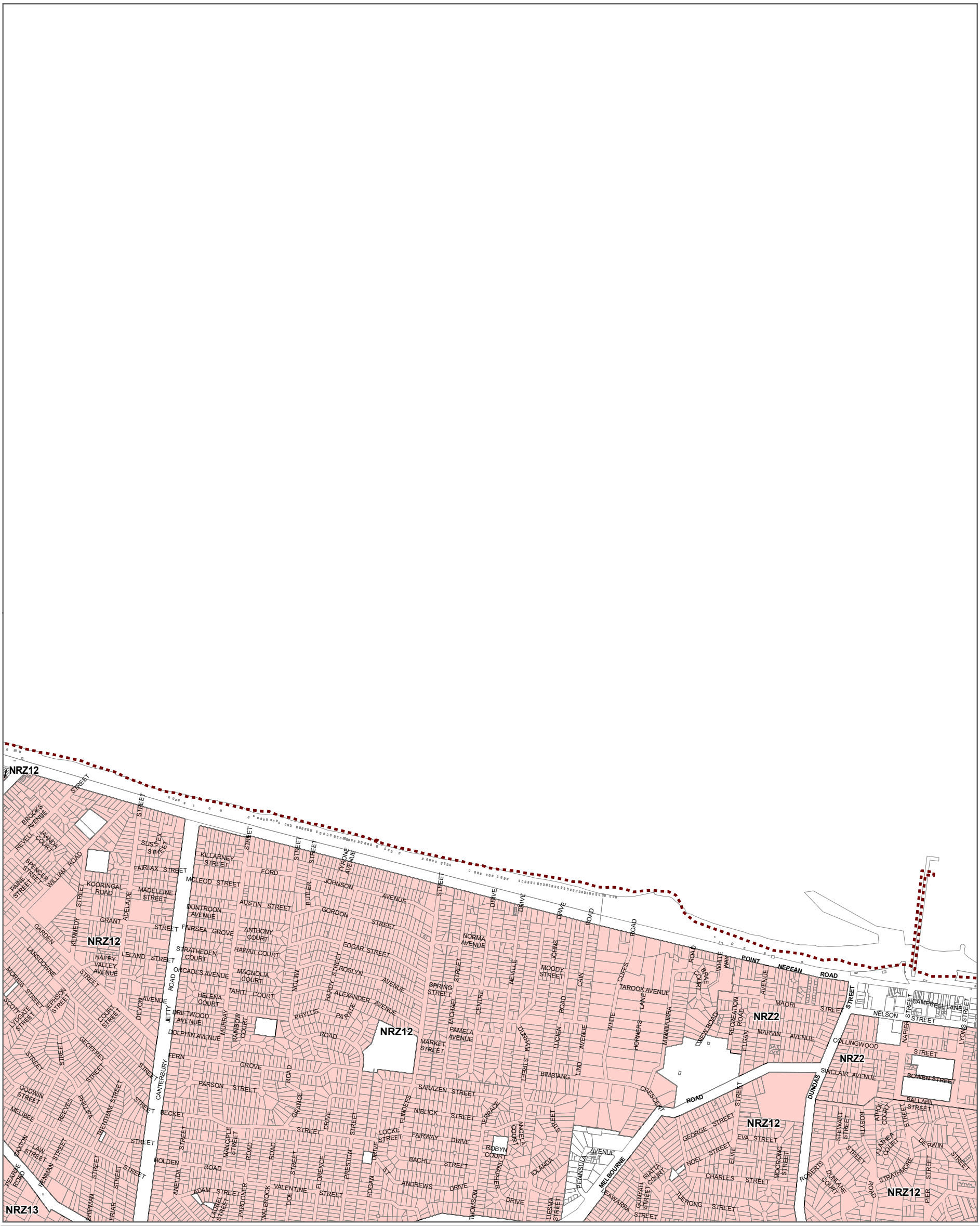
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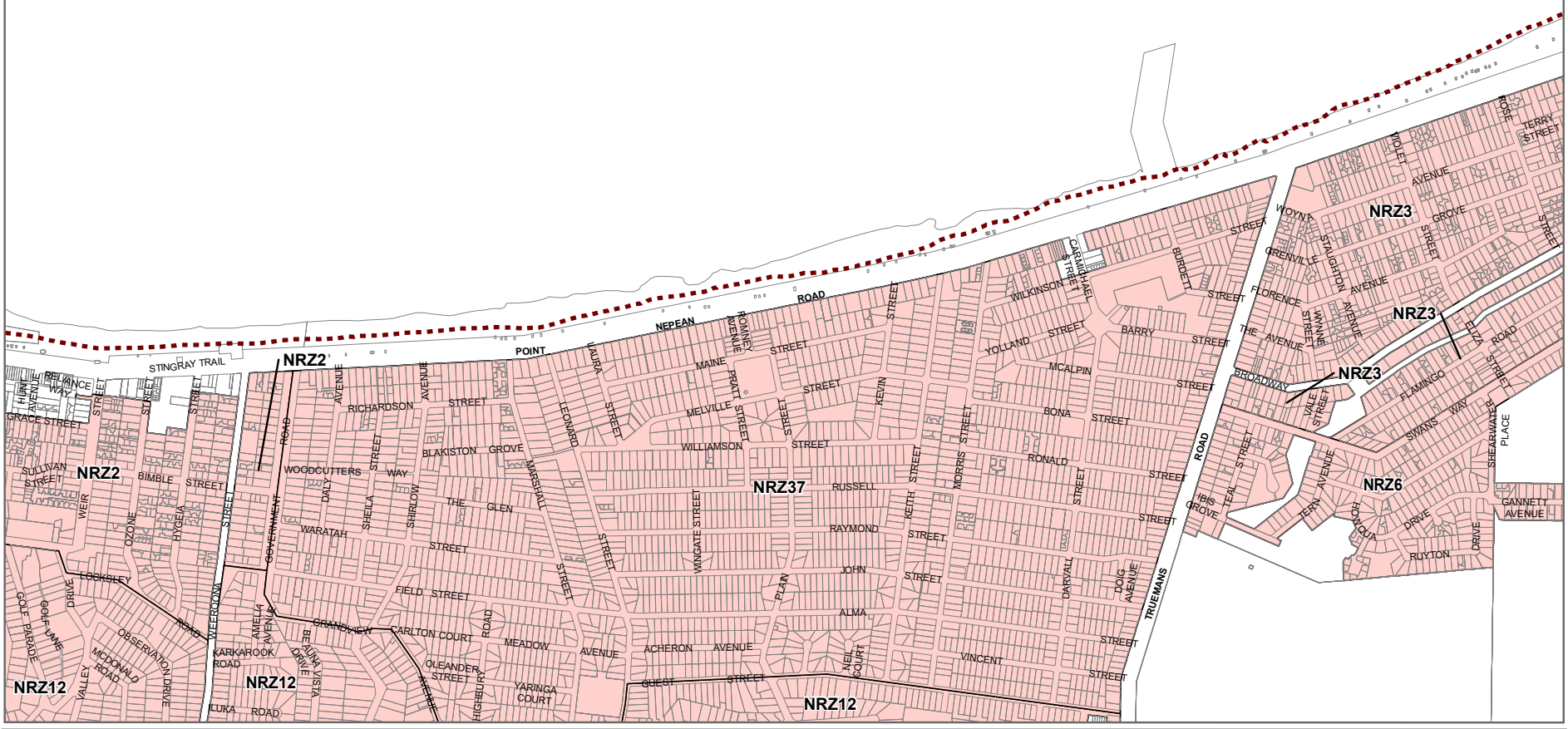
ZONES **MAP No 23**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C219morn


NRZ12
NRZ13
NRZ2
STREET
ROAD
DRIVE
AVENUE
COURT
LANE
CRESCENT
PARADE
GROVE
PLACE
BROOKS AVENUE
REVELL STREET
IVANDA COURT
SUSSEX STREET
KILLARNEY STREET
FAIREAX STREET
MCLEOD STREET
FORD STREET
BUTLER STREET
JOHNSON AVENUE
YARRONE AVENUE
SPENCER STREET
PAINE STREET
WILLIAM ROAD
KOORINGAL ROAD
MADELEINE STREET
ADELAIDE STREET
GRANT STREET
DUNTROON AVENUE
AUSTIN STREET
GORDON STREET
FAIRSEA GROVE
ANTHONY COURT
HAWAII COURT
EDGAR STREET
NORMA AVENUE
STRATHEDEN COURT
ORCADES AVENUE
MAGNOLIA COURT
TAHITI COURT
HELENA COURT
ROSLYN AVENUE
ALEXANDER AVENUE
SPRING STREET
MOODY STREET
TAROOK AVENUE
CLIFFS ROAD
POINT NEPEAN ROAD
MAORI STREET
MARVIN AVENUE
COLLINGWOOD STREET
NELSON STREET
CAMPBELL LANE
NAPIER STREET
LYONS STREET
BOWEN STREET
SINCLAIR AVENUE
DUNDAS STREET
BALLABIL STREET
ATHOL COURT
ALATHEA COURT
DE WRIN STREET
STRATHMORE STREET
PIER ROAD
DUNLANE COURT
ROBERTS STREET
MOORONG STREET
ELVIE STREET
NOEL STREET
CHARLES STREET
EVA STREET
GEORGE STREET
STEWART STREET
HOSKITH STREET
TUERONG STREET
QUNYAH STREET
TEAWARRA STREET
RIATTA COURT
MELBOURNE AVENUE
PENINSULA DRIVE
ANGELA COURT
ROBYN COURT
IOLANDA AVENUE
TERRACE
BACHLI STREET
ANDREWS DRIVE
THOMSON DRIVE
LIESMA STREET
HOGAN ST
FLORENCE STREET
PRESTON STREET
VALENTINE STREET
WALBROOK ROAD
PARDONER ROAD
DOE STREET
LAUREL STREET
ADAM STREET
ANELIDA ROAD
HOLDEN ROAD
PEARCE ROAD
SHERMAN STREET
FRIAR STREET
LAW STREET
PENMAN STREET
BAXTON STREET
MELIBEE STREET
GODWIN STREET
GEOFFREY STREET
LYDGATE STREET
SCOTTSDALE STREET
MORRIS STREET
JEPHSON STREET
LANSDOWNE STREET
GARDEN STREET
KENNEDY STREET
HAPPY VALLEY AVENUE
LELAND STREET
DEVON AVENUE
COURT STREET
JETTY ROAD
DRIFTWOOD AVENUE
DOLPHIN AVENUE
MURRAY STREET
RAINBOW COURT
PHYLLIS STREET
PARADE
ROAD
MARKET STREET
PAMELA AVENUE
MICHAEL STREET
CENTRE ROAD
NEVILLE STREET
HARDY STREET
MILTON STREET
MINNIMURRA LANE
WHITE HORNERS
LUCIEN AVENUE
LIND AVENUE
CAIN ROAD
JOHNS ROAD
RECREATION ROAD
ELGAN ROAD
LIMEKILN ROAD
BIMBIANG ROAD
SARAZEN STREET
NIBLICK STREET
FLINDERS STREET
LOCKE STREET
FAIRWAY DRIVE
GRANGE ROAD
BECKET STREET
PARSON STREET
FERN GROVE
CANTERBURY ROAD
REEVES STREET
PHILLIPA STREET
BENTHAM STREET
MANCELLE STREET
ANELIDA STREET
LANDSCAPE
LANDSCAPE
LANDSCAPE

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

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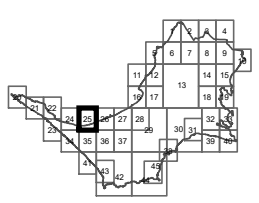
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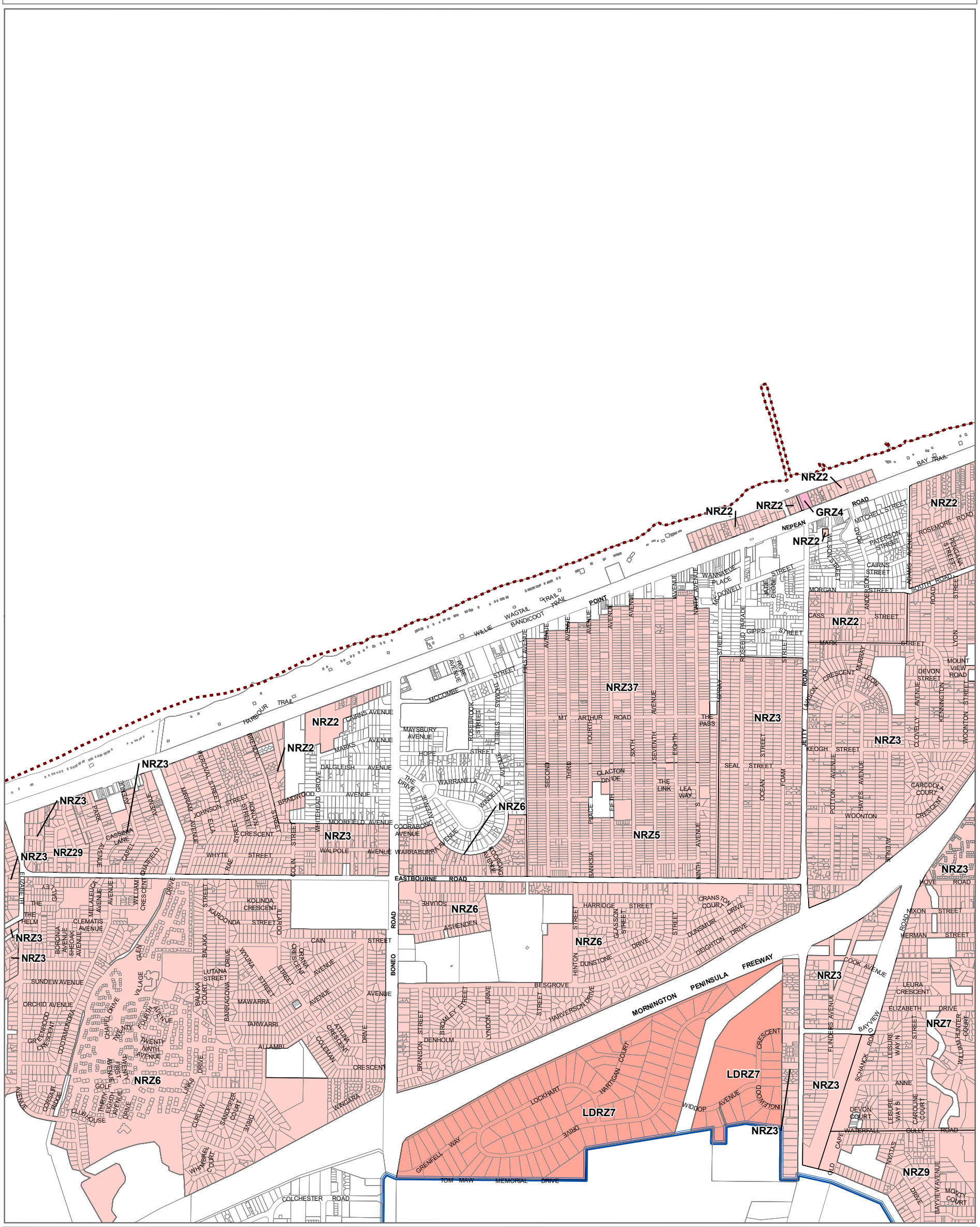
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ZONES **MAP No 25**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- GRZ - General Residential Zone
- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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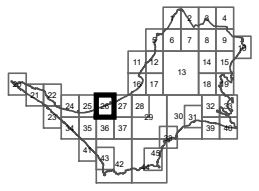
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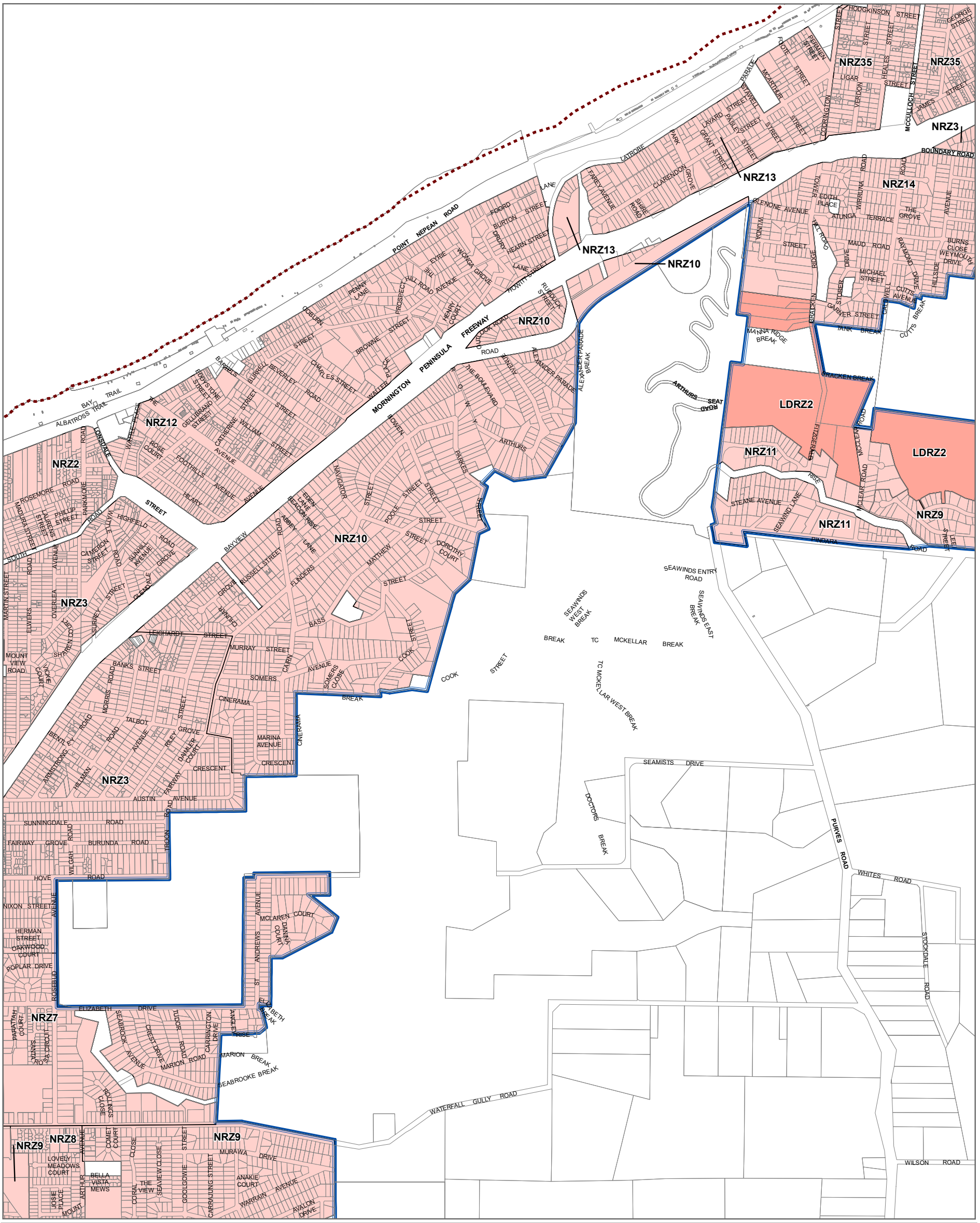
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ZONES **MAP No 26**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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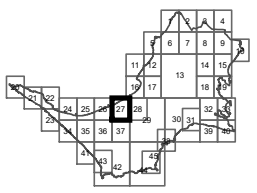
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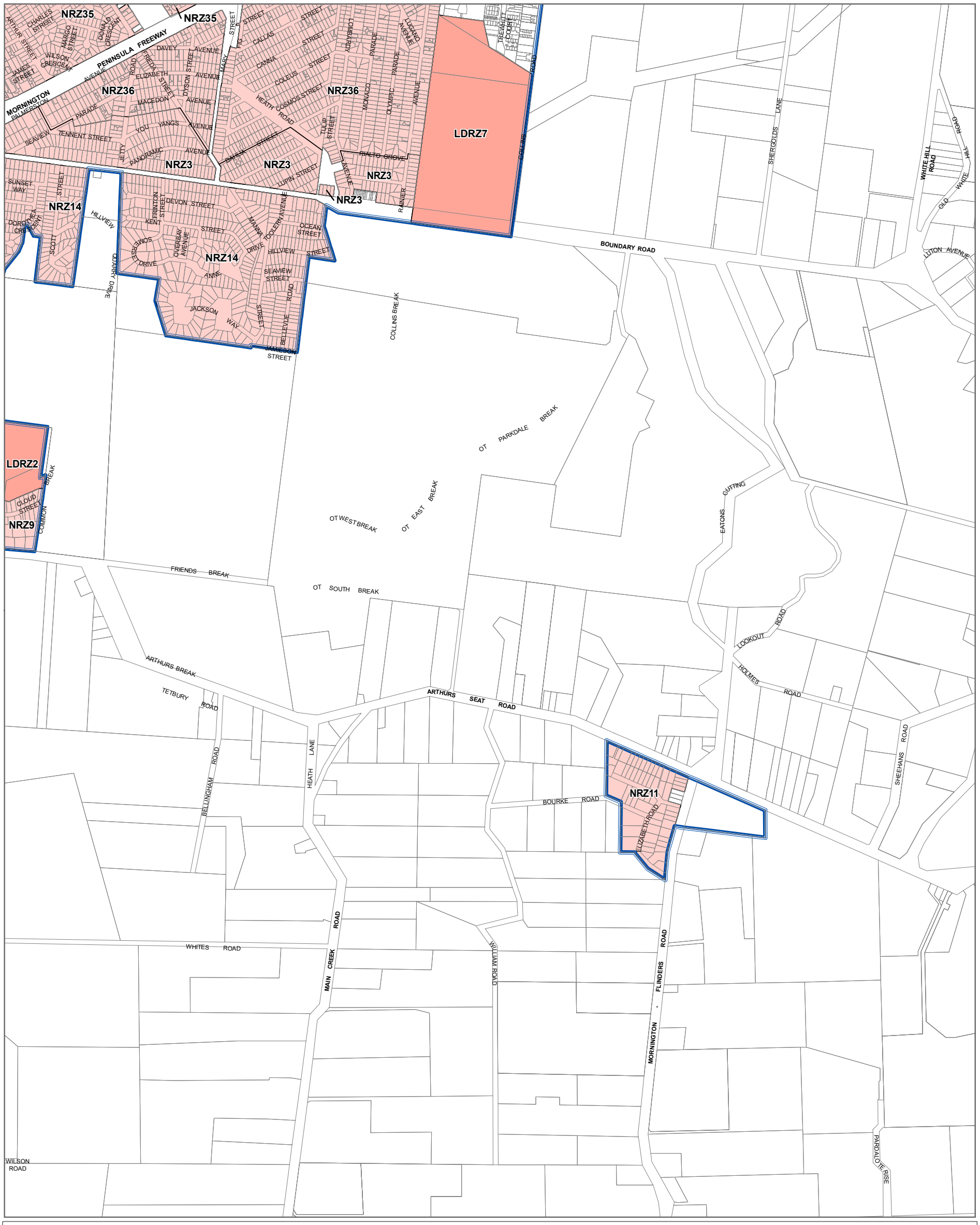
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ZONES **MAP No 27**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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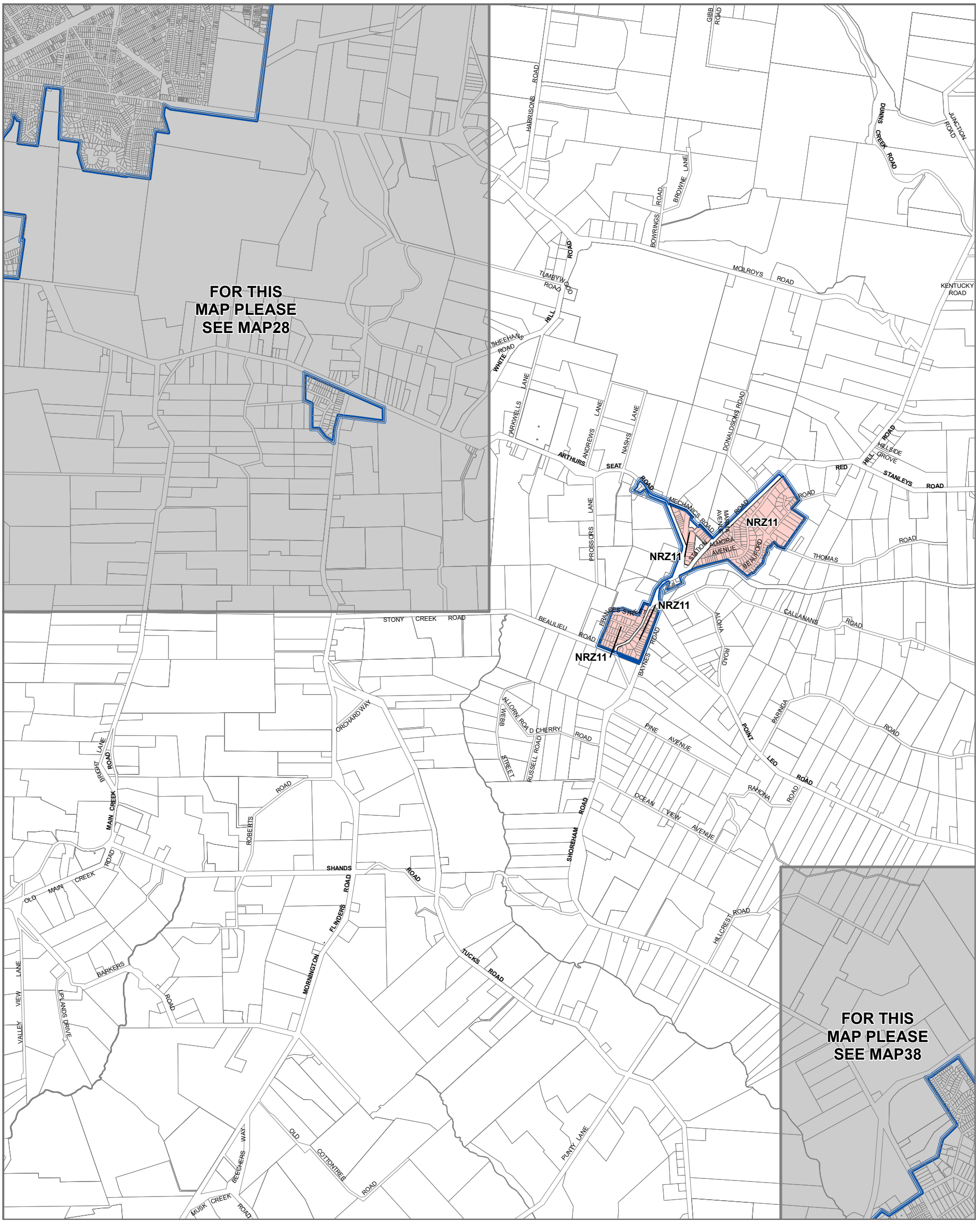
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ZONES **MAP No 28**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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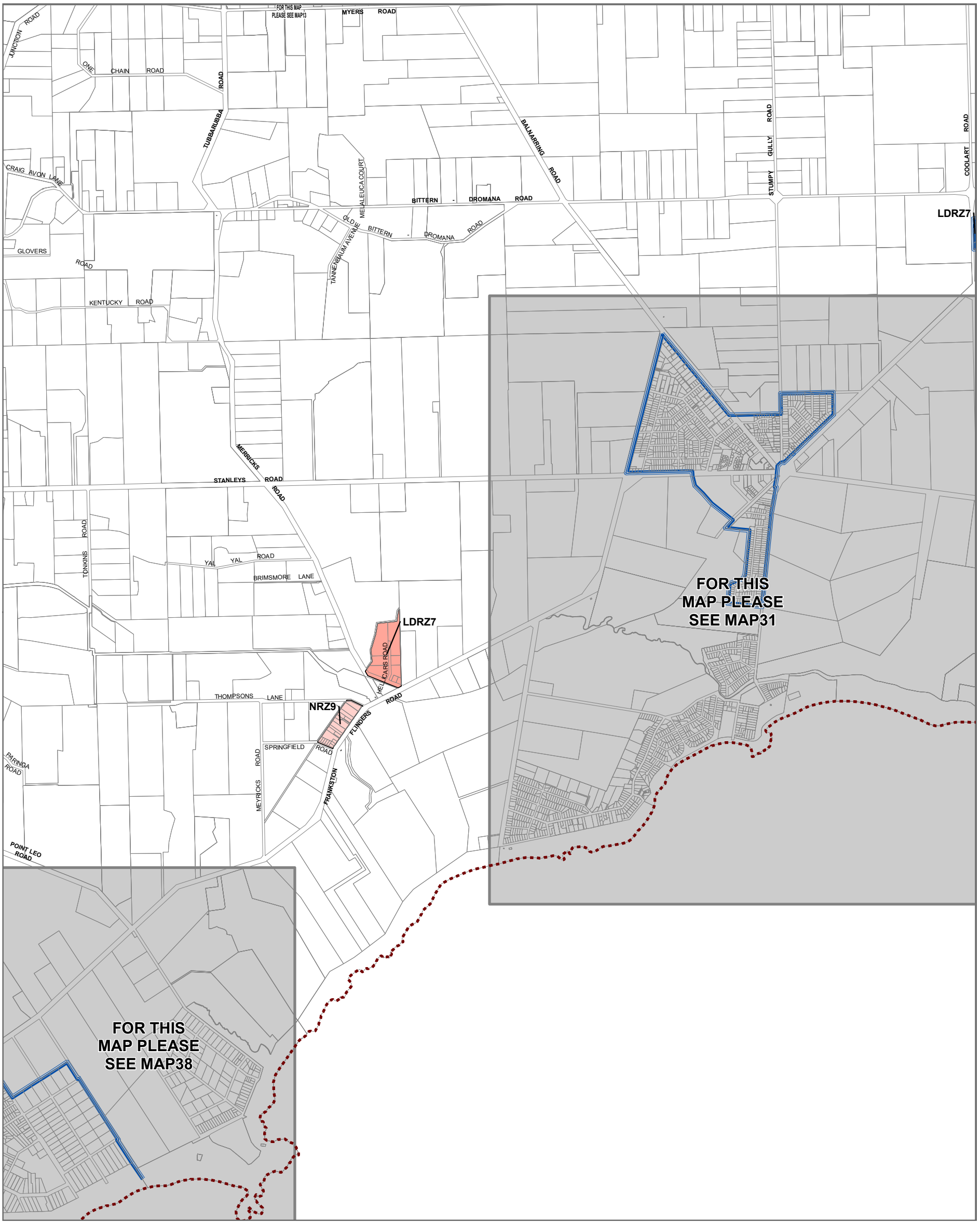
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ZONES **MAP No 29**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

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LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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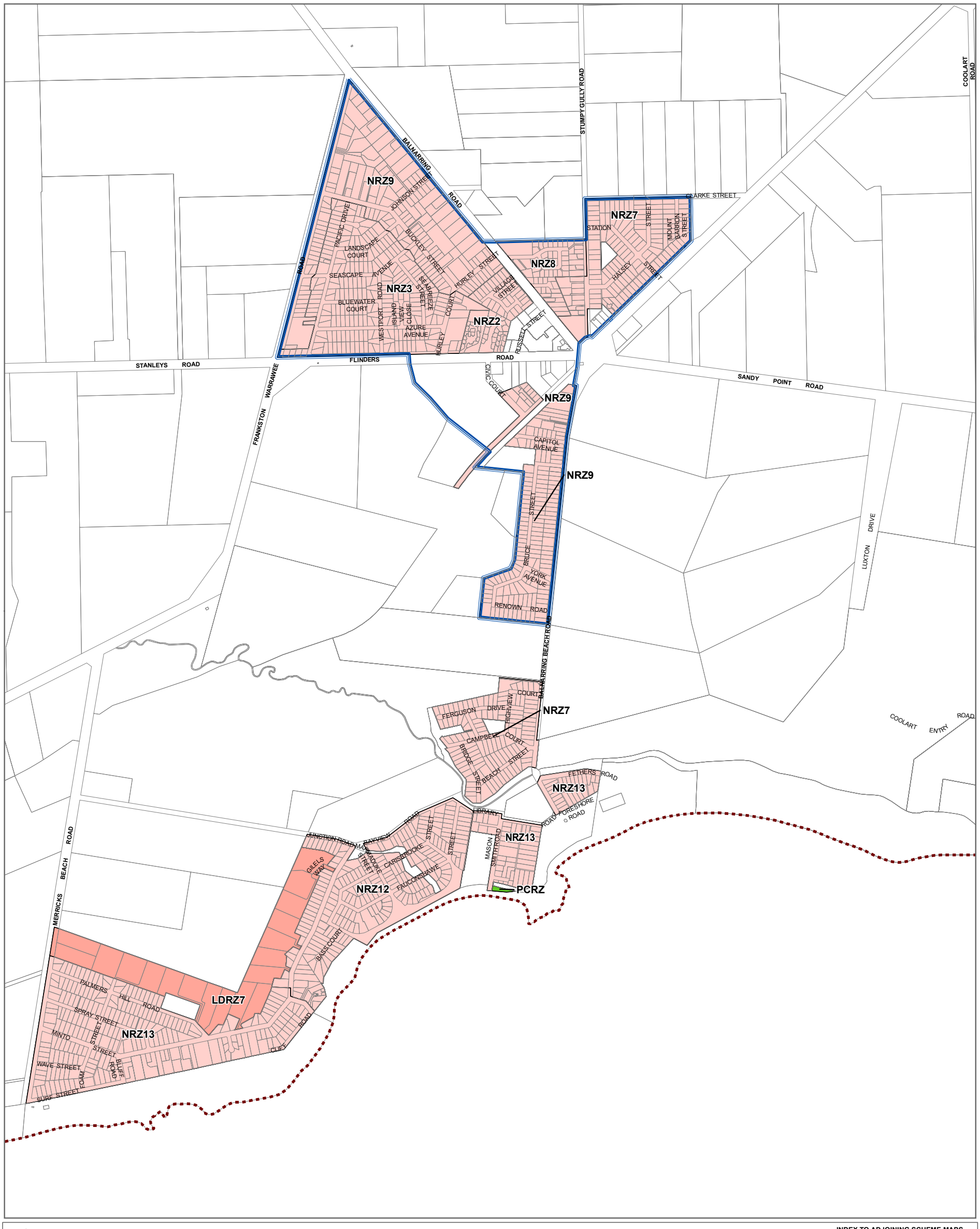
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ZONES **MAP No 30**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- PCRZ - Public Conservation and Resource Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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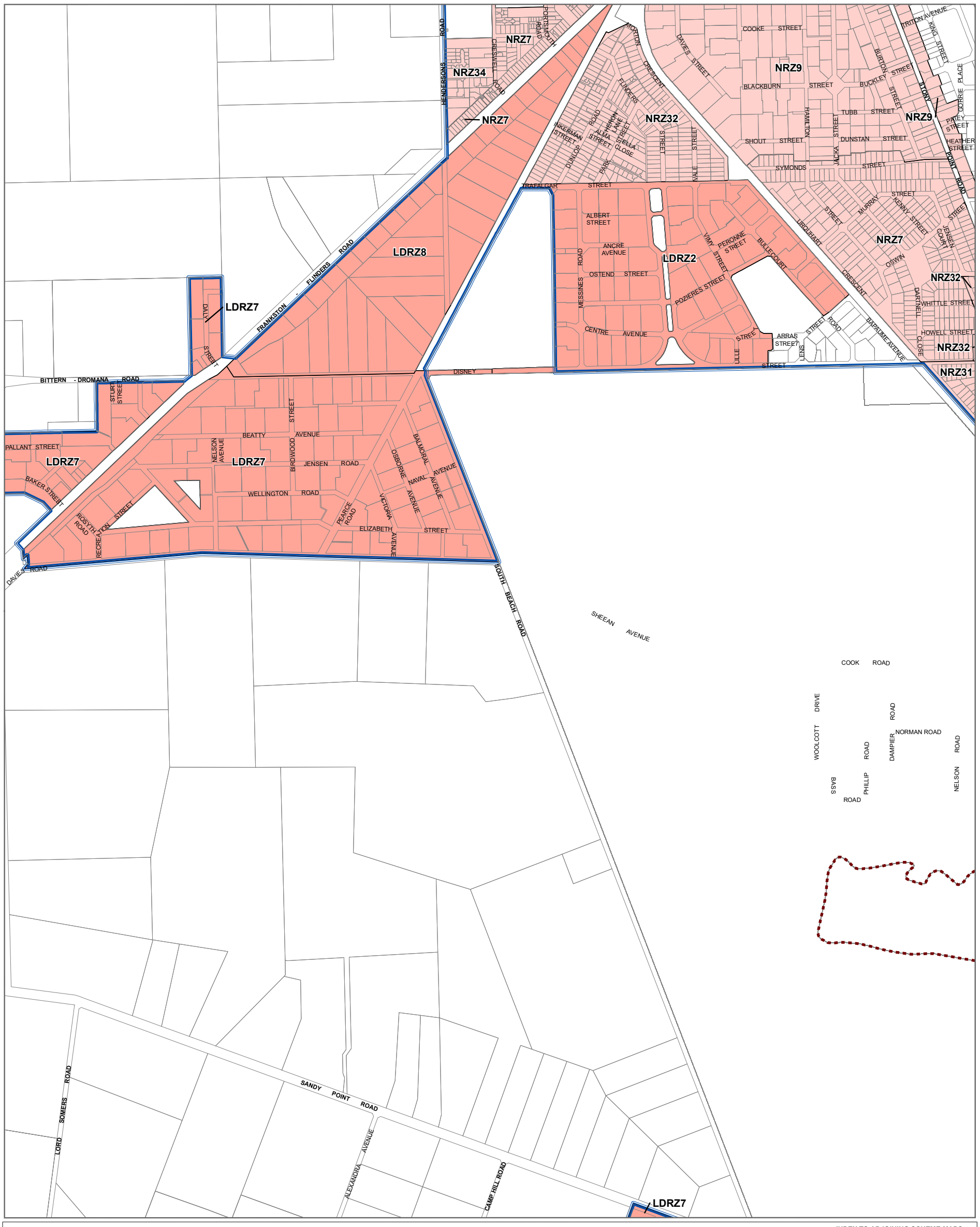
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ZONES **MAP No 31**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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ZONES **MAP No 32**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C219morn



LEGEND
- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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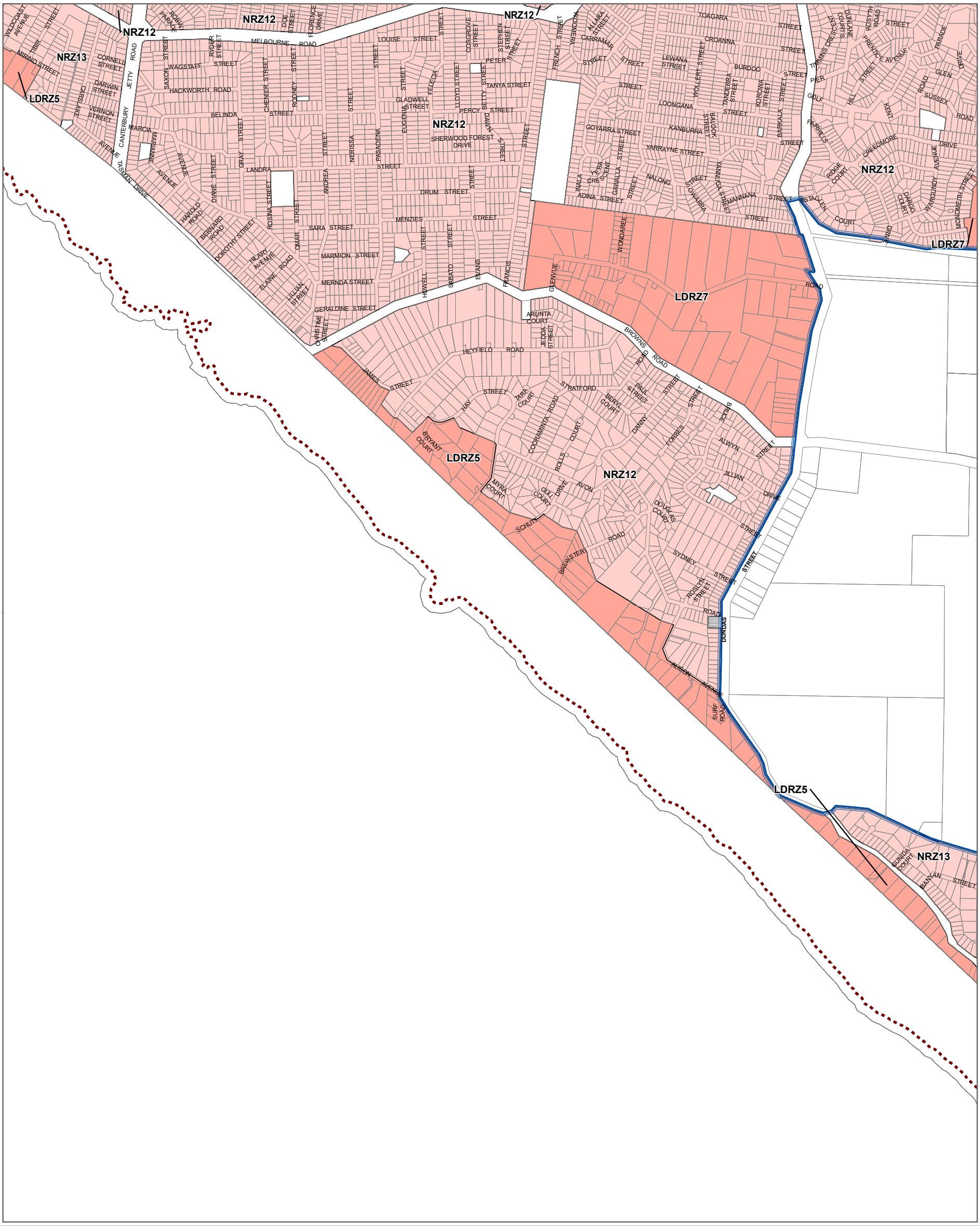
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ZONES **MAP No 33**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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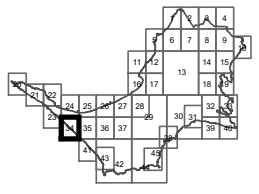
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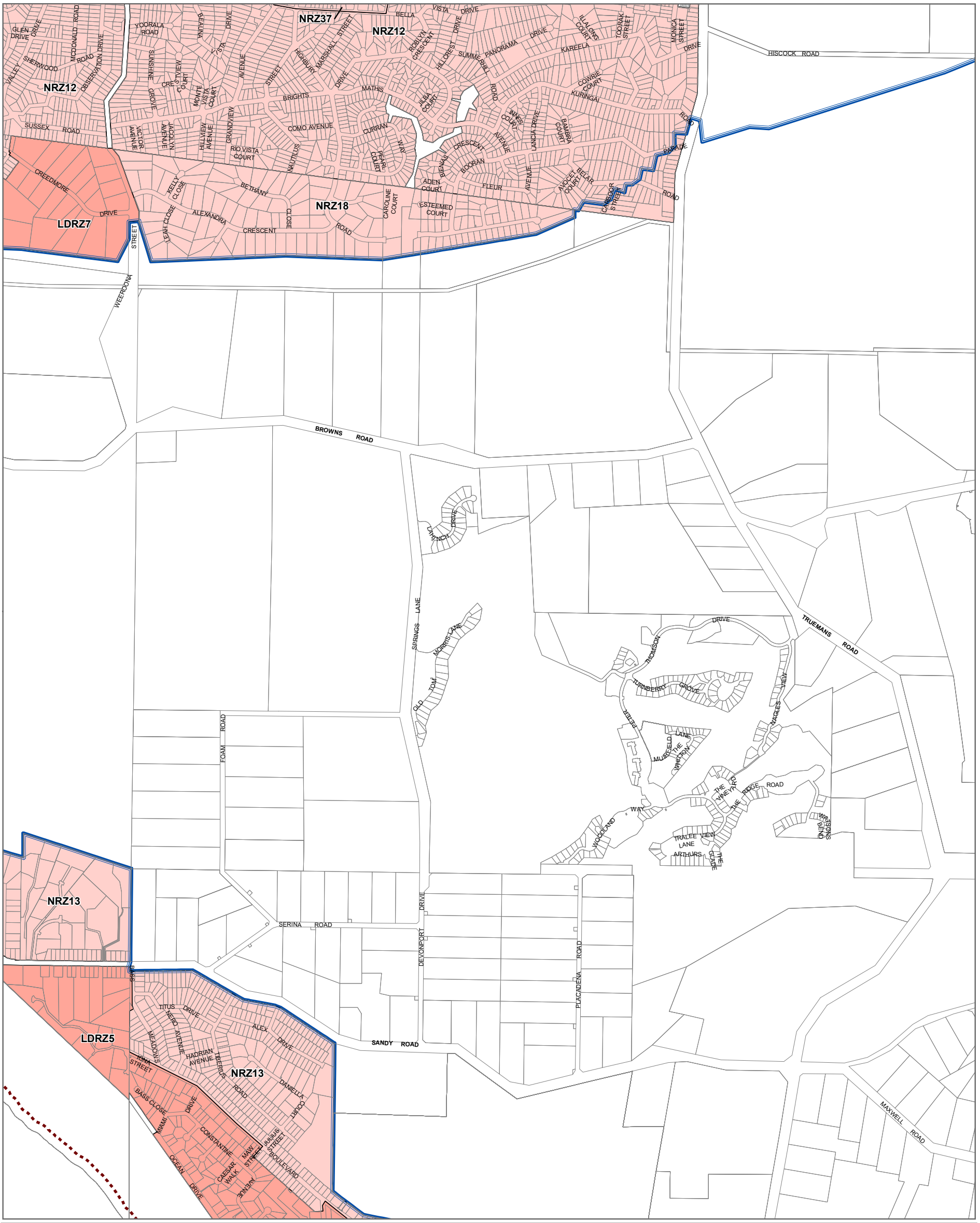
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ZONES **MAP No 34**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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ZONES **MAP No 35**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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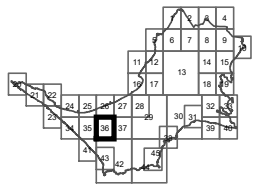
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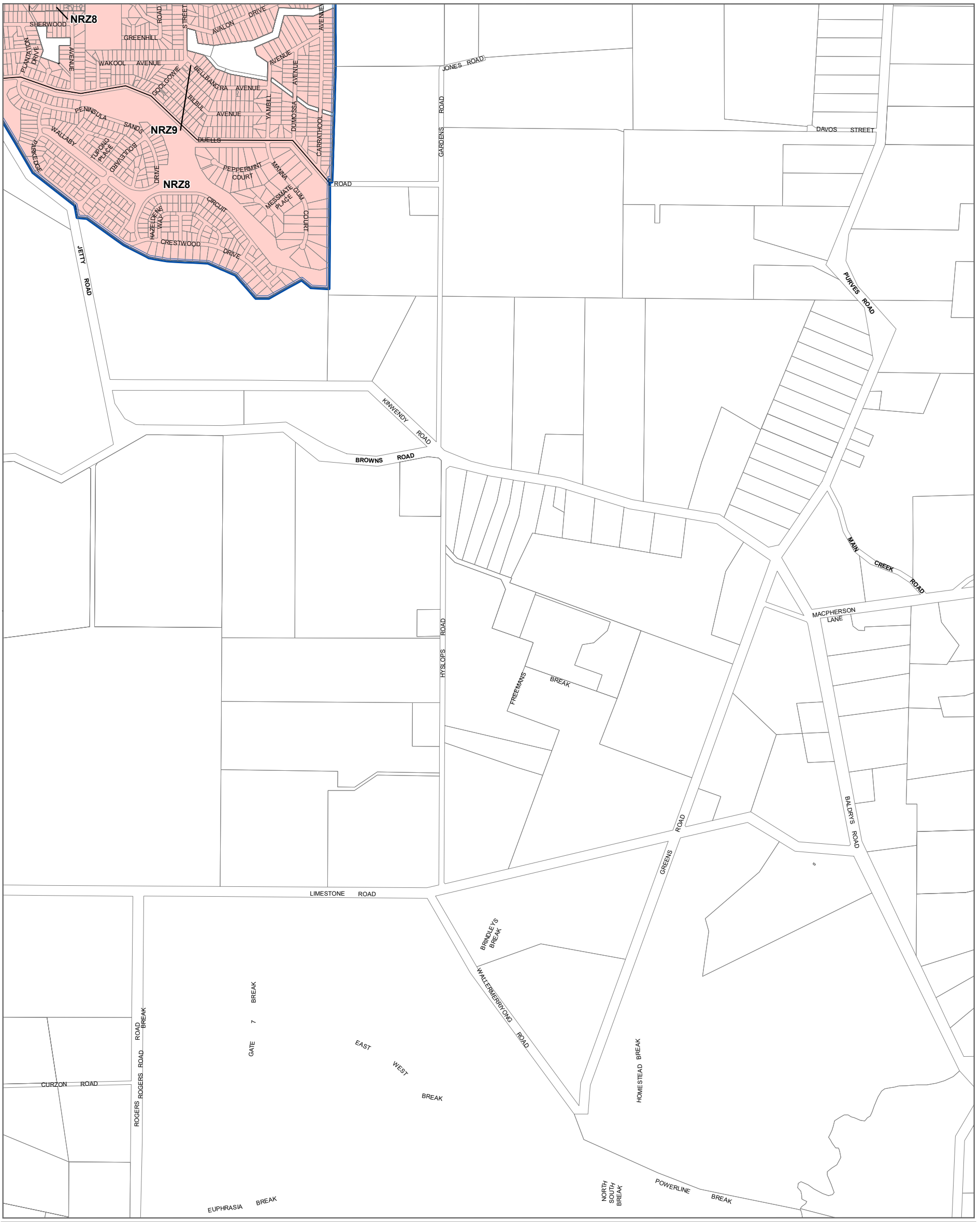
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ZONES **MAP No 36**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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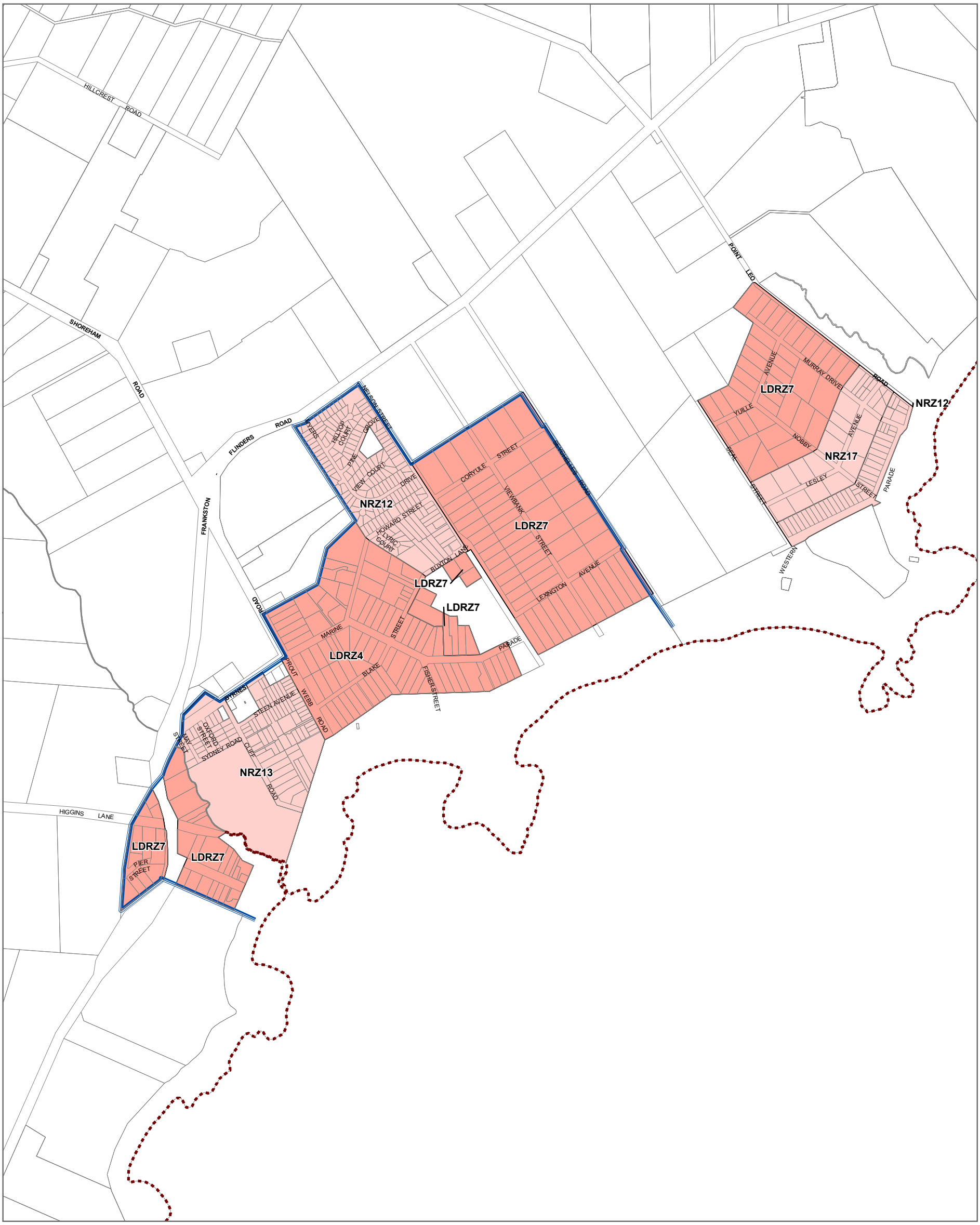
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ZONES **MAP No 37**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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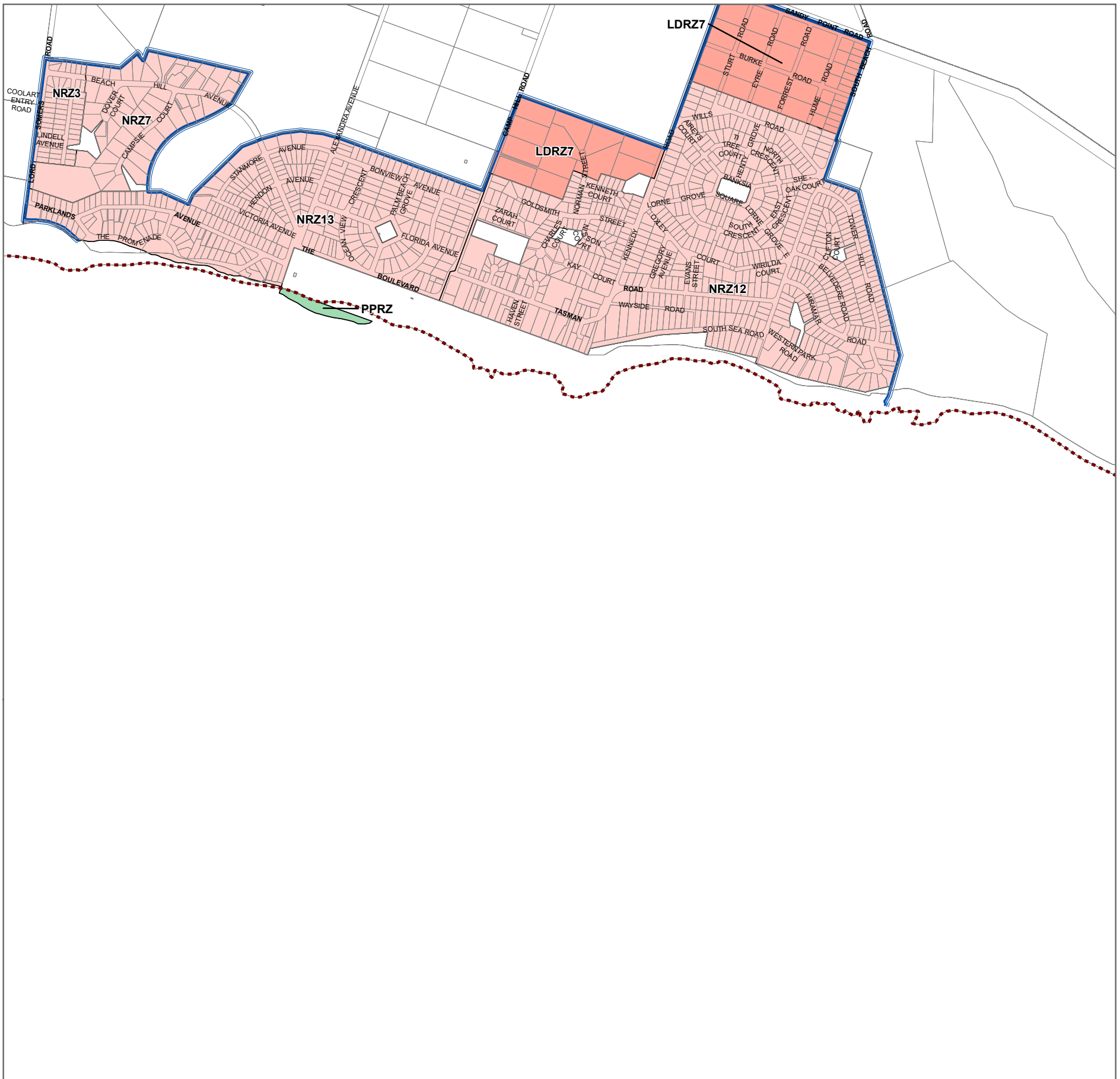
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ZONES **MAP No 38**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- PPRZ - Public Park and Recreation Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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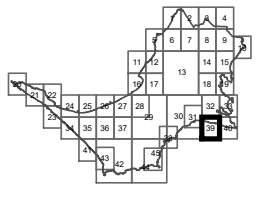
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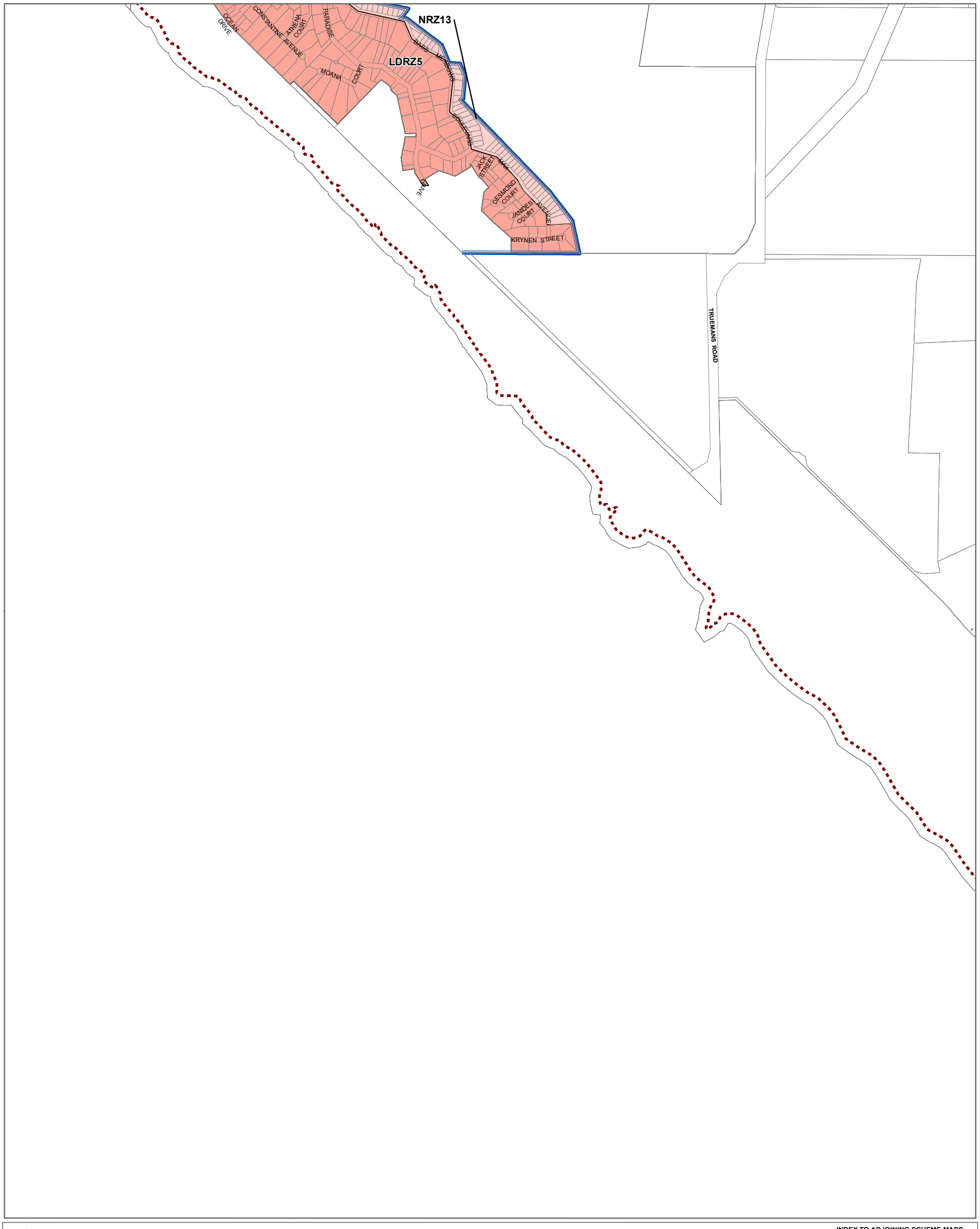
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ZONES **MAP No 39**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C219morn



LEGEND

LDRZ - Low Density Residential Zone

NRZ - Neighbourhood Residential Zone

Municipal Boundary

Land Outside Urban Growth Zone

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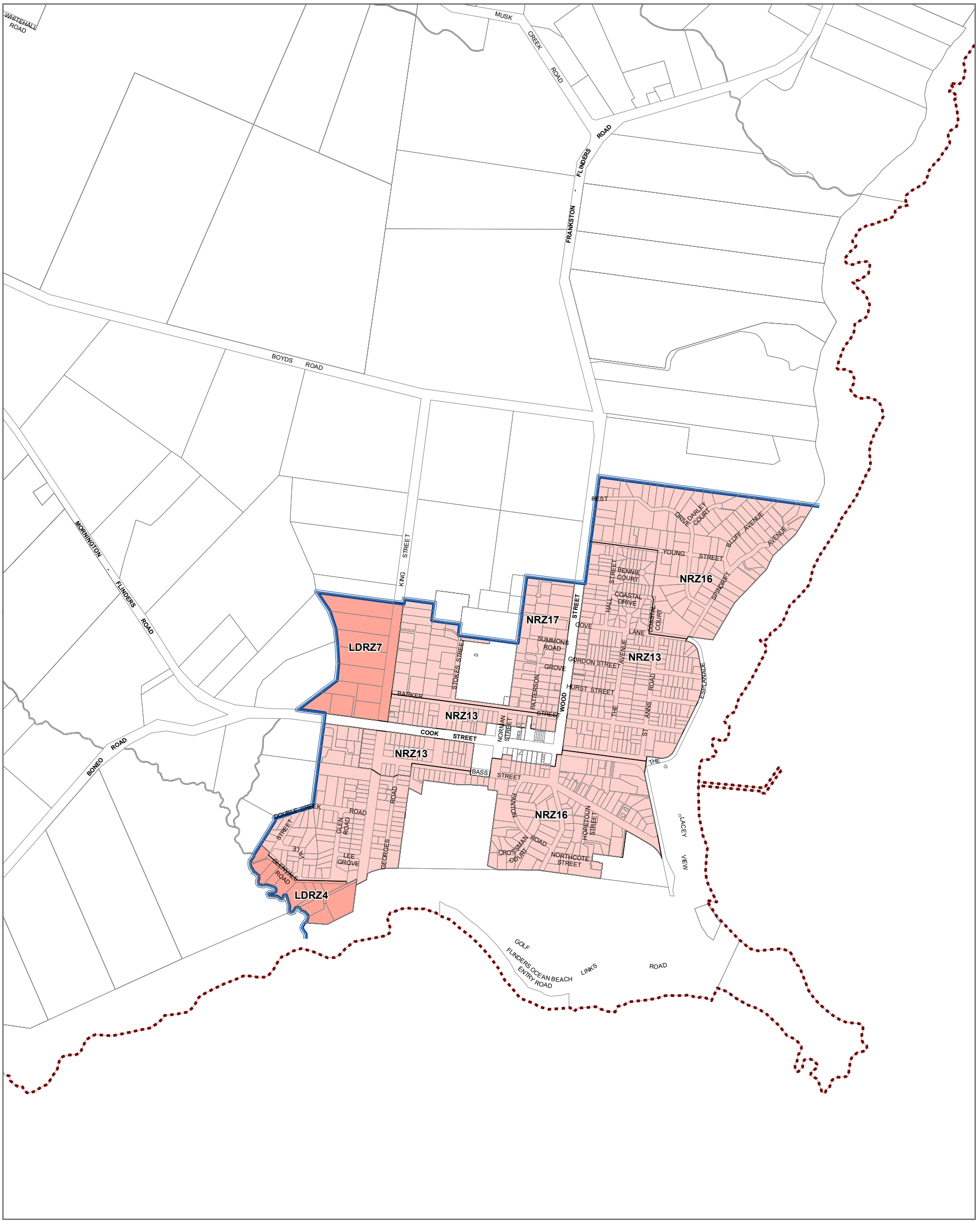
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ZONES **MAP No 41**

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

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LEGEND

- LDRZ - Low Density Residential Zone
- NRZ - Neighbourhood Residential Zone
- Municipal Boundary
- Land Outside Urban Growth Zone

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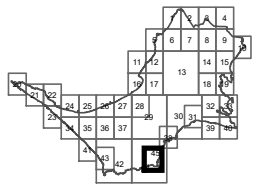
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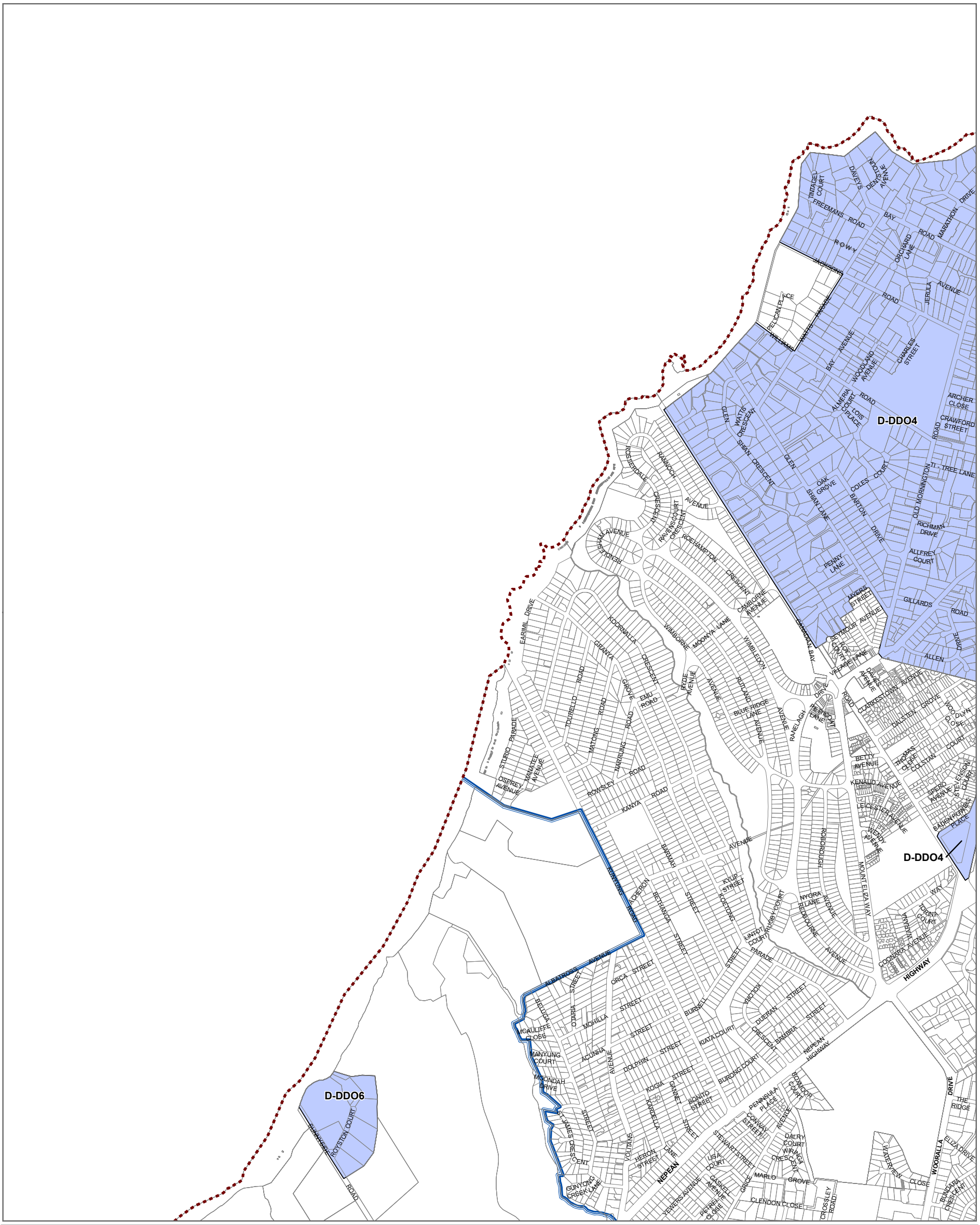
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ZONES **MAP No 45**

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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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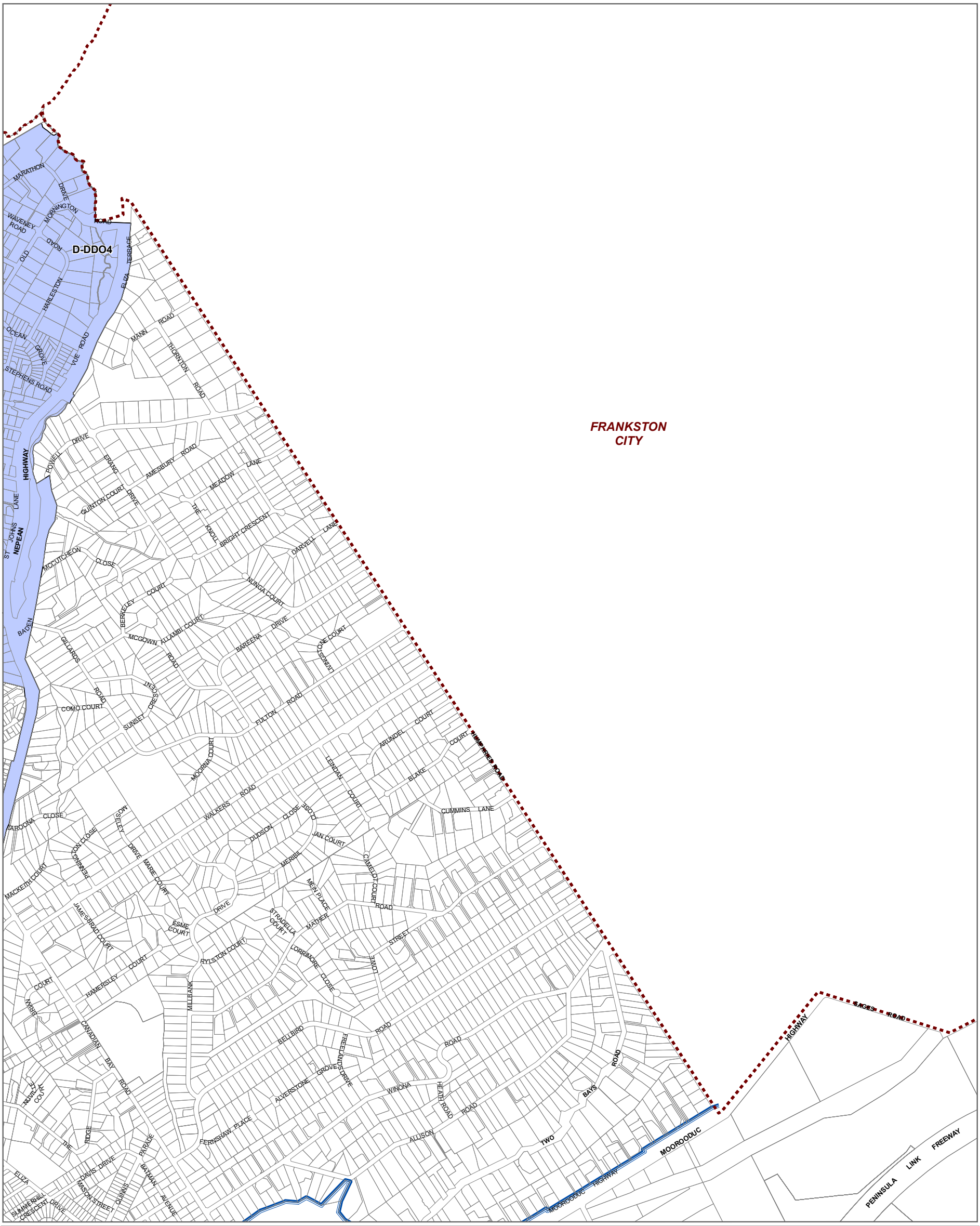
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

Land Outside Urban Growth Zone

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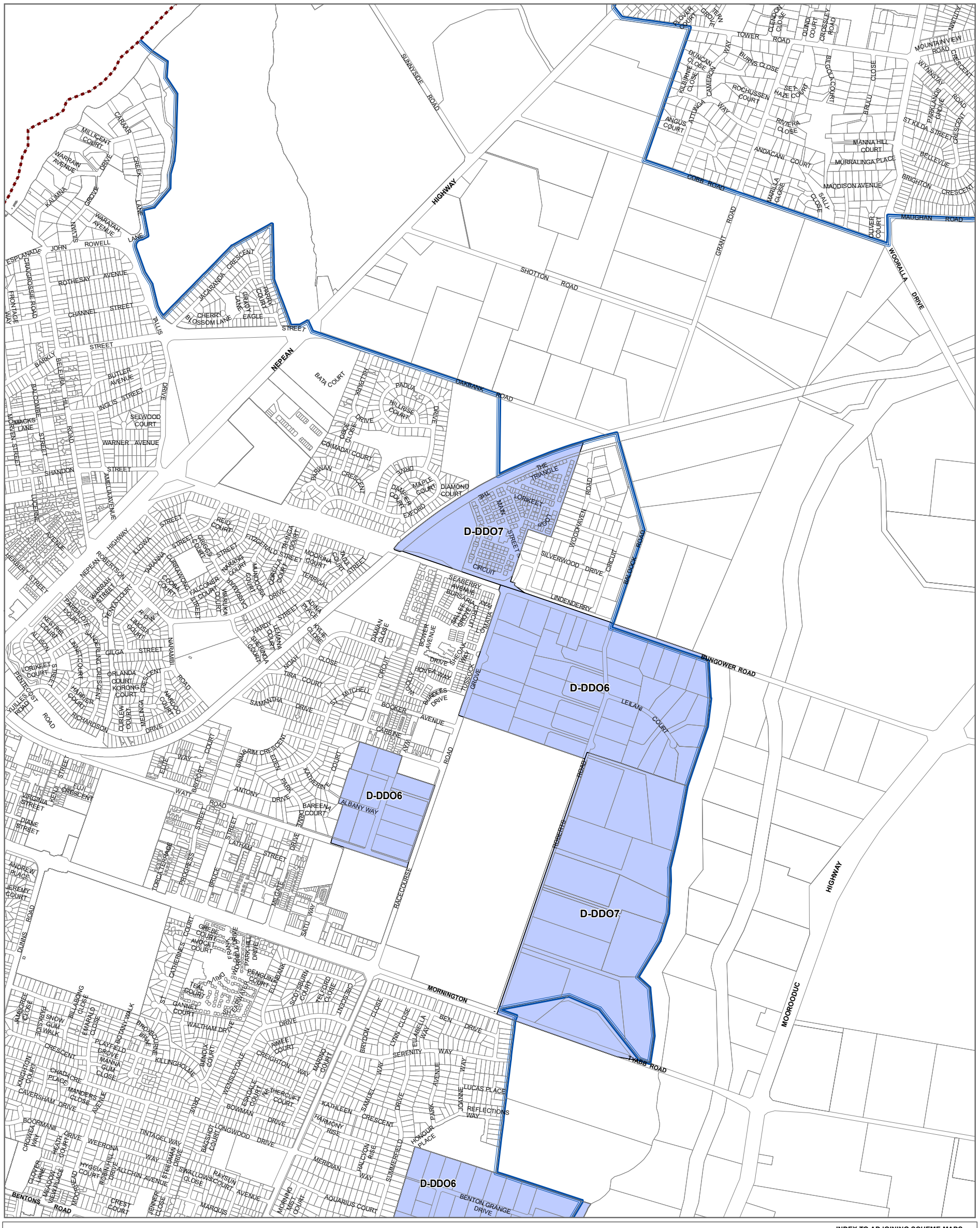
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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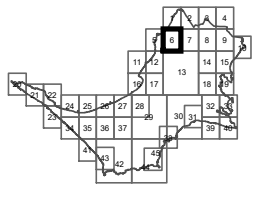
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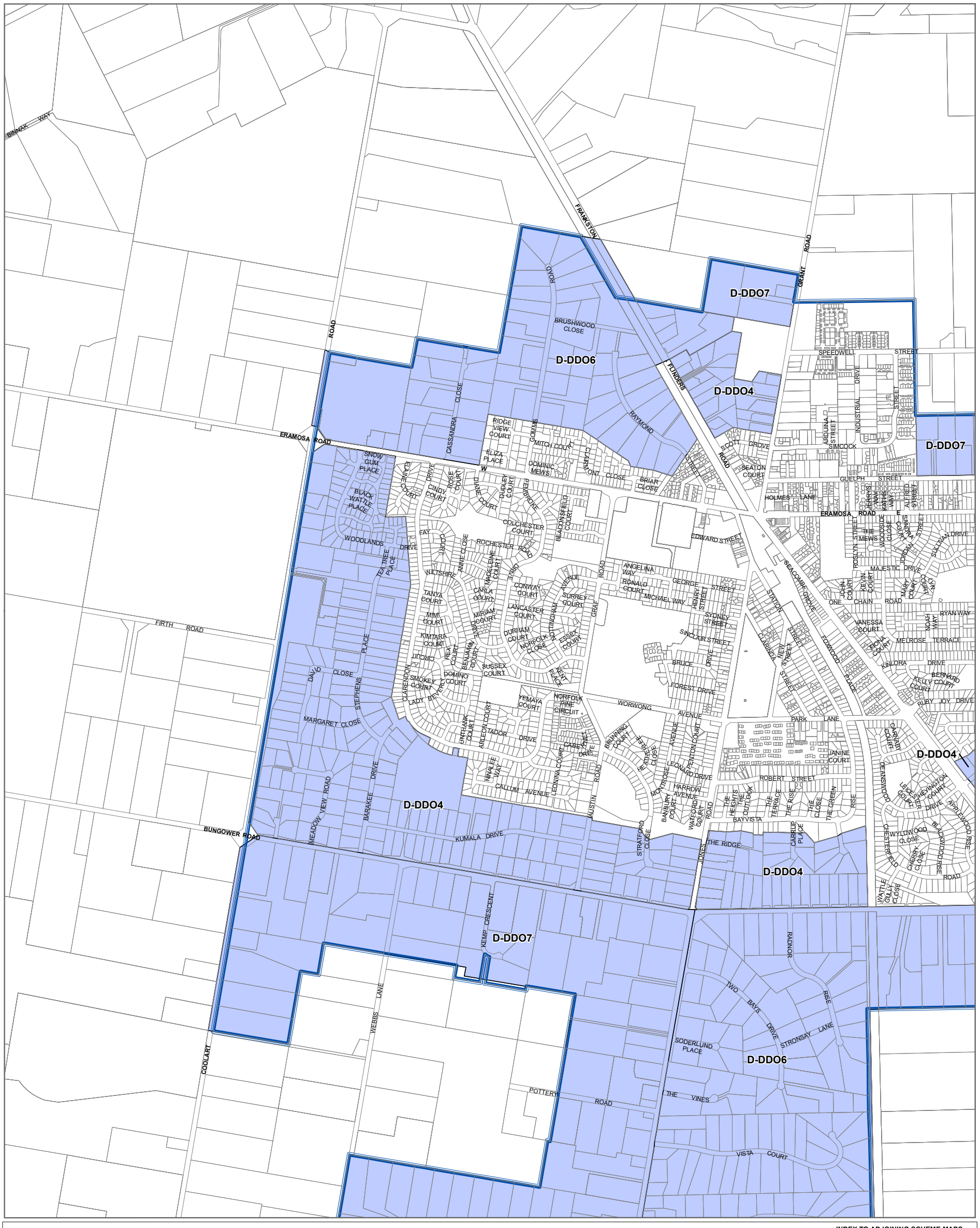
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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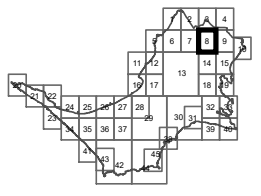
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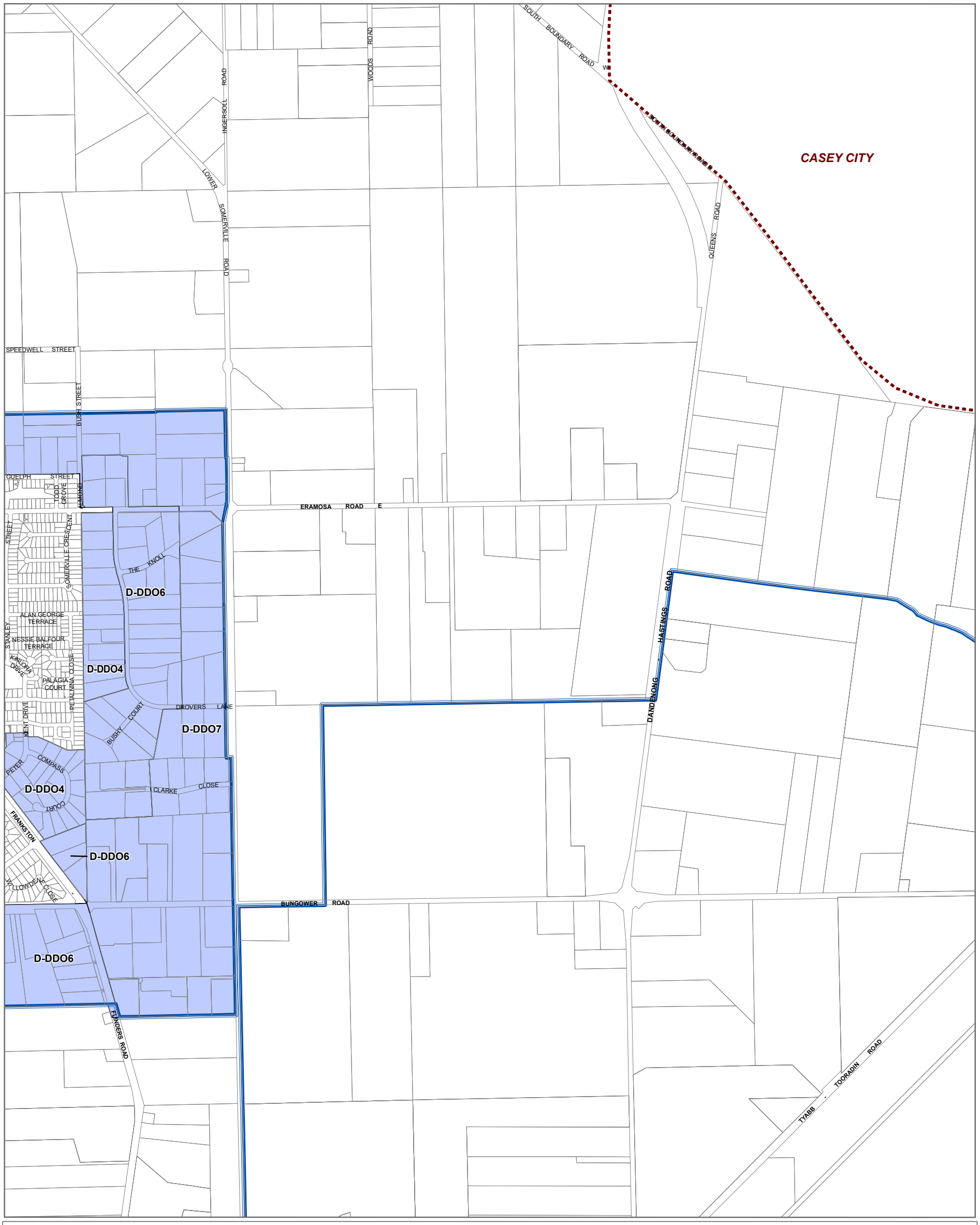
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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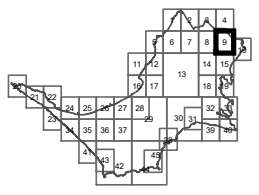
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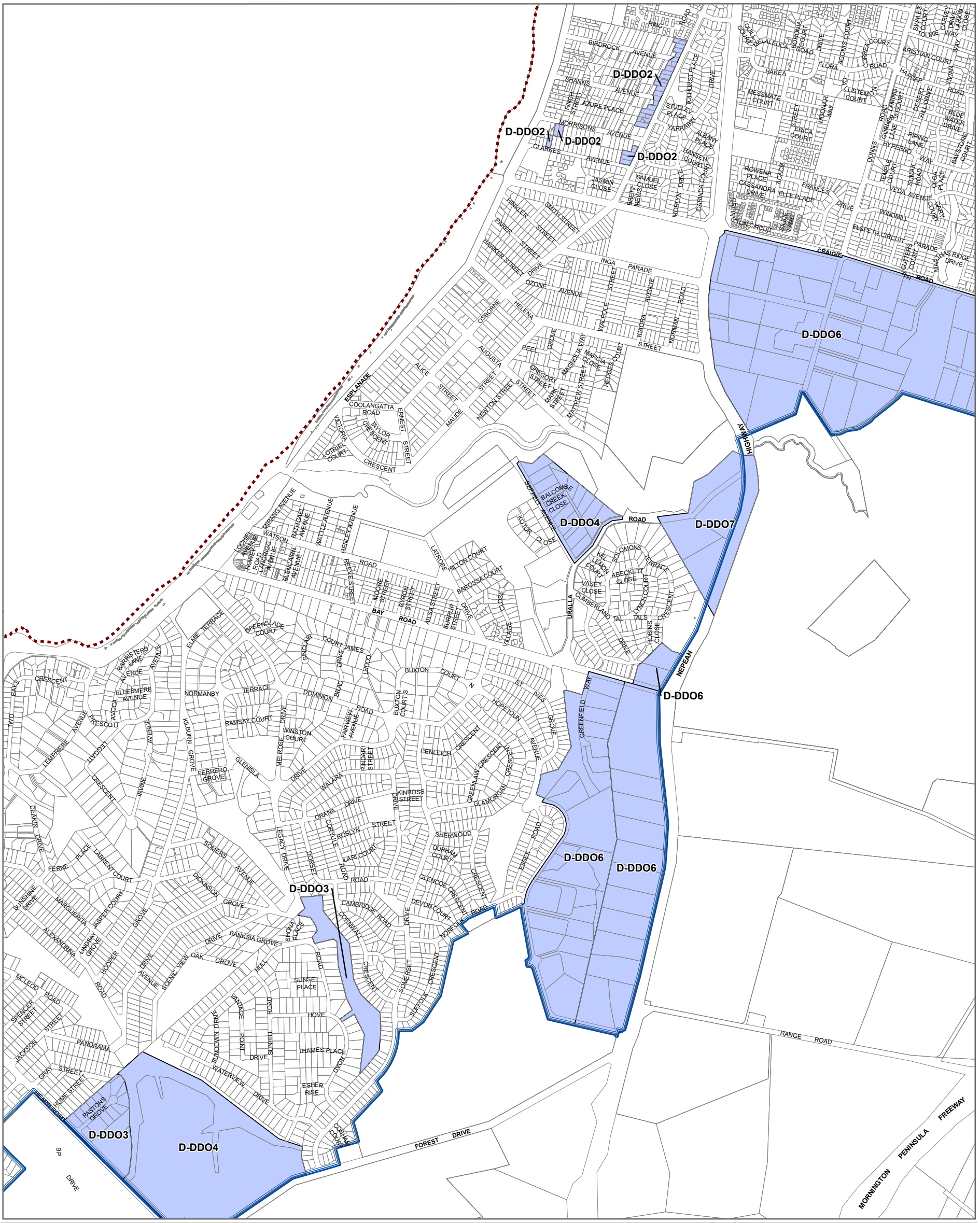
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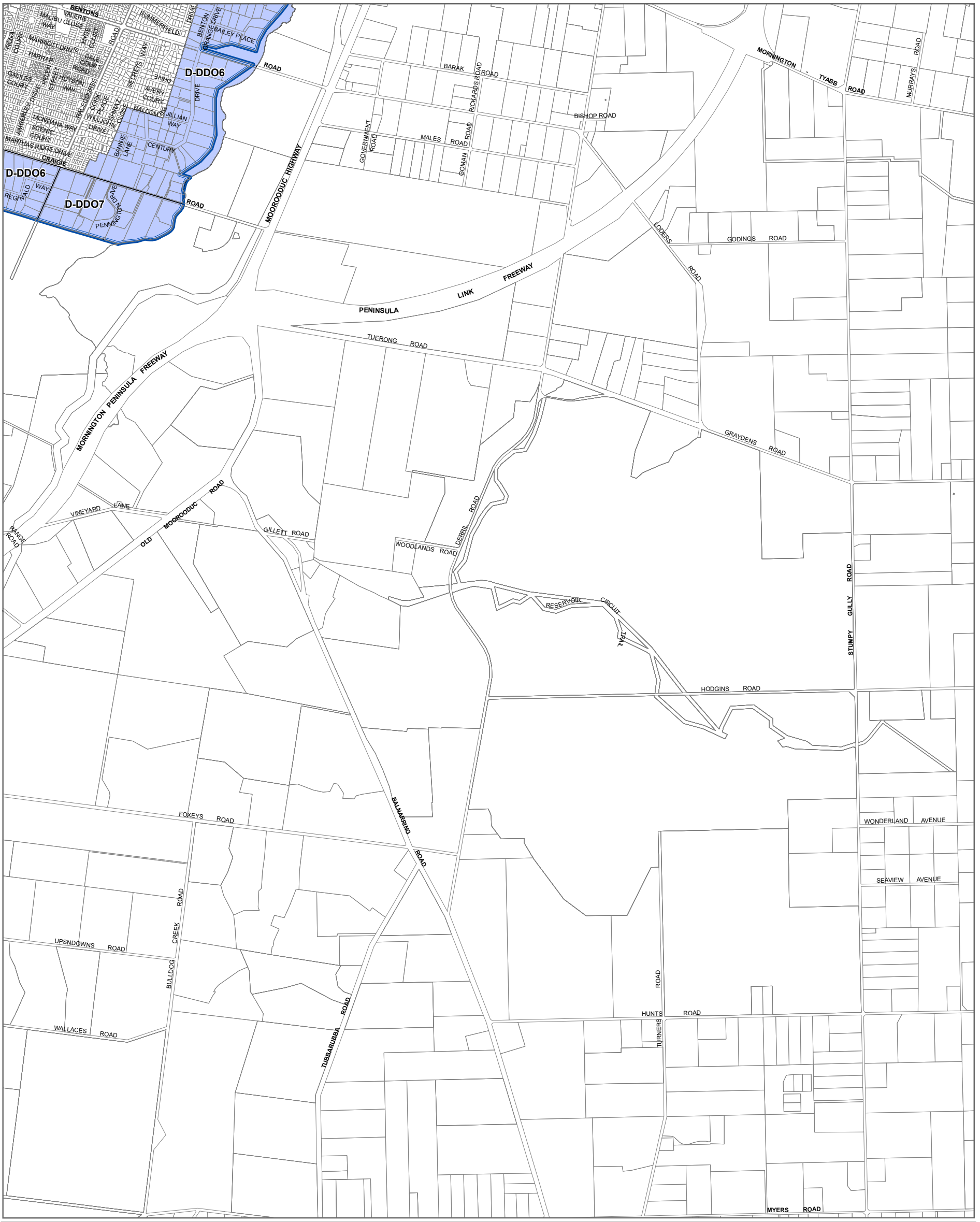
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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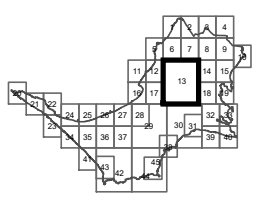
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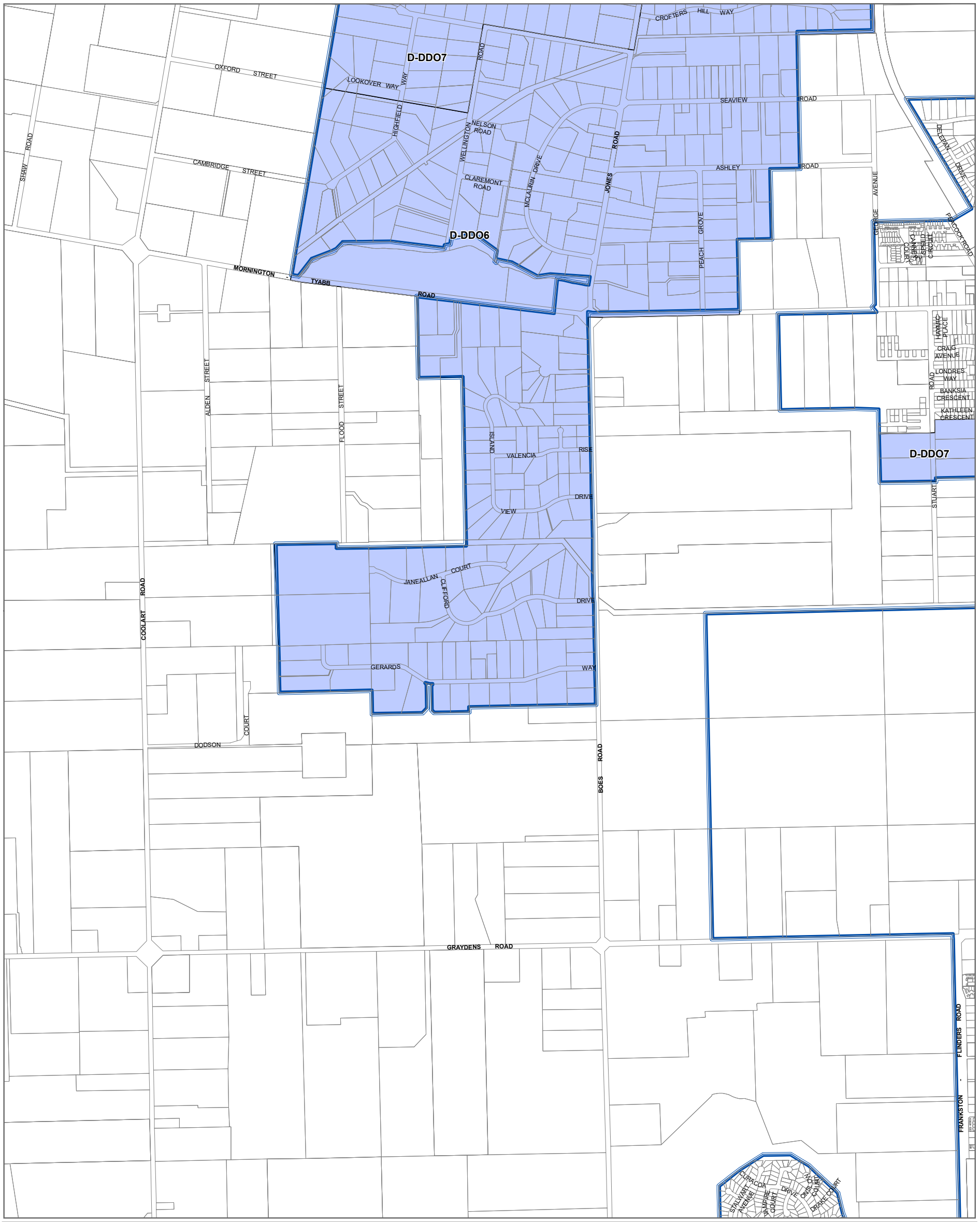
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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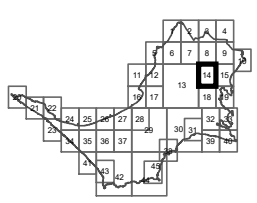
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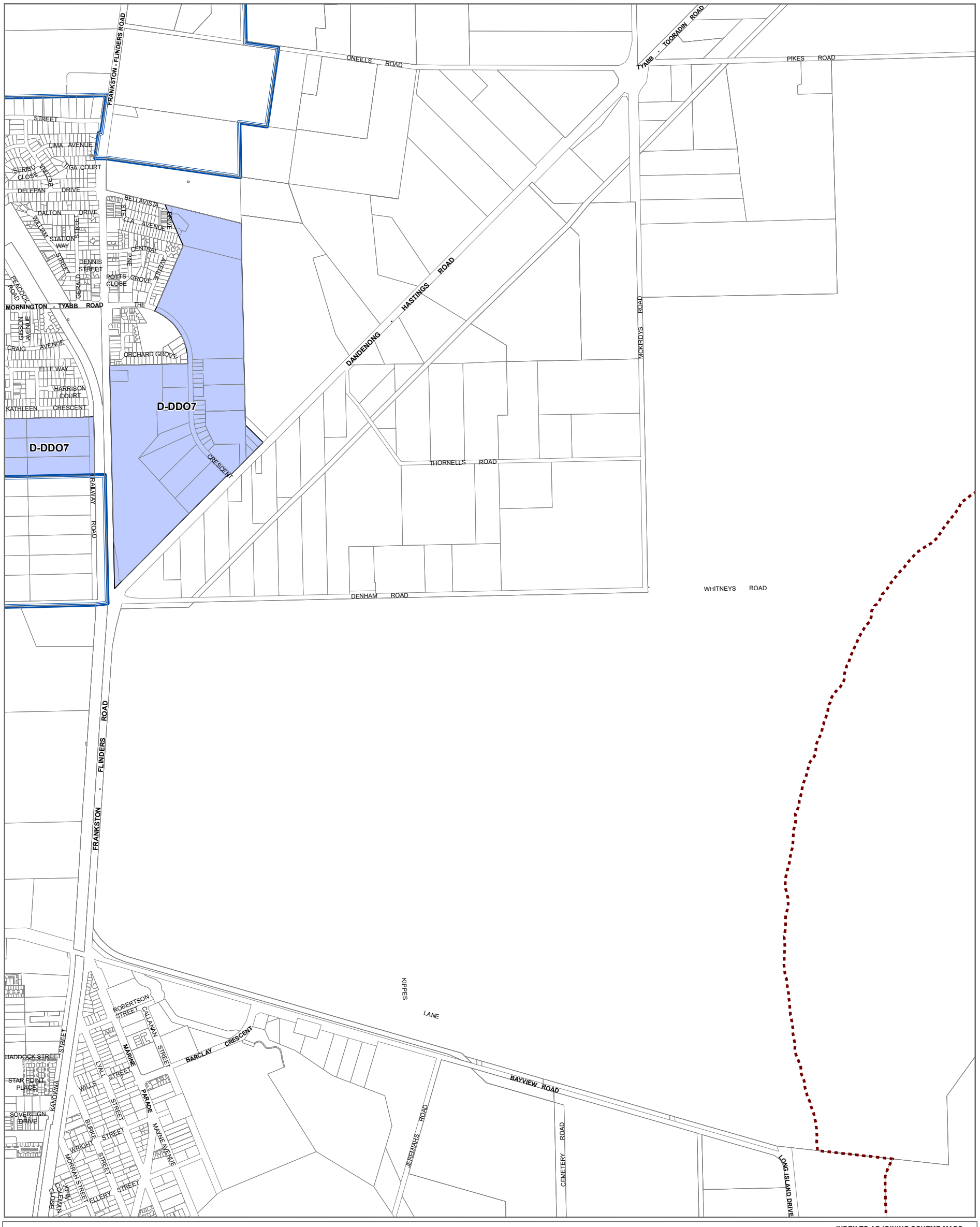
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

Land Outside Urban Growth Zone

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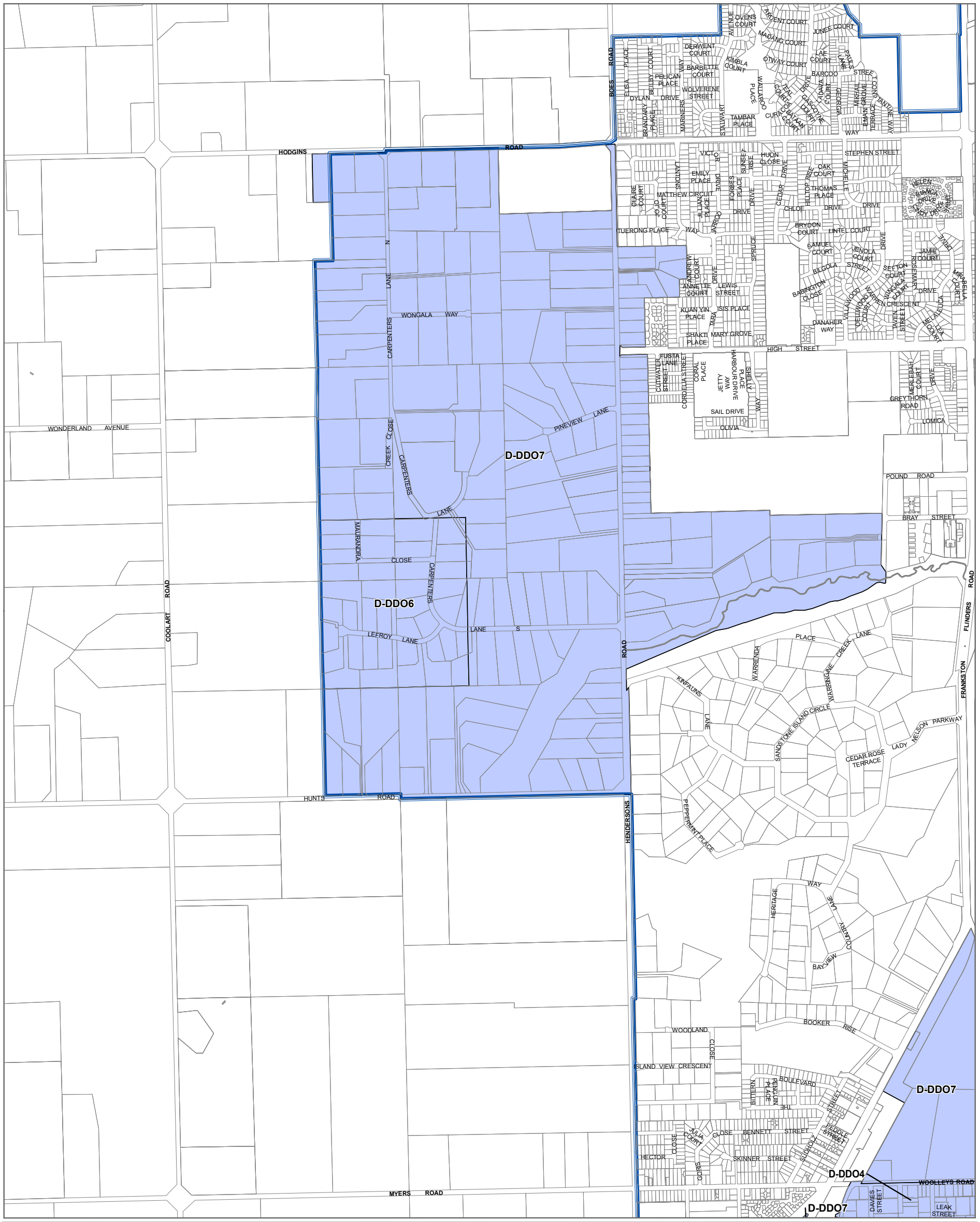
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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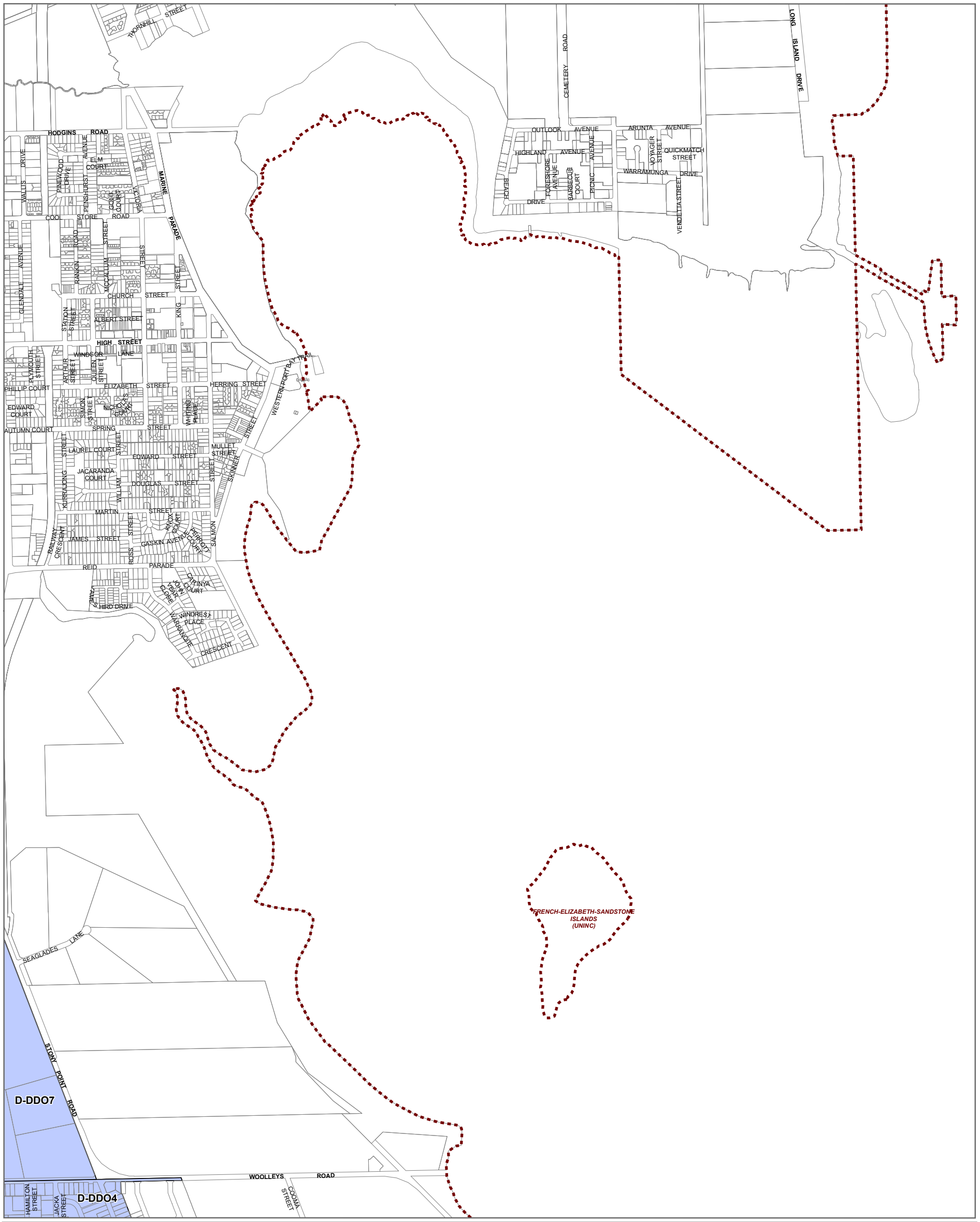
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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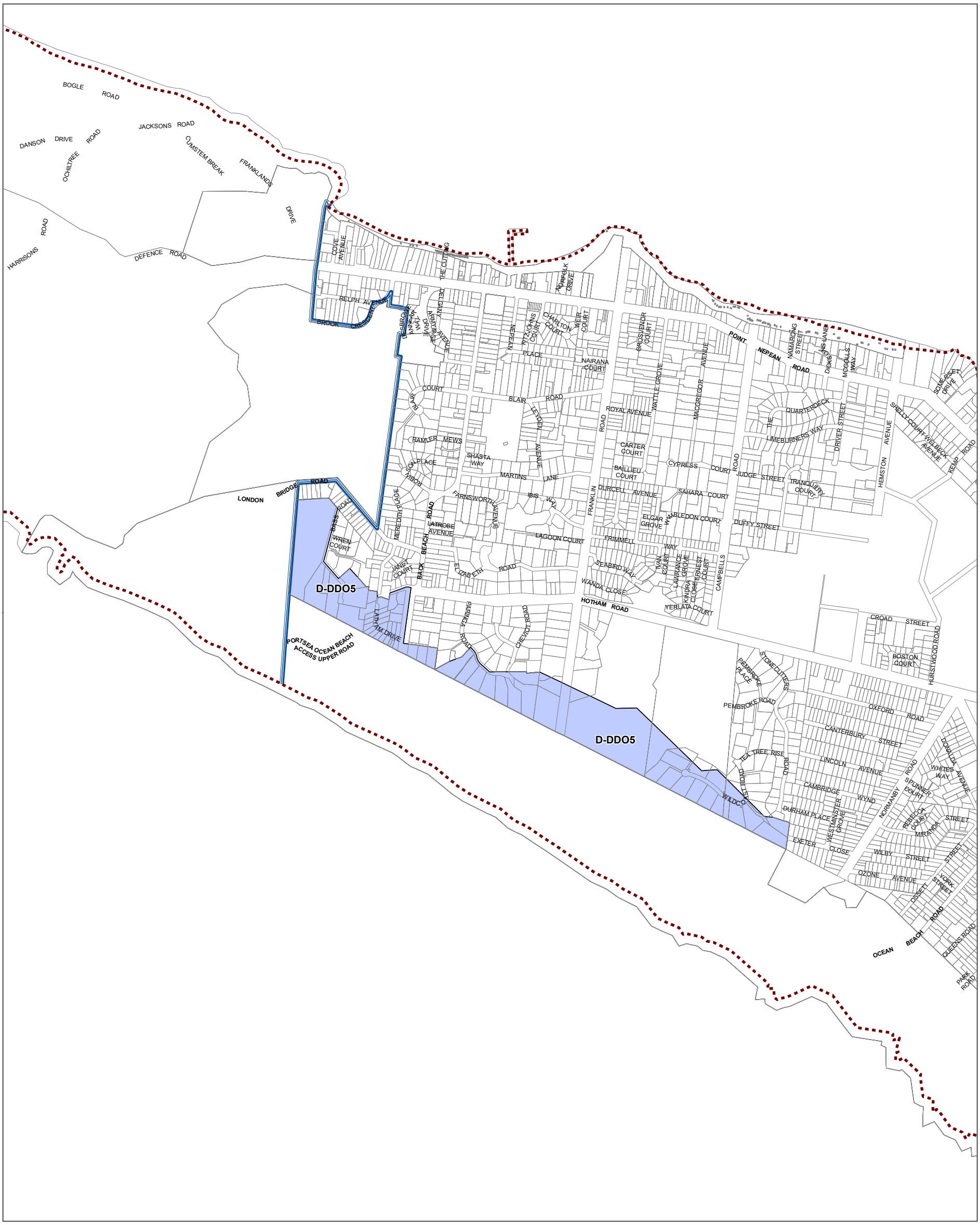
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D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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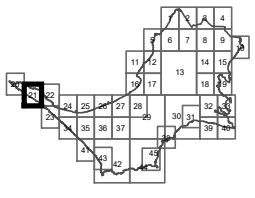
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D-DDO - Area to be deleted from a Design and Development Overlay

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AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY **MAP No 24DDO**

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LEGEND

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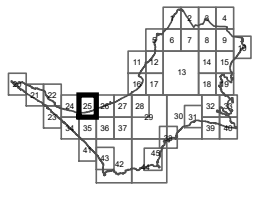
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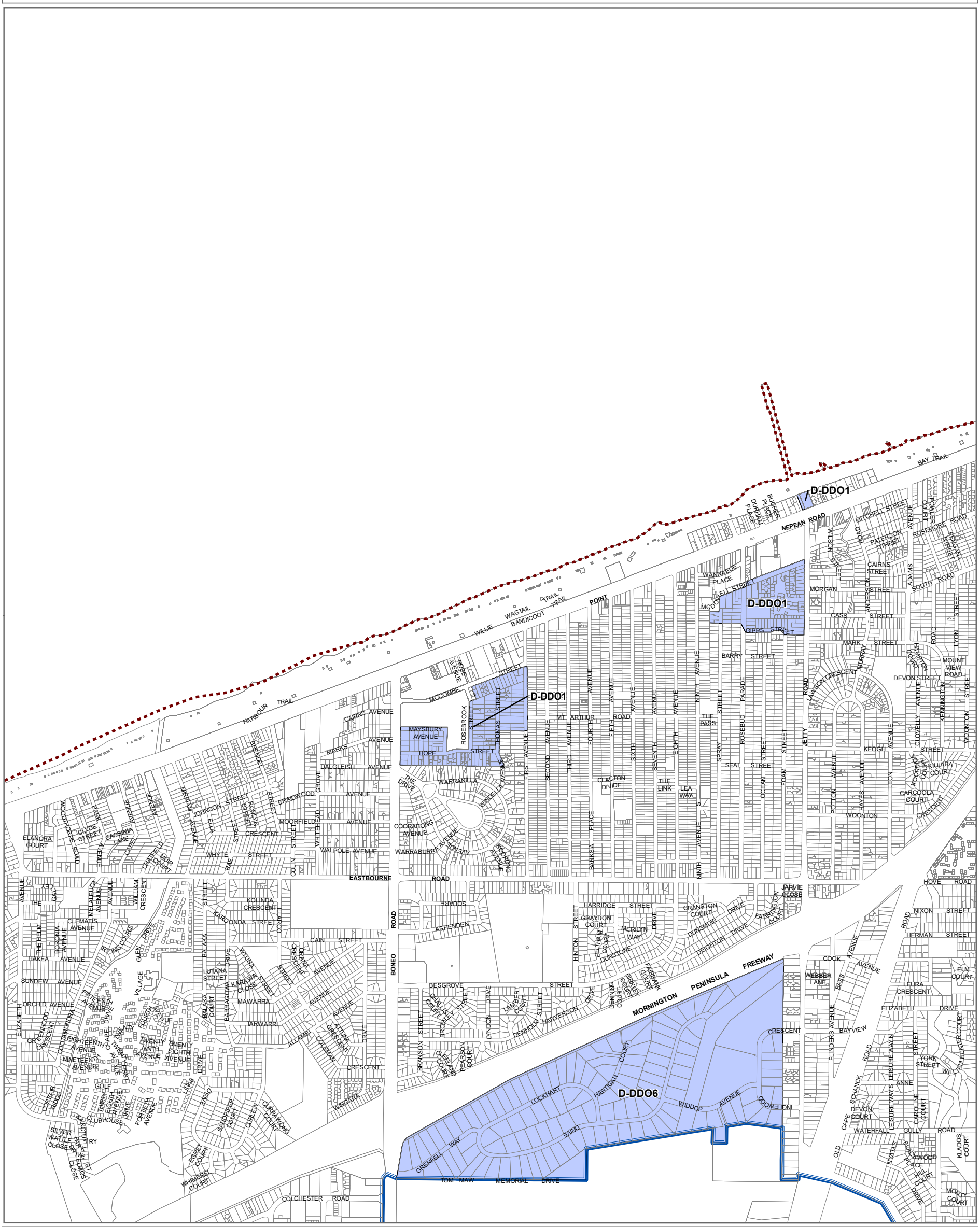
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AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY **MAP No 25DDO**

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LEGEND

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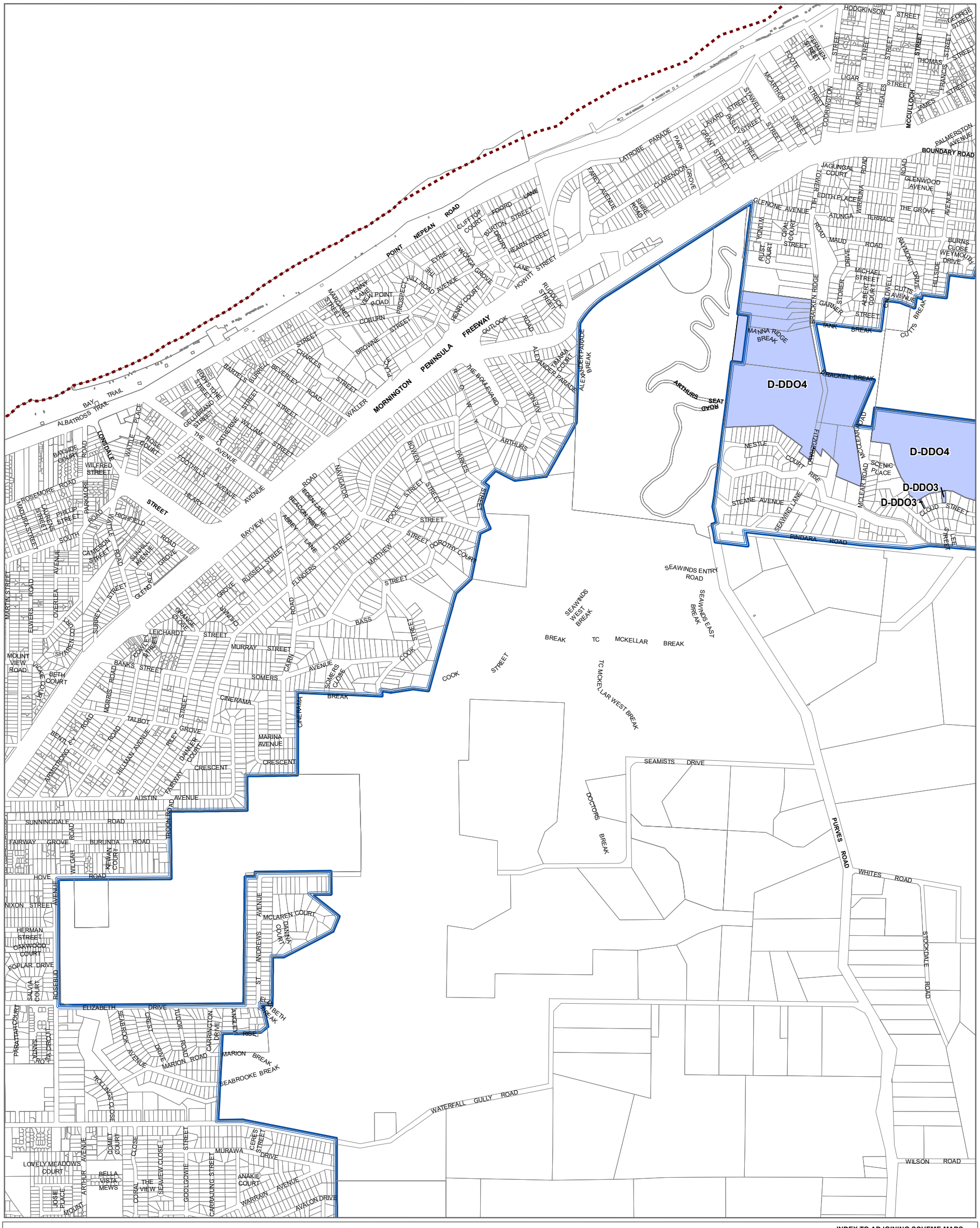
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AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY **MAP No 26DDO**

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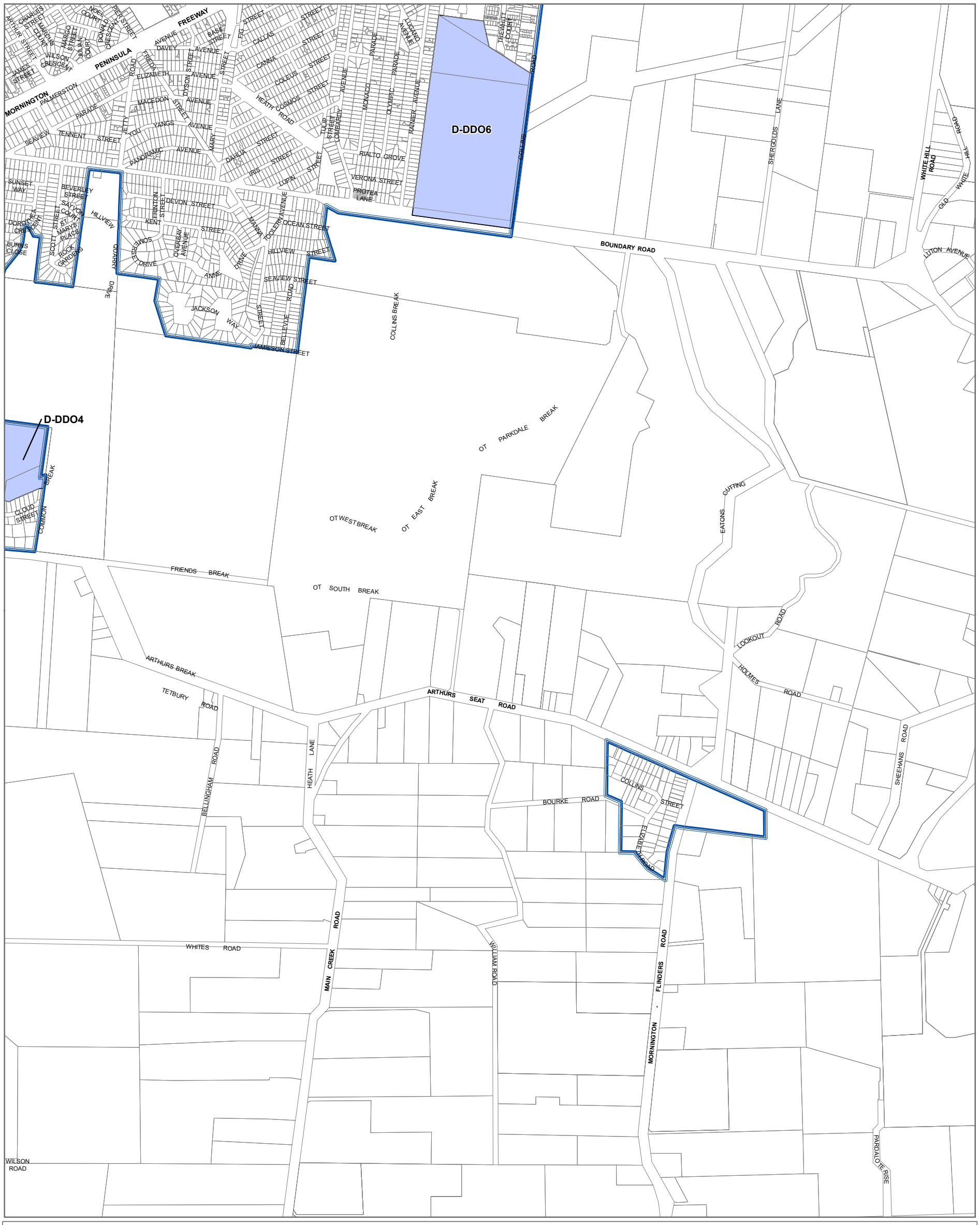
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AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY **MAP No 27DDO**

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Land Outside Urban Growth Zone

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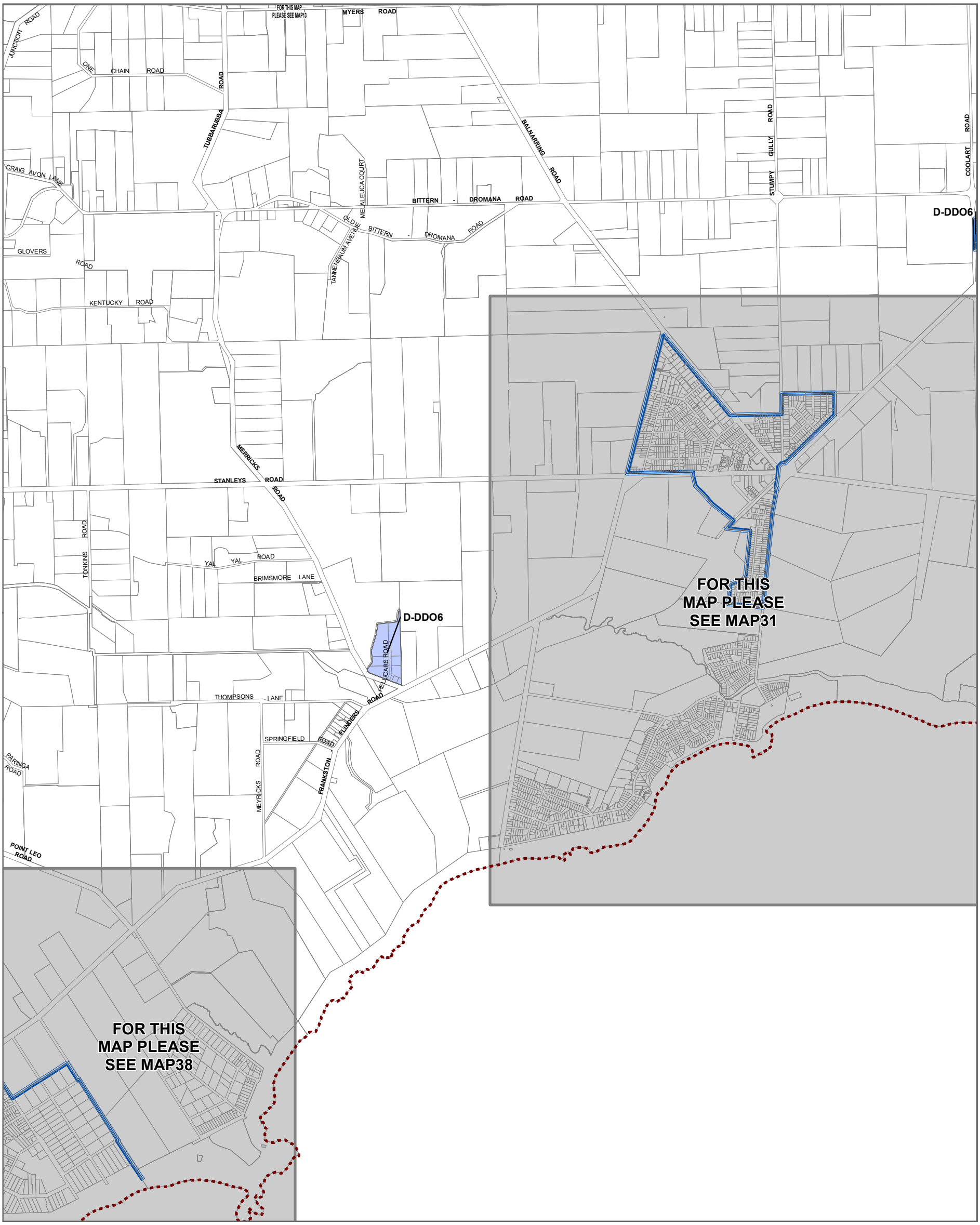
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LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

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Land Outside Urban Growth Zone

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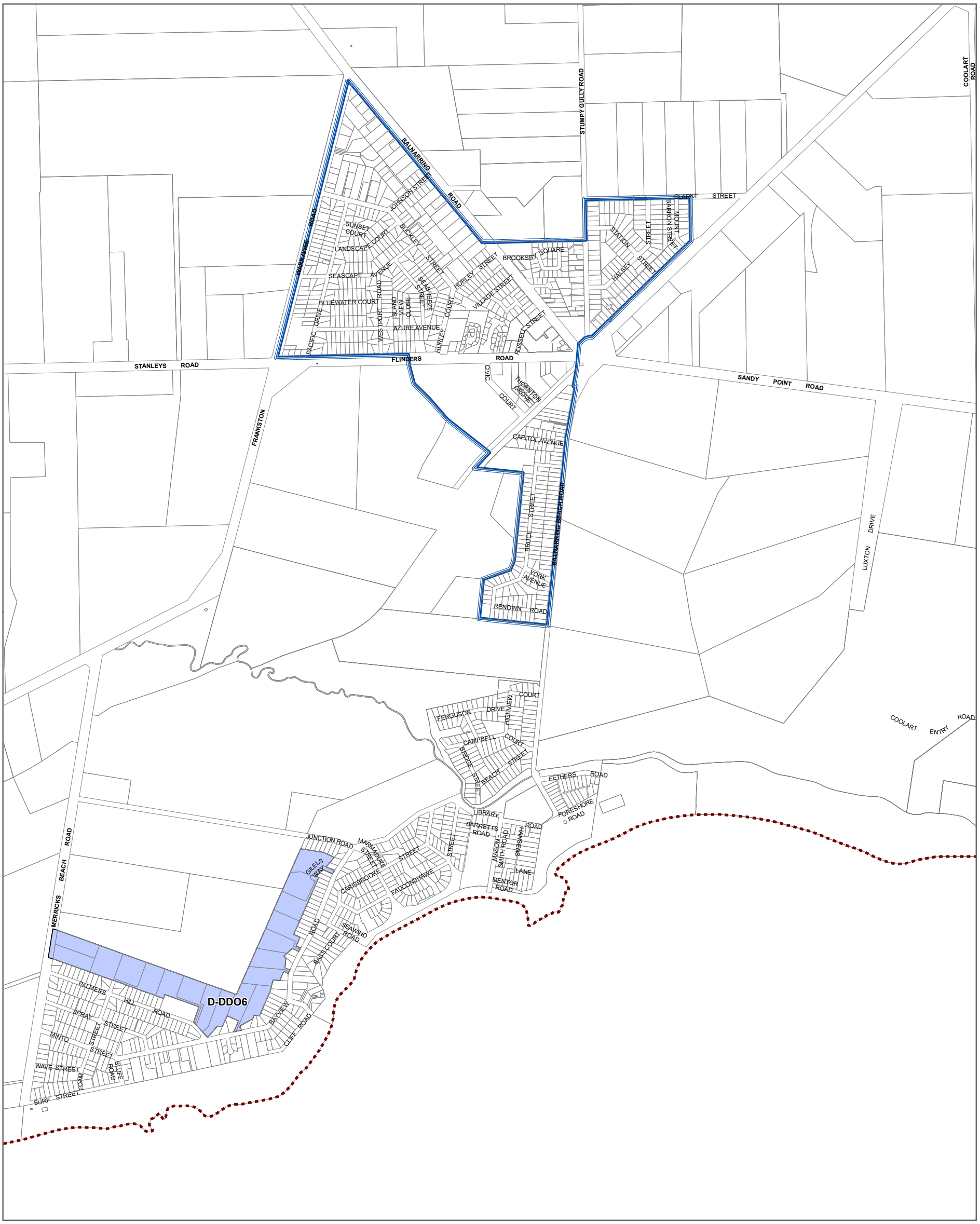
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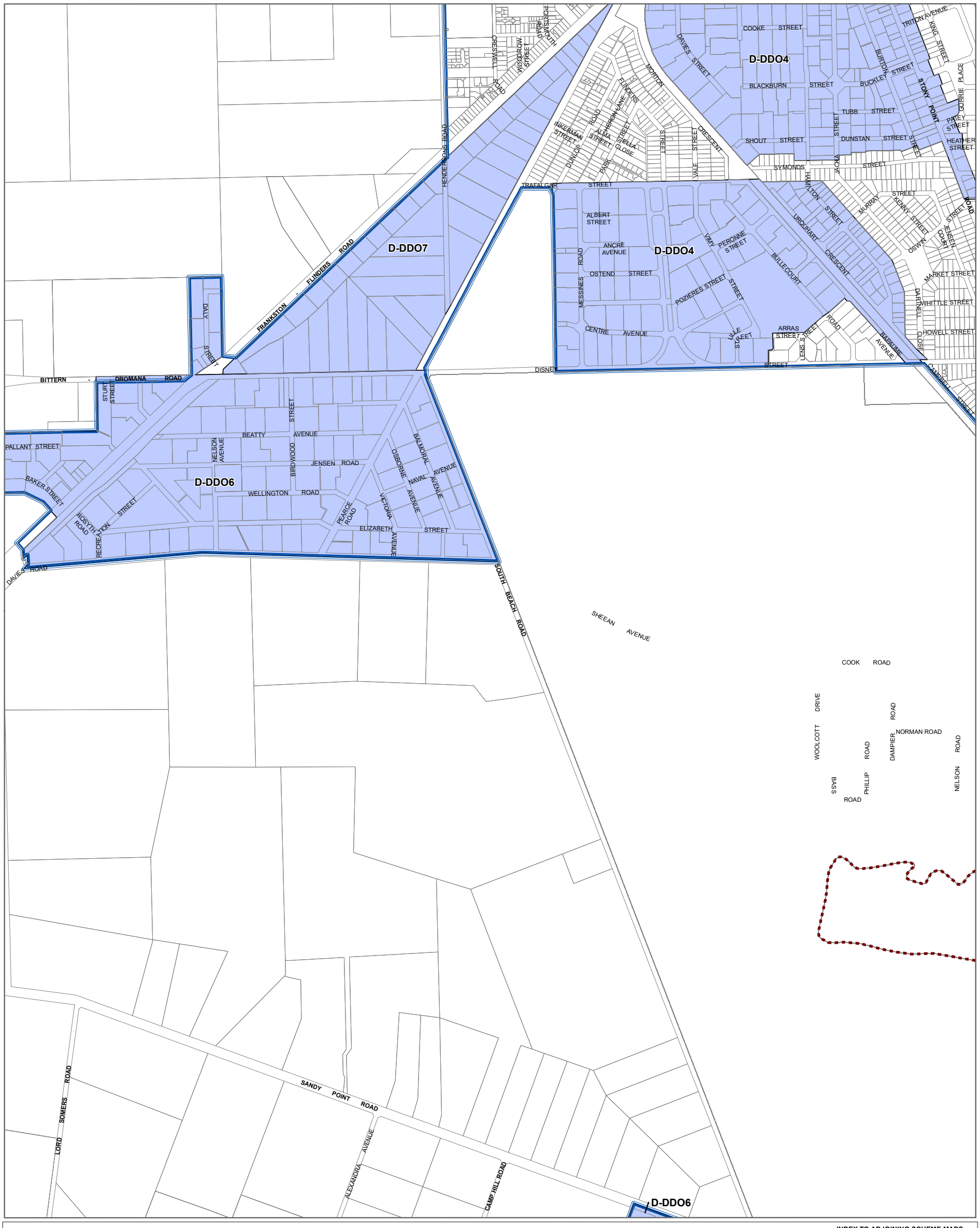
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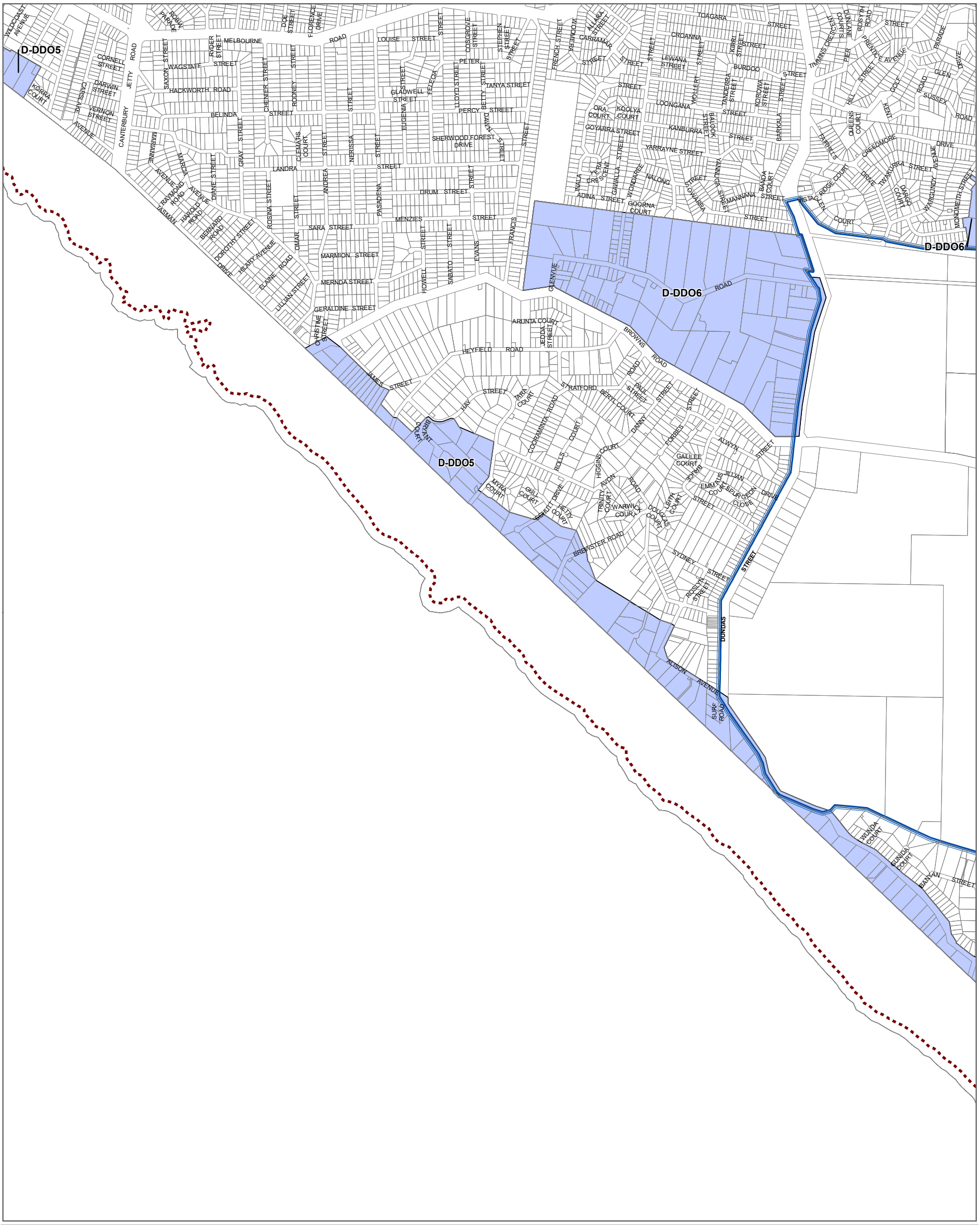
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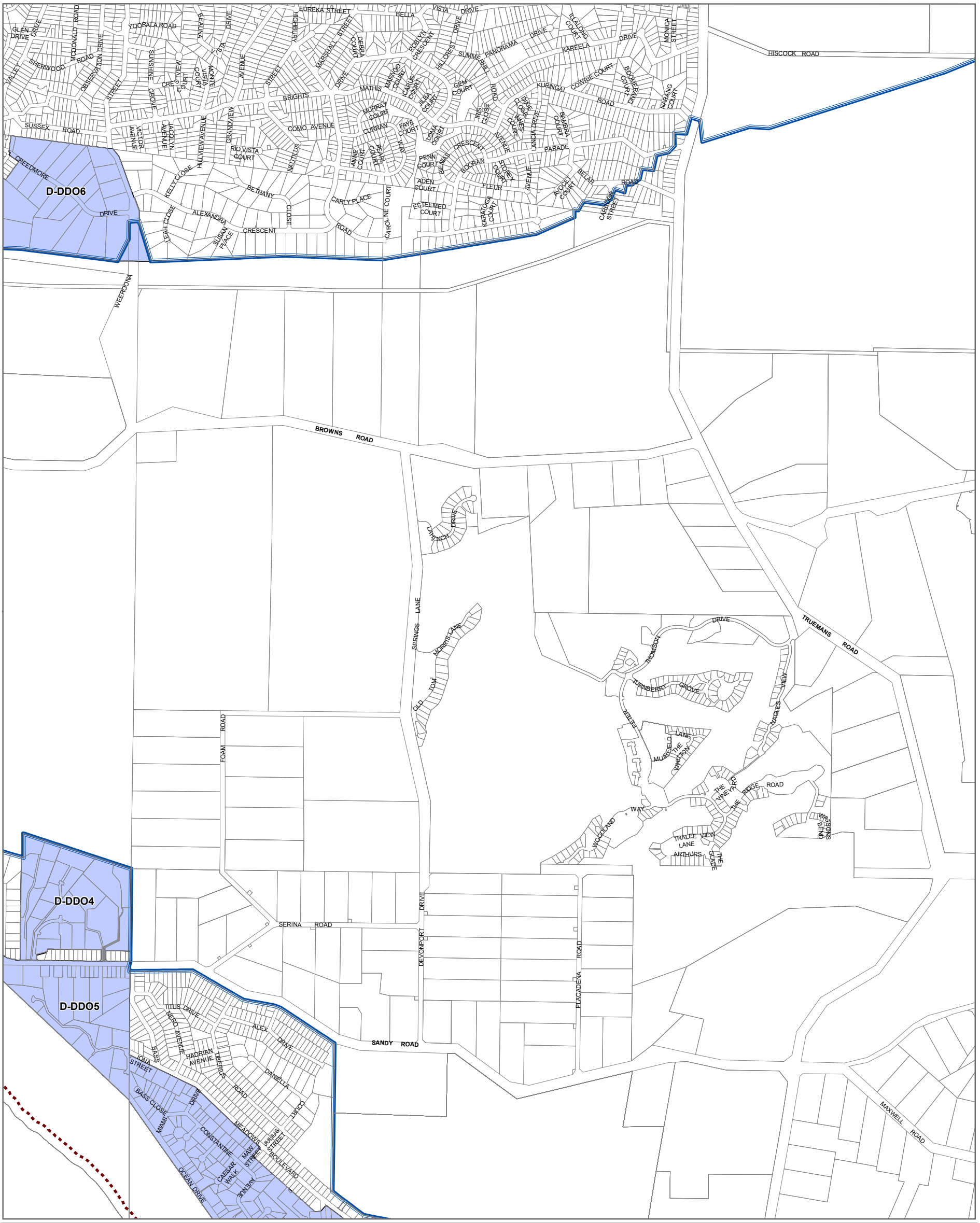
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D-DDO5
D-DDO6
D-DDO6
D-DDO5
ROAD
STREET
DRIVE
AVENUE
COURT
CRESCENT
PARADE
CLOSE
DUNDAS
STREET
ROAD
ROAD
STREET
STREET
STREET

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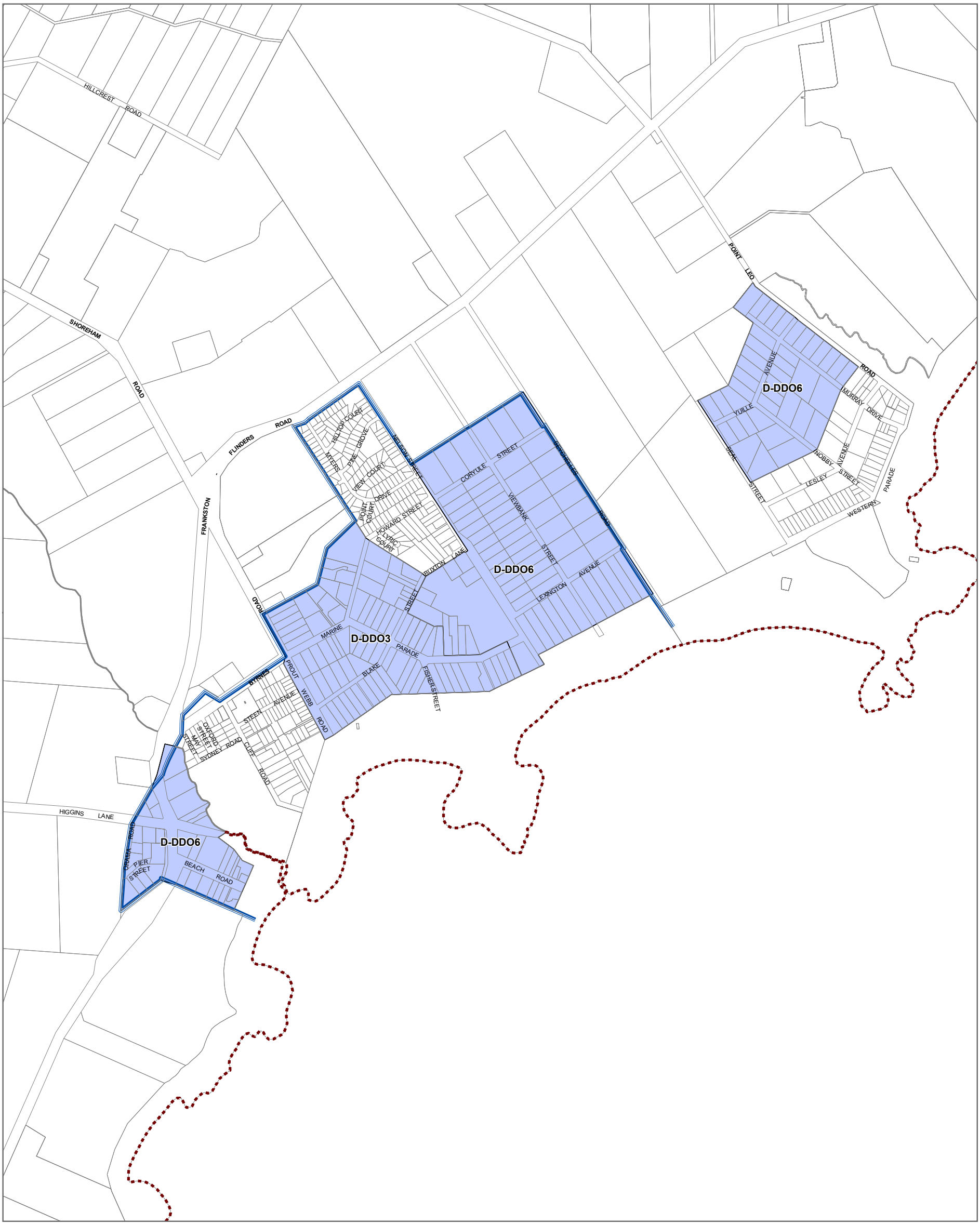
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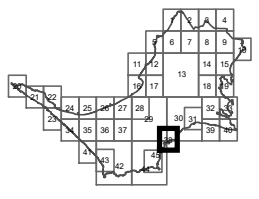
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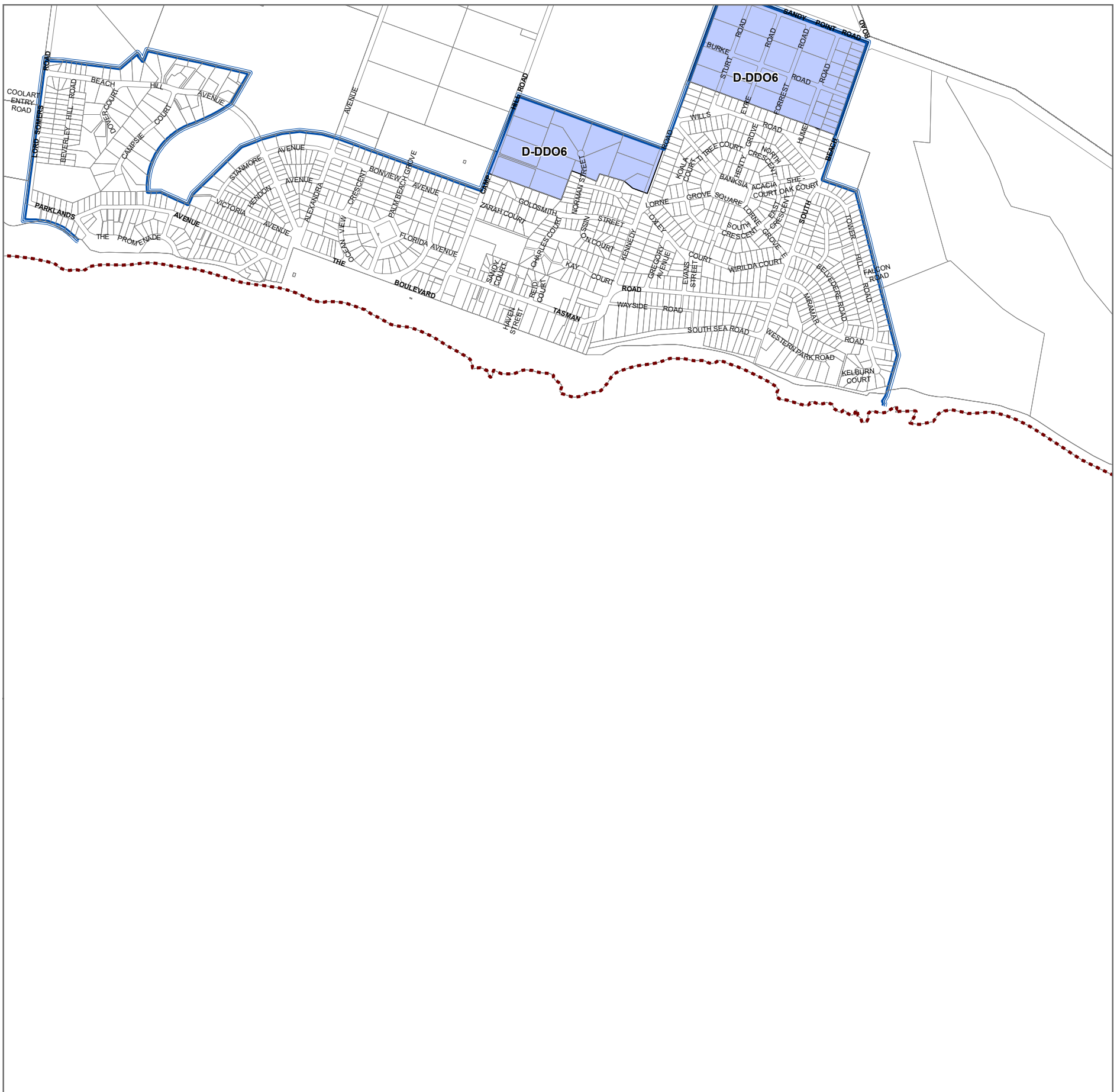
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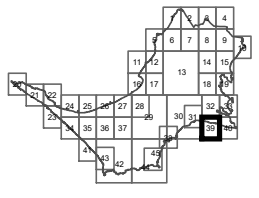
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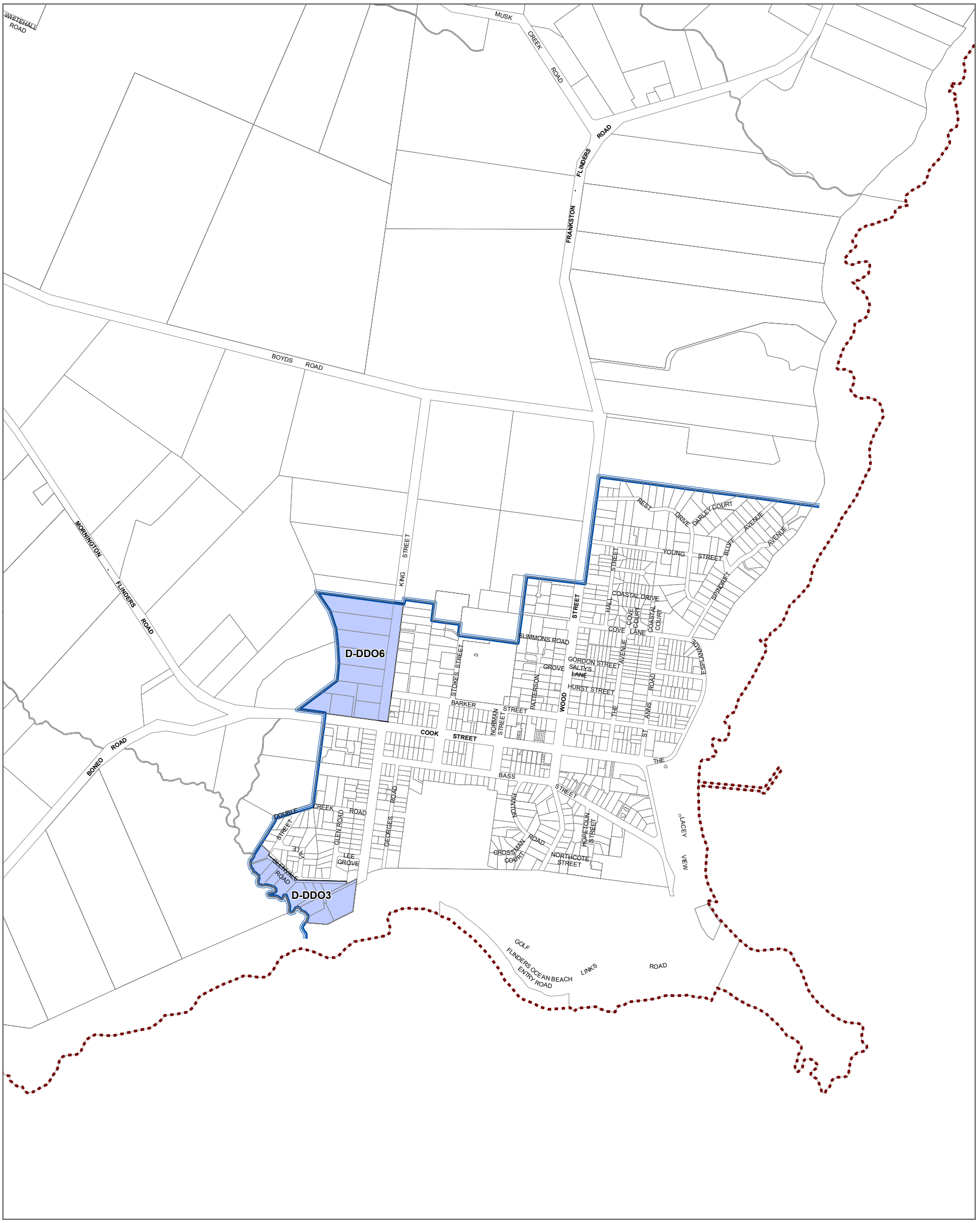
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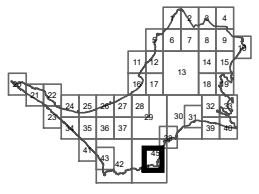
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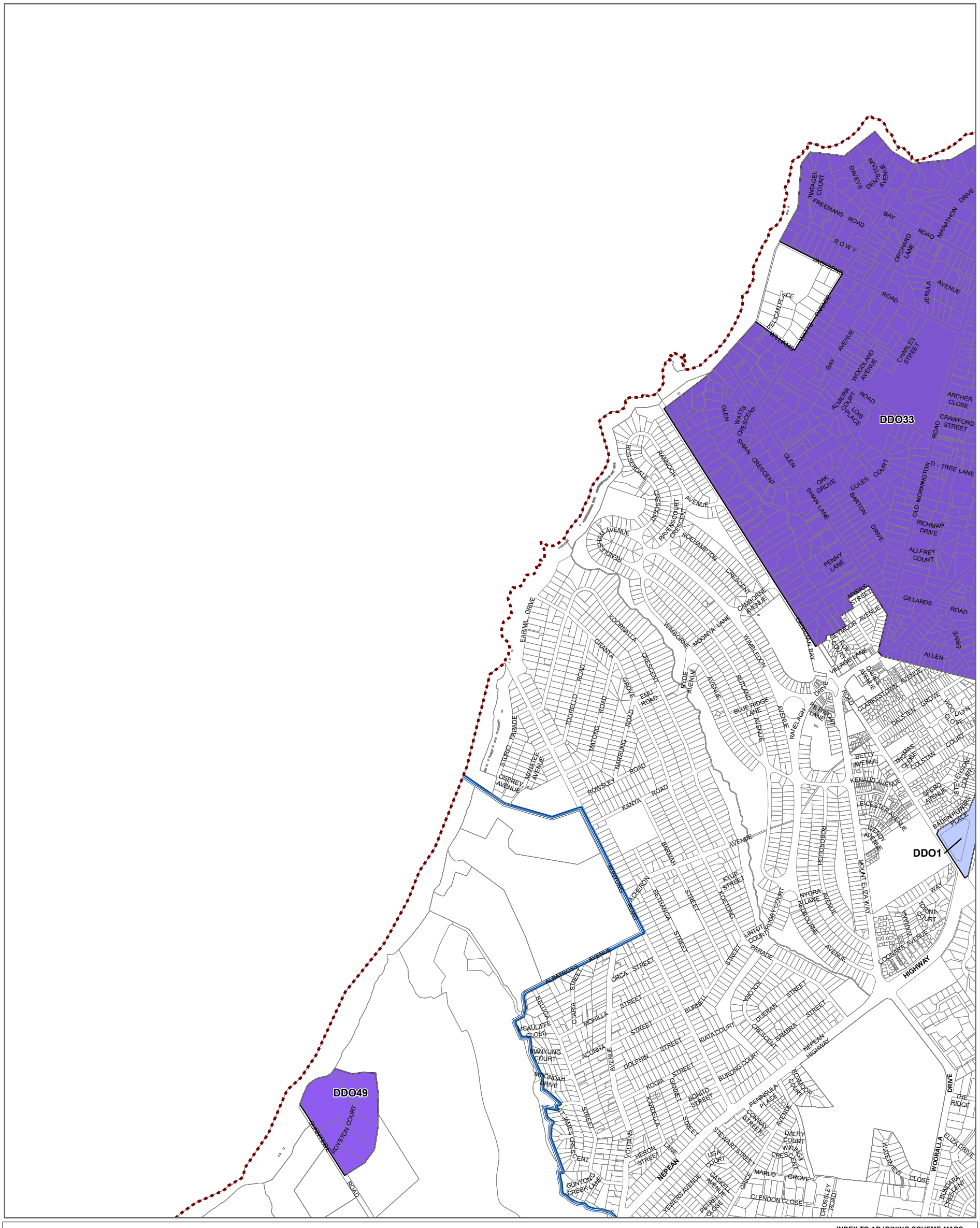
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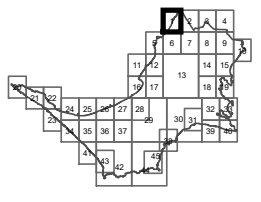
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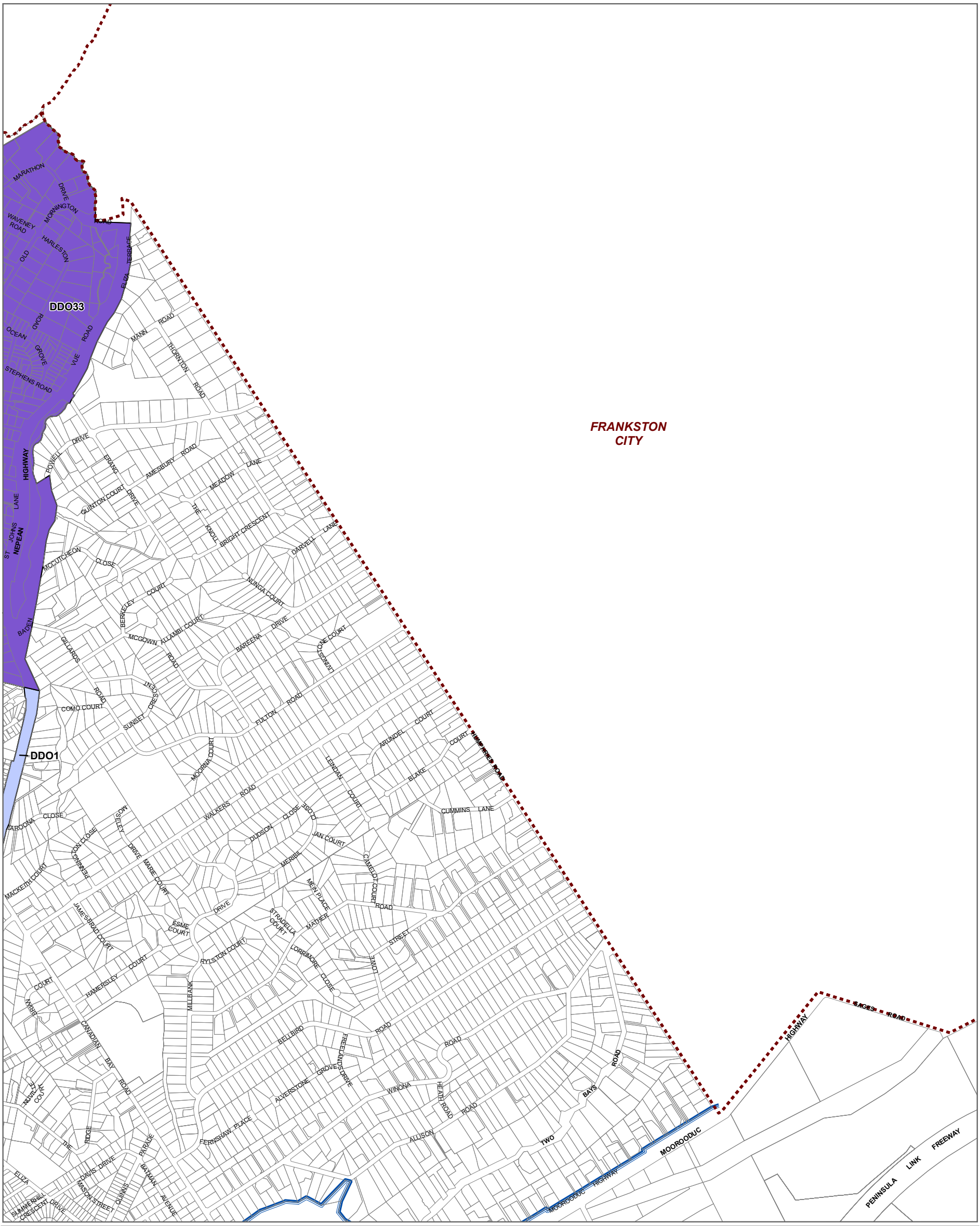
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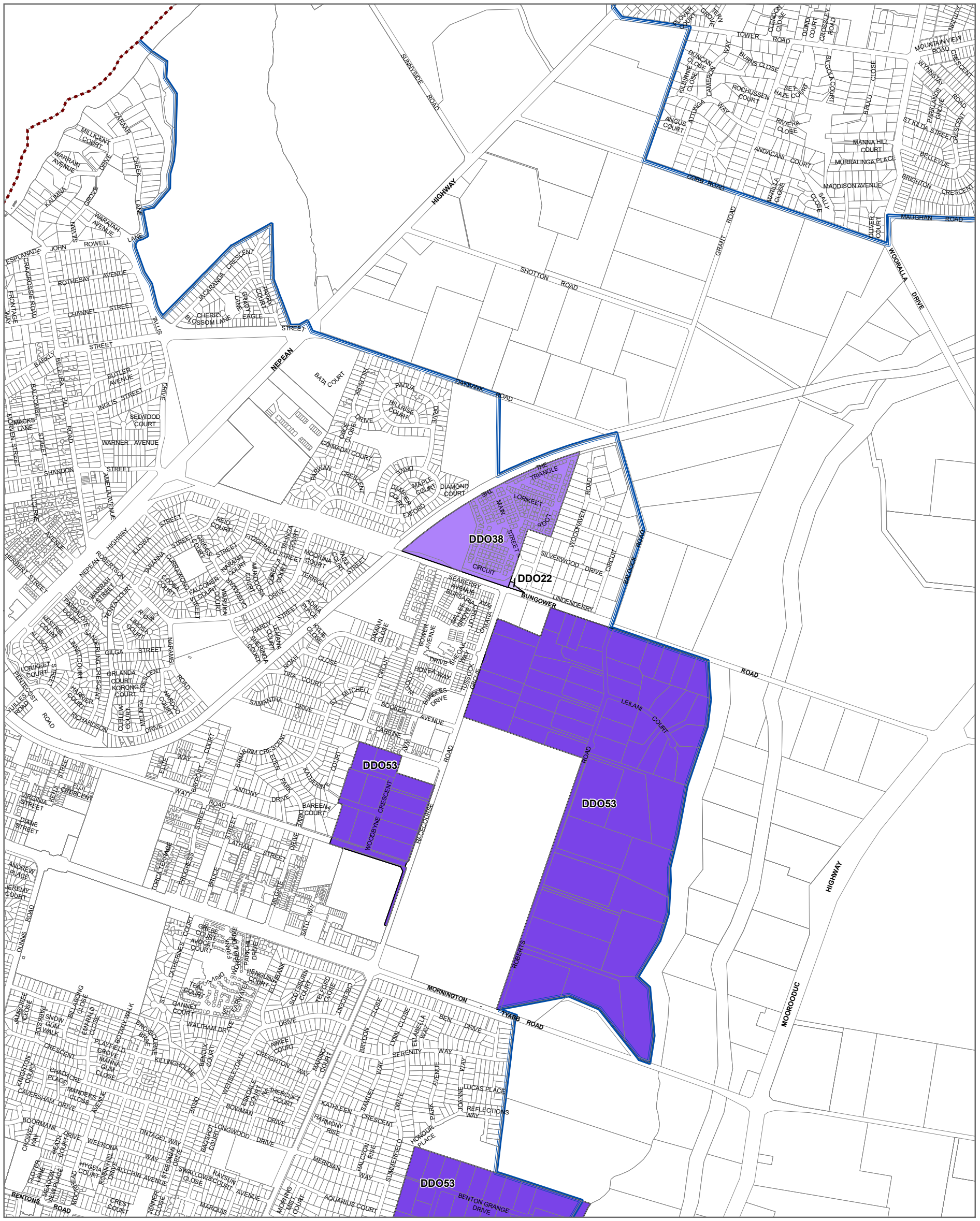
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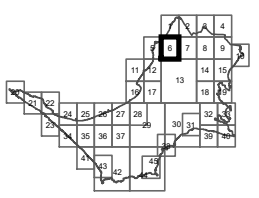
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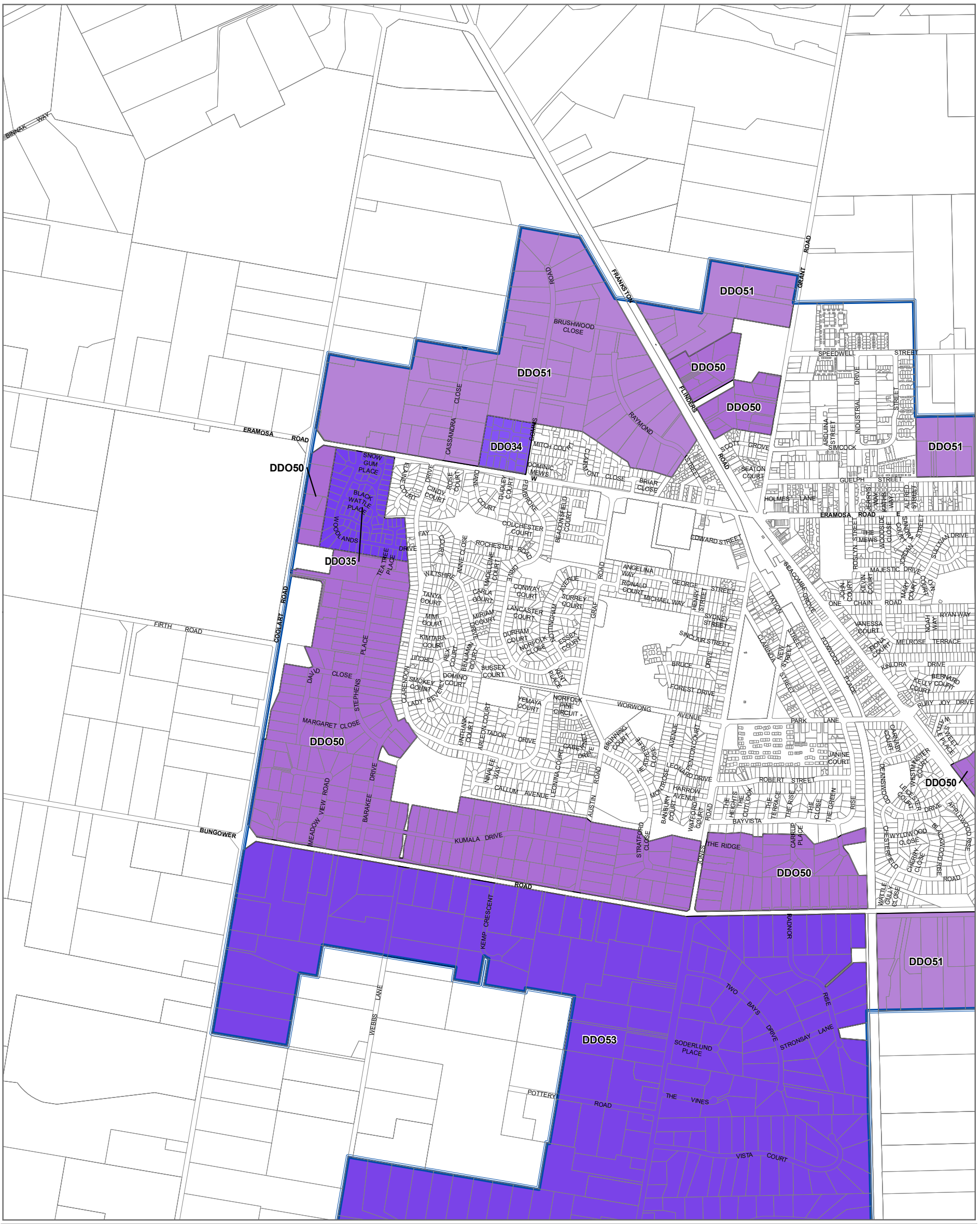


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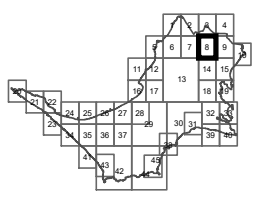
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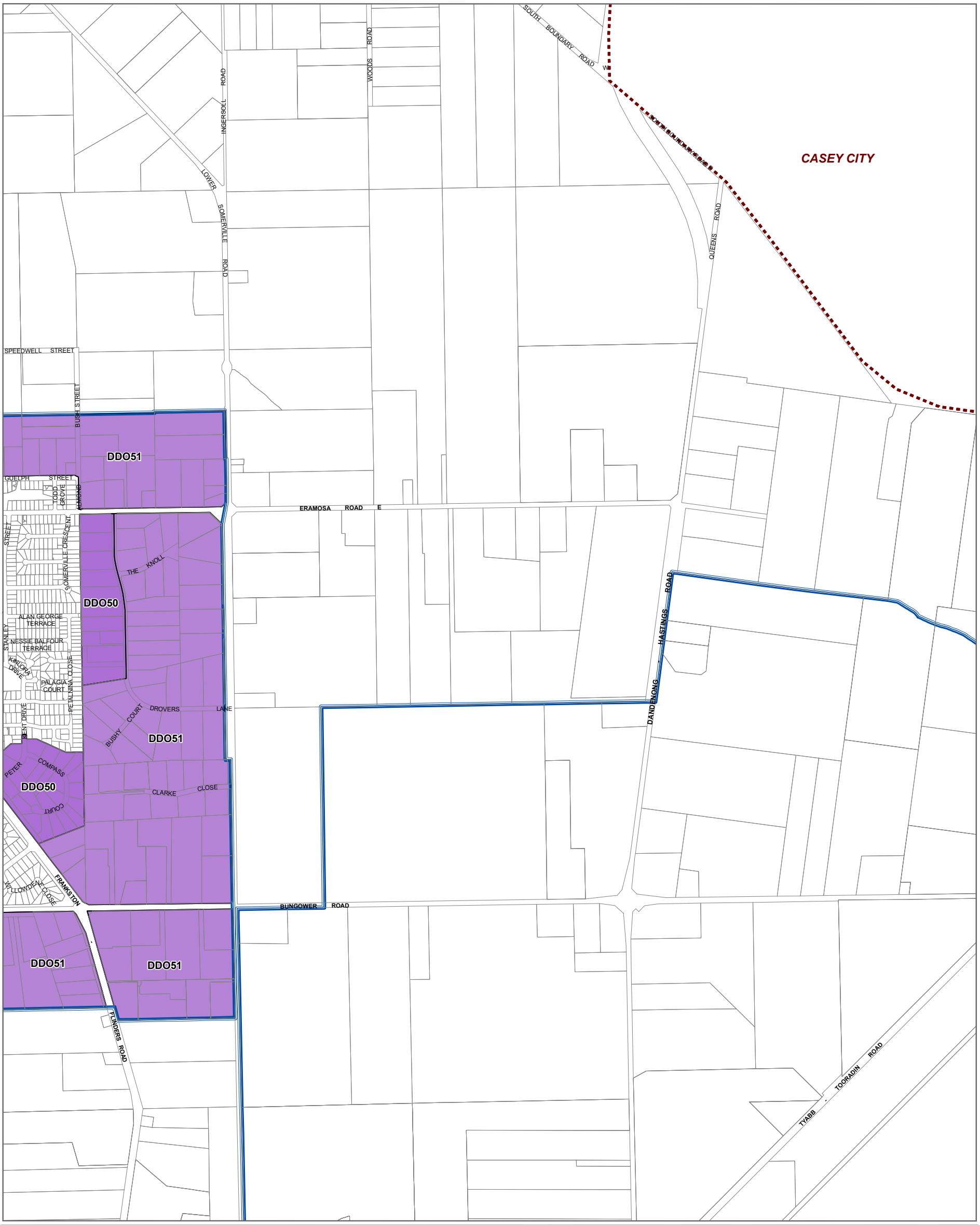
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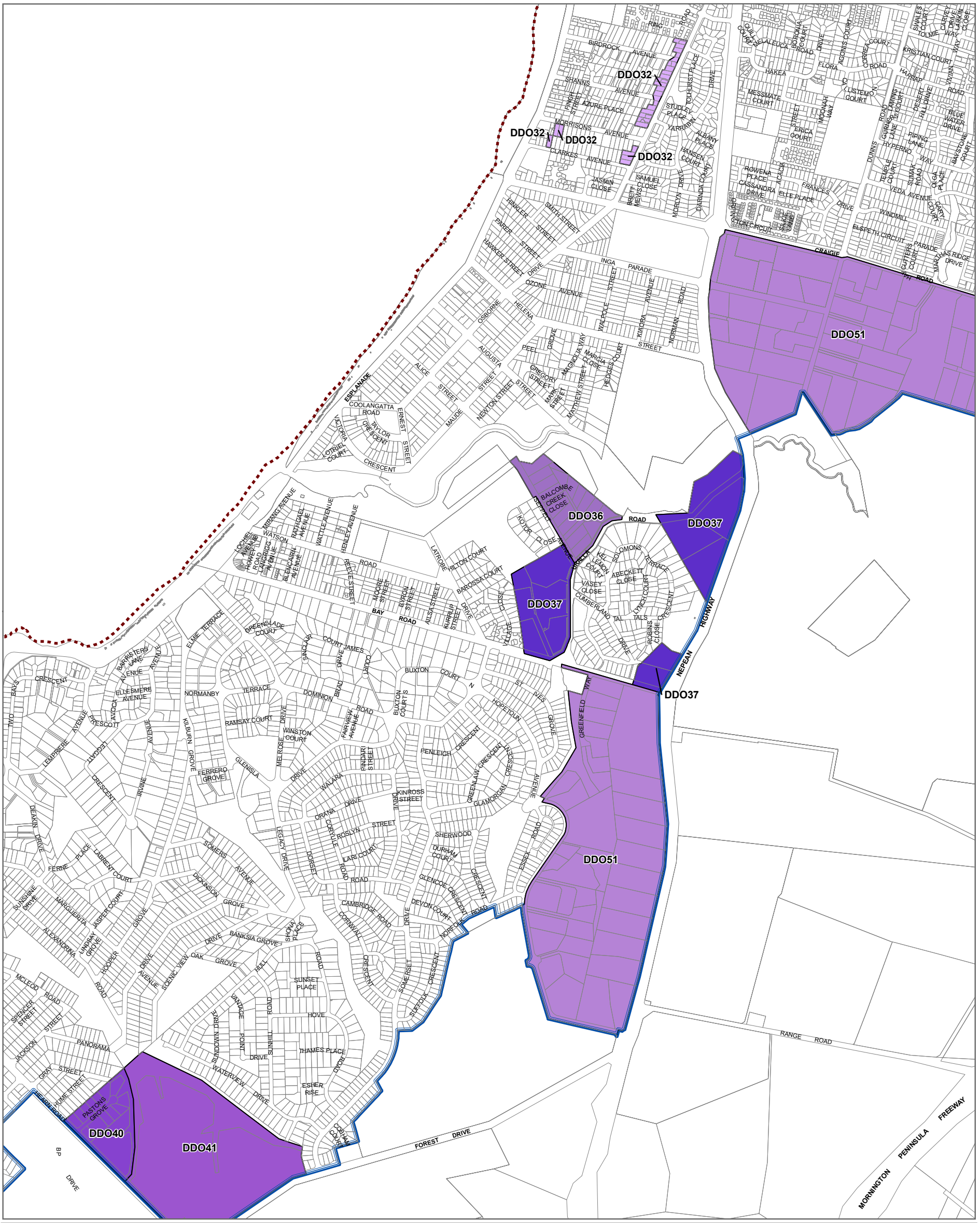
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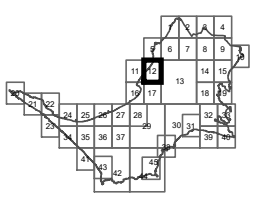
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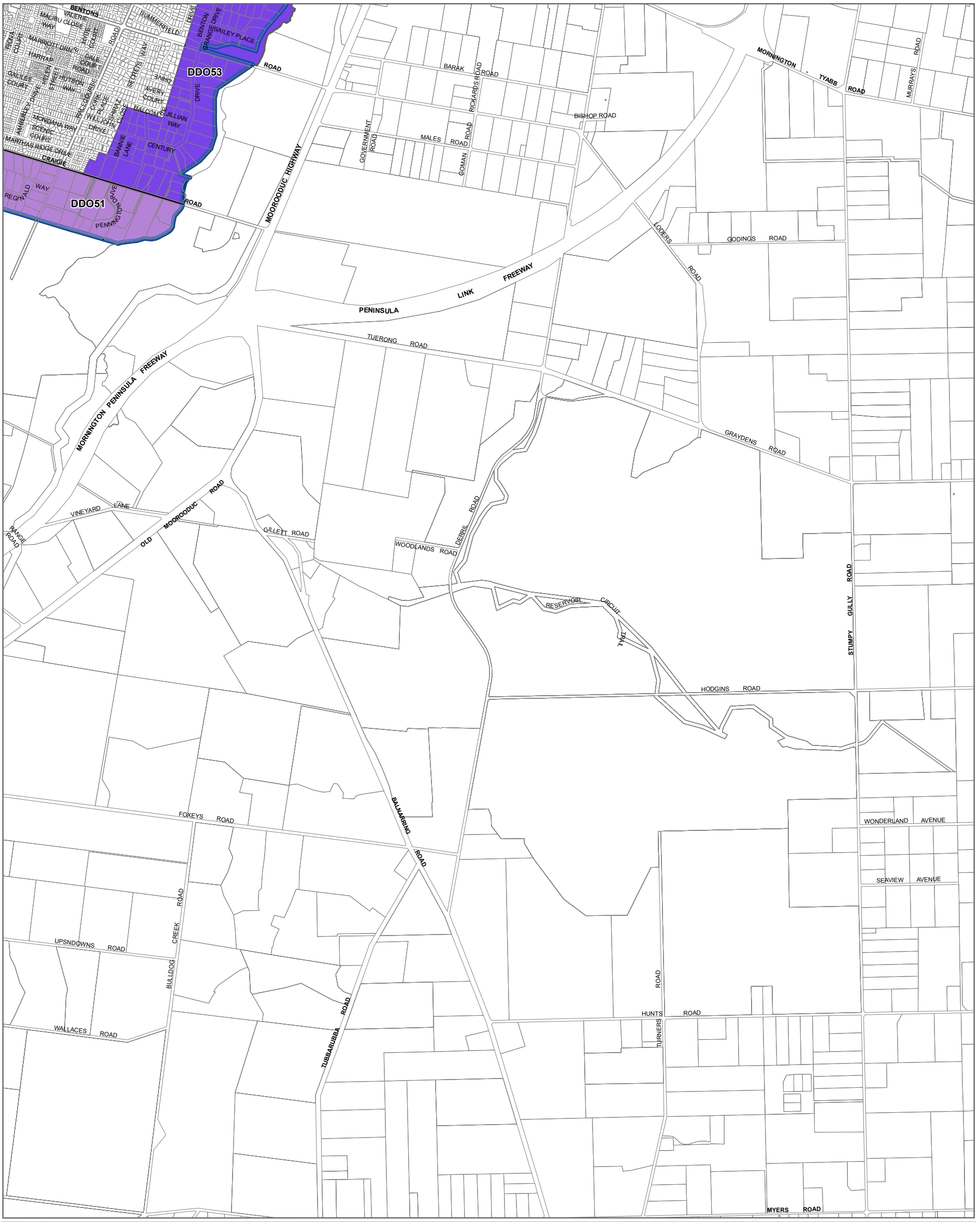
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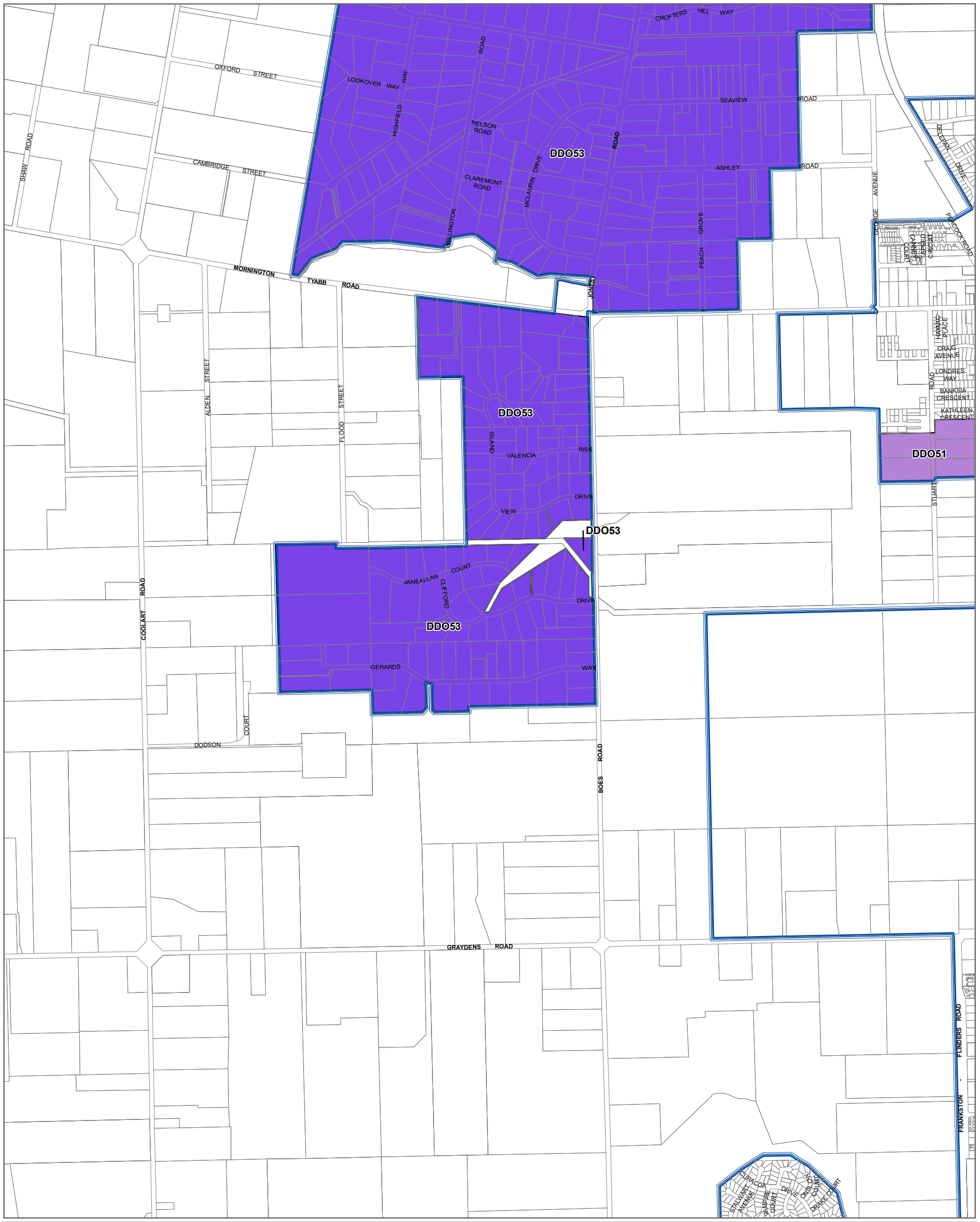
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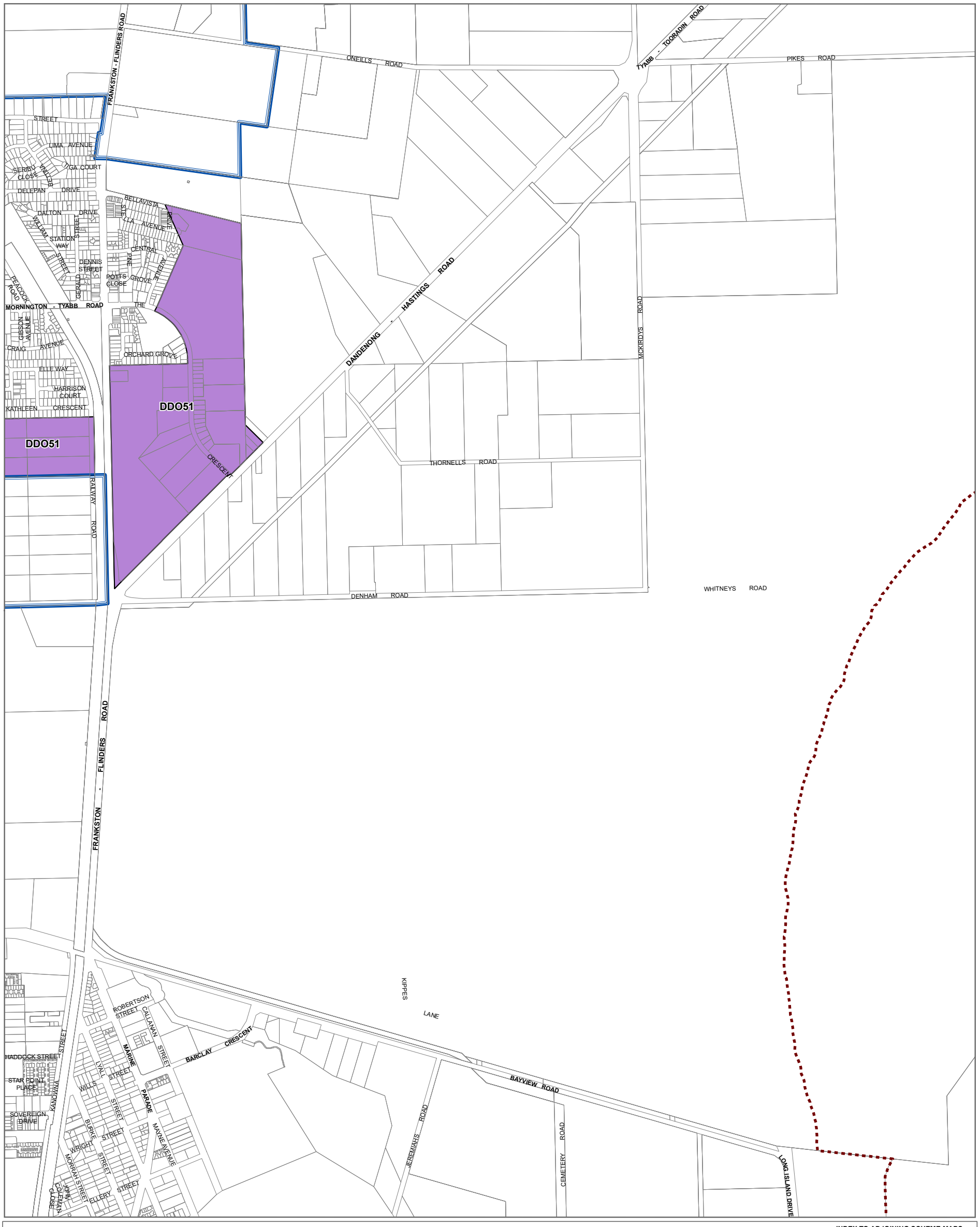
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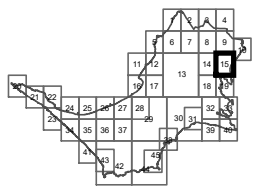
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DDO41 - Design and Development Overlay - Schedule 41

Municipal Boundary

Land Outside Urban Growth Zone

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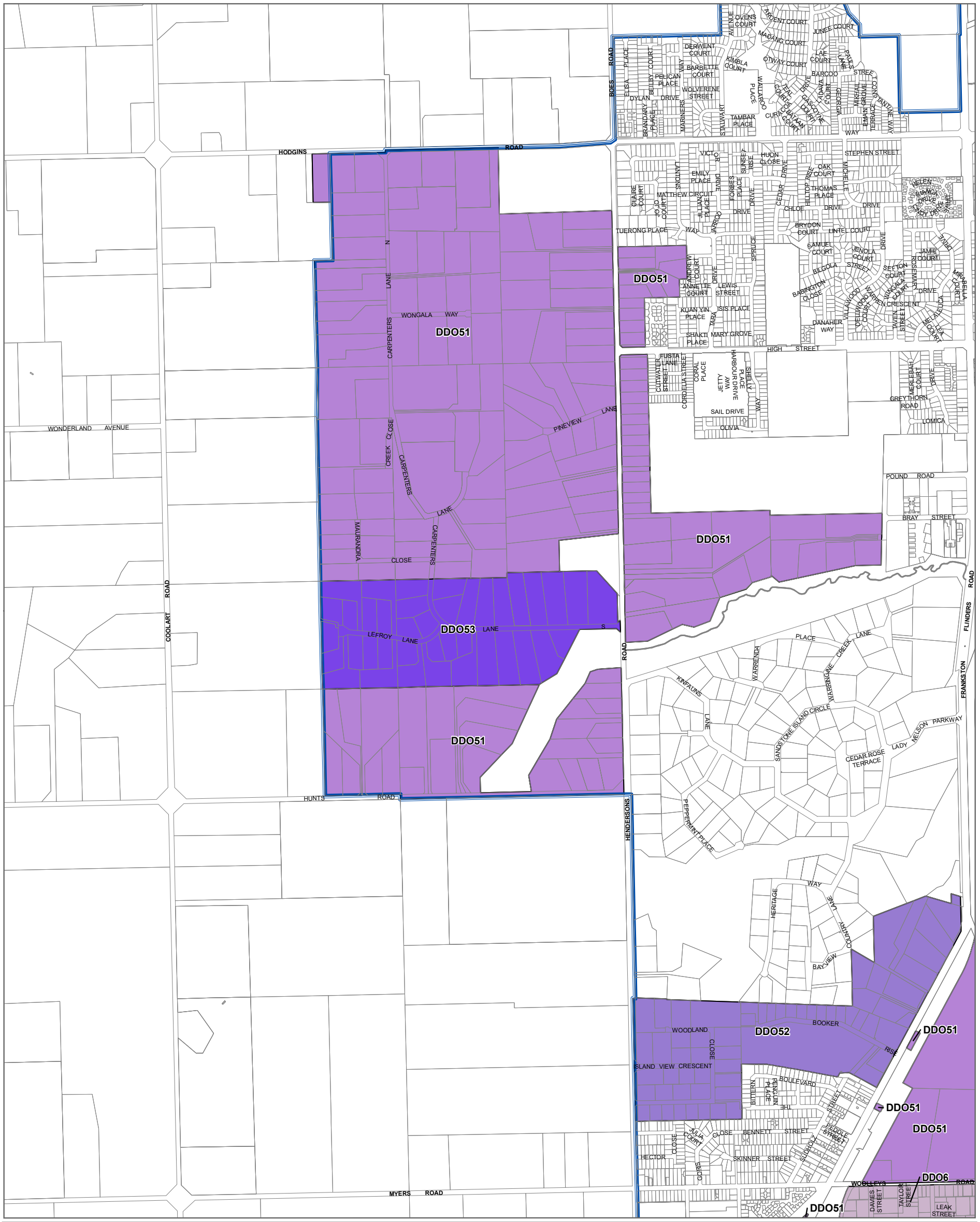
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- DDO51 - Design and Development Overlay - Schedule 51
- DDO52 - Design and Development Overlay - Schedule 52
- DDO53 - Design and Development Overlay - Schedule 53
- Municipal Boundary
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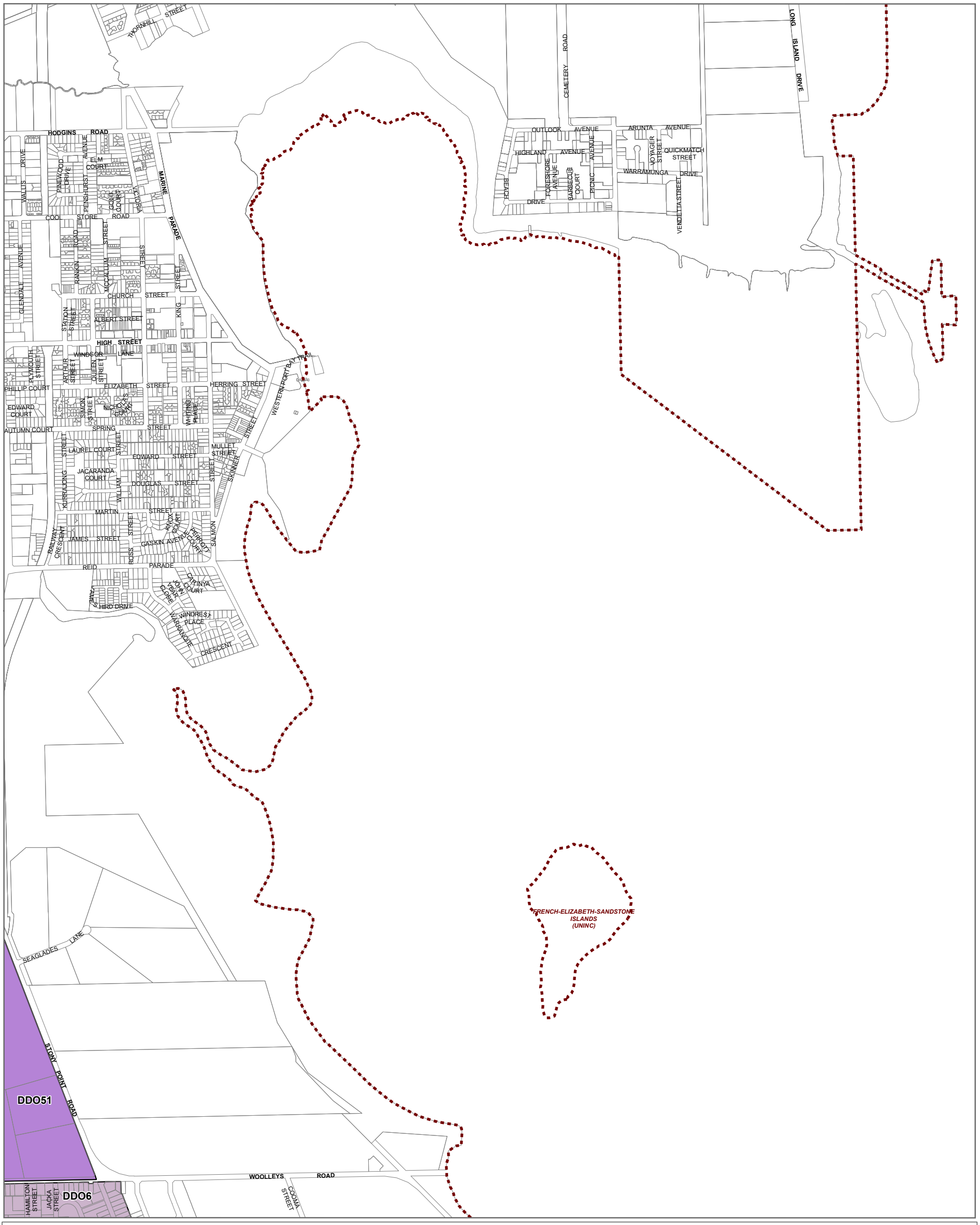
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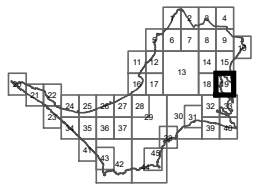
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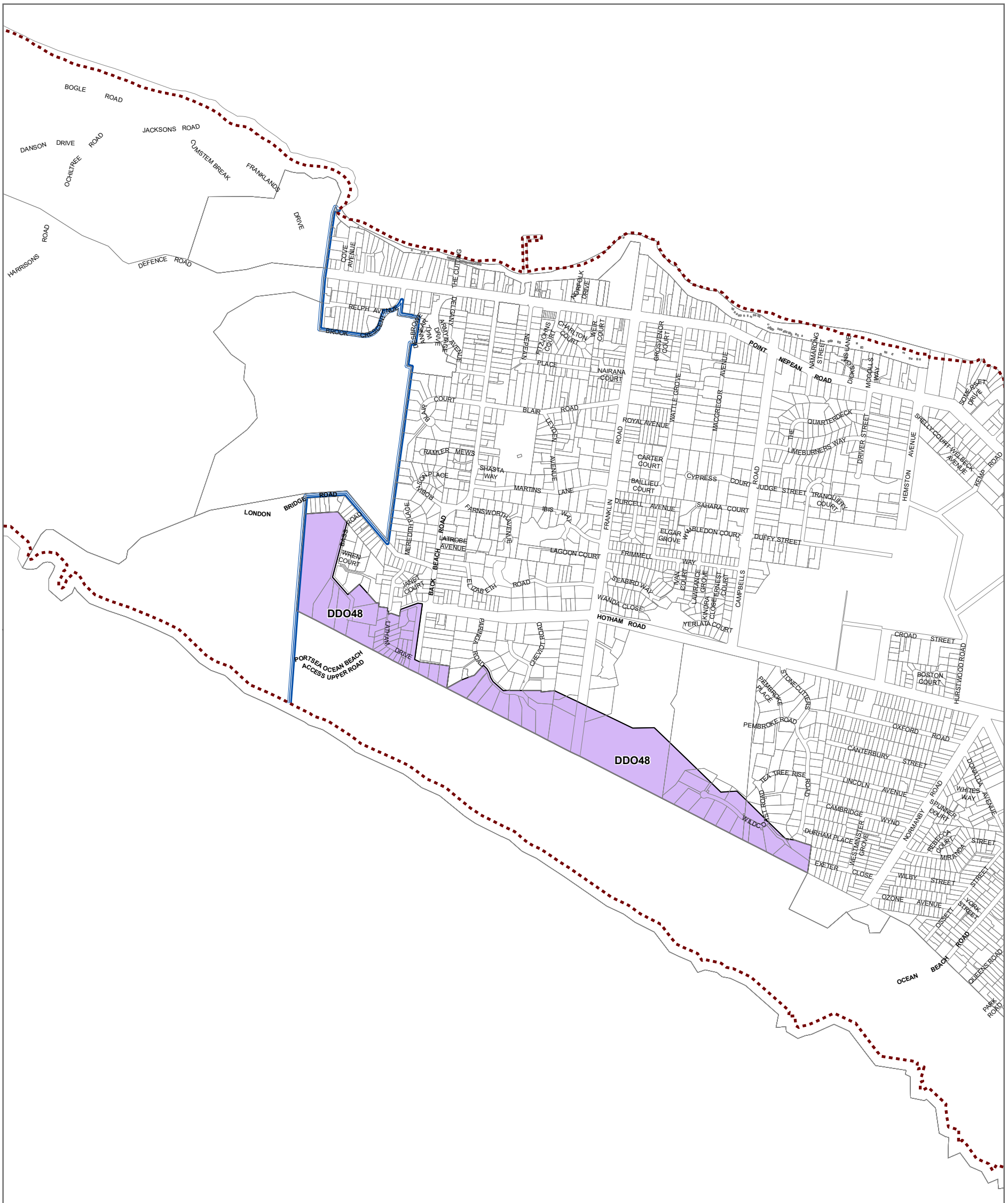
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DDO48 - Design and Development Overlay - Schedule 48

Municipal Boundary

Land Outside Urban Growth Zone

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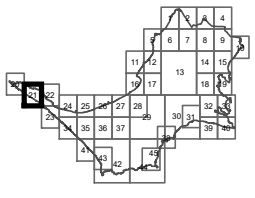
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DDO44 - Design and Development Overlay - Schedule 44

Municipal Boundary

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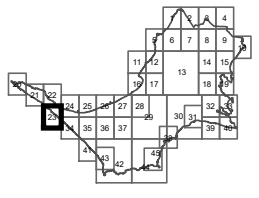
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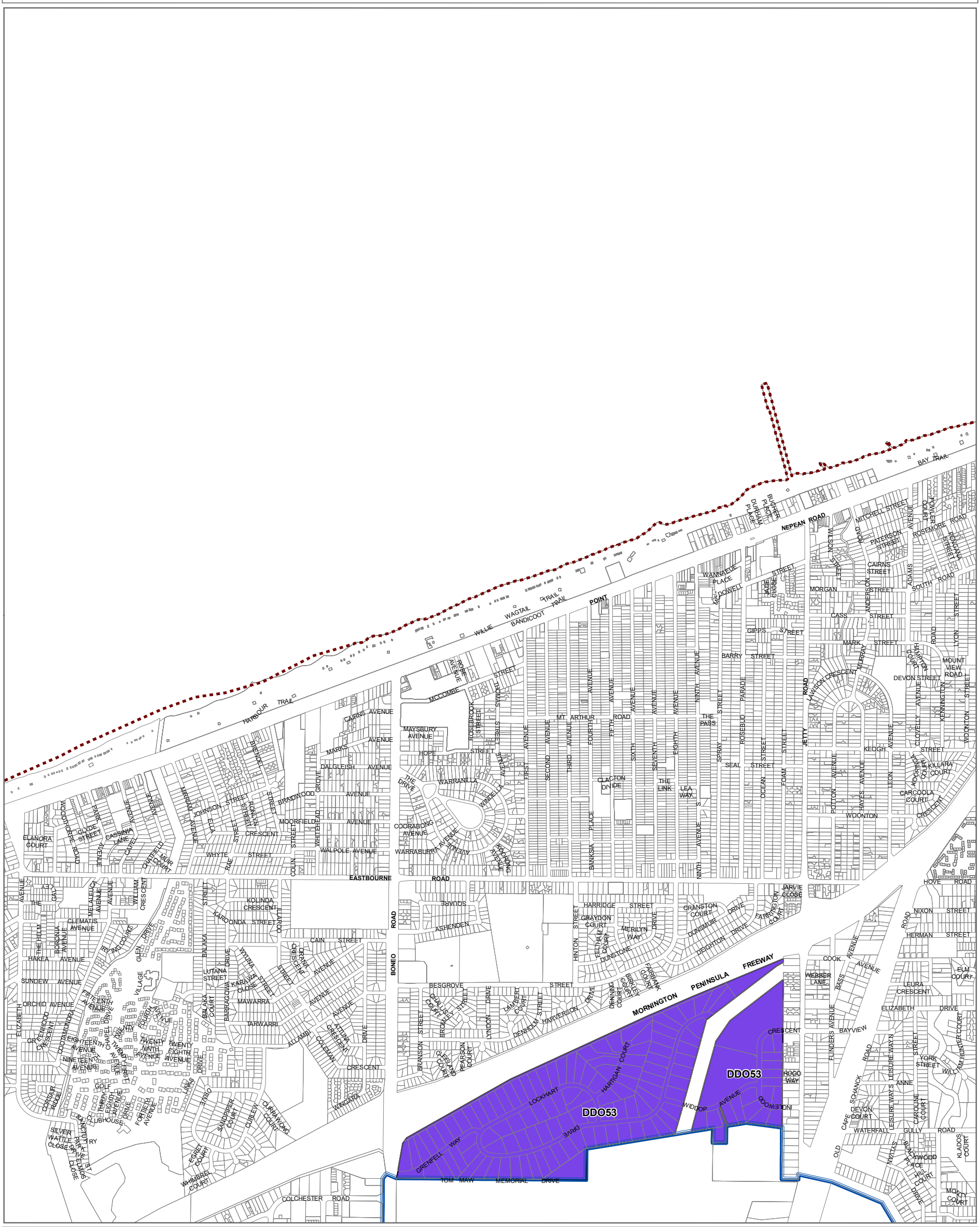
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Municipal Boundary

Land Outside Urban Growth Zone

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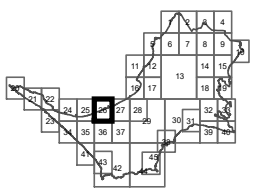
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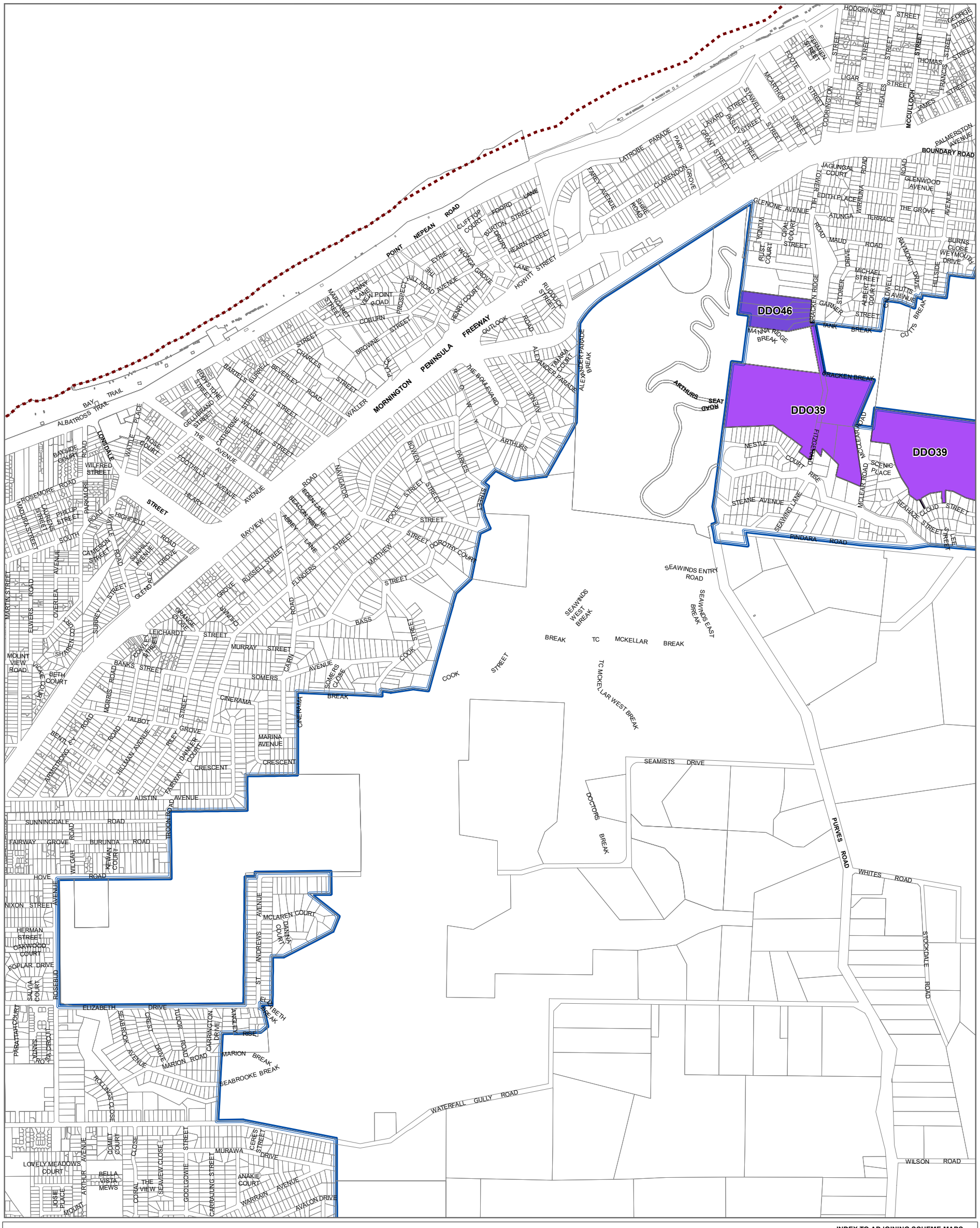
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- DDO46 - Design and Development Overlay - Schedule 46
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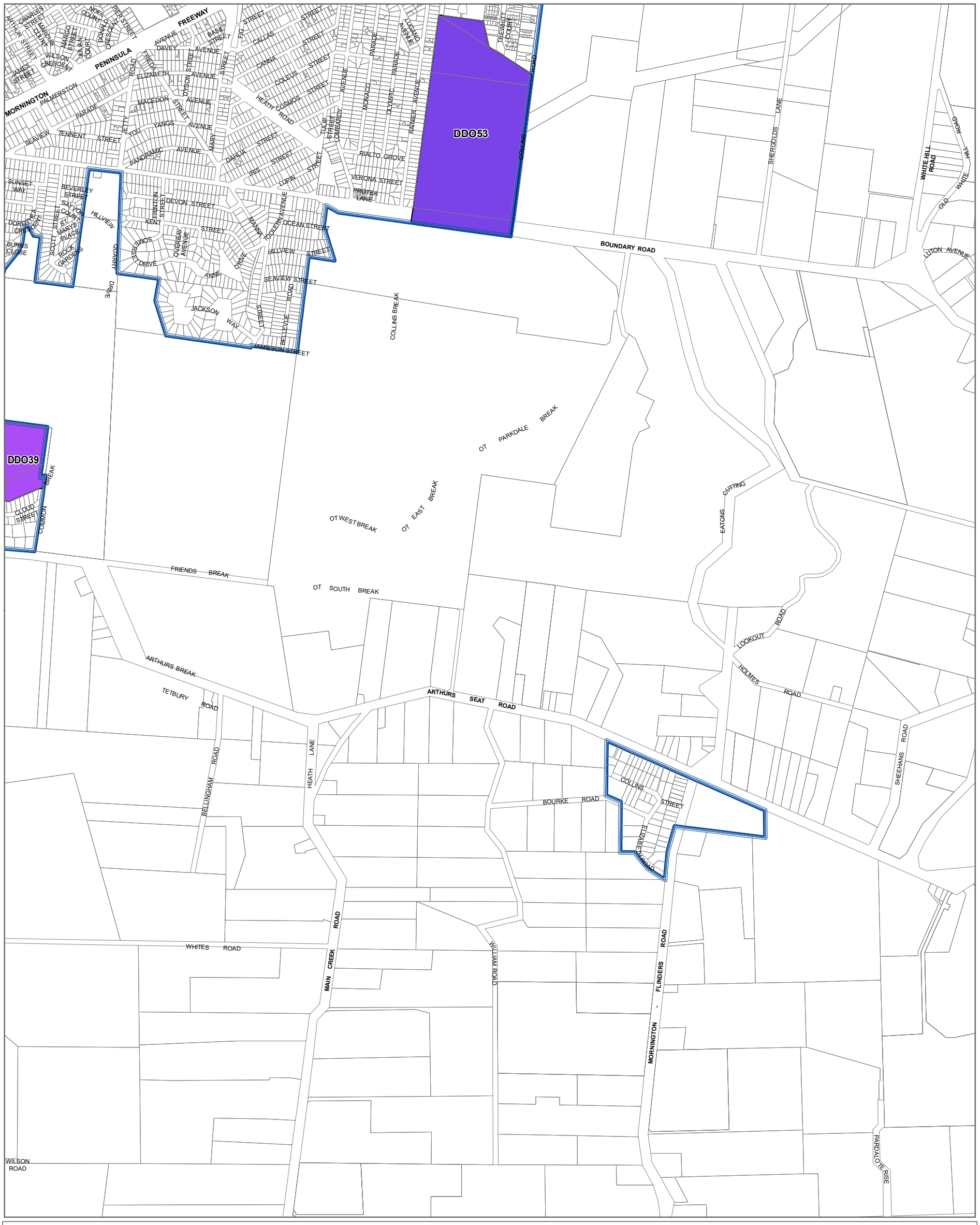
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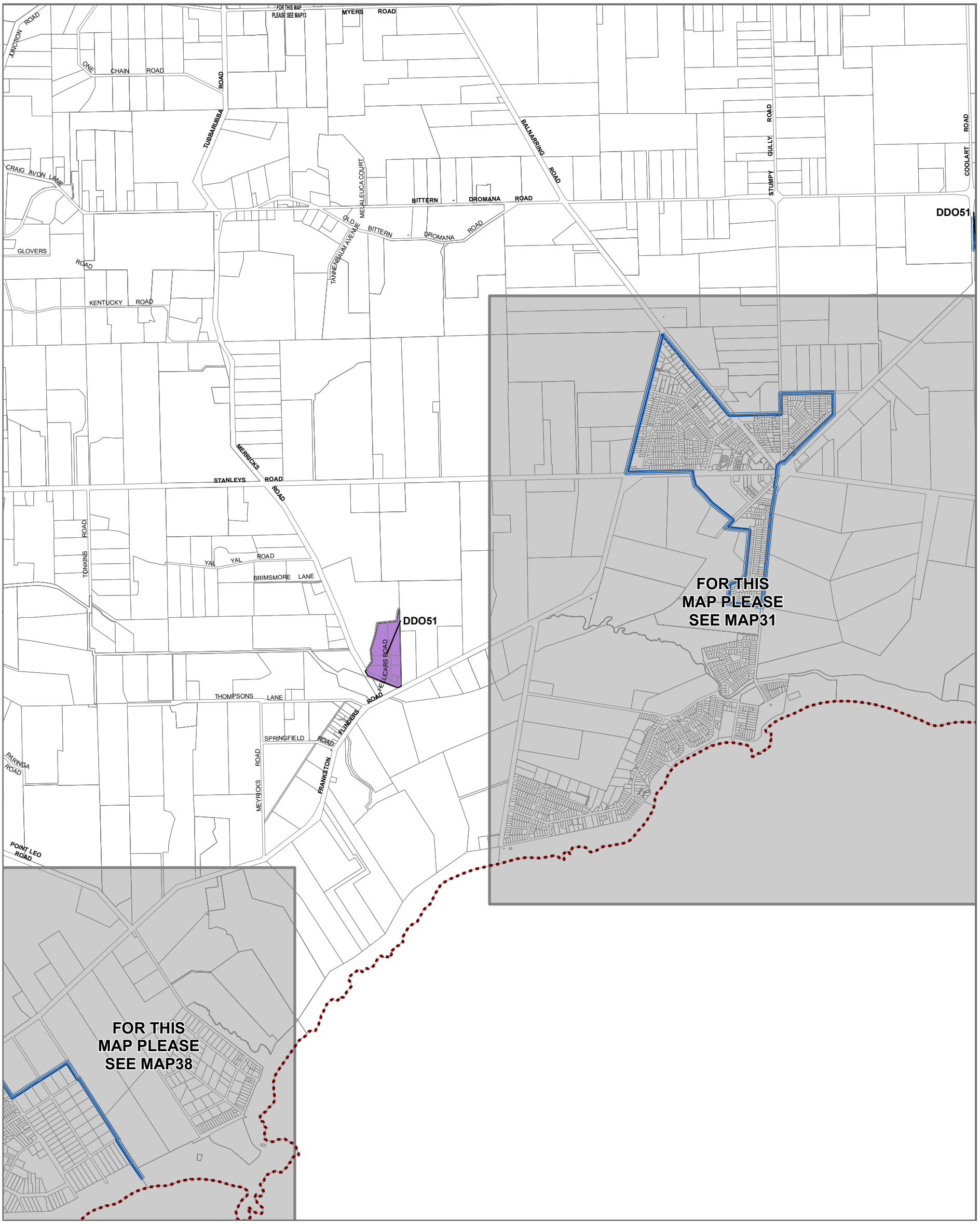
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Municipal Boundary

Land Outside Urban Growth Zone

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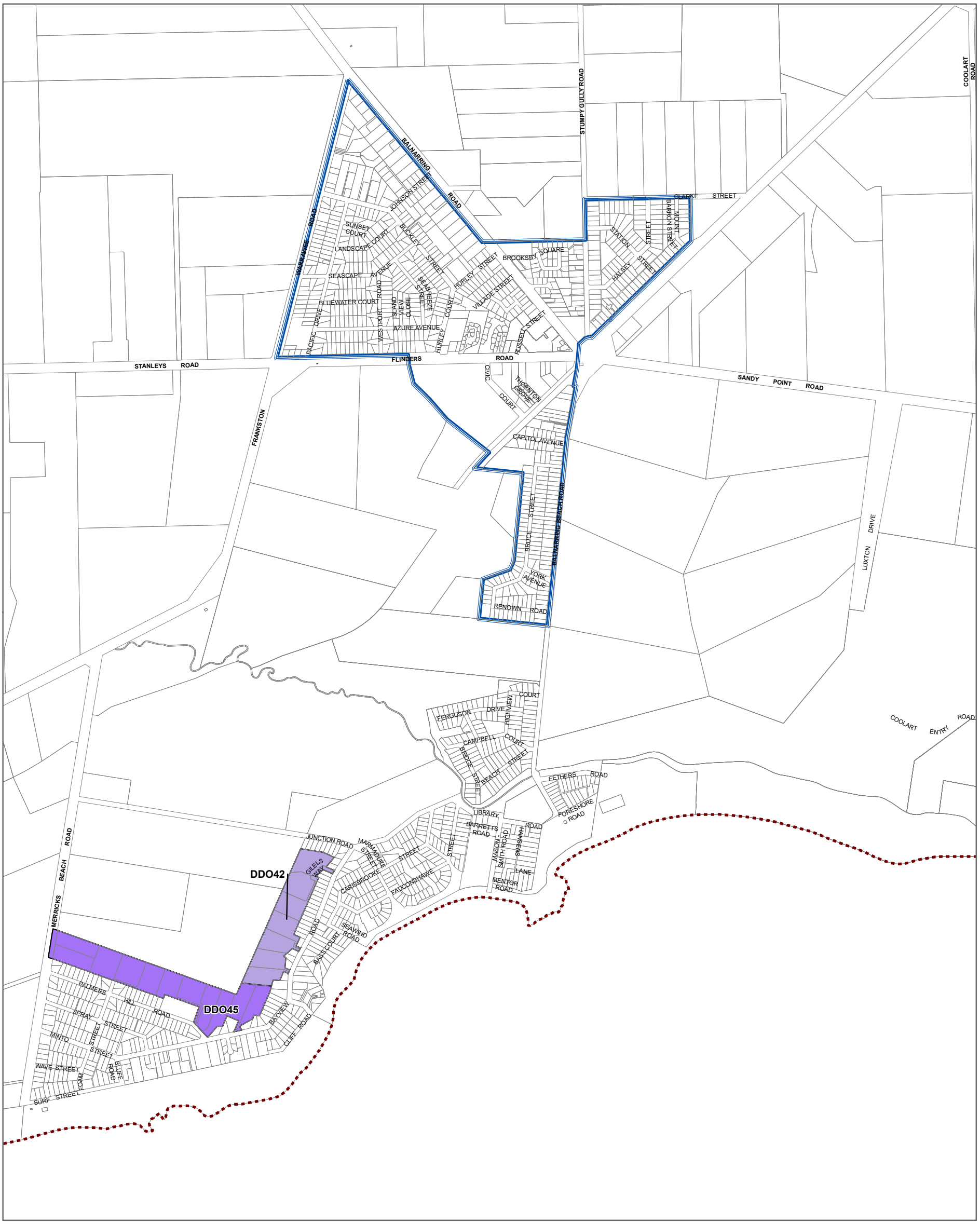
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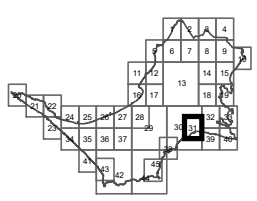
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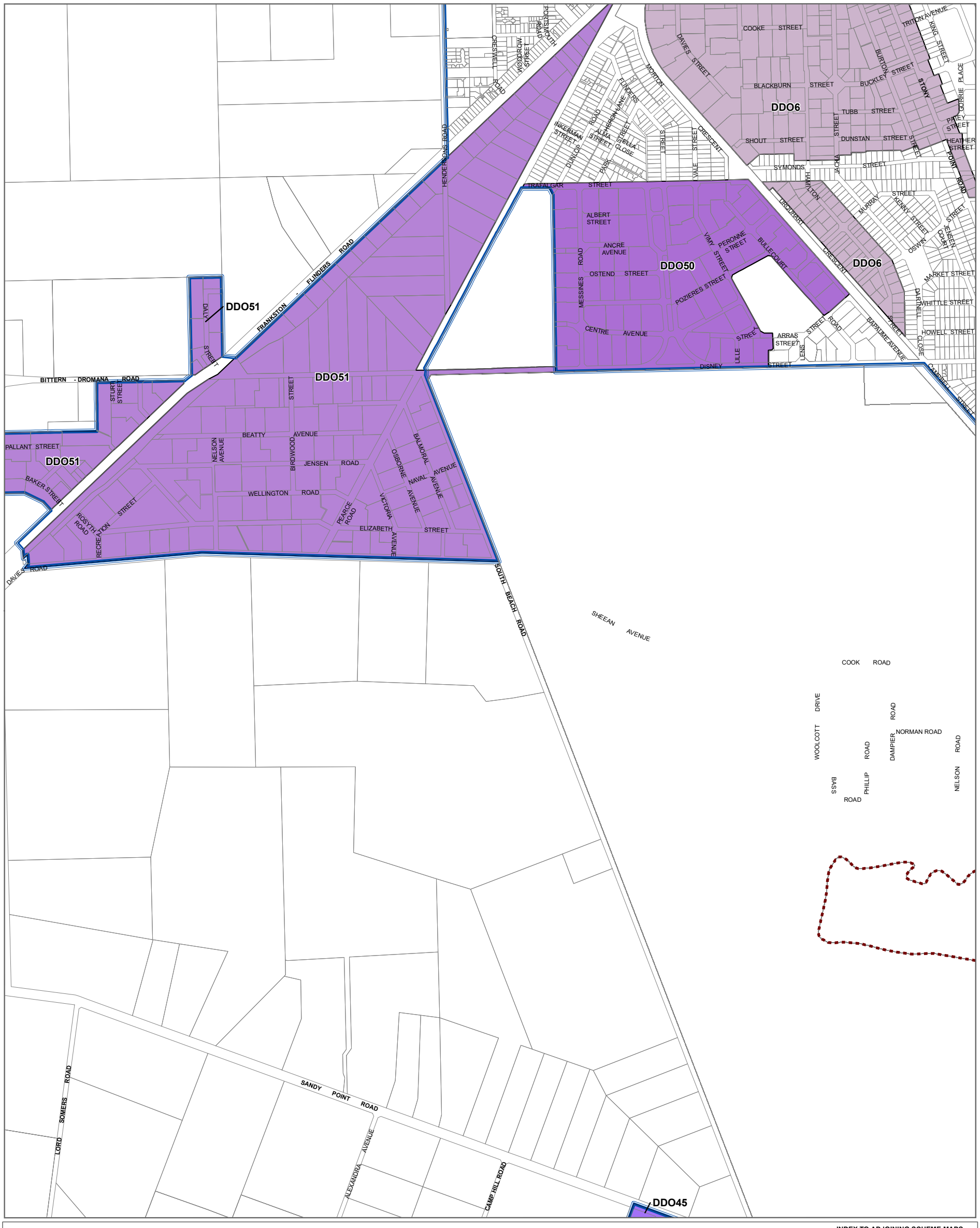
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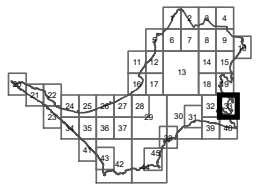
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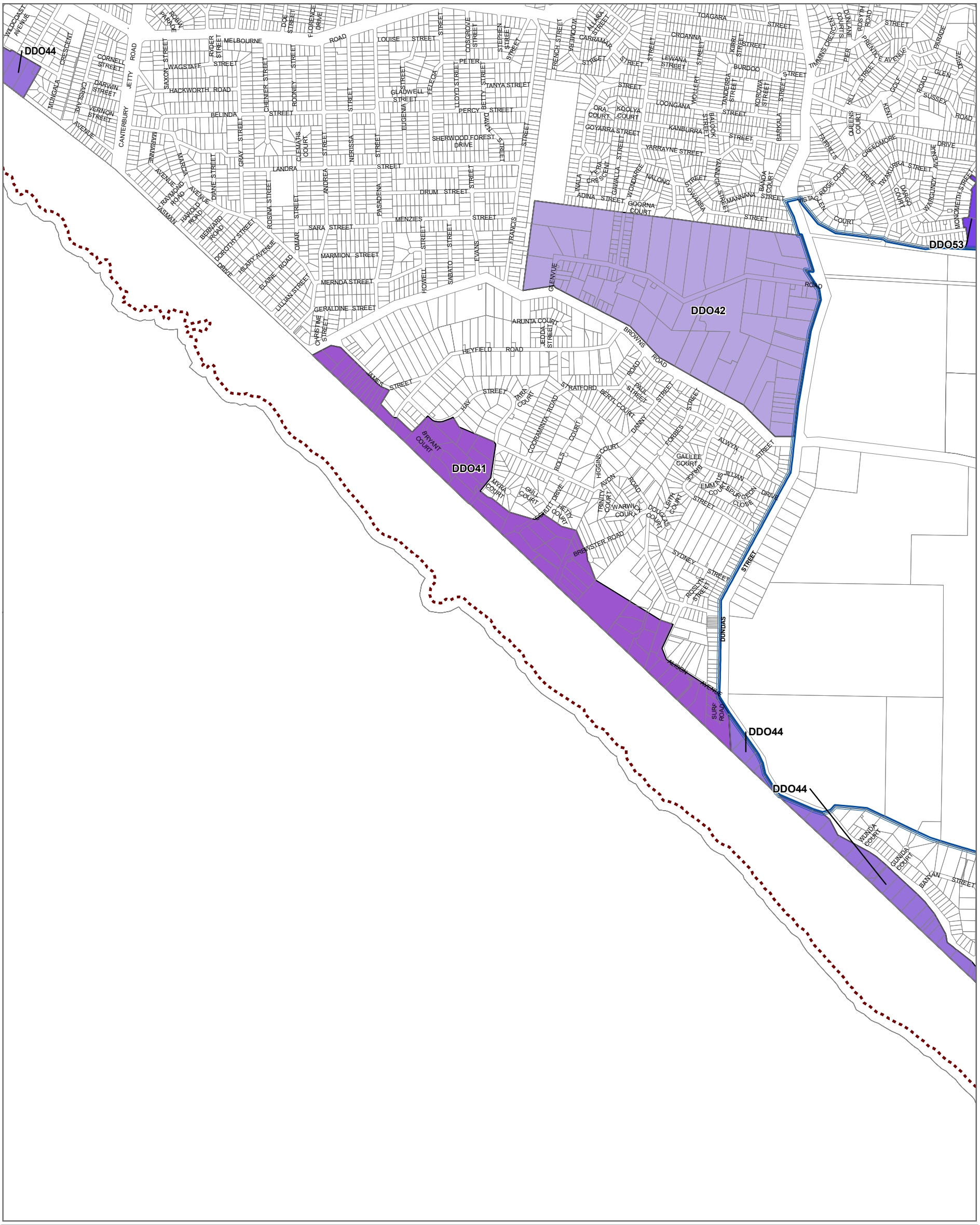
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- DDO42 - Design and Development Overlay - Schedule 42
- DDO44 - Design and Development Overlay - Schedule 44
- DDO53 - Design and Development Overlay - Schedule 53
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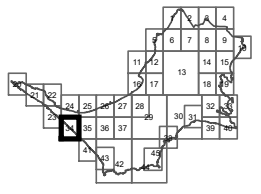
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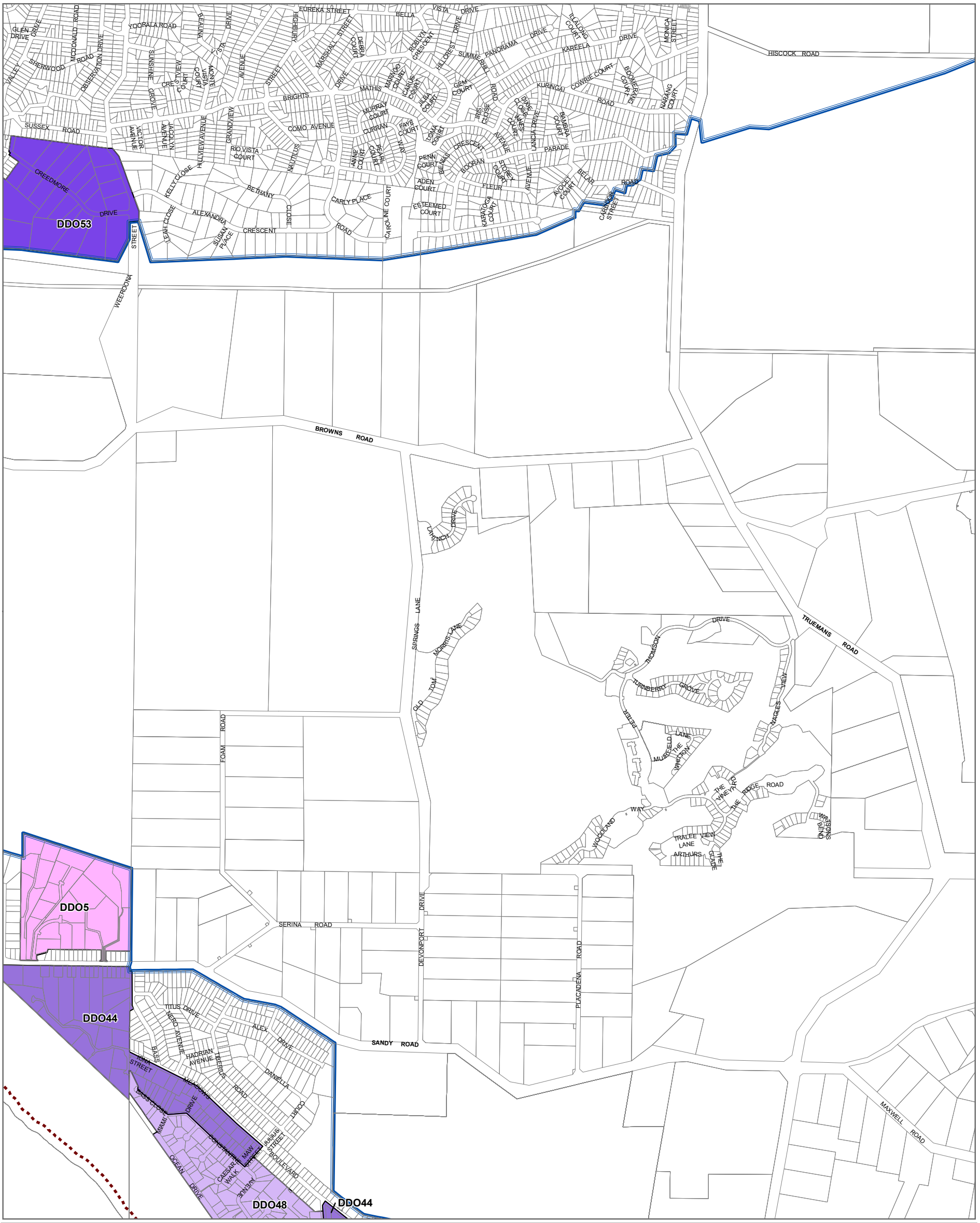
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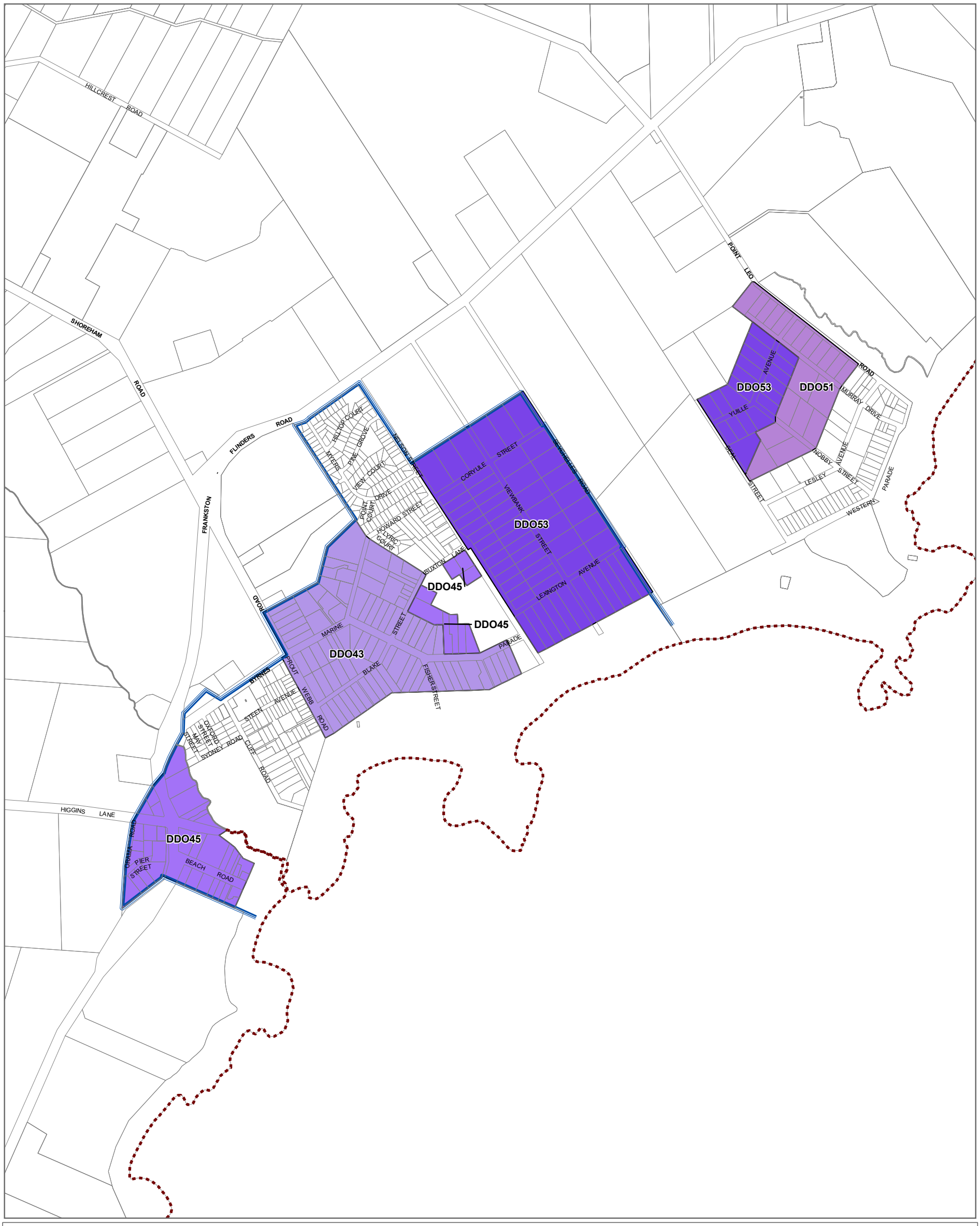
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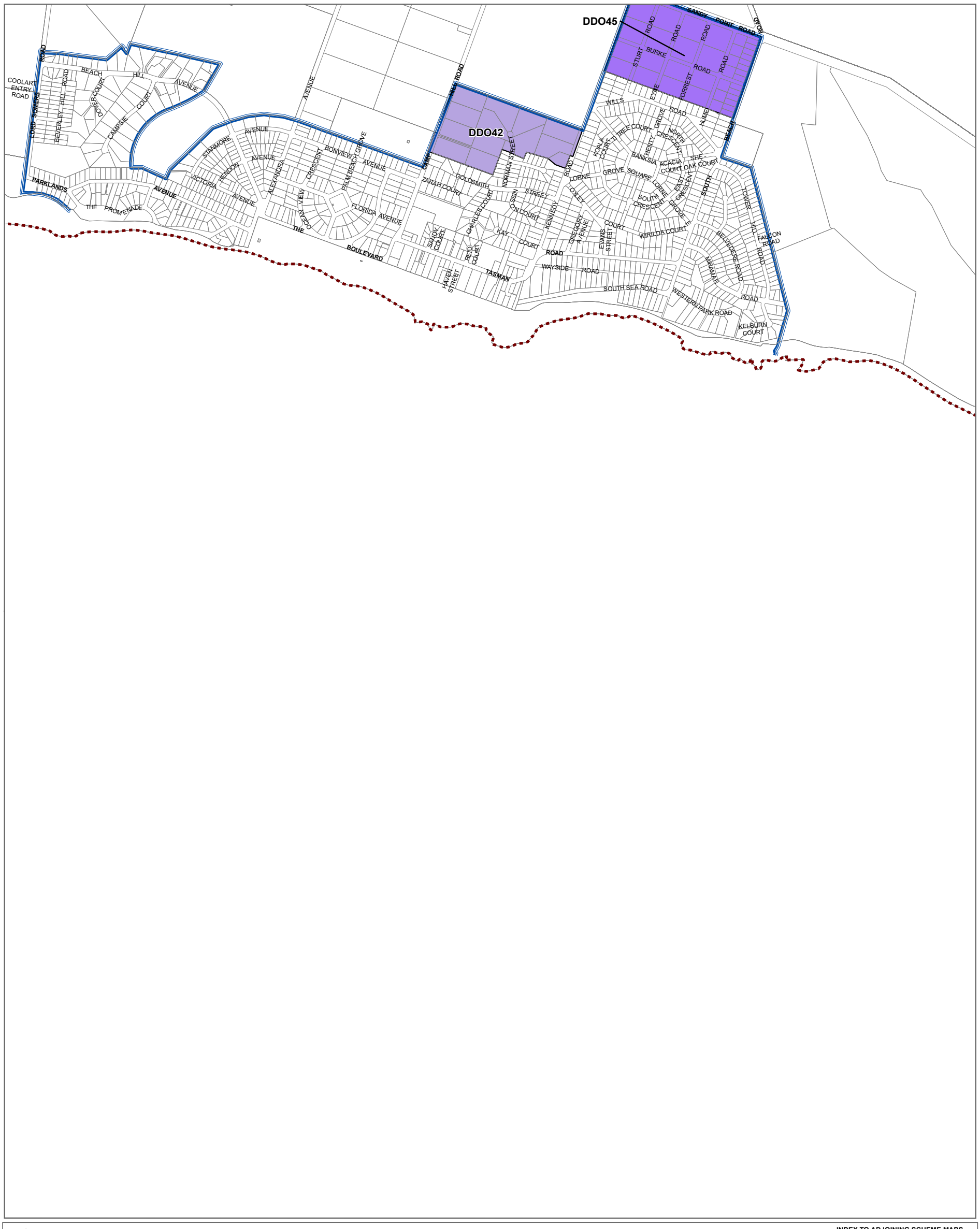
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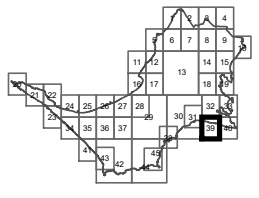
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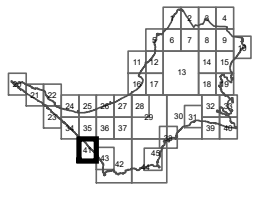
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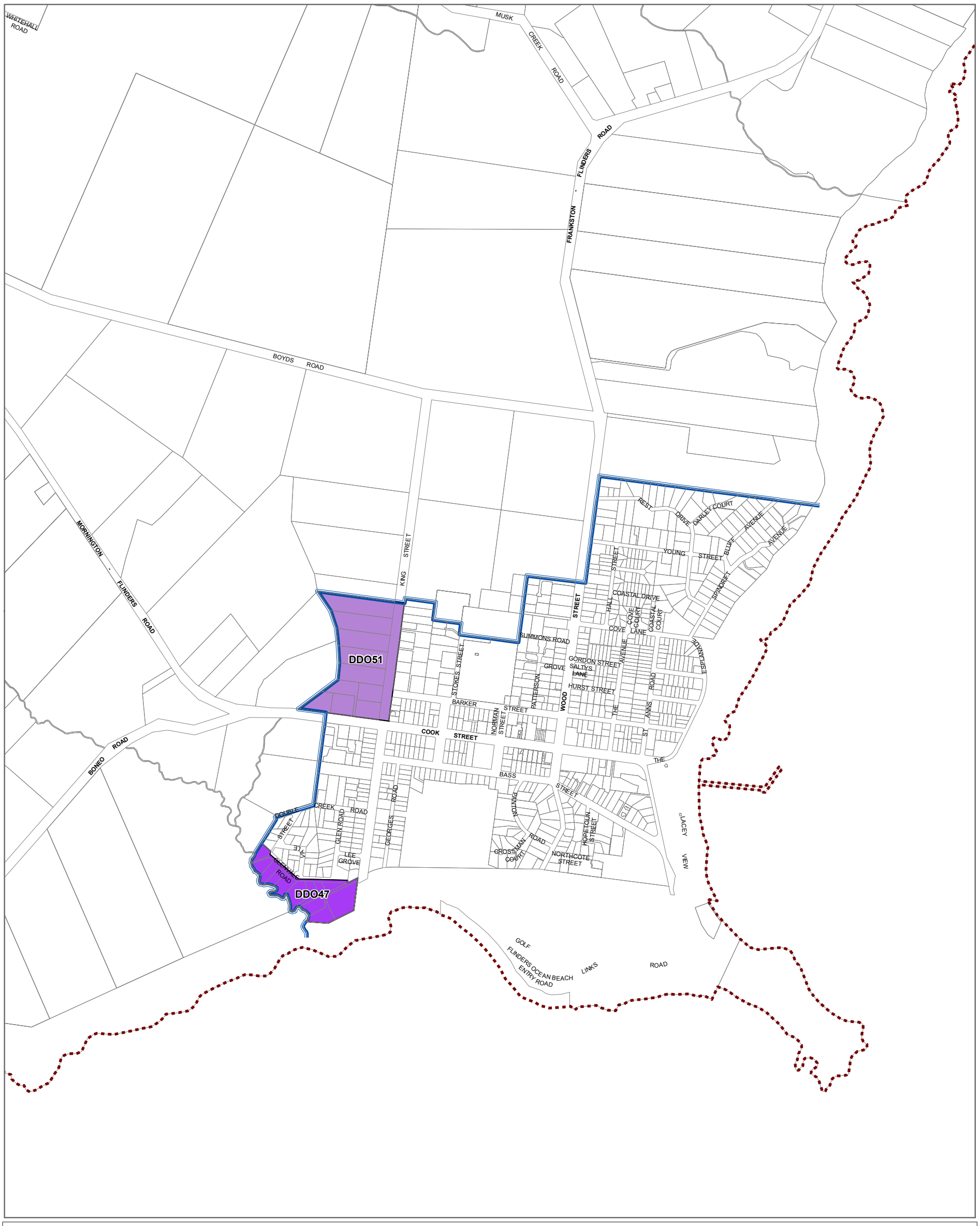
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Municipal Boundary

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15.01-5L Neighbourhood character – Mornington Peninsula

--/--/2020
C219morn

Policy application

This policy applies to all residential development in the General Residential Zone, Neighbourhood Residential Zone ~~and~~ or Low Density Residential Zone.

Built-form objective

To ensure new development reflects the preferred built-form in terms of siting, massing and articulation, building design and building materials.

Built-form strategies

Ensure new development is responsive to the topography of the site.

Ensure new development utilises external finishes and roofing materials that minimise glare~~have low reflectivity~~.

Ensure new buildings and extensions in multi-dwelling developments do not dominate the streetscape.

Ensure car parking access is designed to retain the existing rhythm of the street.

Ensure car parking structures are located to minimise their dominance on the streetscape.

Built-form policy guidelines

Consider as relevant:

- Designing and siting new buildings to follow the topography of the land or step down the site.
- Limiting the reflectivity of external finishes above a tree canopy line through the use of natural materials and subdued tones that complement the landscape~~and roofing materials to 40 per cent or less to avoid glare when viewed from adjoining buildings, land or streets~~.
- Designing the front dwelling of a multi-dwelling development to present as one dwelling to the street through the use of roof forms, materials and design details.
- Recessing storeys above ground level from the front façade.
- Limiting the number of crossovers per typical site frontage to no more than one.
- Spacing crossovers of a side-by-side development to retain the existing rhythm of the street.
- Locating garages and carports behind the line of the front dwelling façade.

Garden setting objective

To maintain and strengthen the garden setting of dwellings.

Garden setting strategies

Encourage new development to retain existing native vegetation cover.

Encourage new development to provide adequate space for offset planting and new landscaping.

Ensure trees to be planted as part of a landscape plan requirement meet the definition of a native canopy tree.

Garden setting policy guidelines

Consider as relevant:

- Retaining existing native vegetation, including canopy trees and understorey.
- Providing a space on the site with minimum dimensions of 5 metres by 5 metres for offset planting if a tree is considered appropriate for removal.
- Planting, in the space provided for offset planting, at least one native tree that will grow to a mature height similar to the mature height of the tree to be removed.
- Providing side setbacks that are wide enough to enable the planting and growth of trees, shrubs and understorey.
- Ensuring a native canopy tree to be planted as part of a landscape plan requirement is more than 3 metres in height at maturity (i.e. when it is able to flower) and normally found in the upper layer of the relevant vegetation type.

Fencing objective

To encourage fencing ~~choices~~ design that ~~are~~ is consistent with the open streetscape quality of the Mornington Peninsula's townships and villages.

Fencing strategy

Maintain the openness and minimal delineation between public and private areas of the streetscape.

Fencing policy guidelines

Consider as relevant:

- Avoiding the construction of front fences.
- Maintaining a minimum permeability of 20 per cent if a front fence is to be erected along a street in a Transport Zone 2~~Road Zone, Category 1~~.
- Selecting an open style for front and side fences.
- Limiting the height of a side fence forward of the front dwelling façade to 1.2 metres or less.

Policy document

Consider as relevant:

- *Mornington Peninsula Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019)

16.01-1L Housing supply – Mornington Peninsula

--/--/2020
C219morn

Policy application

This 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.

~~Strategy~~Strategies

Ensure residential development is consistent with the housing change category identified for the area as shown in the Residential Change Framework Plan to this clause.

Ensure development in investigation areas ~~reflects~~ respects the ~~housing change category~~valued character of surrounding residential areas and is responsive to the environmental conditions and constraints, if any, of the site.

Policy guidelines

Consider as relevant:

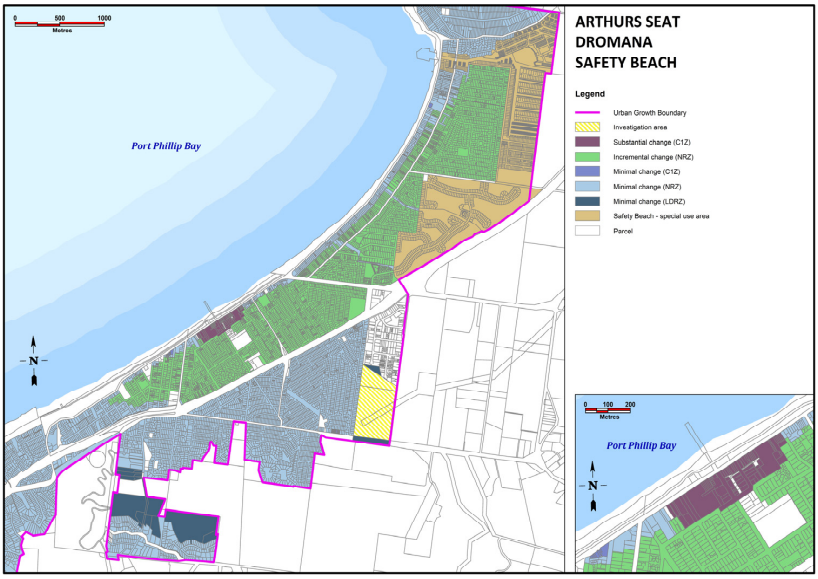
- Maintaining detached dwellings and rural dwellings in minimal change areas.
- Encouraging detached dwellings, units and townhouses in incremental change areas.
- Supporting units, townhouses and apartments in substantial change areas.

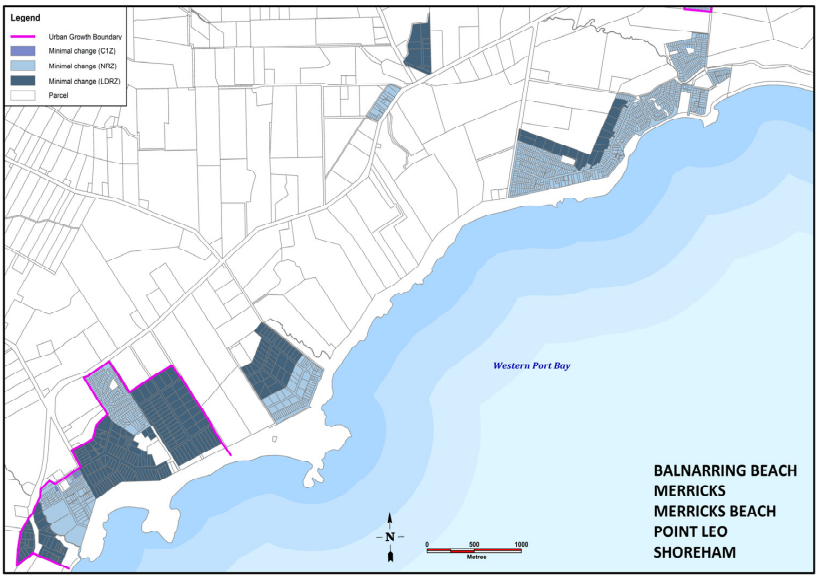
Policy document

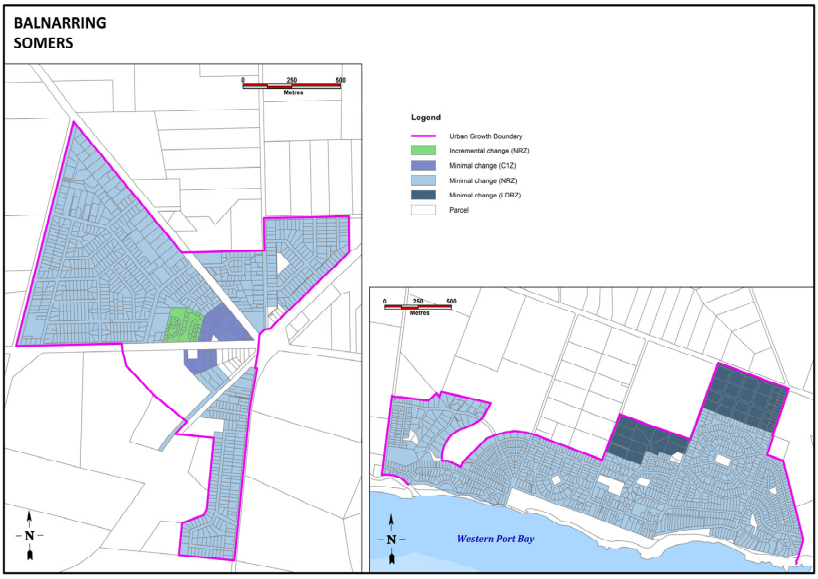
Consider as relevant:

- *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020)

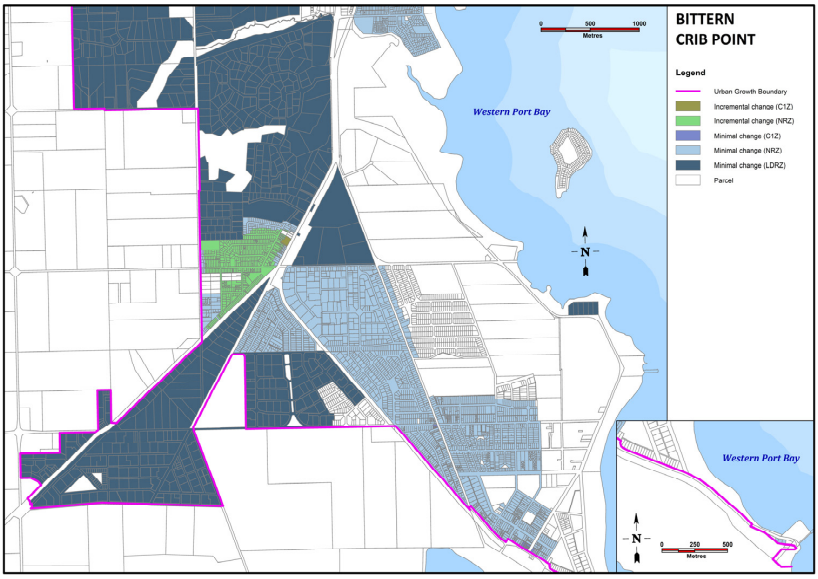
Residential Change Framework Plan – housing change framework maps

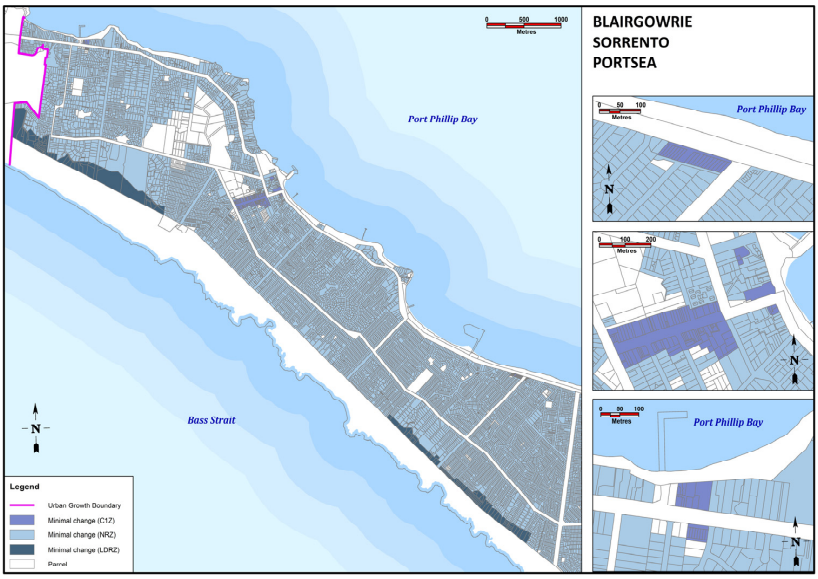


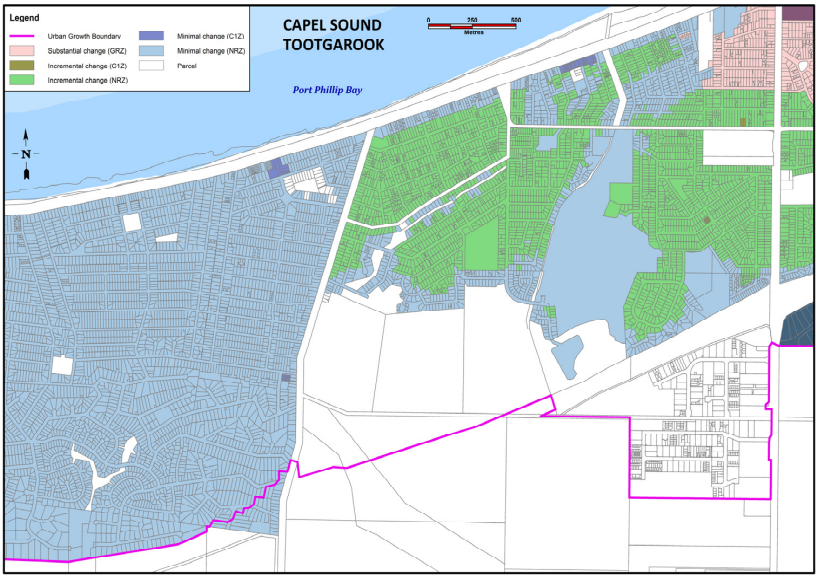

Legend
Urban Growth Boundary
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
Western Port Bay
BALNARRING BEACH
MERRICKS
MERRICKS BEACH
POINT LEO
SHOREHAM
N
0 500 1000
Metres

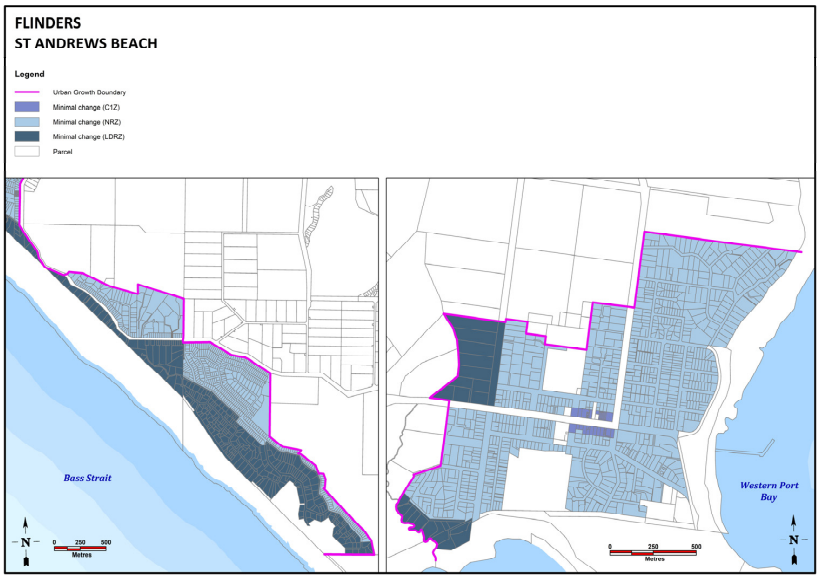

BALNARRING
SOMERS
0 250 500
Metres
Legend
Urban Growth Boundary
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
N
Western Port Bay

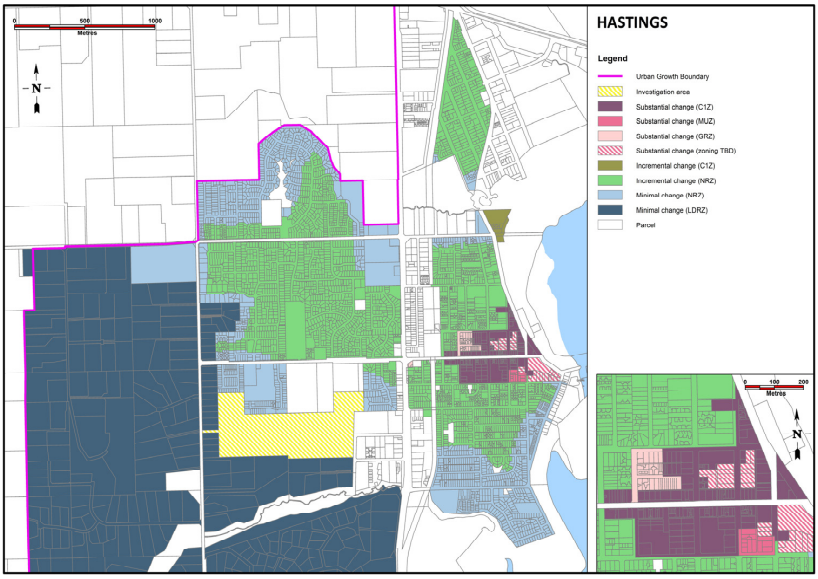

BAXTER
Legend
Urban Growth Boundary
Substantial change (C1Z)
Incremental change (C1Z)
Incremental change (NRZ)
Parcel
0 250 500
Metres
N

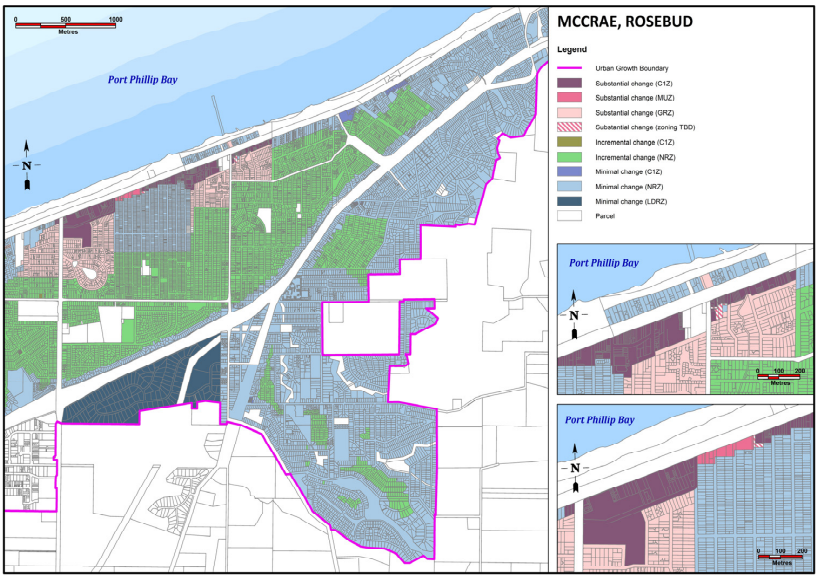

BITTERN
CRIB POINT
Legend
Urban Growth Boundary
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
0 500 1000
Metres
Western Port Bay
N
Western Port Bay
N
0 250 500
Metres

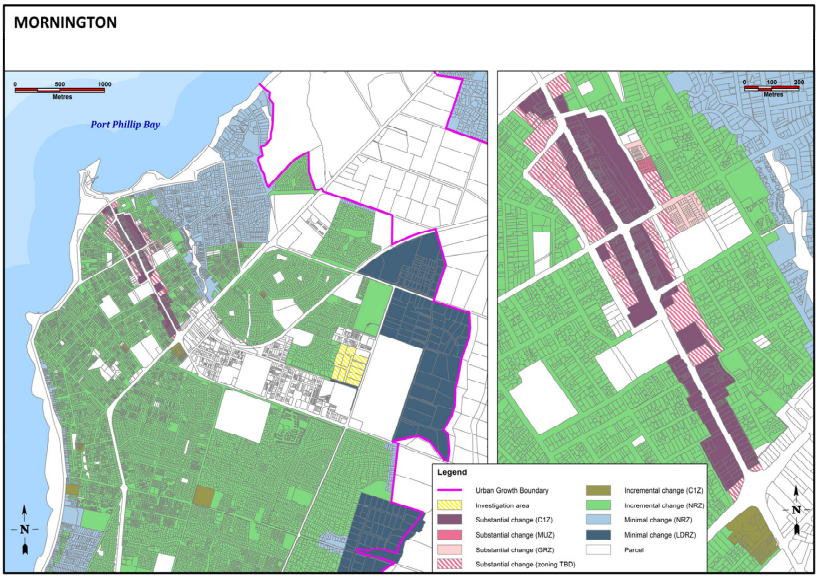

BLAIRGOWRIE
SORRENTO
PORTSEA
Port Phillip Bay
Bass Strait
Port Phillip Bay
Port Phillip Bay
N
Legend
Urban Growth Boundary
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel

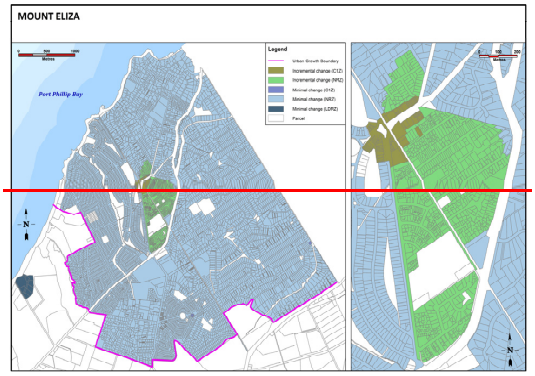

Legend
Urban Growth Boundary
Substantial change (GRZ)
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Parcel
CAPEL SOUND
TOOTGAROOK
Port Phillip Bay
N

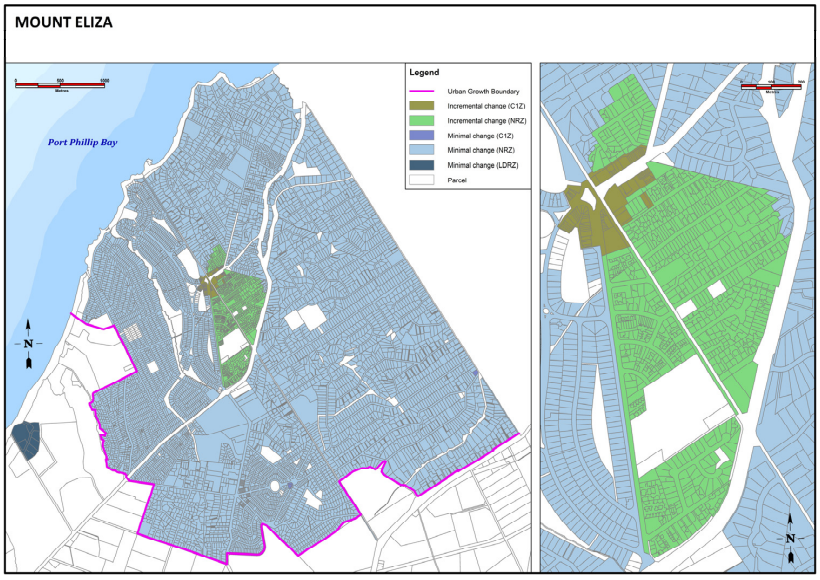

FLINDERS
ST ANDREWS BEACH
Legend
Urban Growth Boundary
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
Bass Strait
Western Port Bay
N
0 250 500
Metres

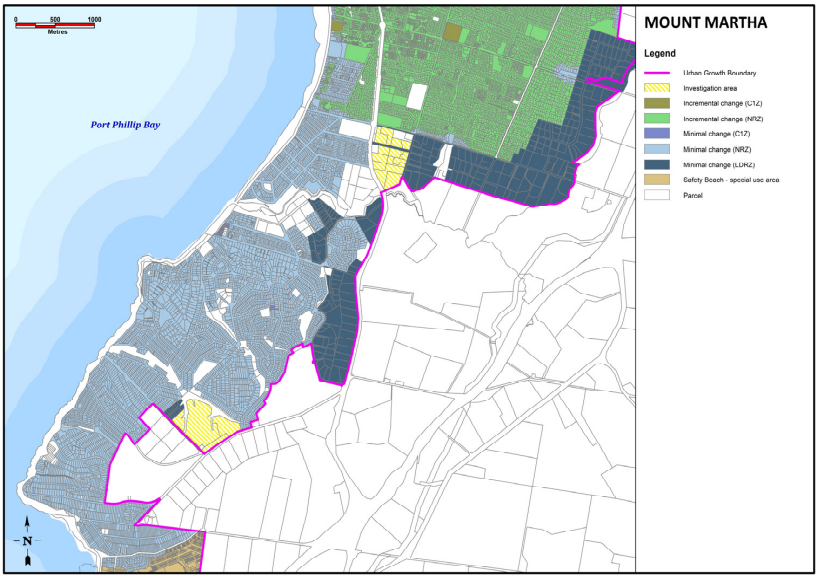

HASTINGS
Legend
Urban Growth Boundary
Investigation area
Substantial change (C1Z)
Substantial change (MUZ)
Substantial change (GRZ)
Substantial change (zoning TBD)
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
N
0 500 1000
Metres
0 100 200
Metres

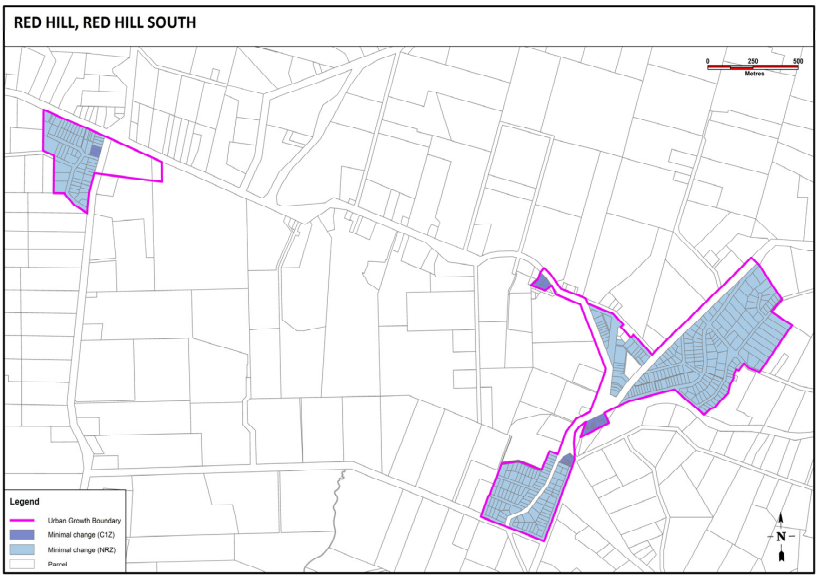

MCCRAE, ROSEBUD
Legend
Urban Growth Boundary
Substantial change (C1Z)
Substantial change (MUZ)
Substantial change (GRZ)
Substantial change (zoning TBD)
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
Port Phillip Bay
Port Phillip Bay
Port Phillip Bay

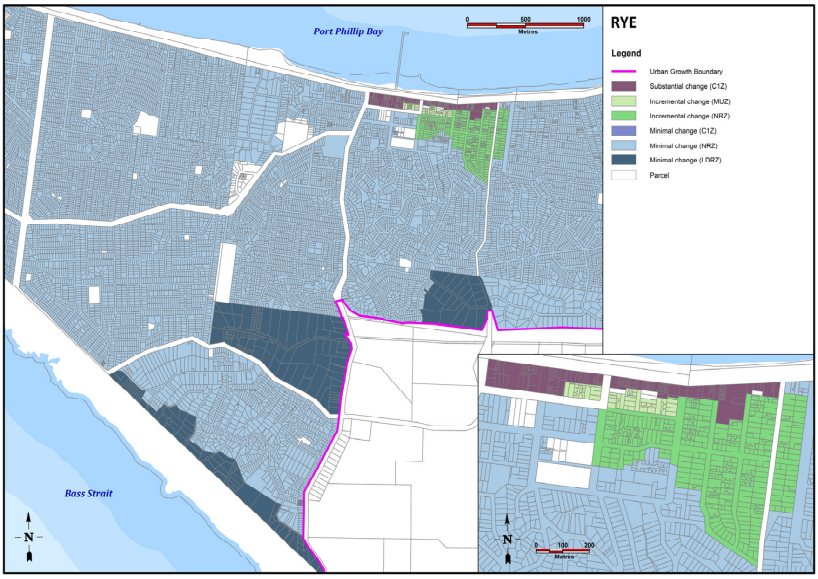

MORNINGTON
Port Phillip Bay
Legend
Urban Growth Boundary
Investigation area
Substantial change (C1Z)
Substantial change (MUZ)
Substantial change (GRZ)
Substantial change (zoning TBD)
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel

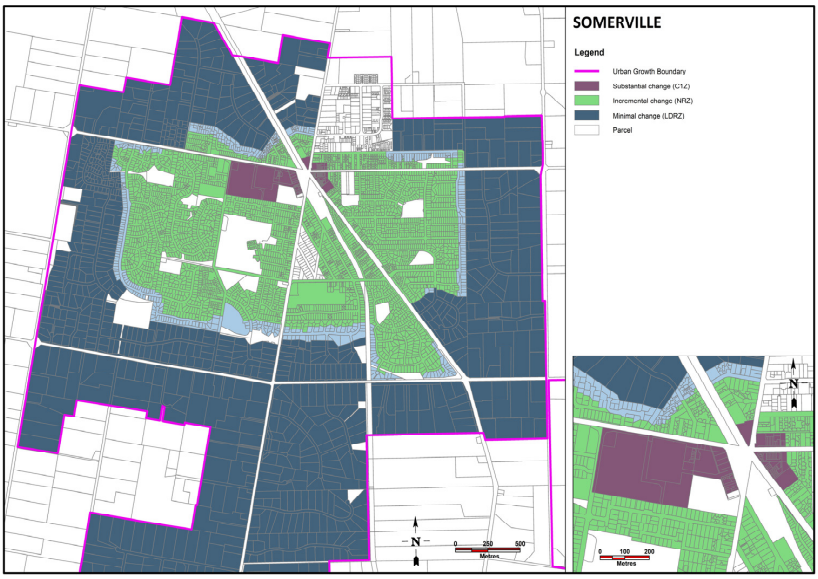

MOUNT ELIZA
Legend
Port Phillip Bay
N

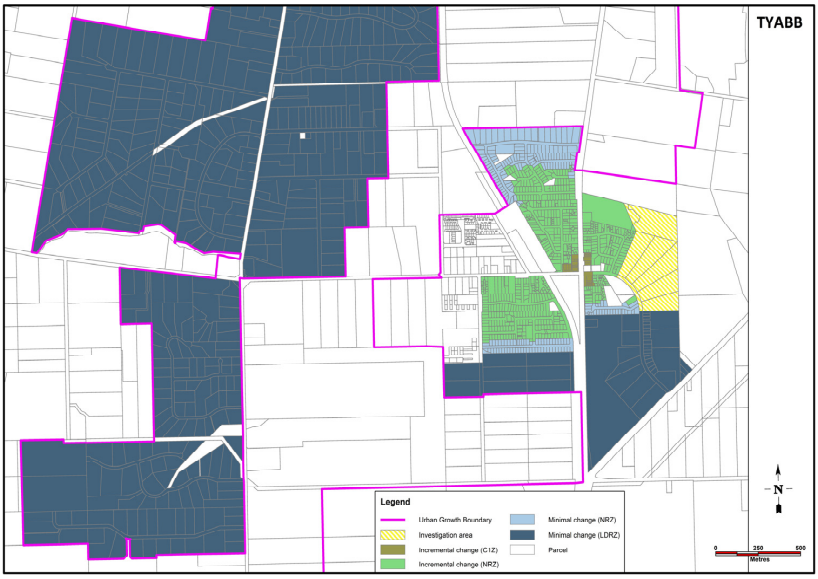

MOUNT ELIZA
Legend
Urban Growth Boundary
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
Port Phillip Bay
N


0 500 1000
Metres
Port Phillip Bay
MOUNT MARTHA
Legend
Urban Growth Boundary
Investigation area
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (LDRZ)
Safety Beach - special use area
Parcel
N


RED HILL, RED HILL SOUTH
0 250 500
Metres
Legend
Urban Growth Boundary
Minimal change (C1Z)
Minimal change (NRZ)
Parcel
N


Port Phillip Bay
0 500 1000
Metres
RYE
Legend
Urban Growth Boundary
Substantial change (C1Z)
Incremental change (MUZ)
Incremental change (NRZ)
Minimal change (C1Z)
Minimal change (NRZ)
Minimal change (I NRZ)
Parcel
Bass Strait
N
N
0 100 200
Metres


SOMERVILLE
Legend
Urban Growth Boundary
Substantial change (C1Z)
Incremental change (NRZ)
Minimal change (LDRZ)
Parcel
N
0 250 500
Metres
N
0 100 200
Metres


TYABB
Legend
Urban Growth Boundary
Investigation area
Incremental change (C1Z)
Incremental change (NRZ)
Minimal change (NRZ)
Minimal change (LDRZ)
Parcel
N
0 250 500
Metres

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

SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

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

~~GARDEN RESIDENTIAL~~SUBSTANTIAL CHANGE TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by ~~predominantly small-scale dwellings~~units, townhouses or apartments with simple building forms ~~and pitched roofs with prominent eaves~~.

To maintain and reinforce the predominant building rhythm~~alignment along the street, characterised by front, side and rear 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 sense of openness of the streetscape~~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 Construction or extension of a dwelling or residential building - minimum garden area requirement

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

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?
No

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

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

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

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?
Yes

4.0 Requirements of Clause 54 and Clause 55

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

	Standard	Requirement
Minimum street setback	A3 and B6	~~If the site is not on a corner, walls of buildings should be set back from the front street at least:~~ ~~• 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~~

	Standard	Requirement
		~~an existing building.~~ ~~▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street.~~ ~~If the site is on a corner, walls of buildings should be set back from the front street at least:~~ ~~▪ the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 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.~~ ~~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.~~ 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	~~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.~~ None specified.
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.~~ None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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 32.08, in addition to those specified in Clause 32.08 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height, form and siting of new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings reflects the predominant building rhythm of the streetscape ~~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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the sense of openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the sense of openness of the streetscape~~and minimal delineation between the public and private realms~~ with views to front garden areas.

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

SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ2**.

GARDEN COURT TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

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

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.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

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

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?
No

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

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

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

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?
Yes

4.0 Requirements of Clause 54 and Clause 55

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

	Standard	Requirement
Minimum street setback	A3 and B6	If the site is not on a corner, walls of buildings should be set back from the front street at least: • 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.

	Standard	Requirement
		• 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. If the site is on a corner, walls of buildings should be set back from the front street at least: • the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 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.
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: • 1 metre from a side boundary, 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. • 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: • 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 32.08, in addition to those specified in Clause 32.08 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.
  - 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 Decision guidelines

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

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height, form and siting of new buildings reflect the preferred character of the area.
- Whether the design, form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness.
- 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 spaciousness of the streetscape.
- Whether the choice of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ3**.

~~GARDEN COURT~~SUBSTANTIAL CHANGE TOWN CENTRE AREA

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by ~~dwellings~~ units, townshouses or apartments with contemporary building forms ~~and low-pitched or skillion roofs with prominent eaves~~.

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.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

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

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?
No

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

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

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

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?
Yes

4.0 Requirements of Clause 54 and Clause 55

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

	Standard	Requirement
Minimum street setback	A3 and B6	~~If the site is not on a corner, walls of buildings should be set back from the front street at least:~~ ~~• 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.~~

	Standard	Requirement
		~~▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street.~~ ~~If the site is on a corner, walls of buildings should be set back from the front street at least:~~ ~~▪ the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 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.~~ 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	~~A new building not on or within 200 mm of a boundary should be set back at least:~~ ~~▪ 1 metre from a side boundary, 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.~~ ~~▪ 5 metres from a rear boundary.~~ None specified.
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.~~ None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 14 metres~~ and must not contain more than 3 storeys~~.

6.0 Application requirements

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

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height, form and siting of new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings reflects the predominant building siting and rhythm of the streetscape ~~relative to the street and setbacks from lot boundaries contribute to the sense of openness~~.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ4**.

JETTY ROAD, ROSEBUD

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by dwellings with contemporary building forms and low-pitched or skillion roofs with prominent eaves.

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.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

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

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?
No

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

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

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

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?
Yes

4.0 Requirements of Clause 54 and Clause 55

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

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be set back from: ▪ the front street at least 2 metres. ▪ a side street at least 7 metres.
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: ▪ 7 metres from a side boundary, plus 1 metre for every metre of height over 6 metres up to 9 metres.

	Standard	Requirement
		▪ 1 metre from a rear boundary, 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.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 13.5 metres and must not contain more than three storeys.

6.0 Application requirements

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

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 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 80 per cent.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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Proposed C219morn

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height, form and siting of new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

--/--/----
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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least:

	Standard	Requirement
		▪ 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. 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: ▪ 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.

- Whether the ~~choice~~ design of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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

SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ3**.

GARDEN RESIDENTIAL 2

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 bushy garden setting of the precinct, characterised by dwellings with spaces for dense planting of canopy trees, bushes, shrubs and garden beds, and nature strips with informal native vegetation.

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 transparent, front fences with views to front gardens 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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least:

	Standard	Requirement
		▪ 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. 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	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.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the bushy garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**.

GARDEN RESIDENTIAL 3

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 that utilise a contemporary façade articulation and consistent materials palette of brick or rendered finish with muted tones.

To maintain and reinforce the predominant building alignment along the street.

To encourage space for increased vegetation planting within front gardens to enhance the garden setting of dwellings.

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

To maintain the openness of the streetscape, characterised by absent front fences.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		▪ 7.5 metres for all streets, if there is no existing building on the abutting allotment facing the front street.
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: ▪ 1 metre from a side boundary, 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. ▪ 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.

- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings complement the existing materials and tones palette of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries encourage space for increased vegetation planting.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping enhance the garden setting of dwellings.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape.

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

SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ5**.

GARDEN RESIDENTIAL 4

1.0 Neighbourhood character objectives

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

To ensure new development respects the key elements of existing low-scale dwellings from Post-War and Modern eras, characterised by simple building forms, low-pitched roofs with prominent eaves and light building materials that are sympathetic to the existing weatherboard and fibro materials of the precinct.

To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that create a spacious streetscape.

To maintain and strengthen the coastal setting of the precinct, characterised by dwellings set on compact allotments with a simple garden setting comprising coastal shrubs, trees and other vegetation.

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

To maintain the openness of the streetscape, characterised by 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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 50 per cent.
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: ▪ 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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, siting and materials of new buildings reflect the preferred character of the area.
- Whether the new development is distinguished from the original dwelling stock.
- Whether the materials of new buildings are sympathetic to the existing weatherboard and fibro materials of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a spacious streetscape.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the coastal setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.

- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape with views to front garden areas.

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

SCHEDULE 6 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ6**.

GARDEN COURT 1

1.0 Neighbourhood character objectives

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

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.

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.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least:

	Standard	Requirement
		▪ 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.
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: ▪ 1 metre from a side boundary, 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. ▪ 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

--/--/2020
C219morn

SCHEDULE 7 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ7**.

GARDEN COURT 2

1.0 Neighbourhood character objectives

--/--/2020
C219morn

To ensure new development reflects the preferred built form, characterised by predominantly low-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 spacious setbacks around informally-sited buildings.

To maintain and strengthen the native garden setting of the precinct, and vistas around street bends and courts, characterised by modest dwellings hidden behind dense native vegetation and tree canopies.

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 and existing, informal native vegetation within nature strips, characterised by absent, or low and open, front fences with views to front garden areas.

2.0 Minimum subdivision area

--/--/2020
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

--/--/2020
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

--/--/2020
C219morn

	Standard	Requirement
Minimum street setback	A3 and B6	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 50 per cent.
Permeability	A6 and B9	None specified.
Landscaping	B13	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	A10 and B17	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.
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: ▪ 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~. ▪ 1.2 metres, for all other streets.

5.0 Maximum building height requirement for a dwelling or residential building

--/--/2020
C219morn

None specified.

6.0 Application requirements

--/--/2020
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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

--/--/2020
C219morn

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 new buildings reflect the preferred character of the area.
- Whether the form and appearance of new buildings detrimentally affect the dense native vegetation and tree canopies setting of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness around buildings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the native garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.

- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 8 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ8**.

GARDEN COURT 3

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 that utilise a contemporary façade articulation and consistent materials palette of brick or render.

To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that contribute to the sense of openness.

To encourage space for increased vegetation planting within the private realm to enhance the garden setting of dwellings.

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

To maintain the openness of the streetscape, characterised by absent front fences.

2.0 Minimum subdivision area

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least:

	Standard	Requirement
		▪ 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.
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: ▪ 1 metre from a side boundary, 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. ▪ 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings complement the existing materials palette of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness and encourage space for increased vegetation planting.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping enhance the garden setting of dwellings.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape.

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

SCHEDULE 9 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ9**.

BUSH RESIDENTIAL 1

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by low-scale 1-2 storey dwellings with a modern architectural style and simple building forms that utilise natural materials with muted tones and colours to fit within the vegetated landscape.

To maintain and reinforce the predominant rhythm of dwelling spacing within the streetscape, characterised by setbacks that contribute to the unique setting of the area and afford ample space for the retention and continued planting of native vegetation.

To maintain and enhance the vistas, streetscapes and backdrops of the precinct, characterised by established and informal bush gardens surrounding dwellings on spacious allotments with dense native vegetation that appear unified with the vegetation in the public realm.

To ensure new development neither penetrates the existing native tree canopy nor dominates the streetscape but minimises the dominance of car parking access and structures instead.

To retain the largely informal setting of the streetscape, characterised by highly-vegetated nature strips, a general lack of public realm infrastructure, and unobtrusive low front fences that blend with gardens and street vegetation and allow views to these gardens and trees from the street.

2.0 Minimum subdivision area

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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

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	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	A10 and B17	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.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness of the allotment and afford space for the retention and continued planting of native vegetation.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and enhance the established and informal bush gardens around dwellings.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the largely informal setting of the streetscape.
- Whether the ~~choice~~ design of fencing blends with gardens and street vegetation with views to these gardens and trees from the street.

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Proposed
C219morn

SCHEDULE 10 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ10**.

BUSH RESIDENTIAL 2

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated landscape.

To maintain and reinforce the predominant rhythm of dwelling spacing within the streetscape, characterised by intermittent views of surrounding landscapes, vegetation, homes and properties afforded by curvilinear streets winding across the steep and undulating topography, and spacious setbacks that enable substantial planting between dwellings and the street.

To maintain and enhance the vistas, streetscapes and backdrops of the precinct, characterised by dense vegetation comprising large native trees and supporting undergrowth, and dwellings that are often built on relatively large lots surrounded by an informal public realm and sited on steep hills below street level with their roof lines at eye level to take advantage of the landscape.

To ensure new development does not dominate the streetscape but sits well below the existing native tree canopy and minimises the dominance of car parking access and structures instead.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by unobtrusive low front fences that blend with gardens and street vegetation and allow views to these gardens and trees from the street.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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,

	Standard	Requirement
		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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness of the allotment and enable substantial planting between dwellings and the street.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the informal public realm setting of the streetscape.
- Whether the ~~choice~~ design of fencing blends with gardens and street vegetation with views to these gardens and trees from the street.

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

SCHEDULE 11 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ11**.

BUSH RESIDENTIAL 3

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated landscape.

To maintain and reinforce the predominant building alignment along the street whilst enabling tree planting along primarily unmade roads that wind through the area with no delineation between public and private land.

To maintain and enhance the vistas, streetscapes and backdrops of the precinct, characterised by the dominant tall mountain gums and lush understoreys of shrubs and grasses of the unique foothill forests of Red Hill and its surrounds which, having been cleared from much of its former range, are considered to be under threat – the vegetation of these forests is dense and present in both the public and private realm, with dwelling developments having largely avoided the removal of native vegetation.

To ensure new development does not dominate the streetscape but sits within the undulating landscape well below the tree canopy in a spacious rural setting, often obscured by the vegetation, and minimises the dominance of car parking access and structures instead.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by unobtrusive low front fences that blend with gardens and street vegetation and allow views to these gardens and trees from the street.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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,

	Standard	Requirement
		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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	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	A10 and B17	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.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of new buildings detrimentally affect the native tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries contribute to a spacious rural setting and enable tree planting along primarily unmade roads.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the unique forest setting and openness of the streetscape, which has no delineation between public and private land.

- Whether the ~~choice~~ design of fencing blends with gardens and street vegetation with views to these gardens and trees from the street.

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

SCHEDULE 12 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ12**.

BUSH COASTAL 1

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by predominantly ~~single~~ 1-2 storey dwellings with a modern architectural style 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 allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional canopy trees and frequent lower-level trees that have been kept largely intact in both the public and private realms.

To ensure new development neither dominates the streetscape nor penetrates the existing tree canopy but sits within the canopy, often obscured by the vegetation, and minimises the dominance of car parking access and structures instead.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by low and permeable front fences that allow views to front garden areas and trees from the street.

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

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	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.
Landscaping	B13	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	A10 and B17	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.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the dense remnant vegetation setting of the streetscape.
- Whether the ~~choice~~ design of fencing allows views to front garden areas and trees from the street.

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Proposed
C219morn

SCHEDULE 13 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ13**.

BUSH COASTAL 2

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by a mix of low-scale 1-2 storey dwellings with a modern architectural style 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 allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens, and streets that are highly informal and predominantly unsealed with swale drains, absent footpaths and limited delineation between the public and private realms.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional large canopy trees and frequent lower-level trees that dominate the streetscapes, having been kept largely intact in both the public and private realms.

To ensure new development does not dominate the streetscape but sits well below the existing tree canopy, often obscured by the vegetation, and minimises the dominance of car parking access and structures instead – crossovers are typically unsealed and sometimes non-existent.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by absent, or low and permeable, front fences that allow views to front garden areas and trees from the street.

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

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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

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Proposed
C219morn

	Standard	Requirement
Minimum street setback	A3 and B6	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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

	Standard	Requirement
		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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.

- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the highly informal and rural setting of the streetscape.
- Whether the ~~choice~~ design of fencing allows views to front garden areas and trees from the street.

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Proposed
C219morn

SCHEDULE 14 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ14**.

BUSH COASTAL CONTEMPORARY 1

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by moderate-scale 1-2 storey dwellings that utilise a contemporary façade articulation and consistent palette of muted finishes or natural materials to complement the vegetated coastal landscape.

To maintain and reinforce the rhythm of building spacing in the streetscape, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and formalised gardens.

To strengthen the coastal garden setting of the precinct, characterised by coastal native and indigenous trees and understorey.

To ensure new development does not dominate the streetscape and wider landscape setting but sits within the landform and minimises the dominance of car parking access and structures instead.

To maintain the openness of the streetscape, characterised by low and permeable front fences that are incorporated into the landscape design and allow 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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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: ▪ ~~2~~1 metre~~s~~ from a side boundary, 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. ▪ 5 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of finishes complement the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and formalised gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape with views to front garden areas.

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Proposed
C219morn

SCHEDULE 15 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ15**.

BUSH COASTAL CONTEMPORARY 2

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by large-scale 1-2 storey dwellings that utilise a contemporary façade articulation and consistent palette of muted finishes or natural materials to complement the vegetated coastal landscape.

To maintain and reinforce the rhythm of building spacing in the streetscape, characterised by setbacks that allow increased planting of native vegetation.

To strengthen the coastal garden setting of the precinct, characterised by coastal native and indigenous trees and understorey.

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

To maintain the openness of the streetscape, characterised by front fences that incorporate permeable elements or vegetation to soften their appearance.

2.0 Minimum subdivision area

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least:

	Standard	Requirement
		▪ 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. 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: ▪ 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	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of finishes complement the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow increased planting of native vegetation.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape and uses appropriate materials that soften their appearance.

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

SCHEDULE 16 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ16**.

BUSH COASTAL CONTEMPORARY 3

1.0 Neighbourhood character objectives

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

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by predominantly double-storey dwellings with a contemporary style, particularly in areas with proximity to the foreshore, that utilise contemporary materials, including concrete and steel, with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the rhythm of building spacing in the streetscape, characterised by setbacks that afford a sense of space between dwellings and provide room for the continued planting of native vegetation, and largely informal streets that generally feature swale drains at the edges with absent footpaths.

To strengthen the coastal garden setting of the precinct, characterised by medium-to-large lots with established formal vegetation comprising high levels of remnant tea trees and other coastal native shrubs and small trees that continue to play a significant role in the screening and privacy of dwellings.

To ensure new development does not dominate the streetscape and wider landscape setting but remains hidden from the street particularly in the foreshore areas, often obscured by low-lying screening vegetation, and minimises the dominance of car parking access and structures instead.

To maintain the openness of the streetscape, characterised by front fences that incorporate permeable elements or vegetation to soften their appearance and a public realm that comprises dense and informal coastal vegetation.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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

	Standard	Requirement
		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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	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.
Landscaping	B13	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	A10 and B17	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.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries afford a sense of space between dwellings and provide room for the continued planting of native vegetation.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape and uses appropriate materials that soften their appearance.

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

SCHEDULE 17 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ17**.

RURAL SETTLEMENT 1

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by 1-2 storey dwellings with a modern style, often informally sited and built from brick with a rendered finish, that utilise natural materials and muted colours to fit within the vegetated landscape.

To ensure new development does not dominate the wider landscape setting nor penetrates the existing native tree canopy but instead sits behind trees and bushes, often obscured by the vegetation, and minimises site disturbance and the impact of buildings on the landscape.

To strengthen the vegetation-dominated landscape, characterised by large rural lots on the periphery of many townships and villages with significant setbacks that allow retention of native remnant vegetation and continued planting of native trees and gardens.

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

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable front fences that allow views to front garden areas, and a public realm comprising large native trees, supporting undergrowth and dense and informal native vegetation.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		▪ 7.5 metres for all streets, if there is no existing building on both abutting allotments facing the front street. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 30 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 50 per cent.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 6 metres from a side boundary. ▪ 5 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.

- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings and the colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy and wider landscape setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of native remnant vegetation and continued planting of native trees and gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.
- Whether the ~~choice~~ design of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.

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

SCHEDULE 18 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ18**.

RURAL SETTLEMENT 2

1.0 Neighbourhood character objectives

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Proposed
C219morn

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

To ensure new development does not dominate the wider landscape setting but minimises site disturbance and the impact of buildings on the landscape instead.

To strengthen the vegetation-dominated landscape, characterised by large rural lots with significant setbacks that allow continued planting of native vegetation, formal gardens and lawn.

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

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable, rural style front fences that allow 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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 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.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 30 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 50 per cent.
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: ▪ 6 metres from a side boundary. ▪ 10 metres from a rear boundary.
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow continued planting of native vegetation, formal gardens and lawn.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.
- Whether the ~~choice~~ design of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.

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

SCHEDULE 19 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ19**.

MOUNT ELIZA WOODLAND AREA – PRECINCT 1

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development does not detract from long-range views to and from the unique landscape setting of the Mount Eliza escarpment but continue to be absorbed into the landscape and screened by vegetation from the street and long-range views to the escarpment instead.

To maintain the spacious setting of the precinct, characterised by setbacks between buildings and the roads that provide adequate space for the retention and planting of indigenous vegetation.

To protect and strengthen the vegetation-dominated landscape quality of the precinct, including the indigenous vegetation and natural setting of the Moorooduc Quarry Reserve, characterised by heavily-vegetated bush surrounds and vegetation that flows across boundaries and onto the roadside verge with minimal delineation between the public and private realms.

To ensure new development respects the topography, minimises site disturbance and adopts an innovative architecture that utilises building materials and detailed design elements to respond to the native woodland setting of the precinct.

To maintain open, informal and well-landscaped street frontages, characterised by non-dominant car parking access and structures, and absent front fences.

2.0 Minimum subdivision area

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

The minimum lot size for subdivision is 2,000 square metres.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 10 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 80 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.

	Standard	Requirement
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	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new buildings detract from long-range views to and from the Mount Eliza escarpment.
- Whether new buildings that exceed 8 metres in height contain architectural features that contribute to the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials complement the subdued tones of the landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the predominant tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings enables them to be screened by the sloping topography or vegetation cover.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries provide adequate space for the retention and planting of indigenous vegetation.
- Whether the vegetation and landscaping protect and strengthen the vegetation-dominated landscape quality of the precinct, including the indigenous vegetation and natural setting of the Moorooduc Quarry Reserve.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness and informal vegetated setting of the streetscape.
- Whether the ~~choice~~ design of fencing maintains an open, informal and well-landscaped streetscape with views to front garden areas.

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

SCHEDULE 20 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ20**.

MOUNT ELIZA WOODLAND AREA – PRECINCT 2

1.0 Neighbourhood character objectives

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

To ensure new development does not dominate the streetscape or wider landscape setting but maintains the landscaped surrounds and minimises site disturbance and the impact of new buildings and hard surfaces on the landscape in areas of steep topography instead.

To maintain the spacious setting of the precinct, characterised by setbacks that reflect the existing rhythm of dwelling spacing in the streetscape and provide adequate space for established vegetation, canopy trees and the retention and planting of indigenous vegetation.

To protect and strengthen the vegetation-dominated landscape quality of the precinct, including the vegetation of the Kackeraboite Creek walking trails and the upper part of the Mount Eliza escarpment, characterised by native and remnant indigenous vegetation, which continues to be the dominant visual feature of the precinct, and dwellings set in established gardens that blend in with roadside vegetation.

To ensure new development adopts a simple and refined architecture that utilises a mixture of building materials to reduce the apparent scale and bulk of buildings and respond to the native woodland setting of the precinct.

To maintain open, informal and well-landscaped street frontages, characterised by non-dominant car parking access and structures, and absent front fences.

2.0 Minimum subdivision area

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

The minimum lot size for subdivision is 2,000 square metres.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 10 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 80 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.

	Standard	Requirement
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	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new buildings that exceed 8 metres in height contain architectural features that contribute to the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials complement the subdued tones of the landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the predominant tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings on properties adjoining the creek and linear parkland preserves and enhances the existing natural landscape of these environs.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries provide adequate space for established vegetation, canopy trees and the retention and planting of indigenous vegetation.
- Whether the vegetation and landscaping protect and strengthen the vegetation-dominated landscape quality of the precinct, including the vegetation of the Kackeraboite Creek walking trails and the upper part of the Mount Eliza escarpment.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness and informal vegetated setting of the streetscape.
- Whether the ~~choice~~ design of fencing maintains an open, informal and well-landscaped streetscape with views to front garden areas.

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Proposed
C219morn

SCHEDULE 21 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ21**.

MOUNT ELIZA WOODLAND AREA – PRECINCT 3

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development does not dominate the streetscape or wider landscape setting but maintains the landscaped surrounds and minimises site disturbance and the impact of new buildings and hard surfaces on the landscape in areas of steep topography instead.

To maintain the spacious setting of the precinct, characterised by setbacks that reflect the existing rhythm of dwelling spacing in the streetscape and provide adequate space for established vegetation, canopy trees and retention and planting of indigenous vegetation.

To protect and strengthen the vegetation-dominated landscape setting of the precinct, including the vegetation of the Kackeraboite Creek walking trails, characterised by a mix of exotic and native vegetation with an increasing frequency of indigenous species, which continues to be the dominant visual element of the precinct, and dwellings set in the landscaped 'parkland' environment.

To ensure new development adopts an innovative architecture that utilises building materials and detailed design elements to reduce its apparent scale and bulk and respond to the native woodland setting of the precinct.

To maintain open, informal and well-landscaped street frontages, characterised by non-dominant car parking access and structures, and screening vegetation or absent front fences.

2.0 Minimum subdivision area

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Proposed
C219morn

The minimum lot size for subdivision is 2,000 square metres.

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

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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

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Proposed
C219morn

	Standard	Requirement
Minimum street setback	A3 and B6	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 15 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 75 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.

	Standard	Requirement
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	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new buildings that exceed 8 metres in height contain architectural features that contribute to the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials complement the subdued tones of the landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the predominant tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings on properties adjoining the creek and linear parkland preserves and enhances the existing natural landscape of these environs.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries provide adequate space for established vegetation, canopy trees and retention and planting of indigenous vegetation.
- Whether the vegetation and landscaping protect and strengthen the vegetation-dominated landscape setting of the precinct, including the vegetation of the Kackeraboite Creek walking trails.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness and informal vegetated setting of the streetscape.
- Whether the ~~choice~~ design of fencing maintains an open, informal and well-landscaped streetscape with views to front garden areas.

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

SCHEDULE 22 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ22**.

MOUNT ELIZA WOODLAND AREA – PRECINCT 4

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development does not dominate the streetscape or wider landscape setting but maintains the landscaped surrounds and minimises site disturbance and the impact of new buildings and hard surfaces on the landscape in areas of steep topography instead.

To maintain the rural-style setting of the precinct, characterised by setbacks that reflect the existing rhythm of dwelling spacing in the streetscape, bush-lined streets, spacious open front gardens and farm-style wire fencing.

To protect and strengthen the vegetation-dominated landscape setting of the precinct characterised by dwellings set within grounds on large allotments with significant space for the retention and planting of native vegetation.

To ensure new development continues to be of low profile with a varied architectural style that utilises a mixture of materials and detailed design elements to reduce its apparent scale and bulk and respond to the native woodland setting of the precinct.

To maintain open, informal and well-landscaped street frontages, characterised by non-dominant car parking access and structures, and absent front fences.

2.0 Minimum subdivision area

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Proposed
C219morn

The minimum lot size for subdivision is 2,000 square metres.

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

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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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 15 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 75 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.
Side and rear setbacks	A10 and B17	None specified.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new buildings that exceed 8 metres in height contain architectural features that contribute to the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials complement the subdued tones of the landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the predominant tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries maintain the rural style setting of the precinct and allow for the retention and planting of native vegetation.
- Whether the vegetation and landscaping protect and strengthen the vegetation-dominated landscape setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness and informal vegetated setting of the streetscape.
- Whether the ~~choice~~ design of fencing maintains an open, informal and well-landscaped streetscape with views to front garden areas.

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Proposed C219morn

SCHEDULE 23 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ23**.

BELEURA HILL, MORNINGTON – ESPLANADE PRECINCT

1.0 Neighbourhood character objectives

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Proposed C219morn

To ensure new development provides reasonable sharing of views to Port Phillip Bay and Mornington Harbour and reflects the preferred built form, characterised by buildings of a high design standard and landscape character that utilise materials and colours that do not detract from these views, enhance the precinct's unique identity and respond to the precinct's topographical constraints and gateway significance as the starting point of the scenic coastal drive to Portsea.

To protect the spacious character of dual-fronted properties such as those along Craigrossie Road.

To maintain and strengthen the 'green backdrop' to Mornington, characterised by a pattern of large lots and spaciousness across the precinct, setbacks that allow space for front and rear gardens, planting around dwellings and along key roads, and soft landscaping that minimises areas of hard surfaces.

To ensure new development does not dominate the streetscape but instead improves the visual connection between buildings and the streetscape, minimises the dominance of car parking access and structures, and maintains a safe traffic environment with priority to pedestrians and cyclists.

To maintain and strengthen the spacious setting of the existing streetscape, characterised by absent or low front fences that respect the landscape character of the streetscape and enhance views to front gardens.

2.0 Minimum subdivision area

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Proposed C219morn

None specified~~The minimum lot size for subdivision is 700 square metres~~.

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

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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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	At least one canopy tree should be planted in the front setback and secluded private open space.

	Standard	Requirement
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 8 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 secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 60 square metres, a minimum dimension of 4 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 10 metres and must not contain more than 2 storeys.

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 geotechnical report prepared by a suitably qualified person, if the development is sited in an area prone to landslip.
- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new buildings are designed and sited with consideration of existing views to Port Phillip Bay and Mornington from nearby properties and public areas to provide reasonable sharing of views.
- Whether the materials of new buildings and the tones and colours of these materials contribute to the bush character of the precinct.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether a new development on dual-fronted properties detrimentally affects their spacious character.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness of the precinct and allow space for front and rear gardens, canopy trees and planting around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the 'green backdrop' to Mornington.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the visual connection between buildings and the streetscape.
- Whether the ~~choice~~ design of fencing respects the landscape character of the streetscape and enhances views to front gardens.

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Proposed
C219morn

SCHEDULE 24 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ24**.

BELEURA HILL, MORNINGTON – NORTHEAST PRECINCT

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development respects the significant vegetation cover of the precinct, which is a key visual and environmental feature of Beleura Hill, and utilises materials and colours that do not detract from views of Beleura Hill, from Mornington and Port Phillip Bay.

To ensure dwellings are set in grounds and obscured or screened by vegetation, including the 'green enclosure' formed by the densely vegetated street edges.

To maintain and strengthen the 'green backdrop' to Mornington, characterised by a pattern of large lots and spaciousness across the precinct, setbacks that allow retention of existing vegetation, front and rear gardens, canopy trees, planting around dwellings and open space areas, and soft landscaping that minimises areas of hard surfaces.

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

To maintain and strengthen the 'treed' and 'green' setting of the existing streetscape, characterised by absent or low front fences that respect the bushy streetscape, and minimal private planting, particularly of exotic species, within the public realm.

2.0 Minimum subdivision area

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Proposed
C219morn

None specified~~The minimum lot size for subdivision is 700 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent.
Landscaping	B13	At least: ▪ 2 canopy trees should be planted in the front setback. ▪ 1 canopy tree should be planted in the secluded private open space.

	Standard	Requirement
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 8 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 secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 60 square metres, a minimum dimension of 4 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~. ▪ 1.2 metres, for all other streets.

5.0 Maximum building height requirement for a dwelling or residential building

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Proposed C219morn

A building used as a dwelling or a residential building must not exceed a height of 10 metres and must not contain more than 2 storeys.

6.0 Application requirements

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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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the materials of new buildings and the tones and colours of these materials contribute to the bush character of the precinct.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the predominant tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness of the precinct and allow space for front and rear gardens, canopy trees and planting around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the 'green backdrop' to Mornington.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the 'treed' and 'green' setting of the existing the streetscape.
- Whether the ~~choice~~ design of fencing respects the bushy streetscape.

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Proposed
C219morn

SCHEDULE 25 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ25**.

BELEURA HILL, MORNINGTON – SOUTHEAST AND WEST PRECINCT

1.0 Neighbourhood character objectives

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

To ensure new development provides reasonable sharing of views to Port Phillip Bay, Tallis Park and the township of Mornington and contributes to the visual and environmental features of Beleura Hill, particularly when viewed from the harbour and town centre, characterised by dominant roof styles and building forms that provide visual interest and articulation.

To retain the 'houses within a landscape' setting of the precinct and protect the spacious character of dual-fronted properties such as those along Craigrossie Road.

To maintain and strengthen the spacious and treed residential setting of the precinct, characterised by setbacks that allow space for front and rear gardens, canopy trees, and planting around dwellings and along key roads, and soft landscaping that minimises areas of hard surfaces.

To ensure new development does not dominate the streetscape but instead improves the visual connection between buildings and the streetscape, and minimises the dominance of car parking access and structures.

To maintain and strengthen the spacious setting of the existing streetscape, characterised by absent or low front fences that respect the streetscape character and enhance views to front gardens.

2.0 Minimum subdivision area

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

None specified~~The minimum lot size for subdivision is 500 square metres~~.

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	None specified.
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.
Landscaping	B13	At least: ▪ 1 canopy tree should be planted in the front setback.

	Standard	Requirement
		▪ 2 canopy trees should be planted in the secluded private open space.
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 6 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 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 3 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 10 metres and must not contain more than 2 storeys.

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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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Proposed C219morn

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 new buildings reflect the preferred character of the area.
- Whether new buildings are designed and sited with consideration of existing views to Port Phillip Bay, Tallis Park and the township of Mornington from nearby properties and public areas to provide reasonable sharing of views.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether a new development on dual-fronted properties detrimentally affects their spacious character.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow space for front and rear gardens, canopy trees and planting around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the spacious and treed residential setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the visual connection between buildings and the streetscape.
- Whether the ~~choice~~ design of fencing maintains and strengthens the spacious setting of the existing streetscape and enhances views to front gardens.

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Proposed
C219morn

SCHEDULE 26 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ26**

BELEURA HILL, MORNINGTON – CREEK PRECINCT

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to Tanti Creek, utilises colours that do not detract from views of the Creek, and positively responds to the environmental and social significance of the Creek.

To promote the precinct as an attractive western edge to Beleura Hill, characterised by dwellings that complement the dominant roof style of the street, respond to the topographical constraints of the land and rehabilitate nature strips to restore the landscape setting of the precinct.

To maintain and strengthen the landscape setting of the precinct, characterised by substantial front gardens, particularly along the elevated side of the streets, that soften the visual bulk of dwellings, deep-vegetated rear setbacks that reinforce the 'green' interface along Tanti Creek, and soft landscaping that minimises the areas of hard surfaces.

To ensure new development does not dominate the streetscape but instead improves the visual connection between buildings and the streetscape, and minimises the dominance of car parking access and structures.

To maintain and strengthen the spacious and informal setting of the existing streetscape, such as Marchington Avenue and Caldwell Street, characterised by absent or low front fences that respect the environmental and landscape character of the streetscape and enhance views to front gardens.

2.0 Minimum subdivision area

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Proposed
C219morn

None specified~~The minimum lot size for subdivision is 500 square metres~~.

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

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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	None specified.
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.
Landscaping	B13	At least one canopy tree should be planted in the front setback and secluded private open space.

	Standard	Requirement
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 6 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 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 3 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 10 metres and must not contain more than 2 storeys.

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 geotechnical report prepared by a suitably qualified person if the development is sited in an area prone to landslip.
- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new buildings are designed and sited with consideration of existing views to Tanti Creek from nearby properties and public areas to provide reasonable sharing of views.
- Whether the materials of new buildings and the tones and colours of these materials contribute to the bush character of the precinct.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the environmental and social significance of the Creek.
- Whether the design and siting of new buildings positively respond to the topographical constraints of the land.
- Whether the siting of new buildings detrimentally affects the environmental qualities of Tanti Creek.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries maintain and strengthen the landscape setting of the precinct and provide substantial space for front and rear gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping soften the visual bulk of dwellings and reinforce the 'green' interface along Tanti Creek.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the visual connection between buildings and the streetscape.
- Whether the ~~choice~~ design of fencing maintains and strengthens the spacious and informal setting of the existing streetscape and enhances views to front gardens.

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Proposed
C219morn

SCHEDULE 27 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ27**

BELEURA HILL, MORNINGTON – BELEURA HILL ROAD (SOUTH) PRECINCT

1.0 Neighbourhood character objectives

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Proposed
C219morn

To ensure new development provides reasonable sharing of views to Moorooduc Plains and is sympathetic to the amenity of adjoining properties, including the treatment of side and rear interfaces.

To ensure new development complements the dominant roof style of the street.

To maintain and strengthen the precinct as a landscaped 'avenue' along Beleura Hill Road (South), characterised by developments that maintain a front landscape setting with garden trees that help soften the visual bulk of more urban built forms, and are creatively sited and designed to retain existing vegetation and provide additional landscaping.

To ensure new development does not dominate the streetscape but instead improves the visual connection between buildings and the streetscape, and minimises the dominance of car parking access and structures.

To maintain and strengthen the spacious setting of the existing streetscape, characterised by absent or low front fences that enhance views to front gardens.

2.0 Minimum subdivision area

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Proposed
C219morn

None specified~~The minimum lot size for subdivision is 400 square metres~~.

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	None specified.
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.
Landscaping	B13	At least one canopy tree should be planted in the front setback and secluded private open space.
Side and rear setbacks	A10 and B17	None specified.
Walls on boundaries	A11 and B18	None specified.

	Standard	Requirement
Private open space	A17	None specified.
	B28	A dwelling or residential building should have private open space consisting 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 3 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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

A building used as a dwelling or a residential building must not exceed a height of 10 metres and must not contain more than 2 storeys.

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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new buildings are designed and sited with consideration of existing views to Moorooduc Plains from nearby properties and public areas to provide reasonable sharing of views.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the design, form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries maintain and strengthen the precinct as a landscaped 'avenue' along Beleura Hill Road (South).
- Whether the vegetation and landscaping help soften the visual bulk of more urban built forms.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the visual connection between buildings and the streetscape.
- Whether the ~~choice~~ design of fencing maintains and strengthens the spacious setting of the existing streetscape and enhances views to front gardens.

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Proposed
C219morn

SCHEDULE 28 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ28**

BIRDROCK / CLARKES AVENUE PRECINCT, MOUNT MARTHA

1.0 Neighbourhood character objectives

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

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by a mix of low-scale 1-2 storey dwellings with a modern architectural style 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 allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens, and streets that are highly informal and predominantly unsealed with swale drains, absent footpaths and limited delineation between the public and private realms.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional large canopy trees and frequent lower-level trees that dominate the streetscapes, having been kept largely intact in both the public and private realms.

To ensure new development does not dominate the streetscape but sits well below the existing tree canopy, often obscured by the vegetation, and minimises the dominance of car parking access and structures instead – crossovers are typically unsealed and sometimes non-existent.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by absent, or low and permeable, front fences that allow views to front garden areas and trees from the street.

2.0 Minimum subdivision area

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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

	Standard	Requirement
		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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	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 40 per cent.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 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 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.

- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the highly informal and rural setting of the streetscape.
- Whether the ~~choice~~ design of fencing allows views to front garden areas and trees from the street.

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

SCHEDULE 29 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ29**

WOODTHORPE ESTATE, CAPEL SOUND

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 bushy garden setting of the precinct, characterised by dwellings with spaces for dense planting of canopy trees, bushes, shrubs and garden beds, and nature strips with informal native vegetation.

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 transparent, front fences with views to front gardens areas.

2.0 Minimum subdivision area

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

None specified~~The minimum lot size for subdivision is 700 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 35 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 50 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the rear setback, and at least one canopy tree should be planted in this area.
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: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	None specified.
	B28	None specified.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the bushy garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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Proposed
C219morn

SCHEDULE 30 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ30**

CRIB POINT TOWNSHIP AREA – PRECINCT 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~~The minimum lot size for subdivision is 650 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 35 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 55 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 5 metres from a rear boundary.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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Proposed
C219morn

SCHEDULE 31 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ31**

CRIB POINT TOWNSHIP AREA – PRECINCT 2

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 bushy garden setting of the precinct, characterised by dwellings with spaces for dense planting of canopy trees, bushes, shrubs and garden beds, and nature strips with informal native vegetation.

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 transparent, front fences with views to front gardens areas.

2.0 Minimum subdivision area

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

None specified~~The minimum lot size for subdivision is 650 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 35 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 55 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.
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: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the bushy garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 32 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ32**

BITTERN AND CRIB POINT TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by predominantly low-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 spacious setbacks around informally-sited buildings.

To maintain and strengthen the native garden setting of the precinct, and vistas around street bends and courts, characterised by modest dwellings hidden behind dense native vegetation and tree canopies.

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 and existing, informal native vegetation within nature strips, characterised by absent, or low and open, front fences with views to front garden areas.

2.0 Minimum subdivision area

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

None specified~~The minimum lot size for subdivision is 650 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 30 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 55 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.

	Standard	Requirement
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: ▪ 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	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the form and appearance of new buildings detrimentally affect the dense native vegetation and tree canopies setting of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness around buildings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the native garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 33 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ33**

CRIB POINT TOWN CENTRE AREA

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~~The minimum lot size for subdivision is 500 square metres~~.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 40 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 50 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.
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: ▪ 2 metres from a side boundary, plus 1 metre for every metre of height over 6.9 metres. ▪ 5 metres from a rear boundary.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified.
Private open space	A17	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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

SCHEDULE 34 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ34**

HENDERSON / CRESWELL ROAD PRECINCT, BITTERN

1.0 Neighbourhood character objectives

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

To ensure new development reflects the preferred built form, characterised by predominantly low-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 spacious setbacks around informally-sited buildings.

To maintain and strengthen the native garden setting of the precinct, and vistas around street bends and courts, characterised by modest dwellings hidden behind dense native vegetation and tree canopies.

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 and existing, informal native vegetation within nature strips, characterised by absent, or low and open, front fences with views to front garden areas.

2.0 Minimum subdivision area

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

The minimum lot size for subdivision is 900 square metres.

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	None specified.
Site coverage	A5 and B8	The site area covered by buildings should not exceed 35 per cent.
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 60 per cent.
Landscaping	B13	An area with minimum dimensions of 5 metres by 5 metres should be provided in the front and rear setbacks, and at least one canopy tree should be planted in both areas.

	Standard	Requirement
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: ▪ 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	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of an area of 90 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 dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether the form and appearance of new buildings detrimentally affect the dense native vegetation and tree canopies setting of the precinct.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness around buildings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.
- Whether the vegetation and landscaping maintain and strengthen the native garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 35 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ35**.

DROMANA TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

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.

2.0 Minimum subdivision area

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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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	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	A10 and B17	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.
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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.

- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the ~~choice~~ design of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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

SCHEDULE 36 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ36**.

DROMANA HILLSIDE AREA

1.0 Neighbourhood character objectives

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

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 bushy garden setting of the precinct, characterised by dwellings with spaces for dense planting of canopy trees, bushes, shrubs and garden beds, and nature strips with informal native vegetation.

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 transparent, front fences with views to front gardens areas.

2.0 Minimum subdivision area

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

The minimum lot size for subdivision is 650 square metres.

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	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

	Standard	Requirement
		If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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	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.
Landscaping	B13	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	A10 and B17	A new building not on or within 200 mm of a boundary should be set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 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: ▪ 1.8 metres, for a street in a Transport Zone 2~~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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.
- Whether new 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 materials of new buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the ~~design,~~ form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new 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 new buildings relative to the street and setbacks from lot boundaries create a sense of openness and space around dwellings.
- Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.

- Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.
- Whether the vegetation and landscaping maintain and strengthen the bushy garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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Proposed
C219morn

SCHEDULE 37 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ37**.

SPECIAL NEIGHBOURHOOD CHARACTER AREA

1.0 Neighbourhood character objectives

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

To maintain and strengthen the vegetated setting of dwellings in areas that have a special neighbourhood character.

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	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.

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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

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

SCHEDULE 39 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ39**.

GARDEN RESIDENTIAL TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

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

To maintain and reinforce the predominant building alignment along the street.

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	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.

	Standard	Requirement
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2. ▪ 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.

- Whether the form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new buildings and setbacks from lot boundaries in a multi-dwelling development detrimentally affect the potential to accommodate new landscaping.
- Whether the siting of new buildings reflects the predominant building alignment along the street.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape.
- Whether the design of fencing maintains the openness and minimal delineation between the public and private realms with views to front garden areas.

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

SCHEDULE 40 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ40**.

GARDEN COURT TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

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

To maintain and reinforce the predominant building siting and rhythm of the streetscape.

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.

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	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.

	Standard	Requirement
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2. ▪ 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.

- Whether the form and siting of new buildings in a multi-dwelling development detrimentally affect the preferred streetscape character.
- Whether the spacing between new buildings and setbacks from lot boundaries in a multi-dwelling development detrimentally affect the potential to accommodate new landscaping.
- Whether the siting of new buildings reflects the predominant building siting and rhythm of the streetscape.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the design of fencing retains the spaciousness of the streetscape with views to front garden areas.

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

SCHEDULE 41 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ41**.

BUSH COASTAL CONTEMPORARY TOWNSHIP AREA

1.0 Neighbourhood character objectives

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

To ensure new development provides reasonable sharing of views to the coastline and reflects the preferred built form, characterised by moderate-scale 1-2 storey single dwellings, units or townhouses that utilise a contemporary façade articulation and consistent palette of muted finishes or natural materials to complement the vegetated coastal landscape.

To maintain and reinforce the rhythm of building spacing in the streetscape.

To strengthen the coastal garden setting of the precinct, characterised by coastal native and indigenous trees and understorey.

To ensure new development does not dominate the streetscape and wider landscape setting but sits within the landform and minimises the dominance of car parking access and structures instead.

To maintain the openness of the streetscape, characterised by low and permeable front fences that are incorporated into the landscape design and allow 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	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.

	Standard	Requirement
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed a height of: ▪ 1.8 metres, for a street in a Transport Zone 2. ▪ 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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 Decision guidelines

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

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 new buildings reflect the preferred character of the area.

- Whether new 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 materials of new buildings and the tones and colours of finishes complement the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of new buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether new buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings maintains and reinforces the rhythm of building spacing in the streetscape.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the design of fencing maintains the openness of the streetscape with views to front garden areas.

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

SCHEDULE 1 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ1.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.2 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 2 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ2.**

1.0 Subdivision requirements

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

Land		Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.25 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 3 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ3.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.3 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 4 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ4.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.4 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 5 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ5.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.5 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 6 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ6.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	0.6 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 7 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ7.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	1 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 8 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ8.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	2 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 9 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ9.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	4 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 10 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ10.**

1.0 Subdivision requirements

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

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	8 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
80 square metres

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

SCHEDULE 11 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ11.**

1.0 Subdivision requirements

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

Land		Area (hectares)
Minimum subdivision area (hectares)	All land encumbered by this schedule. This does not apply to: ~~▪ land set aside as common property.~~ ▪ land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme. ▪ a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created. ▪ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.	1 ha

2.0 Outbuilding permit requirements

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

Dimensions above which a permit is required to construct an outbuilding (square metres)
50 square metres

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

SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**.

TOWNSHIP ~~DESIGN~~AREA

1.0 Design objectives

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

To ensure ~~that~~ new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

~~To protect shared viewlines where reasonable and practical.~~

To ensure ~~that~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive~~, particularly in terms of creating a silhouette above~~ 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 that is compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets.

To minimise site disturbance and development impacts on the landscape.

To ensure ~~that~~ buildings, works and 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.

~~To ensure that subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.~~

~~To ensure that buildings do not encroach visually on foreshore areas or main roads.~~

~~To ensure that the traffic generated by medium density residential development does not detrimentally affect the safety, efficiency or amenity of existing residential streets or main roads.~~

~~To indicate residential areas adjacent to the foreshore and commercial centres of Rosebud and Dromana that will provide for a range of medium density residential living in conjunction with a limited range of service and leisure based commercial uses.~~

2.0 Buildings and works

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

~~**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~~one dwelling on a lot if all the ~~General~~ requirements ~~set out~~ in ~~this schedule~~Table 1 are met.

~~- A single dwelling on a lot. This does not include a dwelling on a lot that adjoins Point Nepean Road.~~
~~- A dependent person's unit.~~

~~*Note: The Mandatory requirements of this schedule also apply.*~~

Table 1

	Requirement
Building height	A building does not exceed a height of 6 metres
Nepean Highway setback	A building is set back at least 10 metres from Nepean Highway and the first 5 metres from the boundary is landscaped to the satisfaction of the responsible authority.

	Requirement
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling does not exceed 1 metre.

~~**Permit required**~~

An application to construct a building or construct or carry out works should meet all the ~~General~~ requirements ~~of this schedule~~in Table 1.

~~*Note: The Mandatory requirements of this schedule also apply.*~~

~~In the General Residential Zone or Neighbourhood Residential Zone, a~~An application to construct a building or construct or carry out works ~~associated with~~for one dwelling on a lot~~:~~ must meet the requirements in Clause 54.

~~- 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.~~

~~**General requirements**~~

~~- Buildings must be set back at least 10 metres from a Public Park and Recreation Zone, Public Conservation and Resource Zone or the Nepean Highway and the first 5 metres must be landscaped to the satisfaction of the responsible authority.~~
~~- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.~~
~~- 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.~~

~~**Mandatory requirements**~~

The ~~following~~ buildings and works requirements in Table 2 apply~~, as appropriate,~~ to ~~all~~ an application to construct a building~~s~~ ~~and~~ or construct or carry out works~~,~~ whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded.

	Requirement
	– The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.

~~**Maximum building height**~~

~~A building must have a maximum building height of no more than 10 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:~~

- ~~A place of assembly building~~
- ~~A leisure and recreation building~~
- ~~A utility installation building~~
- ~~A hospital~~
- ~~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 per cent.~~

~~These requirements cannot be varied with a permit.~~

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

6.0 Decision guidelines

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

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:

- ~~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.~~
- ~~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~~the form, siting, materials and tones of 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~~ detracts from

the skyline and existing tree canopy line when viewed from surrounding streets and properties.

- Whether 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 ~~reduce~~ minimise the need for site excavation or filling.
- Whether ~~The~~ the ~~effect of any~~ proposed buildings, works or subdivision ~~or development on~~detrimentally affect the environmental and landscape values of the site ~~and of the local area~~, including ~~the effect on~~ streamlines, foreshores~~, areas of~~ and remnant vegetation~~, areas prone to erosion and on the amenity and accessibility of areas of public open space~~.
- 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.
- ~~The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.~~
- ~~The suitability of each lot to accommodate a dwelling.~~

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

SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO2**.

BAYSIDE AND VILLAGE AREA

1.0 Design objectives

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

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 ~~new~~ the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence if it is located less than 6 metres from a cliff edge or cliff face.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A ~~new~~ building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a building in the area located to the north of a boundary defined by Ellerina Road, Potts Lane, Bruce Road, the Nepean Highway, White Hill Road, Dunns Creek Road, Bittern-Dromana Road, Frankston-Flinders 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. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- ~~Each~~ The average area of the lots created by the subdivision must be at least 650 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.
- The frontage of battle-axe lots must be at least 6 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements. ~~These requirements~~This does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- 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.

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

SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3**.

COASTAL AND LANDSCAPE AREA

1.0 Design objectives

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

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 ~~new~~ the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence if it is located less than 6 metres from a cliff edge or cliff face.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a building in the area located to the north of a boundary defined by Ellerina Road, Potts Lane, Bruce Road, the Nepean Highway, White Hill Road, Dunns Creek Road, Bittern-Dromana Road, Frankston-Flinders 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. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirement:

- ~~Each~~ The average area of the lots created by the subdivision must be at least 1,500 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirement~~ does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether 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.

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

SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO4**.

BUSH / GARDEN ENVIRONMENT AREA

1.0 Design objectives

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

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 bush / garden environment area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the bush / garden environment area.

To ensure the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of: ▪ ~~8~~ 5 metres, for land: – in Portsea, Sorrento or St Andrews Beach. – south of Melbourne Road in Blairgowrie. – south of the Public Acquisition Overlay 1 (PAO1) in Rye. ▪ 6 metres, for all other land. ~~and must not contain more than 2 storeys.~~
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence if it is located less than 6 metres from a cliff edge or cliff face.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a building in the area located to the north of a boundary defined by Ellerina Road, Potts Lane, Bruce Road, the Nepean Highway, White Hill Road, Dunns Creek Road, Bittern-Dromana Road, Frankston-Flinders 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. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirement:

- Each lot created by the subdivision must be at least 2,500 square metres.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirement~~ does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.

- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- 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.

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

SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**.

SANDY ROAD, ST ANDREWS BEACH

1.0 Design objectives

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

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 precinct.

To maintain and strengthen the predominant 'single dwelling per lot' character of the precinct.

To ensure the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 58 metres ~~and must not contain more than 2 storeys~~.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 25 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence if it is located less than 6 metres from a cliff edge or cliff face.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirement:

- Each lot created by the subdivision must be at least 5,000 square metres.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirement~~ does not apply to:

- 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 *Subdivision Act 1988* and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding street and properties.
- 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 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.

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

SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**.

RURAL LANDSCAPE AREA

1.0 Design objectives

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

To ensure the design of low-density subdivision and housing is responsive to the environment, landform, site conditions and character of the area, and ensure ~~new~~ the form, siting, materials and tones of 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 maintain and strengthen the predominant 'single dwelling per lot' character of the rural landscape area.

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 site areas are large enough to accommodate development while retaining natural or established vegetation cover where substantial vegetation cover is a visually and environmentally dominant feature of the area.

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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of: ▪ ~~6~~ 6 metres, for land in Bittern or Crib Point. ▪ 8 metres, for land in Rye or Tootgarook.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building Height	A building ~~must not exceed a height of 8 metres and~~ in Bittern or Crib Point must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following ~~mandatory~~ requirements:

- For land in Bittern or Crib Point, ~~Each~~ each lot created by the subdivision must be at least 10,000 square metres.
- For land in Rye or Tootgarook:
  - The average area of the lots created by the subdivision must be at least 10,000 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.
  - ~~▪~~ – The frontage of battle-axe lots must be at least 20 metres.
  - ~~▪~~ – The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements. ~~These requirements~~This does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~ form, siting, materials and tones of a building~~s~~ detract~~s~~ from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding street and properties.
- 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 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.

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

SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

HODGINS ROAD, HASTINGS

1.0 Design objectives

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

To ensure the design of low-density subdivision and housing is responsive to the environment, landform, site conditions and character of the area, located on the periphery of Hastings, where more intensive settlement would adversely affect significant landscape values.

To encourage development densities that are compatible with the environmental, infrastructure and service capacities of the precinct, including the capacity of local streets and sewerage.

To minimise site disturbance and development impacts on the landscape.

To ensure subdivision provides lots that are large enough to accommodate development while retaining natural or established vegetation cover where substantial vegetation cover is a visually and environmentally dominant feature of the area.

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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building does not exceed a height of 8 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one.

	Requirement
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- ~~Each~~ The average area of the lots created by the subdivision must be at least 20,000 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.
- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements. ~~These requirements~~This does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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 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 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.

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

SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

TOWER ROAD, MOUNT ELIZA

1.0 Design objectives

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

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 area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the area.

To ensure the form, siting, materials and tones of 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.

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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to:

	Requirement
	▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- ~~Each~~ The average area of the lots created by the subdivision must be at least 2,000 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.
- The frontage of battle-axe lots must be at least 6 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements. ~~These requirements~~This does not apply to:

~~▪ land set aside as common property.~~

- land to be transferred to Council as public open space contribution in accordance with section 18 of the Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~ of existing lots ~~if no new lot or~~provided the number of lots is not increased, no additional subdivision potential is created and any lot that is reduced in area retains a minimum area of 2,000 square metres.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.
- A report from a suitably qualified water professional containing details of the proposed stormwater management system that demonstrates no net increase in the rate of off-site discharge to the local creek.
- A traffic management plan that provides for traffic impact mitigation works along Tower Road or Wooralla Drive if the subject site abuts any of these roads.
- An Agreement under section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority if the application relates to subdivision or

additional residential development other than a single dwelling on a lot existing at the approval date. The Agreement must include

- the full provision of infrastructure to service any new lot or development with plans and specifications to be submitted and approved to the satisfaction of the responsible authority. All costs of infrastructure provision and upgrading must be met by the landowners with no costs to Mornington Peninsula Shire Council.
- the provision for development contributions generally in accordance with the Development Contributions Report – Tower Road, Mount Eliza (Option 1), March 2004 prepared by Beveridge Williams & Co Pty Ltd.
- the provision for a roundabout or other traffic control devices to the satisfaction of the responsible authority if the proposed development abuts Tower Road or gains access from a road which intersects Tower Road.
- the provision for contributions to public open space equal to 5 per cent of the site area or 5 per cent of the value of the site to be subdivided.
- a further 5 per cent of either the site area or a cash-in-lieu contribution to be applied towards environmental improvement in the Mount Eliza area. The calculation of this further 5 per cent may be discounted by the site area or value of any lot that contains a dwelling that exists at the approval date, if the total public open space contribution is equivalent to not less than $10,000 indexed to the CPI for every new lot created.

6.0 Decision guidelines

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

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 form, ~~design and~~ siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- 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 streamlines 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.

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

SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO17**.

WOODTHORPE ESTATE, CAPEL SOUND~~, BITTERN AND CRIB POINT RESIDENTIAL AREA~~

1.0 Design objectives

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

To ensure front setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping where substantial vegetation cover is a visually and environmentally dominant feature of the area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the area.

To ensure the form, siting, materials and tones of 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.

To encourage development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, and minimise site disturbance and development impacts on the landscape.

~~To 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of ~~8~~ 7 metres and ~~must~~ does not contain more than ~~2~~ 1 storey~~s~~.
Minimum street setback	Walls of buildings ~~should be~~are set back from the front street at least: ▪ 7.5 metres, if there is no existing building on any 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 7.5 metres, whichever is the greater, if only one abutting allotment facing the front street has an existing building. ▪ the average distance as the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 7.5 metres, whichever is the greater, if both abutting allotments facing the front street have an existing building. If the site is on a corner, walls of buildings ~~should be~~are set back from a side street at least 3 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.

	Requirement
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

~~None specified.~~A permit to subdivide land must meet the following requirement:

- The average area of the lots created by the subdivision must be at least 700 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This does not apply to:

- lots that comply with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme
- a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

6.0 Decision guidelines

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

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 front setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping.
- Whether the ~~design and~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether the design and siting of buildings detrimentally affect the sense of a spacious streetscape.
- 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.
- 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.

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

SCHEDULE 18 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO18**.

MOUNT ELIZA WOODLAND AREA

1.0 Design objectives

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

To ensure setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping where substantial vegetation cover is a visually and environmentally dominant feature of the area.

To maintain and reinforce the existing rhythm of dwelling spacing in the streetscape and the open, informal and well-landscaped street frontages to maintain a sense of spaciousness, which is a key characteristic of the area.

To ensure the form, siting, materials and tones of 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.

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

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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 68 metres ~~and must not contain more than 2 storeys~~.
Outbuildings	The gross floor area of an outbuilding, other than a garage or carport, ~~should~~ does not exceed 10 square metres.
Garage or carport	A garage or carport ~~should~~: ▪ ~~be~~ is the only outbuilding with a gross floor area that exceeds 10 square metres. ▪ ~~have~~ has a gross floor area of 70 square metres of less.
Front street setback	If the lot size is 1,500 square metres or more, walls of buildings ~~should be~~are set back from the front street at least 15 metres. If the lot size is less than 1,500 square metres, walls of buildings ~~should be~~are set back from the front street at least: ▪ 7.5 metres, if there is no existing building on any 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 7.5 metres, whichever is the greater, if only one abutting allotment facing the front street has an existing building. ▪ the average distance as the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 7.5 metres, whichever is the greater, if

	Requirement
	both abutting allotments facing the front street have an existing building.
Side street setback	If the lot size is 2,500 square metres or more, walls of buildings ~~should be~~are set back from a side street at least: ▪ 10 metres, if the lot frontage is 30 metres or more. ▪ 7.5 metres, if the lot frontage is less than 30 metres. If the lot size is less than 2,500 square metres, walls of buildings ~~should be~~are set back from a side street at least 5 metres.
Side boundary setback	If the lot size is 2,500 square metres or more, walls of buildings ~~should be~~are set back from a side boundary at least: ▪ 10 metres or at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres, if the lot frontage is 30 metres or more. ▪ 7.5 metres or at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres, if the lot frontage is less than 30 metres. If the lot is less than 2,500 square metres, walls of buildings ~~should be~~are set back from a side boundary at least 5 metres.
Rear boundary setback	Walls of buildings ~~should be~~are set back from a rear boundary at least 10 metres. This may be reduced to at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04.

	Requirement
	▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	If the lot is less than 2,600 square metres, the number of dwellings on a lot must not exceed one. If the lot is 2,600 square metres or more, the number of dwellings on a lot must not exceed two, provided all the following requirements are met: ▪ One of the dwellings must have a maximum floor area of 100 square metres. ▪ Both dwellings must be substantially attached and designed to appear as if they were only one dwelling on the lot. ▪ Both dwellings must share a single crossover. ▪ The site area covered by buildings must not exceed: – 15 per cent, if the lot is in Precinct 1 or 2. – 20 per cent, if the lot is in Precinct 3 or 4. ▪ The provision must not have been previously applied to any of the land involved in the application. ▪ A section 173 Agreement must be created to prevent the subdivision of the subject land, and the Agreement must be registered on title.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

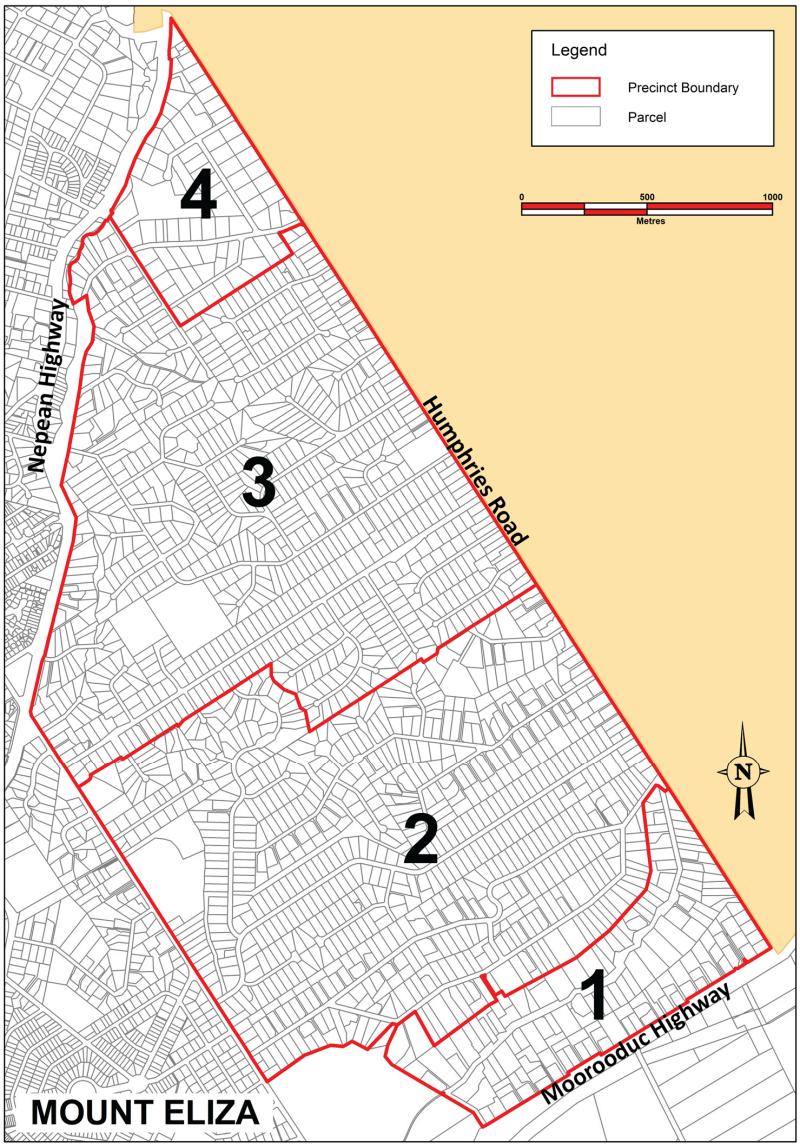
--/--/---- Proposed C219morn

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 setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping.

- Whether the siting of buildings relative to the street and setbacks from lot boundaries strengthen the existing rhythm of dwelling spacing.
- Whether the form, siting, materials and tones of a building detracts from the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the design and siting of buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site, including cliff edges, streamlines and remnant vegetation.
- Whether the development is compatible with the environmental, infrastructure and service capacities of the area.

Map 1



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

SCHEDULE 19 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO19**.

BITTERN AND CRIB POINT TOWNSHIP ~~RESIDENTIAL~~ AREA

1.0 Design objectives

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

~~To promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.~~

~~To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.~~

~~To encourage forms of development that provide for housing diversity.~~

~~To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and character of Crib Point's residential areas.~~

To ensure ~~sites~~ front setbacks are large enough to accommodate ~~development and~~ the retention of established vegetation cover and new landscaping where substantial ~~areas of open space while considering any bushfire risk and retaining or planting new~~ vegetation cover is a visually and environmentally dominant feature of the area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the area.

To ~~ensure~~ encourage ~~that~~ development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, ~~drainage systems and sewerage systems~~and minimise site disturbance and development impacts on the landscape.

~~To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern~~

~~To encourage building materials, forms, textures and colours that are compatible with the landscape setting.~~

To ensure ~~that~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive~~, particularly in terms of creating a silhouette above~~ against a skyline or existing tree canopy line, when viewed from surrounding streets and properties.

~~To ensure that subdivision and development proposals have regard to heritage values.~~

To ensure ~~that~~ buildings, works and subdivision proposals ~~will~~ enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

~~To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.~~

2.0 Buildings and works

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

~~**No permit required**~~

A permit is not required ~~if the development is for the purpose of a single~~to construct a building or construct or carry out works for one dwelling on a lot ~~but only~~ if all ~~of~~ the ~~following conditions~~ requirements in Table 1 are met~~:~~.

~~- The lot has a single crossover.~~
~~- Any building is set back from:~~
  ~~- the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~
  ~~- a side road boundary: 3 metres.~~

- a Transport Zone 2 or a Transport Zone 3: 10 metres or more.
- a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.

- Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 35 percent or less.
- No more than 40 percent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry, timber or simulated weatherboards.
- The external finish of any building is of a low reflectivity (less than 40 percent reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 percent or less and the colour matches that of the existing building.
- Any earthworks have a vertical dimension of one metre or less.

Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met 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.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character Standards A1/B1	The design of new buildings should complement the general low profile built form of the area. The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained. A building containing more than one storey should 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. A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building.

~~Standard~~	~~Modified~~ Requirement	
	~~Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.~~	
~~*Integration with street*~~ ~~*Standard A2*~~ ~~*Standard B5*~~	~~There should be no more than one vehicular crossing per property.~~	
Building height	A building does not exceed a height of 6.5 metres and does not contain more than 1 storey.	
Minimum street setback ~~*Minimum setback from streets and public land*~~ ~~*Standard A3*~~ ~~*Street setback*~~ ~~*Standard B6*~~	Walls of buildings are set back from the front street at least: ▪ 7.5 metres, if there is no existing building on any 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 7.5 metres, whichever is the greater, if only one abutting allotment facing the front street has an existing building. ▪ the average distance as the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 7.5 metres, whichever is the greater, if both abutting allotments facing the front street have an existing building. If the site is on a corner, walls of buildings are set back from a side street at least 3 metres.~~The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~ ~~The setback from a Transport Zone 2 or a Transport Zone 3 should be 10 metres or more.~~ ~~The setback from any side road boundary should be 3 metres or more.~~ ~~A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.~~ ~~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.~~	
~~*Building height*~~ ~~*Standards A4/B7*~~	~~A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.~~ ~~A building should not protrude above any mature tree canopy.~~	~~**Mandatory Requirement**~~ ~~A building must have a maximum building height or 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 place of assembly building~~ ~~• A leisure and recreation building~~ ~~• A utility installation building~~ ~~• A hospital~~ ~~• An education centre~~ ~~• Alteration to or extension of a lawfully existing building if all of the following requirements are met:~~ ~~– The maximum building height of the existing building is not exceeded.~~

Standard	Modified Requirement	
		– 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%.
Site coverage and permeability *Standards A5/B8* *Standards A6/B9*	The total building site coverage should be 35% or less. No more than 40% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except: • On lots with an areas of less than 600 square metres that existed prior to 27 March 2014; or • Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.	
Significant trees/Landscaping *Standards A8/B13*	Buildings and works should be sited and designed to: • Retain large, established native trees and understorey. • Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone). • Have boundary setbacks and open space sufficient to enable: – the retention of any significant existing vegetation. – the planting of one substantial tree in both the front setback and in the backyard. New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.	
Private open space *Standard A17* *Standard B28*	Private open space for one or more dwellings should be provided to meet all of the following requirements: • There should be at least 90 square metres of private open space per dwelling, which may include communal open space. • Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.	
Design detail *Standard A19* *Standard B31*	More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority. All cladding and trim should be coloured and maintained in muted tones. The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to: • Solar panels. • Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked form any adjoining building, land or road. • The finish or a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.	
Fence height	Fencing along a street frontage should have a maximum height of 1.5 metres.	

~~Standard~~	~~Modified~~ Requirement
~~*Standards A20/B32*~~	~~Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.~~
~~*Number of dwellings*~~	~~No more than one dwelling for every 650sqm of site area, excluding a dependent person's unit, may be constructed on a lot of less than 1,950sqm.~~ ~~No more than one dwelling for every 550sqm of site area, excluding a dependent person's unit, may be constructed on a lot of more than 1,950sqm in area.~~
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling does not exceed 1 metre.
Access to a roof area	A building containing more than one storey does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

A permit to subdivide land must meet the following requirement:

- The average area of ~~all~~ the lots ~~within a~~created by the subdivision ~~should~~ must be ~~no less than~~at least 650 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision. ~~The calculation of average lot area should:~~

~~▪ exclude land that is capable of further subdivision, and~~

~~▪ include 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, and~~

~~▪ each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.~~

~~These~~ A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirements cannot be varied with a permit except where~~does not apply to:

- lots that comply with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme.
- a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created.
- ~~Two~~ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the ~~purpose of the~~ subdivision ~~is~~ proposes to create a separate lot for each ~~of those~~ dwelling~~s~~.
- a subdivision that excises land for a road, utility installation or other public purpose.
- ~~The subdivision is proposed in conjunction with an application for two or more dwellings on a lot with an area of more than 1,950sqm, and the subdivision will create a separate lot for each of these dwellings.~~
- ~~The subdivision is in compliance with a restructure plan under Clause 45.05.~~
- ~~The subdivision is in compliance with a development plan under Clause 43.04.~~
- ~~The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.~~

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

6.0 Decision guidelines

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

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 front setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping.
- Whether the form, siting, materials and tones of a building detracts from the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether the design and siting of buildings detrimentally affect the sense of a spacious streetscape.
- 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.
- 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.
- ~~The effect of the preferred character for Crib Point and Bittern.~~
- ~~Whether any loss of amenity will result from a variation to the general requirements of this schedule.~~

- ~~Whether it would be impractical to apply a general requirement to a lot with an area of less than 650sqm.~~
- ~~Whether adequate fire protection measures are proposed, particularly where the Bushfire Management Overlay applies.~~

~~6.0 Transitional provisions~~

~~The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.~~

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Proposed
C219morn

SCHEDULE 20 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO20**.

CRIB POINT TOWN CENTRE ~~RESIDENTIAL~~ AREA

1.0 Design objectives

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

~~To promote the preferred future character of the township Point in the vicinity of the town centre and rail station as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.~~

~~To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.~~

~~To encourage forms of development that provide for housing diversity.~~

~~To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and character of Crib Point's residential areas.~~

To ensure ~~sites~~ front setbacks are large enough to accommodate ~~development and~~ the retention of established vegetation cover and new landscaping where substantial ~~areas of open space while considering any bushfire risk and retaining or planting new~~ vegetation cover is a visually and environmentally dominant feature of the area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the area.

To ~~ensure~~ encourage ~~that~~ development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, ~~drainage systems and sewerage systems~~and minimise site disturbance and development impacts on the landscape.

~~To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern~~

~~To encourage building materials, forms, textures and colours that are compatible with the landscape setting.~~

To ensure ~~that~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive~~, particularly in terms of creating a silhouette above~~ against a skyline or existing tree canopy line, when viewed from surrounding streets and properties.

~~To ensure that subdivision and development proposals have regard to heritage values.~~

To ensure ~~that~~ buildings, works and subdivision proposals ~~will~~ enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

~~To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.~~

2.0 Buildings and works

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

~~**No permit required**~~

A permit is not required ~~if the development is for the purpose of a single~~to construct a building or construct or carry out works for one dwelling on a lot ~~but only~~ if all ~~of~~ the ~~following conditions~~ requirements in Table 1 are met~~:~~.

~~- The lot has a single crossover.~~
~~- Any building is set back from:~~
  ~~- the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~
  ~~- a side road boundary: 3 metres.~~

- a Transport Zone 2 or a Transport Zone 3: 10 metres or more.
- a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.

- Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 40 percent or less.
- No more than 50 percent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry, timber or simulated weatherboards.
- The external finish of any building is of a low reflectivity (less than 40 percent reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 percent or less and the colour matches that of the existing building.
- Any earthworks have a vertical dimension of one metre or less.

Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met 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.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character Standards A1/B1	The design of new buildings should complement the general low profile built form of the area. The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained. A building containing more than one storey should 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. A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building.

~~Standard~~	~~Modified~~ Requirement	
	~~Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.~~	
~~*Integration with street*~~ ~~*Standard A2*~~ ~~*Standard B5*~~	~~There should be no more than one vehicular crossing per property.~~	
Building height	A building does not exceed a height of 6.5 metres and should not contain more than 1 storey.	
Minimum street setback ~~*Minimum setback from streets and public land*~~ ~~*Standard A3*~~ ~~*Street setback*~~ ~~*Standard B6*~~	Walls of buildings are set back from the front street at least: ▪ 7.5 metres, if there is no existing building on any 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 7.5 metres, whichever is the greater, if only one abutting allotment facing the front street has an existing building. ▪ the average distance as the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 7.5 metres, whichever is the greater, if both abutting allotments facing the front street have an existing building. If the site is on a corner, walls of buildings are set back from a side street at least 3 metres.~~The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~ ~~The setback from a Transport Zone 2 or a Transport Zone 3 should be 10 metres or more.~~ ~~The setback from any side road boundary should be 3 metres or more.~~ ~~A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.~~ ~~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.~~	
~~*Building height*~~ ~~*Standards A4/B7*~~	~~A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.~~ ~~A building should not protrude above any mature tree canopy.~~	~~**Mandatory Requirement**~~ ~~A building must have a maximum building height or 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 place of assembly building~~ ~~• A leisure and recreation building~~ ~~• A utility installation building~~ ~~• A hospital~~ ~~• An education centre~~ ~~• Alteration to or extension of a lawfully existing building if all of the following requirements are met:~~ ~~– The maximum building height of the existing building is not exceeded.~~

Standard	Modified Requirement	
		– 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%.
Site coverage and permeability *Standards A5/B8* *Standards A6/B9*	The total building site coverage should be 40% or less. No more than 50% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except: • On lots with an areas of less than 600 square metres that existed prior to 27 March 2014; or • Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.	
Significant trees/Landscaping *Standards A8/B13*	Buildings and works should be sited and designed to: • Retain large, established native trees and understorey. • Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone). • Have boundary setbacks and open space sufficient to enable: – the retention of any significant existing vegetation. – the planting of one substantial tree in both the front setback and in the backyard. New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.	
Private open space *Standard A17* *Standard B28*	Private open space for one or more dwellings should be provided to meet all of the following requirements: • There should be at least 90 square metres of private open space per dwelling, which may include communal open space. • Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.	
Design detail *Standard A19* *Standard B31*	More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority. All cladding and trim should be coloured and maintained in muted tones. The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to: • Solar panels. • Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked form any adjoining building, land or road. • The finish or a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.	
Fence height	Fencing along a street frontage should have a maximum height of 1.5 metres.	

~~Standard~~	~~Modified~~ Requirement
~~*Standards A20/B32*~~	~~Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.~~
~~*Number of dwellings*~~	~~No more than one dwelling for every 500sqm of site area, excluding a dependent person's unit, may be constructed on a lot.~~
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling does not exceed 1 metre.
Access to a roof area	A building containing more than one storey does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

A permit to subdivide land must meet the following requirement:

- The average area of ~~all~~ the lots ~~within a~~created by the subdivision ~~should~~ must be ~~no less than~~at least 600 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.~~The calculation of average lot area should:~~

~~- exclude land that is capable of further subdivision, and~~

~~- include 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, and~~

~~- each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.~~

~~These~~ A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirements cannot be varied with a permit except where~~does not apply to:

- lots that comply with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- land to be transferred to Council as public open space contribution in accordance with section 18 of the *Subdivision Act 1988* and any other public open space contribution requirement in this scheme.
- a re-subdivision of existing lots provided the number of lots is not increased and no additional subdivision potential is created.
- ~~Two~~ two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the ~~purpose of the~~ subdivision ~~is~~ proposes to create a separate lot for each ~~of those~~ dwelling~~s~~.
- a subdivision that excises land for a road, utility installation or other public purpose.
- ~~The subdivision is proposed in conjunction with an application for two or more dwellings on a lot and the subdivision will create a separate lot for each of these dwellings.~~
- ~~The subdivision is in compliance with a restructure plan under Clause 45.05.~~
- ~~The subdivision is in compliance with a development plan under Clause 43.04.~~
- ~~The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.~~

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

6.0 Decision guidelines

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

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 front setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping.
- Whether the form, siting, materials and tones of a building detracts from the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether the design and siting of buildings detrimentally affect the sense of a spacious streetscape.
- 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.
- 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.
- ~~The effect of the preferred character for Crib Point and Bittern.~~
- ~~Whether any loss of amenity will result from a variation to the general requirements of this schedule.~~

- ~~Whether it would be impractical to apply a general requirement to a lot with an area of less than 600sqm.~~
- ~~Whether adequate fire protection measures are proposed, particularly where the Bushfire Management Overlay applies.~~

~~6.0 Transitional provisions~~

~~The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.~~

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

SCHEDULE 22 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO22**.

MORNINGTON NORTH OUTLINE DEVELOPMENT PLAN – PRECINCT 1B

1.0 Design objectives

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

To promote the preferred character of the area as part of a well-landscaped, low-density residential edge to Mornington that contributes to Mornington's sense-of-place as a township in a rural setting.

To ensure the design of housing is responsive to the low-density residential character of the area, to the location at the entry to Mornington township and to the need for an interface that is sensitive to the landscape values of the Green Wedge adjacent to the area.

To ensure that the height, siting and density of residential development has proper regard for the low-density residential character and streetscape of the area.

To site and design buildings and public spaces in a way that encourages a vegetation-dominated landscape setting, including tall tree canopies that are prominent in long-range views towards and views within the area.

To ensure the area contributes to the open space network and non-vehicular linkages in the locality, and encourage the design of all development to incorporate Environmentally Sustainable Design principles.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of an outbuilding ~~should~~ does not exceed 80 square metres.
Crossovers	The number of crossovers on a lot ~~should~~ does not exceed one.

A permit is required to construct a fence. This does not apply to any of the following:

- A fence that is set back from the lot frontage at least 7.5 metres.
- A post-and-wire fence with a height of 1.2 metres or less.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 9 metres and must not contain more than 2 storeys.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Minimum street setback	Walls of buildings must be set back from the front street at least 5 metres.

	Requirement
Site coverage	The site area covered by buildings must not exceed 30 per cent or 1,000 square metres, whichever is the lesser.
Side and rear setbacks	A building must be set back from a side boundary at least 3 metres. A building must be set back from a rear boundary at least: ▪ 20 metres, for all lots along Baldock Road. ▪ 7.5 metres, for all other lots.
Reticulated sewerage	All new dwellings must be connected to a reticulated sewerage or an alternative approved by the responsible authority.

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.

An application to construct a building or construct or carry out works for one dwelling one a lot or a fence is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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Proposed C219morn

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 any loss of amenity or the low-density residential character of the area will result from a variation to the requirements of this schedule.
- Whether the siting and design of a building adequately contributes to the low-density residential character and the vegetation-dominated landscape setting of the area.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

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

SCHEDULE 23 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO23**.

HENDERSONS ~~–~~ / CRESWELL ~~RESIDENTIAL~~ROAD PRECINCT, BITTERN

1.0 Design objectives

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

~~To promote the preferred future character of the area as a low density edge to the Bittern township with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.~~

~~To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.~~

~~To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and existing character of the Hendersons – Creswell Residential Precinct.~~

To ensure ~~sites~~ front setbacks are large enough to accommodate ~~development and~~ the retention of established vegetation cover and new landscaping where substantial ~~areas of open space while considering any bushfire risk and retaining or planting new~~ vegetation cover is a visually and environmentally dominant feature of the area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the area.

To ~~ensure~~ encourage ~~that~~ development densities that are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, ~~drainage systems and sewerage systems~~and minimise site disturbance and development impacts on the landscape.

~~To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern~~

~~To encourage building materials, forms, textures and colours that are compatible with the landscape setting.~~

To ensure ~~that~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive, when viewed from surrounding streets and properties.

To ensure ~~that~~ buildings, works and subdivision proposals ~~will~~ enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

2.0 Buildings and works

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

~~No permit required~~

A permit is not required ~~if the development is for the purpose of a single~~to construct a building or construct or carry out works for one dwelling on a lot ~~but only~~ if all ~~of~~ the ~~following conditions~~ requirements in Table 1 are met~~:~~.

~~- The lot has a single crossover.~~
~~- Any building is set back from:~~
  ~~– the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~
  ~~– a Public Park and Recreation Zone: 10 metres or more.~~
~~- Any building is single storey with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.~~
~~- Total site coverage is 35 percent or less.~~
~~- No more than 40 percent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.~~

- More than half of any external wall cladding consists of brick, masonry, timber or simulated weatherboards or powder coated metal.
- The external finish of any building is of a low reflectivity, and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 percent or less and the colour matches that of the existing building.
- Any earthworks have a vertical dimension of one metre or less.

Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The additional design and siting requirements in Table 1 of this Schedule should also be met 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.

The Mandatory Requirements for Building Height and Number of Dwellings specified in Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character *Standards A1* *Standard B1*	The design of new buildings should complement the general low profile built form of the area. The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained. A building containing more than one storey should 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. A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building. Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.
Integration with street *Standard A2* *Standard B5*	There should be no more than one vehicular crossing per property.
Building height	A building does not exceed a height of 6.5 metres and should not contain more than 1 storey.
Minimum street setback **Street setback**	Walls of buildings are set back from the front street at least:

~~Standard~~	~~Modified~~ Requirement	
~~*Standard A3*~~ ~~*Standard B6*~~	▪ 7.5 metres, if there is no existing building on any 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 7.5 metres, whichever is the greater, if only one abutting allotment facing the front street has an existing building. ▪ the average distance as the setbacks of the front walls of the existing buildings on both abutting allotments facing the front street or 7.5 metres, whichever is the greater, if both abutting allotments facing the front street have an existing building. If the site is on a corner, walls of buildings are set back from a side street at least 3 metres.~~The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).~~ ~~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.~~	
~~**Public land setback**~~	~~A building should be set back at least 10 metres from a Public Park and Recreation Zone.~~	
~~**Building height**~~ ~~*Standards A4/B7*~~	~~A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.~~ ~~A building should not protrude above any mature tree canopy.~~	~~**Mandatory Requirement**~~ ~~A building must have a maximum building height or 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 place of assembly building~~ ~~▪ A leisure and recreation building~~ ~~▪ A utility installation building~~ ~~▪ A hospital~~ ~~▪ An education centre~~ ~~▪ A minor extension or alteration to a lawfully existing building where the proposed maximum building height would not exceed the existing building height.~~
~~**Site coverage**~~ ~~*Standards A5*~~ ~~*Standard B8*~~	~~The total building site coverage should be 35 per cent or less.~~	
~~**Permeability**~~ ~~*Standard A6*~~ ~~*Standard B9*~~	~~No more than 40 per cent of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces.~~	
~~**Significant trees**~~ ~~*Standards A8*~~ ~~**Landscaping**~~ ~~*Standard B13*~~	~~Buildings and works should be sited and designed to:~~ ~~▪ Retain large, established native trees and understorey.~~ ~~▪ Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).~~ ~~▪ Have boundary setbacks and open space sufficient to enable:~~ ~~– the retention of any significant existing vegetation.~~	

~~Standard~~	~~Modified~~ Requirement
	~~– the planting of one substantial tree in both the front setback and in the backyard.~~ ~~New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.~~
~~**Private open space**~~ ~~*Standard A17*~~ ~~*Standard B28*~~	~~Private open space for one or more dwellings should be provided to meet all of the following requirements:~~ ~~• There should be at least 90 square metres of private open space per dwelling, which may include communal open space.~~ ~~• Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.~~
~~**Design detail**~~ ~~*Standard A19*~~ ~~*Standard B31*~~	~~More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.~~ ~~All cladding and trim should be coloured and maintained in muted tones.~~ ~~The external finish of all buildings should be in muted tones. This requirement does not apply to:~~ ~~• Solar panels.~~ ~~• Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked form any adjoining building, land or road.~~ ~~• The finish or a building extension if the floor area is increased by 25 percent or less and the colour matches that of the existing building.~~
~~**Fence height**~~ ~~*Standards A20*~~ ~~*Standard B32*~~	~~Fencing along a street frontage should have a maximum height of 1.5 metres.~~ ~~Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.~~
~~**Number of dwellings**~~	~~**Mandatory Requirement**~~ ~~No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot.~~
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling does not exceed 1 metre.
Access to a roof area	A building containing more than one storey does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to:

	Requirement
	▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

~~A subdivision must meet all of the following requirements:~~

~~▪ Each lot must be at least 900 square metres,~~

~~▪ Each lot must be able to contain a rectangle with minimum dimensions of 18 metres x 25 metres.~~

~~This does not apply to any of the following:~~

~~▪ A subdivision of Lot 58 L.P. 6682 into five lots or less, with one of the lots containing the existing dwelling.~~

~~▪ A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of open space or minor utility installation.~~

~~▪ A subdivision that realigns the boundary between existing lots and no additional lot or additional subdivision potential is created.~~

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

6.0 Decision guidelines

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

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:

~~▪ The effect on the preferred character for Bittern.~~

- Whether front setbacks are large enough to accommodate the retention of established vegetation cover and new landscaping~~any loss of amenity will result from a variation to the general requirements of this schedule~~.
- Whether the form, siting, materials and tones of a building detracts from the skyline and existing tree canopy line when viewed from surrounding streets and properties~~it would be impractical to apply a general requirement to a lot with an area of less than 900sqm~~.
- Whether the design and siting of buildings detrimentally affect the sense of a spacious streetscape.

- Whether the design and siting of buildings minimise the need for site excavation and filling.
- Whether the development is compatible with the environmental, infrastructure and service capacities of the area.

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

SCHEDULE 24 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO24**.

BELEURA HILL, MORNINGTON

1.0 Design objectives

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

To ensure ~~new~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive against a skyline or existing tree canopy line~~s~~, when viewed from surrounding streets and properties, and provide reasonable sharing of views to Port Phillip Bay, Mornington Harbour, the township of Mornington, Tallis Park, Tanti Creek or Moorooduc Plains.

To maintain the landscape and 'hillside' character of the Beleura Hill area and its function as a landmark of and green backdrop to Mornington.

To maintain and reinforce the existing rhythm of dwelling spacing in the streetscape to promote the appearance of dwellings within a landscaped setting.

To maintain and strengthen the predominant 'single dwelling per lot' character of the Beleura Hill area.

To minimise site disturbance and development impacts on the landscape.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of ~~10~~ 8 metres (or 9 metres on a slope of 2.5 per cent)~~and must not contain more than 2 storeys~~.
Minimum street setback	Walls of buildings ~~should be~~are set back from the front street at least 7.5 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 10 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building.

	Requirement
	▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- The average area of the lots created by the subdivision must be at least:
  - 700 square metres, for land in the Esplanade Precinct or Northeast Precinct.
  - 500 square metres, for land in the Southeast and West Precinct or Creek Precinct.
  - 400 square metres, for land in the Beleura Hill Road (South) Precinct.

  Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.
- The frontage of battle-axe lots must be at least 6 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements. ~~These requirements~~This does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

None specified.

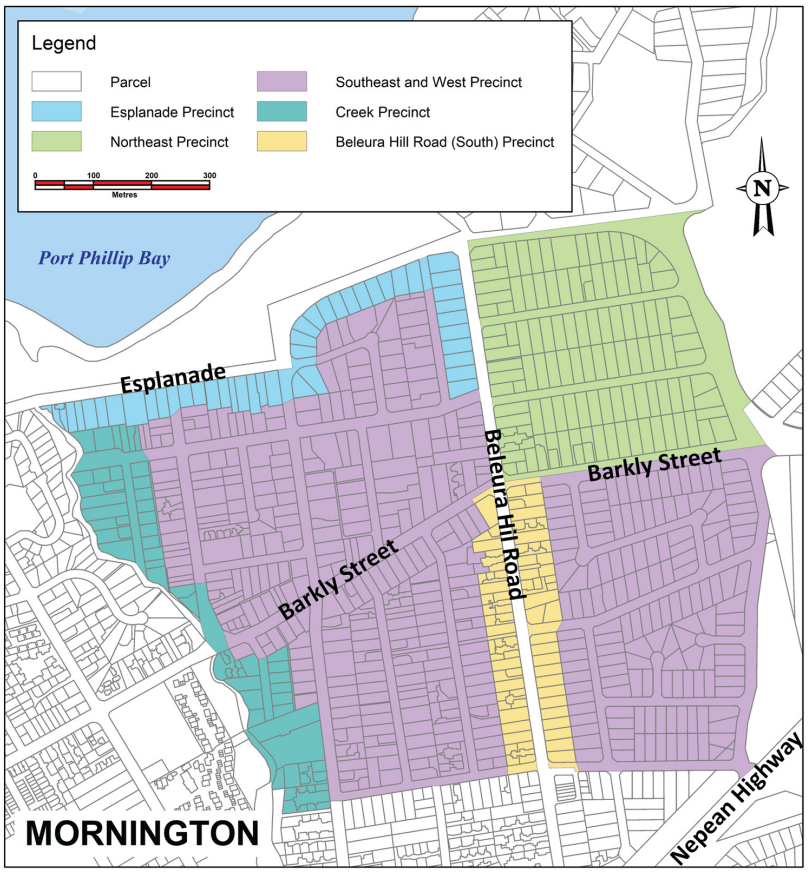
6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- Whether the buildings are designed and sited with consideration of existing views to Port Phillip Bay, Mornington Harbour, the township of Mornington, Tallis Park, Tanti Creek or Moorooduc Plains from nearby properties and public areas to provide reasonable sharing of views.
- Whether the design and siting of buildings detrimentally affect the landscape and 'hillside' character of the Beleura Hill area.
- Whether the siting of buildings relative to the street and setbacks from lot boundaries strengthen the existing rhythm of dwelling spacing.
- Whether the design and siting of buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site, including streamlines and remnant vegetation.

Map 1



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

SCHEDULE 32 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO32**.

BAYSIDE AND VILLAGE AREA – MOUNT MARTHA PRECINCT

1.0 Design objectives

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

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 ~~new~~ the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirement~~s~~:

- ~~Each~~ The average area of the lots created by the subdivision must be at least 450 square metres. Land set aside as common property may be included in the calculation of the average area of the lots created by the subdivision.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. ~~These requirements~~This does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- 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 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.

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

SCHEDULE 33 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO33**.

BUSH / GARDEN ENVIRONMENT AREA – MOUNT ELIZA PRECINCT

1.0 Design objectives

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

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 bush / garden environment area.

To maintain and strengthen the predominant 'single dwelling per lot' character of the bush / garden environment area.

To ensure the form, siting, materials and tones of 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.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence if it is located less than 6 metres from a cliff edge or cliff face.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

An application to construct a building or construct or carry out works for one dwelling on a lot must meet the requirements in Clause 54.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.
Reticulated sewerage	All new dwellings must be connected to reticulated sewerage or an alternative approved by the responsible authority.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirement:

- Each lot created by the subdivision must be at least 1,300 square metres.

A permit cannot be granted to subdivide land which is not in accordance with the above requirement. This ~~requirement~~ does not apply to:

- 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 Subdivision Act 1988 and any other public open space contribution requirement in this scheme.
- a re-subdivision ~~that realigns the boundary between~~of existing lots ~~if no new lot or~~provided the number of lots is not increased and no additional subdivision potential is created.
- two or more dwellings that have lawfully existed on a lot at the approval date of 6 May 1999 and the subdivision proposes to create a separate lot~~s~~ for each dwelling.
- a subdivision that excises land for a road, utility installation or other public purpose.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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.

6.0 Decision guidelines

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

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~~form, siting, materials and tones of a building~~s~~ detracts from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.
- 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.

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

SCHEDULE 34 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO34**.

LOW DENSITY GARDEN COURT A

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Somerville township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding Green Wedge.

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

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 retain the spaciousness of the streetscape, characterised by absent, or low and permeable, front fences with views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 7.5 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 2 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 60 per cent.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 20 per cent.
Side and rear setbacks	A new building ~~should be~~is set back at least: ▪ 1 metre from a side boundary, 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. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.

	Requirement
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and~~contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.
- Whether the design and siting of the 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.
- Whether the proposed 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.

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

SCHEDULE 35 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO35**.

LOW DENSITY GARDEN COURT B

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Somerville township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding Green Wedge.

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

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 retain the spaciousness of the streetscape, characterised by absent, or low and permeable, front fences with views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least: ▪ 15 metres, if the lot is 1,500 square metres or more. ▪ 7.5 metres, if the lot is less than 1,500 square metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 60 per cent.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 20 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 1 metre from a side boundary, 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. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.

	Requirement
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness.
- 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 landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.
- Whether the design and siting of the 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.
- Whether the proposed 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.

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

SCHEDULE 36 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO36**.

LOW DENSITY GARDEN COURT C

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Mount Martha township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding creeks, reserves and Green Wedge.

To ensure new development does not dominate the wider landscape setting but reflects the preferred built form instead, characterised by predominantly low-scale single-storey dwellings with simple building forms and pitched roofs with prominent eaves.

To maintain and reinforce the spaciousness of the precinct, characterised by spacious setbacks around informally-sited buildings.

To maintain and strengthen the native garden setting of the precinct, and vistas around street bends and courts, characterised by modest dwellings hidden behind dense native vegetation and tree canopies.

To retain the spaciousness of the streetscape and existing, informal native vegetation within nature strips, characterised by absent, or low and open, front fences with views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.
Side and rear setbacks	A building ~~should be~~is 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 ~~the~~ rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.

	Requirement
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the form and appearance of the buildings detrimentally affect the dense native vegetation and ~~tree canopies~~tree-canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness around buildings.
- Whether the vegetation and landscaping maintain and strengthen the native garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.
- Whether the design and siting of the 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.
- Whether the proposed 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.

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

SCHEDULE 37 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO37**.

LOW DENSITY GARDEN COURT D

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Mount Martha township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding creeks, reserves and Green Wedge.

To ensure new development does not dominate the wider landscape setting but reflects the preferred built form instead, characterised by predominantly low-scale single-storey dwellings with simple building forms and pitched roofs with prominent eaves.

To maintain and reinforce the spaciousness of the precinct, characterised by spacious setbacks around informally-sited buildings.

To maintain and strengthen the native garden setting of the precinct, and vistas around street bends and courts, characterised by modest dwellings hidden behind dense native vegetation and tree canopies.

To retain the spaciousness of the streetscape and existing, informal native vegetation within nature strips, characterised by absent, or low and open, front fences with views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least 25 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 10 metres from a side boundary. ▪ 10 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.

	Requirement
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for an all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following ~~mandatory~~ requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the form and appearance of the buildings detrimentally affect the dense native vegetation and ~~tree canopies~~tree-canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries contribute to the spaciousness around buildings.
- Whether the vegetation and landscaping maintain and strengthen the native garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the spaciousness of the streetscape.
- Whether the ~~choice~~ design of fencing retains the spaciousness of the streetscape with views to front garden areas.
- Whether the design and siting of the 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.
- Whether the proposed 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.

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

SCHEDULE 38 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO38**.

LOW DENSITY GARDEN COURT E

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Mornington township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding Green Wedge.

To ensure new development reflects the preferred built form, characterised by predominantly small-scale single-storey dwellings that utilise a contemporary façade articulation and consistent materials palette of brick or render.

To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that contribute to the sense of openness.

To encourage space for increased vegetation planting within the private realm to enhance the garden setting of dwellings.

To maintain the openness of the streetscape, characterised by absent front fences.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least 7.5 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 2 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 60 per cent.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 20 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 1 metre from a side boundary, 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. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.

	Requirement
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for an all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following ~~mandatory~~ requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of buildings reflect the preferred character of the area.
- Whether the materials of buildings complement the existing materials palette of the precinct.
- Whether the siting of buildings relative to the street and setbacks from lot boundaries contribute to the sense of openness and encourage space for increased vegetation planting.
- Whether the vegetation and landscaping enhance the garden setting of dwellings.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape.
- 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.
- Whether the proposed 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.

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Proposed
C219morn

SCHEDULE 39 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO39**.

LOW DENSITY BUSH RESIDENTIAL

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density character of the area, its location on the periphery of the Arthurs Seat township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding Arthurs Seat State Park.

To ensure new development provides reasonable sharing of views to the coastline, sits within the undulating landscape well below the tree canopy in a spacious rural setting, often obscured by the vegetation, and reflects the preferred built form, characterised by low-scale single-storey dwellings with a modern architectural style and simple building forms that utilise natural materials with muted tones and colours to fit within the vegetated landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that contribute to the unique setting of the area and afford ample space for the retention and continued planting of new native vegetation.

To maintain and enhance the vistas, streetscapes and backdrops of the precinct, characterised by the dominant tall mountain gums and lush understoreys of shrubs and grasses of the unique foothill forests of Red Hill and its surrounds which, having been cleared from much of its former range, are considered to be under threat – the vegetation of these forests is dense and present in both the public and private realm, with dwelling developments having largely avoided the removal of native vegetation.

To retain the largely informal setting of the streetscape, characterised by highly-vegetated nature strips, a general lack of public realm infrastructure, and unobtrusive low front fences that blend with gardens and street vegetation and allow views to these gardens and trees from the street.

2.0 Buildings and works

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Proposed
C219morn

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 40 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 40 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is 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.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum front, side and rear setbacks specified in this schedule.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of buildings reflect the preferred character of the area.
- 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 materials of buildings and the tones and colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of the buildings detrimentally affect the native tree canopy setting of the precinct.

- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries contribute to a spacious rural setting and enable tree planting along primarily unmade roads.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the unique forest setting and openness of the streetscape, which has no delineation between public and private land.
- Whether the ~~choice~~ design of fencing blends with gardens and street vegetation with views to these gardens and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 40 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO40**.

LOW DENSITY BUSH COASTAL A

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Mount Martha township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding recreational land, reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, does not penetrate the existing tree canopy but instead sits within the canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional canopy trees and frequent lower-level trees that have been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by low and permeable front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 7.5 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 3 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.
Side and rear setbacks	A building ~~should be~~is 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.

	Requirement
Encroachment into setbacks	No part of any building ~~should~~ encroach~~es~~ into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which new buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A ~~new~~ building must not ~~exceed a height of 8 metres and~~contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of buildings reflect the preferred character of the area.
- 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 materials of buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.

- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the design of fencing allows views to front garden areas and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 41 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO41**.

LOW DENSITY BUSH COASTAL B

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding recreational land, reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, does not penetrate the existing tree canopy but instead sits within the canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional canopy trees and frequent lower-level trees that have been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by low and permeable front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of: ▪ ~~8~~5 metres, for land in Rye. ▪ 6 metres, for land in Mount Martha ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is 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.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent. This does not apply to land in Mount Martha.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres. This does not apply to land in Rye.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ land in Mount Martha but only if the building is 2 storeys or less. ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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Proposed C219morn

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of buildings reflect the preferred character of the area.

- 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 materials of buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of new buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the design of fencing allows views to front garden areas and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 42 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO42**.

LOW DENSITY BUSH COASTAL C

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding recreational land, reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, does not penetrate the existing tree canopy but instead sits within the canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by predominantly single-storey dwellings with a modern architectural style that utilise natural materials with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional canopy trees and frequent lower-level trees that have been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by low and permeable front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least 25 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 10 metres from a side boundary. ▪ 10 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.

	Requirement
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one. This only applies to land in Balnarring Beach.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following ~~mandatory~~ requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.

- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the design of fencing allows views to front garden areas and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 43 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO43**.

LOW DENSITY BUSH COASTAL D

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density character of the area, its location as an entry to the Shoreham township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, sits well below the existing tree canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by a mix of low-scale 1-2 storey dwellings with a modern architectural style that utilise natural materials and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens, and streets that are highly informal and predominantly unsealed with swale drains, typically unsealed and sometimes non-existent crossovers, absent footpaths and limited delineation between the public and private realms.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional large canopy trees and frequent lower-level trees that dominate the streetscapes, having been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by absent, or low and permeable, front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 6~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 7.5 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 3 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 40 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 40 per cent.

	Requirement
Side and rear setbacks	A new building ~~should be~~is set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the highly informal and rural setting of the streetscape.
- Whether the ~~choice~~ design of fencing allows views to front garden areas and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 44 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO44**.

LOW DENSITY BUSH COASTAL E

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area, surrounding reserves and Mornington Peninsula National Park.

To ensure new development provides reasonable sharing of views to the coastline, sits well below the existing tree canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by a mix of low-scale 1-2 storey dwellings with a modern architectural style that utilise natural materials and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens, and streets that are highly informal and predominantly unsealed with swale drains, typically unsealed and sometimes non-existent crossovers, absent footpaths and limited delineation between the public and private realms.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional large canopy trees and frequent lower-level trees that dominate the streetscapes, having been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by absent, or low and permeable, front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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Proposed
C219morn

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of 5~~8~~ metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 40 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 40 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 3 metres from a side boundary, plus 1 metre for every metre of height over 7.9 metres. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of buildings reflect the preferred character of the area.
- Whether 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.

- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the highly informal and rural setting of the streetscape.
- Whether the design~~choice~~ of fencing allows views to front garden areas and trees from the street.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 45 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO45**.

LOW DENSITY BUSH COASTAL F

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, sits well below the existing tree canopy, often obscured by the vegetation, and reflects the preferred built form, characterised by a mix of low-scale 1-2 storey dwellings with a modern architectural style that utilise natural materials and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens, and streets that are highly informal and predominantly unsealed with swale drains, typically unsealed and sometimes non-existent crossovers, absent footpaths and limited delineation between the public and private realms.

To maintain and strengthen the coastal garden setting of the precinct, characterised by dense remnant vegetation comprising coastal scrub and woodland with occasional large canopy trees and frequent lower-level trees that dominate the streetscapes, having been kept largely intact in both the public and private realms.

To maintain and strengthen the spaciousness and bushy setting of front gardens, characterised by absent, or low and permeable, front fences that allow views to front garden areas and trees from the street.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least 25 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 40 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 40 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 10 metres from a side boundary. ▪ 10 metres from a rear boundary.

	Requirement
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one. This only applies to land in Merricks Beach.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following ~~mandatory~~ requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe lots sharing the frontage must not exceed 4.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and gardens.
- Whether the vegetation and landscaping maintain and strengthen the spaciousness and bushy setting of front gardens, and the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the highly informal and rural setting of the streetscape.
- Whether the ~~choice~~ design of fencing allows views to front garden areas and trees from the street.

- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 46 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO46**.

LOW DENSITY BUSH COASTAL CONTEMPORARY A

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location on the periphery of Dromana's hillside area, and the need for an interface that is sensitive to the environmental and landscape values of the local area, surrounding reserves and Arthurs Seat State Park.

To ensure new development provides reasonable sharing of views to the coastline, does not dominate the wider landscape but sits within the landform instead, and reflects the preferred built form, characterised by moderate-scale 1-2 storey dwellings that utilise a contemporary façade articulation and consistent palette of muted finishes or natural materials to complement the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that allow retention of remnant vegetation and continued planting of native coastal vegetation and formalised gardens.

To strengthen the coastal garden setting of the precinct, characterised by coastal native and indigenous trees and understorey.

To maintain the openness of the streetscape, characterised by low and permeable front fences that are incorporated into the landscape design and allow views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of ~~8~~ 6 metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 60 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 20 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ ~~2~~ 1 metre~~s~~ from a side boundary, 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. ▪ 5 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.

	Requirement
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of finishes complement the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy setting of the precinct.
- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of new buildings relative to the street and setbacks from lot boundaries allow retention of remnant native vegetation and continued planting of native coastal vegetation and formalised gardens.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.

- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~ design of fencing maintains the openness of the streetscape with views to front garden areas.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 47 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO47**.

LOW DENSITY BUSH COASTAL CONTEMPORARY B

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location on the periphery of the Flinders township, and the need for an interface that is sensitive to the environmental and landscape values of the local area, surrounding reserves, parks and Green Wedge, and Mornington Peninsula National Park.

To ensure new development provides reasonable sharing of views to the coastline, does not dominate the wider landscape setting but instead remains hidden from the street, often obscured by low-lying screening vegetation, and reflects the preferred built form, characterised by predominantly double-storey dwellings with a contemporary style that utilise contemporary materials, including concrete and steel, with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that afford a sense of space between dwellings and provide room for the continued planting of native vegetation, and largely informal streets that generally feature swale drains at the edges with absent footpaths.

To strengthen the coastal garden setting of the precinct, characterised by medium-to-large lots with established formal vegetation comprising high levels of remnant tea trees and other coastal native shrubs and small trees that continue to play a significant role in the screening and privacy of dwellings.

To maintain the openness of the streetscape, characterised by front fences that incorporate permeable elements or vegetation to soften their appearance and a public realm that comprises dense and informal coastal vegetation.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of ~~8~~ 6 metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 7.5 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 3 metres.
Site coverage	The site area covered by buildings ~~should~~ should not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is 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.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Cliff edge setback	Walls of a building ~~should be~~are set back from a cliff edge at least 6 metres.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries afford a sense of space between dwellings and provide room for the continued planting of native vegetation.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~design of fencing maintains the openness of the streetscape and uses appropriate materials that soften their appearance.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 48 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO48**.

LOW DENSITY BUSH COASTAL CONTEMPORARY C

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area, surrounding reserves and Mornington Peninsula National Park.

To ensure new development provides reasonable sharing of views to the coastline, does not dominate the wider landscape setting but instead remains hidden from the street, often obscured by low-lying screening vegetation, and reflects the preferred built form, characterised by predominantly double-storey dwellings with a contemporary style that utilise contemporary materials, including concrete and steel, with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that afford a sense of space between dwellings and provide room for the continued planting of native vegetation, and largely informal streets that generally feature swale drains at the edges with absent footpaths.

To strengthen the coastal garden setting of the precinct, characterised by medium-to-large lots with established formal vegetation comprising high levels of remnant tea trees and other coastal native shrubs and small trees that continue to play a significant role in the screening and privacy of dwellings.

To maintain the openness of the streetscape, characterised by front fences that incorporate permeable elements or vegetation to soften their appearance and a public realm that comprises dense and informal coastal vegetation.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of ~~8~~ 5 metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 5 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is 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.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Slope of the land	The slope of the land on which buildings and works are located ~~should~~ does not exceed 20 per cent.
Ridge	A building ~~should~~ is not ~~be~~ located on a ridge.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

	Requirement
Building height	A building must not exceed a height of 8 metres and must not contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas.*

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.

- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries afford a sense of space between dwellings and provide room for the continued planting of native vegetation.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the design~~choice~~ of fencing maintains the openness of the streetscape and uses appropriate materials that soften their appearance.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 49 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO49**.

LOW DENSITY BUSH COASTAL CONTEMPORARY D

1.0 Design objectives

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

To ensure new development is responsive to the low-density character of the area, its location as an entry to Mount Eliza's foreshores on the outskirts of the township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding recreational land, reserves, parks and Green Wedge.

To ensure new development provides reasonable sharing of views to the coastline, does not dominate the wider landscape setting but instead remains hidden from the street, often obscured by low-lying screening vegetation, and reflects the preferred built form, characterised by predominantly double-storey dwellings with a contemporary style that utilise contemporary materials, including concrete and steel, with muted tones and colours to fit within the vegetated coastal landscape.

To maintain and reinforce the spaciousness of the precinct, characterised by setbacks that afford a sense of space between dwellings and provide room for the continued planting of native vegetation, and largely informal streets that generally feature swale drains at the edges with absent footpaths.

To strengthen the coastal garden setting of the precinct, characterised by medium-to-large lots with established formal vegetation comprising high levels of remnant tea trees and other coastal native shrubs and small trees that continue to play a significant role in the screening and privacy of dwellings.

To maintain the openness of the streetscape, characterised by front fences that incorporate permeable elements or vegetation to soften their appearance and a public realm that comprises dense and informal coastal vegetation.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least 25 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 50 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 30 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 10 metres from a side boundary. ▪ 10 metres from a rear boundary.

	Requirement
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe-lots sharing the frontage must not exceed four.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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Proposed C219morn

None specified.

5.0 Application requirements

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

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:

- 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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of the buildings reflect the preferred character of the area.
- 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 materials of the buildings and the tones and colours of these materials fit within the vegetated coastal landscape.
- Whether the reflectivity of external finishes and roofing materials of the buildings detrimentally affect the landscape qualities of the area.
- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries afford a sense of space between dwellings and provide room for the continued planting of native vegetation.
- Whether the vegetation and landscaping strengthen the coastal garden setting of the precinct.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the openness of the streetscape and wider landscape setting.
- Whether the ~~choice~~design of fencing maintains the openness of the streetscape and uses appropriate materials that soften their appearance.

- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 50 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO50**.

LOW DENSITY RURAL SETTLEMENT A

1.0 Design objectives

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

To ensure new development is responsive to the low-density rural character of the area, its location as an entry to a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

To ensure new development reflects the preferred built form, characterised by 1-2 storey dwellings with a modern style, often informally sited and built from brick with a rendered finish, that utilise natural materials and muted colours to fit within the vegetated landscape.

To ensure new development neither dominates the wider landscape setting nor penetrates the existing native tree canopy but instead sits behind trees and bushes, often obscured by the vegetation, and minimises site disturbance and the impact of buildings on the landscape.

To strengthen the vegetation-dominated landscape, characterised by large rural lots on the periphery of many townships and villages with significant setbacks that allow retention of native remnant vegetation and continued planting of native trees and gardens.

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable front fences that allow views to front garden areas, and a public realm comprising large native trees, supporting undergrowth and dense and informal native vegetation.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~must~~ does not exceed a height of ~~8~~ 6 metres ~~and must not contain more than 2 storeys~~.
Minimum street setback	A building ~~should be~~is set back from the front street at least 15 metres. If the site is on a corner, a building ~~should be~~is set back from a side street at least 6 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 30 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 50 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 6 metres from a side boundary. ▪ 6 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.

Requirement	
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirements in Table 2 apply to an application to construct a building or construct or carry out works whether or not a permit is required. These requirements are mandatory and cannot be varied with a permit.

Table 2

Requirement	
Building height	A building must not ~~exceed a height of 8 metres and must not~~ contain more than 2 storeys. This does not apply to: ▪ a place of assembly building. ▪ a leisure and recreation building. ▪ a utility installation building. ▪ a hospital. ▪ an education centre. ▪ a building that complies with the height provisions specified in a development plan under Clause 43.04. ▪ alteration to or extension of a lawfully existing building but only if all of the following requirements are met: – The maximum building height of the existing building is not exceeded. – The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the materials of the buildings and the colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy and wider landscape setting of the precinct.
- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of native remnant vegetation and continued planting of native trees and gardens.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.

- Whether the ~~choice~~ design of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 51 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO51**.

LOW DENSITY RURAL SETTLEMENT B

1.0 Design objectives

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

To ensure new development is responsive to the low-density rural character of the area, its location as an entry to a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

To ensure new development reflects the preferred built form, characterised by 1-2 storey dwellings with a modern style, often informally sited and built from brick with a rendered finish, that utilise natural materials and muted colours to fit within the vegetated landscape.

To ensure new development neither dominates the wider landscape setting nor penetrates the existing native tree canopy but instead sits behind trees and bushes, often obscured by the vegetation, and minimises site disturbance and the impact of buildings on the landscape.

To strengthen the vegetation-dominated landscape, characterised by large rural lots on the periphery of many townships and villages with significant setbacks that allow retention of native remnant vegetation and continued planting of native trees and gardens.

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable front fences that allow views to front garden areas, and a public realm comprising large native trees, supporting undergrowth and dense and informal native vegetation.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A new building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least: ▪ 50 metres, if it faces the southern side of Bungower Road, Somerville or western side of Lower Somerville Road, Somerville. ▪ 40 metres, if it faces the northern side of Eramosa Road West, Somerville. ▪ 25 metres, for all other streets. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 30 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 50 per cent.

	Requirement
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 6 metres from a side boundary. ▪ 6 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one. This only applies to land in Point Leo or Merricks.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe-lots sharing the frontage must not exceed four.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the materials of the buildings and the colours of these materials fit within the vegetated landscape.
- Whether the form and appearance of the buildings detrimentally affect the existing native tree canopy and wider landscape setting of the precinct.
- Whether the buildings are designed and sited with consideration of the topography of the land and contours of the site.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow retention of native remnant vegetation and continued planting of native trees and gardens.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.
- Whether the design~~choice~~ of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.

- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 52 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO52**.

LOW DENSITY RURAL SETTLEMENT C

1.0 Design objectives

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

To ensure new development is responsive to the low-density rural character of the area, its location as an entry to the Bittern township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

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

To ensure new development does not dominate the wider landscape setting but minimises site disturbance and the impact of buildings on the landscape instead.

To strengthen the vegetation-dominated landscape, characterised by large rural lots with significant setbacks that allow continued planting of native vegetation, formal gardens and lawn.

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable, rural style front fences that allow views to front garden areas.

2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 50 per cent.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A new building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one.

3.0 Subdivision

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

None specified.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.
  - 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow continued planting of native vegetation, formal gardens and lawn.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.
- Whether the design~~choice~~ of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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

SCHEDULE 53 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO53**.

LOW DENSITY RURAL SETTLEMENT D

1.0 Design objectives

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Proposed
C219morn

To ensure new development is responsive to the low-density rural character of the area, its location on the periphery of a township, and the need for an interface that is sensitive to the environmental and landscape values of the local area and surrounding reserves, parks and Green Wedge.

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

To ensure new development does not dominate the wider landscape setting but minimises site disturbance and the impact of buildings on the landscape instead.

To strengthen the vegetation-dominated landscape, characterised by large rural lots with significant setbacks that allow continued planting of native vegetation, formal gardens and lawn.

To maintain and enhance the continuous flow of vegetation across the streetscape, characterised by low and permeable, rural style front fences that allow views to front garden areas.

2.0 Buildings and works

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Proposed
C219morn

A permit is not required to construct a building or construct or carry out works for one dwelling on a lot if all the requirements in Table 1 are met.

Table 1

	Requirement
Outbuildings	The gross floor area of any outbuilding ~~should~~ does not exceed 80 square metres.
Building height	A building ~~should~~ does not exceed a height of 8 metres and ~~should~~ does not contain more than 2 storeys.
Minimum street setback	A building ~~should be~~is set back from the front street at least: ▪ 50 metres, if it faces the southern side of Bungower Road, Somerville. ▪ 25 metres, for all other streets. If the site is on a corner, a building ~~should be~~is set back from a side street at least 10 metres.
Site coverage	The site area covered by buildings ~~should~~ does not exceed 30 per cent or 1,000 square metres, whichever is the lesser.
Permeability	The site area covered by pervious surfaces ~~should be~~is at least 50 per cent.
Side and rear setbacks	A building ~~should be~~is set back at least: ▪ 10 metres from a side boundary. ▪ 10 metres from a rear boundary.
Encroachment into setbacks	No part of any building ~~should~~ encroaches into the minimum street, side and rear setbacks specified in this schedule.

	Requirement
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling ~~should~~ does not exceed 1 metre.
Access to a roof area	A building containing more than one storey ~~should~~ does 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.

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed:
  - 1.8 metres, for a street in a Transport Zone 2~~Road Zone, Category 1~~.
  - 1.2 metres, for all other streets.

An application to construct a building or construct or carry out works should meet all the requirements in Table 1.

The buildings and works requirement in Table 2 applies to an application to construct a building or construct or carry out works whether or not a permit is required. The requirement is mandatory and cannot be varied with a permit.

Table 2

	Requirement
Number of dwellings	The number of dwellings on a lot must not exceed one. This only applies to land in Point Leo.

3.0 Subdivision

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

A permit ~~cannot be granted~~ to subdivide land ~~which is not in accordance with~~must meet the following requirements:

- The frontage of battle-axe lots must be at least 20 metres.
- The number of battle-axe-lots sharing the frontage must not exceed four.

A permit cannot be granted to subdivide land which is not in accordance with the above requirements.

4.0 Signs

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

None specified.

5.0 Application requirements

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

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:

- 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.

- 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 land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas*.

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.

6.0 Decision guidelines

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Proposed C219morn

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 height, form and siting of the buildings reflect the preferred character of the area.
- Whether the siting of the buildings relative to the street and setbacks from lot boundaries allow continued planting of native vegetation, formal gardens and lawn.
- Whether the vegetation and landscaping strengthen the vegetation-dominated landscape.
- Whether the selection of plant species is compatible with the local EVC.
- Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- Whether the siting and appearance of car parking access and structures detrimentally affect the continuous flow of vegetation across the streetscape.
- Whether the ~~choice~~ design of fencing maintains and enhances the continuous flow of vegetation across the streetscape with views to front garden areas.
- Whether the design and siting of the buildings minimise the need for site excavation and filling.
- Whether the proposed buildings and works detrimentally affect the environmental and landscape values of the site.
- Whether the proposed 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.

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Proposed
C219morn

SCHEDULE 1 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as **NCO1**.

RANELAGH ESTATE, MOUNT ELIZA

1.0 Statement of neighbourhood character

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

Ranelagh Estate is recognised on the Victorian Heritage Register as an intact example of garden suburb planning, associated with leading architectural figures from the twentieth century including Walter Burley Griffin, Marion Mahoney Griffin and Saxil Tuxen.

The estate is defined by its distinctively long and curved roads that incorporate spacious internal reserves and communal facilities. The layout, vistas and vegetation planting within the estate respond to the natural features of the surrounding areas that include the Port Phillip Bay, adjacent cliff faces and Earimil Creek.

Buildings are sited within the property parallel to the frontage to reflect the alignment of the roads. Front and side setbacks are generous and consistent, creating a regular rhythm and spacious streetscape, complemented by low and permeable front fences. Dwellings are modest in scale and use simple building forms including low-pitched roofs with eaves.

The preferred character retains a bushy garden setting by siting the low-scale dwellings with spaces for dense planting including canopy trees, bushes, shrubs and garden beds. Dwellings are regularly sited, parallel to the street and with spacious setbacks.

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.

2.0 Neighbourhood character objective

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

To ensure new development reflects and maintains the spacing and rhythm of existing buildings.

To reinforce the predominant building alignment along the curvilinear streetscapes and maintain appropriate siting and site setbacks.

To maintain and strengthen the vegetated setting of dwellings.

To minimise the dominance of car parking access and structures.

To retain and enhance the spaciousness of the existing streetscapes, characterised by open views to front garden areas.

3.0 Permit requirement

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

A permit is required to:

- Construct or extend an outbuilding normal to a dwelling.
- ~~Demolish or remove a building.~~
- Remove, destroy or lop a native coastal tree. This does not apply to the removal, destruction or lopping of sweet pittosporum (pittosporum undulatum).

4.0 Modification to Clause 54 and Clause 55 standards

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

Standard	Modified requirement
Minimum street setback **A3 and B6**	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ the average distance of the setbacks of the front walls of the existing buildings on both abutting allotments facing the front

Standard	Modified requirement
	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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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**	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**	Buildings and works should be sited to: ▪ provide for an area with minimum dimensions of 5 metres by 5 metres in the front setback, and at least one canopy tree should be planted in this area. ▪ retain existing native trees and understorey. 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.
Side and rear setbacks **A10 and B17**	A new building, other than a garage or carport, should be set back a at least: ▪ 1 metre from one side boundary. ▪ 3 metres from the other side boundary. A new building should be set back from a rear boundary at least 3 metres.
Walls on boundaries **A11 and B18**	A wall should not be constructed on a boundary. This does not apply to a garage wall with a length of 6.5 metres or less.
Private open space **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.
Design detail **A19 and B31**	The design of new buildings should respect the preferred neighbourhood character of the area with regard to: ▪ scale and form;

Standard	Modified requirement
	▪ roof form and pitch; ▪ number of storeys; ▪ façade articulation; ▪ building siting; and ▪ siting and design of driveways, garages or carports. New buildings should: ▪ be sited perpendicular to the curvilinear streets of the estate. ▪ articulate the front façade through the use of setbacks, recesses, windows and materials. ▪ provide a pitched roof with prominent eaves. ▪ locate solar panels, air conditioning units, rainwater tanks, bins and storages to minimise their visual impact. 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.
Front fences **A20 and B32**	A front fence within 3 metres of a street should: ▪ be of an open style. ▪ not exceed 1.2 metres in height.

5.0 Decision guidelines

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

The following decision guidelines apply to an application for a permit under Clause 43.05, in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the proposed buildings or works assist in respecting and contributing to the preferred neighbourhood character of the area contained in this schedule.
- The extent to which any building to be ~~demolished,~~ extended or otherwise modified~~,~~ contributes to the preferred neighbourhood character of the area contained in this schedule.
- The need for a landscape plan, prepared by a suitably qualified landscape professional, reflecting the surrounding native landscape.
- Whether there is sufficient land available for the retention and planting of native vegetation and trees.
- If a tree has to be removed, whether there is an ability to replace that tree on-site elsewhere with another that will grow to a similar mature height.
- Whether the siting, scale and materials of the proposed buildings and works maintain the vegetation-dominated vistas, streetscapes and backdrops.
- Whether hard surfacing, including driveways and crossovers, has been minimised in front garden areas.
- Whether any front fencing is unobtrusive and maintains the open streetscape character with minimal visual delineation between public and private land.

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

SCHEDULE 2 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as **NCO2**.

THE AVENUES, ROSEBUD AND PARTS OF TOOTGAROOK AND RYE

1.0 Statement of neighbourhood character

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

The character of this precinct is attributed to an abundance of older housing stock from the Post-War and early Modern architectural eras. Dwelling materials primarily consist of weatherboard and fibro with both hipped and flat metal roofs.

The character is enhanced by its unique vegetation consisting largely of coastal bushes and shrubs. The public realm of this precinct is defined by its informality – vehicle crossovers are unsealed, and footpaths are often absent.

The preferred character retains the low-scale dwellings using simple building forms, low-pitched roofs with eaves and light building materials that are sympathetic to existing weatherboard and fibro dwellings.

Consistent front and side setbacks create a spacious streetscape. Coastal shrubs, trees and other vegetation are incorporated into new developments, increasing the coastal character of this precinct. Low and permeable front fences allow open views to dwellings and front garden areas.

2.0 Neighbourhood character objective

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

To ensure new development is designed to respect the key elements of existing buildings from Post-War and Modern eras, including low-scale dwellings and low-pitched roofs with eaves.

To ensure new dwellings positively respond to the predominant weatherboard and other light materials of the precinct.

To maintain and reinforce the predominant building alignment along the street and retain the existing building spacing and rhythm.

To maintain and strengthen the vegetated setting of dwellings.

To ensure new development does not dominate but maintains the openness of the streetscape instead.

3.0 Permit requirement

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Proposed C219morn

A permit is required to:

- Construct or extend an outbuilding normal to a dwelling.
- ~~Demolish or remove a building.~~
- Remove, destroy or lop a native coastal tree. This does not apply to the removal, destruction or lopping of sweet pittosporum (pittosporum undulatum).

4.0 Modification to Clause 54 and Clause 55 standards

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

Standard	Modified requirement
Minimum street setback **A3 and B6**	If the site is not on a corner, walls of buildings should be set back from the front street at least: ▪ 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.

Standard	Modified requirement
	▪ 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. If the site is on a corner, walls of buildings should be set back from the front street at least: ▪ 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. 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**	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**	Buildings and works should be sited to: ▪ retain existing native coastal trees and understorey. ▪ accommodate vegetation, including trees, around dwellings. 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.
Side and rear setbacks **A10 and B17**	A new building, other than a garage or carport, should be set back a at least: ▪ 1 metre from one side boundary. ▪ 2 metres from the other side boundary. ▪ 5 metres from a rear boundary.
Walls on boundaries **A11 and B18**	A wall should not be constructed on a boundary. This does not apply to a garage wall with a length of 6.5 metres or less.
Private open space **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.
Design detail **A19 and B31**	The design of new buildings should respect the preferred neighbourhood character of the area with regard to: ▪ scale and form; ▪ roof form and pitch; ▪ number of storeys; ▪ façade articulation; ▪ building siting; and

Standard	Modified requirement
	▪ siting and design of driveways, garages or carports. 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.
Front fences **A20 and B32**	A front fence within 3 metres of a street should: ▪ be of an open style. ▪ be constructed of steel and wire mesh. ▪ not exceed 1.2 metres in height.

5.0 Decision guidelines

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Proposed C219morn

The following decision guidelines apply to an application for a permit under Clause 43.05, in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the proposed buildings or works assist in respecting and contributing to the preferred neighbourhood character of the area contained in this schedule.
- The extent to which any building to be ~~demolished,~~ extended or otherwise modified~~,~~ contributes to the preferred neighbourhood character of the area contained in this schedule.
- The need for a landscape plan, prepared by a suitably qualified landscape professional, reflecting the surrounding native landscape.
- Whether there is sufficient land available for the retention and planting of native vegetation and trees.
- If a tree has to be removed, whether there is an ability to replace that tree on-site elsewhere with another that will grow to a similar mature height.
- Whether the siting, scale and materials of the proposed buildings and works maintain the predominant weatherboard and fibro character of the area.
- Whether hard surfacing, including driveways and crossovers, has been minimised in front garden areas.
- Whether any front fencing is unobtrusive and maintains the open streetscape character with minimal visual delineation between public and private land.

MORNINGTON PENINSULA PLANNING SCHEME

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Proposed
C219

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0

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Proposed
C219morn

Maps comprising part of this planning scheme:

- 1, 1DDO, 1ESO1_16, 1ESO17_19, 1ESO24_27, 1HO, 1EMO, 1VPO, 1SCO, 1NCO
- 2, 2DDO, 2PAO, 2DPO, 2ESO1_16, 2ESO17_19, 2ESO24_27, 2HO, 2VPO, 2BMO
- 3, 3DPO, 3PAO, 3ESO1_16, 3HO, 3BMO, 3SCO
- 4, 4PAO, 4ESO1_16, 4BMO
- 5, 5DDO, 5PAO, 5DPO, 5LSIO-FO, 5ESO17_19, 5ESO24_27, 5EMO, 5HO, 5VPO, 5EAO
- 6, 6DDO, 6PAO, 6DPO, 6LSIO-FO, 6ESO1_16, 6ESO17_19, 6ESO24_27, 6EMO, 6HO, 6VPO, 6BMO, 6SCO
- 7, 7DDO, 7PAO, 7ESO1_16, 7ESO17_19, 7HO, 7VPO, 7EAO, 7BMO, 7SCO
- 8, 8DDO, 8PAO, 8ESO1_16, 8ESO17_19, 8HO, 8VPO, 8EAO, 8BMO, 8SCO
- 9, 9DDO, 9PAO, 9RO, 9ESO1_16, 9ESO17_19, 9ESO28, 9HO, 9VPO, 9BMO, 9SCO
- 10, 10LSIO-FO, 10ESO1_16, 10ESO17_19, 10ESO28, 10EAO, 10BMO
- 11, 11DDO, 11DPO, 11ESO24_27, 11HO, 11VPO, 11BMO
- 12, 12DDO, 12DPO, 12ESO1_16, 12ESO17_19, 12ESO24_27, 12ESO28, 12EMO, 12SLO1_2, 12SLO3_5, 12HO, 12VPO, 12BMO
- 13, 13DDO, 13PAO, 13ESO1_16, 13ESO17_19, 13ESO24_27, 13ESO28, 13EMO, 13SLO1_2, 13SLO3_5, 13HO, 13VPO, 13BMO
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- 17, 17DDO, 17ESO1_16, 17ESO17_19, 17ESO24_27, 17ESO28, 17EMO, 17SLO1_2, 17SLO3_5, 17HO, 17VPO, 17BMO, 17SCO
- 18, 18DDO, 18PAO, 18LSIO-FO, 18DPO, 18RO, 18ESO1_16, 18ESO17_19, 18ESO28, 18SLO3_5, 18HO, 18VPO, 18BMO
- 19, 19DDO, 19PAO, 19LSIO-FO, 19DPO, 19RO, 19ESO1_16, 19HO, 19VPO, 19BMO
- 20, 20ESO24_27, 20HO, 20BMO, 20LSIO-FO
- 21, 21DDO, 21ESO17_19, 21ESO24_27, 21HO, 21VPO, 21BMO, 21LSIO-FO
- 22, 22DDO, 22DPO, 22ESO17_19, 22ESO24_27, 22HO, 22VPO, 22BMO, 22LSIO-FO
- 23, 23DDO, 23ESO24_27, 23HO, 23VPO, 23BMO, 23LSIO-FO
- 24, 24DDO, 24PAO, 24ESO24_27, 24HO, 24VPO, 24BMO
- 25, 25DDO, 25DPO, 25LSIO, 25ESO17_19, 25ESO24_27, 25ESO30, 25HO, 25VPO, 25EAO, 25NCO
- 26, 26DDO, 26PAO, 26DPO, 26LSIO, 26ESO17_19, 26ESO24_27, 26ESO28, 26ESO30, 26SLO3_5, 26HO, 26VPO, 26EAO, 26BMO, 26NCO
- 27, 27DDO, 27EMO, 27RO, 27ESO1_16, 27ESO17_19, 27ESO24_27, 27ESO28, 27SLO1_2, 27SLO3_5, 27SLO6, 27HO, 27VPO, 27DPO, 27EAO, 27BMO
- 28, 28DDO, 28RO, 28ESO1_16, 28ESO17_19, 28ESO24_27, 28ESO28, 28EMO, 28SLO1_2, 28SLO3_5, 28SLO6, 28HO, 28VPO, 28BMO

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- 30, 30DDO, 30LSIO-FO, 30RO, 30ESO1_16, 30ESO17_19, 30ESO20_23, 30ESO24_27, 30ESO28, 30EMO, 30SLO1_2, 30SLO3_5, 30SLO6, 30HO, 30VPO, 30BMO
- 31, 31DDO, 31LSIO-FO, 31DPO, 31ESO1_16, 31ESO17_19, 31ESO20_23, 31ESO24_27, 31ESO28, 31EMO, 31SLO1_2, 31SLO3_5, 31SLO6, 31HO, 31VPO, 31BMO
- 32, 32DDO, 32LSIO-FO, 32RO, 32ESO1_16, 32ESO17_19, 32ESO24_27, 32ESO28, 32SLO3_5, 32SLO6, 32HO, 32VPO, 32EAO, 32BMO
- 33, 33DDO, 33EAO, 33PAO, 33RO, 33ESO28, 33HO, 33VPO, 33BMO, 33LSIO-FO, 33DCPO
- 34, 34DDO, 34PAO, 34ESO1_16, 34ESO20_23, 34ESO24_27, 34ESO28, 34SLO3_5, 34HO, 34VPO, 34BMO, 34LSIO-FO
- 35, 35DDO, 35PAO, 35RO, 35LSIO, 35ESO1_16, 35ESO17_19, 35ESO20_23, 35ESO24_27, 35ESO28, 35ESO30 35SLO3_5, 35HO, 35VPO, 35EAO, 35BMO, 35LSIO-FO, 35NCO
- 36, 36DDO, 36PAO, 36LSIO-FO, 36ESO1_16, 36ESO17_19, 36ESO20_23, 36ESO24_27, 36ESO28, 36ESO30, 36SLO3_5, 36HO, 36VPO, 36EAO, 36BMO
- 37, 37DDO, 37ESO1_16, 37ESO17_19, 37ESO24_27, 37ESO28, 37EMO, 37SLO1_2, 37SLO3_5, 37SLO6, 37VPO, 37BMO
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- 39, 39DDO, 39LSIO-FO, 39ESO1_16, 39ESO17_19, 39ESO20_23, 39ESO24_27, 39ESO28, 39EMO, 39SLO1_2, 39SLO3_5, 39HO, 39VPO, 39BMO
- 40, 40ESO1_16, 40ESO20_23, 40ESO24_27, 40ESO28, 40SLO1_2, 40SLO3_5, 40HO, 40VPO, 40BMO, 40LSIO-FO
- 41, 41DDO, 41RO, 41ESO1_16, 41ESO20_23, 41ESO24_27, 41ESO28, 41SLO1_2, 41SLO3_5, 41VPO, 41BMO, 41LSIO-FO
- 42, 42ESO1_16, 42ESO17_19, 42ESO20_23, 42ESO24_27, 42ESO28, 42EMO, 42SLO1_2, 42SLO3_5, 42SLO6, 42HO, 42VPO, 42BMO, 42LSIO-FO
- 43, 43ESO1_16, 43ESO17_19, 43ESO20_23, 43ESO24_27, 43ESO28, 43SLO1_2, 43SLO3_5, 43SLO6, 43HO, 43VPO, 43BMO, 43LSIO-FO, 43SCO
- 44, 44ESO1_16, 44ESO17_19, 44ESO20_23, 44ESO24_27, 44ESO28, 44EMO, 44SLO1_2, 44SLO3_5, 44SLO6, 44HO, 44VPO, 44BMO, 44LSIO-FO
- 45, 45DDO, 45ESO1_16, 45ESO17_19, 45ESO20_23, 45ESO24_27, 45ESO28, 45EMO, 45SLO1_2, 45SLO3_5, 45SLO6, 45HO, 45VPO, 45LSIO-FO

MORNINGTON PENINSULA PLANNING SCHEME

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

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

1.0
--/--/----
Proposed
C219morn

Application of zones, overlays and provisions

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- Apply the Low Density Residential Zone to appropriate areas designated for minimal change to provide low-density and rural residential lots.
- Apply the General Residential Zone to appropriate areas designated for substantial change to provide a diverse range of housing with proximity to jobs, services and facilities.
- Apply the Neighbourhood Residential Zone to appropriate areas designated for incremental change to provide a range of housing that are not subject to environmental or other constraints.
- Apply the Neighbourhood Residential Zone to appropriate areas designated for minimal change where new development should respect particular locational, environmental, infrastructure or landscape factors and consider the limited capacity of these areas to absorb further development.
- Apply the Commercial 1 Zone to areas, generally adjacent to the main retail precincts in activity centres, where non-retail commercial development is appropriate.
- Apply the ~~Commericial~~ Commercial 1 Zone to identify retail areas in activity centres.
- Apply the ~~Commericial~~ Commercial 1 Zone and Commercial 2 Zone to facilitate expansion of Major Activity Centres and Large Township Activity Centres to meet the needs of a growing population.
- Apply the Commercial 1 Zone, Development Plan Overlay and Design and Development Overlay to give effect to land use, urban design and integrated transport outcomes envisaged in structure plans for activity centres.
- Apply the Commercial 2 Zone to provide for clusters of restricted retail premises on the edge of townships with Major Activity Centres.
- Apply the Green Wedge Zone or Farming Zone to encourage an integrated approach to land management and the protection and enhancement of biodiversity.
- Apply the Green Wedge Zone or Farming Zone to provide flexibility in the use of rural land for recreational purposes that are consistent with landscape character, environmental management and long-term agricultural use in the area.
- Apply the Green Wedge Zone or Farming Zone to provide for the sustainable use of rural land, primarily extensive animal husbandry and crop raising.
- Apply the Green Wedge Zone or Farming Zone to require planning approval of substantial timber production proposals that may adversely affect landscape values.
- Apply the Green Wedge Zone or Farming Zone to specify a minimum subdivision requirement that is consistent with an assessment of the ability of the landscape to absorb further development without detriment.
- Apply the Green Wedge Zone or Farming Zone to specify a required minimum lot size, based on land unit analysis, that will facilitate maintaining the existing pattern of rural land use and is compatible with the ability of the environment and landscape to absorb use and development without detriment.
- Apply the Green Wedge Zone, Farming Zone or Low Density Residential Zone to maintain a separation between townships and areas identified for future port-related activity.
- Apply the Public Use Zone to sites containing public facilities and infrastructure to ensure that land use is consistent with the intended public purpose and to protect public investment in major infrastructure.

- Apply the Public Park and Recreation Zone to areas of Port Phillip Bay to assist in facilitating appropriate development.
- Apply the Public Park and Recreation Zone to intensively-utilised public land, such as sections of the Port Phillip Bay foreshore.
- Apply the Public Park and Recreation Zone to manage recreation areas capable of supporting greater numbers of visitors and providing facilities for active sport and recreational uses.
- Apply the Public Conservation and Resource Zone to coastal areas of Western Port Bay, Bass Strait and Port Phillip Bay that form part of a national park or conservation reserve.
- Apply the Public Conservation and Resource Zone to manage the use of major public reserves of substantial conservation value, in conjunction with sustainable levels of recreational activity.
- Apply the Public Conservation and Resource Zone to protect coastal areas and other public land with high environmental value and limited capacity to absorb development.
- Apply the Road Zone to identify major roads where control over new access points is required.
- Apply the Road Zone to major roads as a means of managing future access and protecting public investment in major infrastructure.
- Apply the Special Use Zone to:
  - Areas identified for port-related development.
  - Land adjacent to Tyabb Airfield.
  - Areas with site-specific recreational developments that combine housing with the recreational uses.
  - Recreational or institutional uses where no clear alternative zoning can be identified.
  - Privately-owned planned open spaces and throughways in the Ranelagh Estate, Mount Eliza.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to identify land adjacent to Western Port Bay that may be utilised for port-related activity provided that high environmental standards are met.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to facilitate strategic development and sustainable use of land adjacent to Western Port Bay for port-related purposes.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to provide specific provisions for the strategic development and sustainable use of land for port-related purposes and to reinforce the requirement for environmental assessment of use and development proposals.
- Apply the Comprehensive Development Zone to incorporate integrated tourist developments, where there is an overriding recreation or tourist need of State significance.
- Apply the Environmental Significance Overlay to coastal areas subject to erosion.
- Apply the Environmental Significance Overlay to Crown land on the foreshore reserves along Port Phillip Bay, extending 600 metres seaward, to facilitate appropriate coastal management and coordination.
- Apply the Environmental Significance Overlay to give effect to land unit classifications and support integrated environmental management.
- Apply the Environmental Significance Overlay to identify potential environmental constraints and to require land capability assessment of proposed development where appropriate.
- Apply the Environmental Significance Overlay and Vegetation Protection Overlay to identify significant features and maintain environmental values within township areas.
- Apply the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay to protect areas of particular environmental and landscape value.

MORNINGTON PENINSULA PLANNING SCHEME

- Apply the Environmental Significance Overlay, Vegetation Protection Overlay and Erosion Management Overlay to identify and implement management requirements in relation to specific environmental issues such as streamlines, wetlands, areas of native vegetation and erosion-prone areas.
- Apply the Vegetation Protection Overlay to residential land adjacent to foreshore reserves to support the retention of native vegetation.
- Apply the Significant Landscape Overlay to identify areas of particular landscape sensitivity and to require landscape impact assessment as part of development applications.
- Apply the Significant Landscape Overlay to protect coastal landscapes, including areas classified by the National Trust and scenic roads in coastal areas.
- Apply the Design and Development Overlay to areas where environmental, landscape and infrastructure factors require more detailed consideration to maintain local area character.
- Apply the Design and Development Overlay to facilitate a density of development that is consistent with maintaining the character and environmental values of specific areas while having regard to the cumulative impacts of higher-density infill and site redevelopment within established areas.
- Apply the Design and Development Overlay to residential land adjacent to foreshore reserves to ensure a consistent approach to building heights and setbacks on land near the coast.
- Apply the Development Plan Overlay to 1A & 1B Jetty Road, Rosebud to provide for a mixed use development comprising basement parking, restaurant(s)/café(s) at ground level and medium-density residential development at upper level(s).
- Apply the Development Plan Overlay to 23 – 25 Rosebud Parade, Rosebud to provide for a retirement village.
- Apply the Development Plan Overlay to require the approval of a development plan for the Mornington Industrial Area adjacent to Nepean Highway.
- Apply the Development Plan Overlay to the Park Road area of Mount Martha to ensure a more site-responsive redesign of the existing subdivision.
- Apply the Neighbourhood Character Overlay to areas identified as having a special neighbourhood character that warrants stronger protection.
- Apply the Erosion Management Overlay to identify areas of slope instability or land degradation within township areas.
- Apply the Floodway Overlay and Land Subject to Inundation Overlay to floodprone land along waterways within township areas.
- Apply the Land Subject to Inundation Overlay and other relevant planning provisions to coastal areas and waterways identified as being vulnerable to hazards associated with coastal erosion, flooding, sea level rise and storm surge.
- Apply the Restructure Overlay to old and inappropriate subdivision in areas such as the Bass Strait side of Rye, St Andrews Beach, Crib Point, Bittern, Arthurs Seat and Merricks, to reduce the environmental impacts of dwellings and other development.
- Apply the Restructure Overlay to consolidate old and inappropriate subdivision in Crib Point for the purpose of port-related development.
- Apply the Restructure Overlay to provide for the consolidation of old and inappropriate subdivisions in Crib Point into appropriate lot sizes for new service industry.

2022

Post-exhibition Changes to Amendment C219morn



Strategic Planning

Mornington Peninsula Shire

June 2022

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1 List of Recommendations

R1: No change to the RDF unless there is merit in a site-specific request. There is only one site-specific request with merit (refer to Category VIII for details).
R2: Revise the strategy relating to investigation areas in the proposed new local policy under Clause 16.01-1L (Housing supply – Mornington Peninsula) as follows: • *Ensure development in investigation areas ~~reflects~~ respects the ~~housing change category~~ valued character of surrounding residential areas and is responsive to the environmental conditions and constraints, if any, of the site.*
R3: Revise the built-form strategy relating to external finishes and roofing materials in the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) as follows: • *Ensure new development utilises external finishes and roofing materials that minimise glare ~~have low reflectivity~~.*
R4: Revise the built-form policy guideline relating to reflectivity of external finishes in the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) as follows: • *Limiting the reflectivity of external finishes above a tree canopy line through the use of natural materials and subdued tones that complement the landscape ~~and roofing materials to 40 per cent or less to avoid glare when viewed from adjoining buildings, land or streets~~.*
R5: Revise the fencing objective in the proposed new local policy under Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) as follows: • *To encourage fencing ~~choices~~ design that ~~are~~ is consistent with the open streetscape quality of the Mornington Peninsula's townships and villages.*
R6: Revise the decision guideline relating to fencing in relevant NRZ and DDO schedules as follows: • *Whether the ~~choice~~ design of fencing …*
R7: No change to the areas proposed to be rezoned to the NRZ.
R8: Facilitate greater housing diversity and housing affordability in substantial change areas.
R9: Facilitate greater housing diversity and housing affordability in incremental change areas around the major activity centre of Mornington and of Hastings.
R10: No change to the use of numerous schedules to the NRZ, LDRZ and DDO.
R11: Include an additional decision guideline on the siting and setback of buildings from the side and rear boundaries of a lot in relevant NRZ schedules as follows: • *Whether the siting and setback of buildings from the side and rear boundaries of a lot maintain the predominant backyard character of the area.*

R12: Include an additional decision guideline on reducing side setback from one side boundary in relevant NRZ schedules as follows: • *Whether a reduced side setback from one side boundary is appropriate having regard to the building rhythm within the streetscape.*
R13: Amend the first neighbourhood character objective in the proposed NRZ12 to provide for 1-2 storey dwellings in the Bush Coastal 1 precinct.
R14: No change to the areas where the NCO is proposed to apply.
R15: Remove the permit requirement relating to the demolition or removal of a building from the proposed NCO1 and NCO2, and revise the decision guidelines to remove consideration of demolition.
R16: In the walls on boundaries modified requirement under the proposed NCO1 and NCO2, amend the garage wall length exemption to 6.5 metres.
R17: Retain the existing building height trigger where it currently applies via the DDO.
R18: Revise the design objective relating to the skyline and existing tree canopy line in relevant DDO schedules as follows: • *To ensure ~~new~~ the form, siting, materials and tones of buildings ~~are designed and sited to~~ avoid being visually obtrusive against a skyline or existing tree canopy line, …*
R19: Revise the decision guideline relating to the skyline and existing tree canopy line in relevant DDO schedules as follows: • *Whether the ~~design and~~ form, siting, materials and tones of a building~~s~~ detract~~s~~ from ~~views to~~ the skyline and existing tree canopy line when viewed from surrounding streets and properties.*
R20: Retain the existing 'Ellerina Road' exemption to the mandatory maximum 8-metre building height requirement where it currently applies and redefine the boundary with accurate references to existing roads.
R21: Retain the existing 'building alteration or extension' exemption to the mandatory maximum building height requirement where it currently applies but amend the exemption as follows: • *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 of 6 May 1999, is not increased by more than 10 per cent.*
R22: Include an additional requirement that landscaping should be low-threat in all schedules that include the landscape plan application requirements as follows: • *If the land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2. of Australian Standard AS 3959-2018 Construction of buildings in bushfire-prone areas.*

R23: Include an additional decision guideline on landscaping in all schedules that include the landscape plan application requirement as follows: • *Whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.*
R24: Retain the average subdivision area requirement via the DDO where it currently applies in areas proposed to be rezoned to the NRZ.
R25: In the exemptions to subdivision requirements, reword the exemption relating to realignment as follows: • *a re-subdivision ~~that realigns the boundary between~~ of existing lots ~~if no new lot or~~ provided the number of lots is not increased and no additional subdivision potential is created.*
R26: Delete the subdivision exemption 'land set aside as common property'.
R27: Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.
R28: Do not include transitional provisions.
R29: Review and assess each request on its merit.

2 Mapping

2.1 Zoning Maps

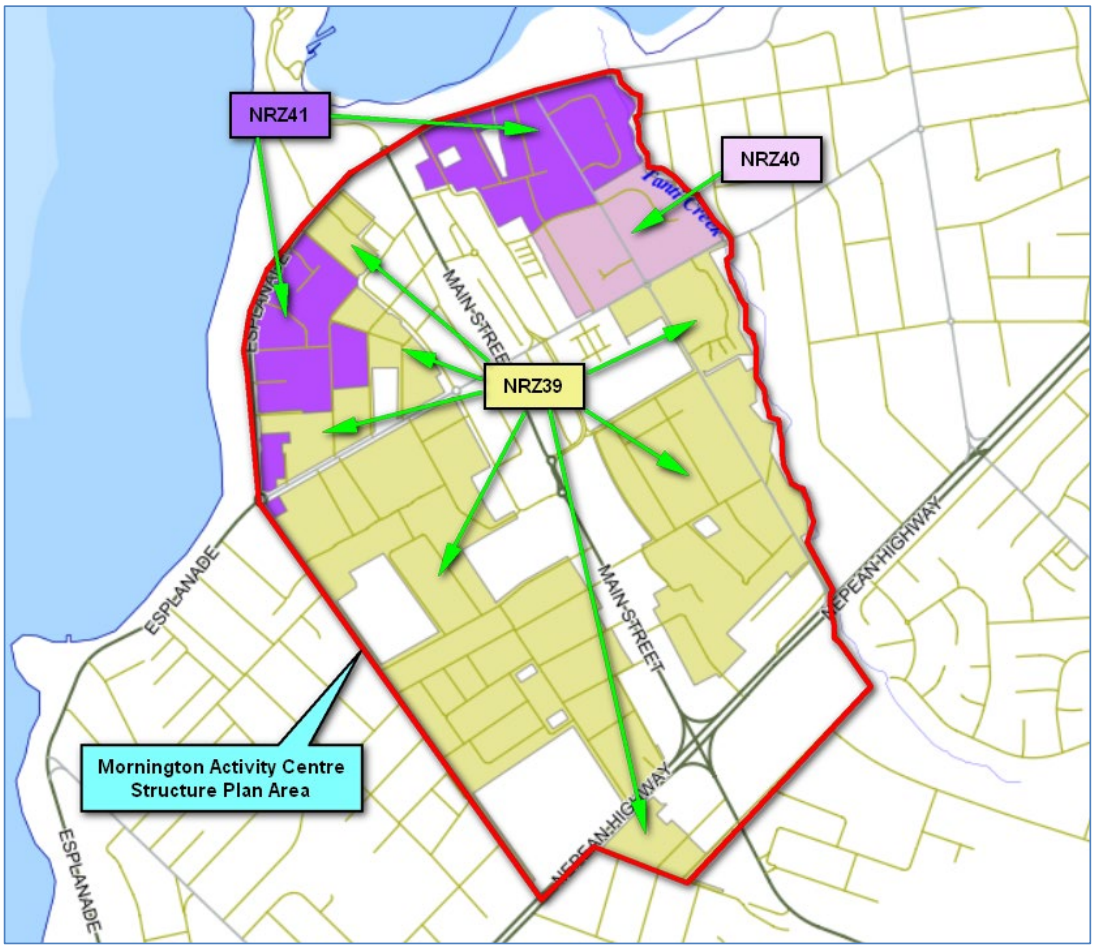
2.1.1 Mornington Activity Centre

In the Mornington Activity Centre structure plan area (Figure 1):

- Rezone the NRZ2 (Garden Residential 1) to the NRZ39 (Garden Residential Township Area)
- Rezone the NRZ6 (Garden Court 1) to the NRZ40 (Garden Court Township Area)
- Rezone the NRZ14 (Bush Coastal Contemporary 1) to the NRZ41 (Bush Coastal Contemporary Township Area)

Remove all Clause 54 and Clause 55 requirements, except the 'front fence height' requirement, from these three new schedules.

Figure 1: New NRZ schedules in the Mornington Activity Centre structure plan area

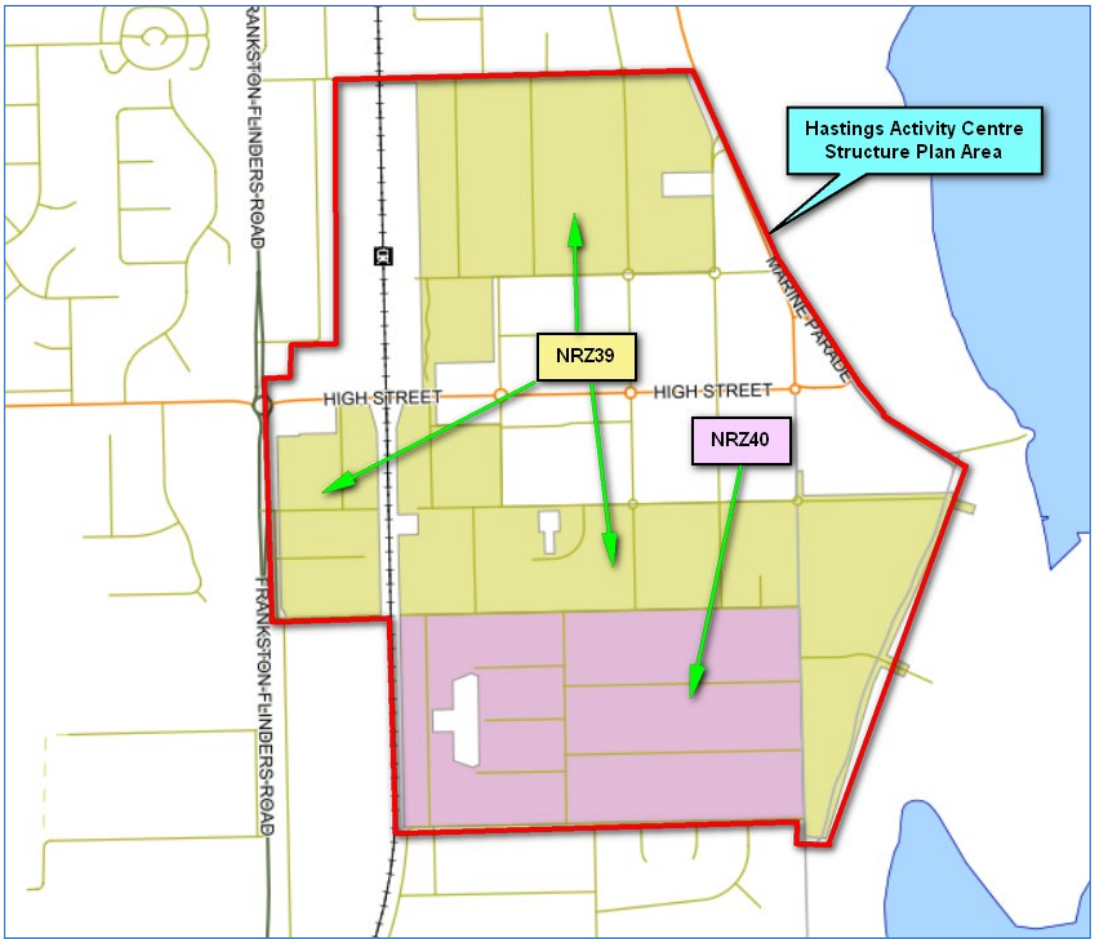


2.1.2 Hastings Activity Centre

In the Hastings Activity Centre structure plan area (Figure 2):

- Rezone the NRZ2 (Garden Residential 1) to the NRZ39 (Garden Residential Township Area)
- Rezone the NRZ6 (Garden Court 1) to the NRZ40 (Garden Court Township Area)

Figure 2: New NRZ schedules in the Hastings Activity Centre structure plan area



2.1.3 Rosebud Activity Centre

Rezone the GRZ2 in Rosebud to the GRZ1. (N.B. The proposed GRZ2 had been omitted from the exhibited maps due to clerical error.)

2.2 DDO Deletion Maps

2.2.1 DDO1 in Rye and Rosebud

Remove the DDO1 from the DDO Deletion maps except the areas around the Rye Activity Centre and Rosebud Activity Centre as shown in Figure 3 and Figure 4 respectively.

Figure 3: DDO1 areas around Rye Activity Centre to be deleted from the planning scheme

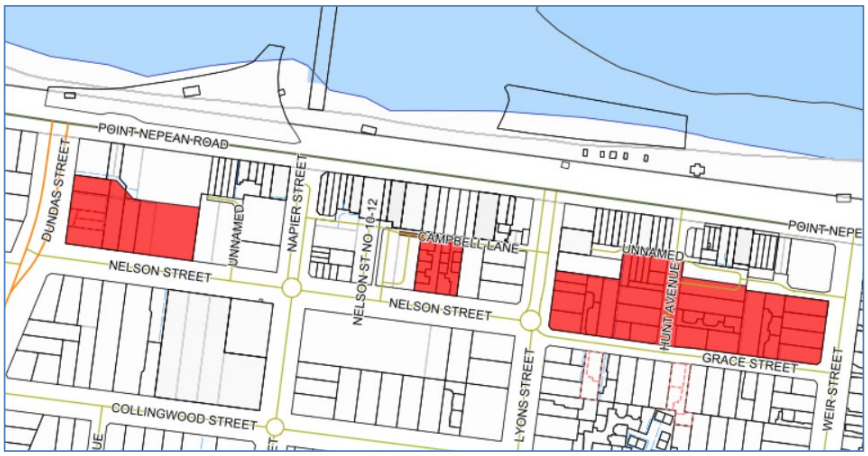
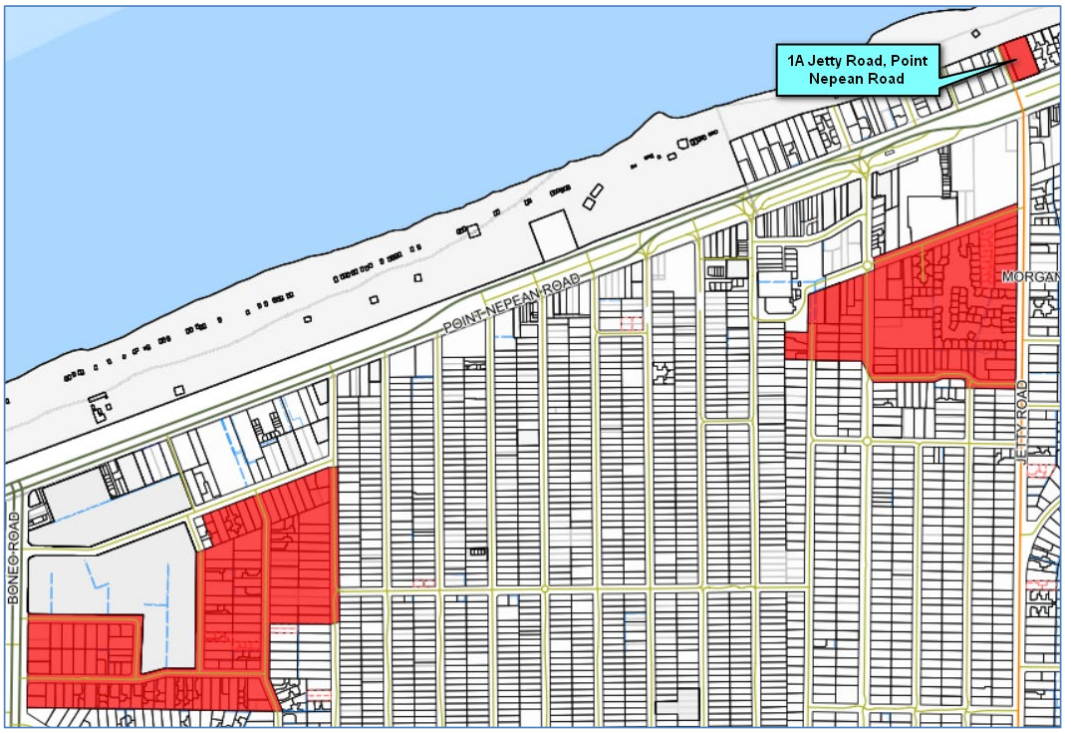


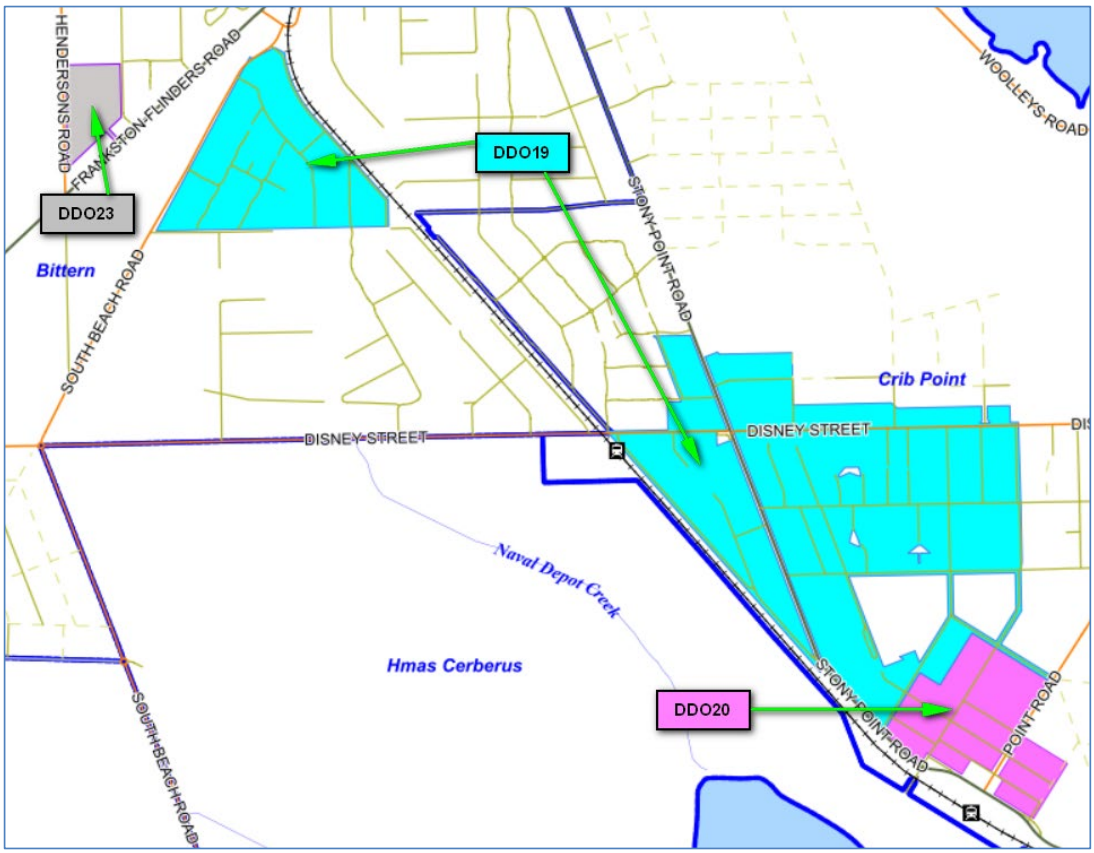
Figure 4: DDO1 areas around Rosebud Activity Centre to be deleted from the planning scheme



2.2.2 DDO19, DDO20 and DDO23 in Bittern and Crib Point

Remove the DDO19, DDO20 and DDO23 from the DDO Deletion maps.

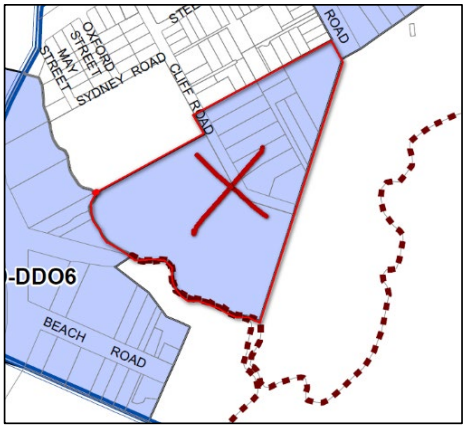
Figure 5: DDO19, DDO20 and DDO23 to be retained in the planning scheme



2.2.3 DDO3 in Shoreham – clerical error

Delete the enclosed area as shown in Figure 6 from the DDO Deletion maps. The DDO3 which currently applies to this GRZ area is to be retained in the planning scheme.

Figure 6: Error affecting GRZ land around Cliff Road, Shoreham

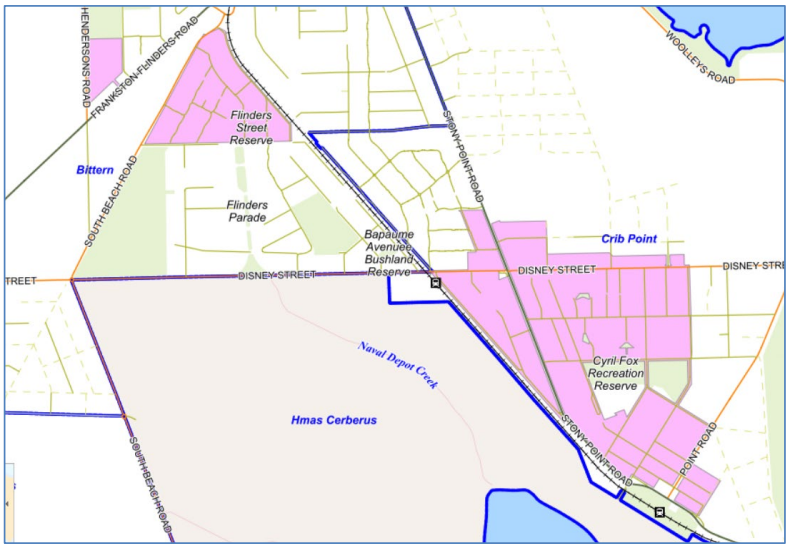


2.3 DDO Maps

2.3.1 DDO17 extended areas

Remove the DDO17 extended areas in Bittern and Crib Point as shown in Figure 7 from the DDO maps.

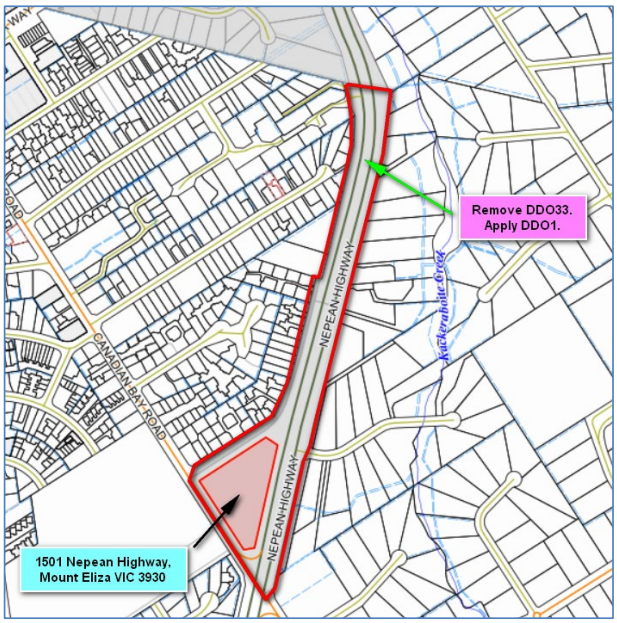
Figure 7: DDO17 extended areas in Bittern and Crib Point



2.3.2 1501 Nepean Highway, Mount Eliza

Remove the DDO33 and apply the DDO1 instead over the area enclosed by the red boundary as shown in Figure 8.

Figure 8: 1501 Nepean Highway, Mount Eliza and a section of Nepean Highway



3 Planning Policy Framework

3.1 Clause 15.01-5L Neighbourhood character – Mornington Peninsula

3.1.1 Built-form strategies

Amend the second strategy to focus on minimising glare rather than having low reflectivity.

3.1.2 Built-form policy guidelines

Amend the second policy guideline to focus on using natural materials and subdued tones that complement the landscape to limit the reflectivity of external finishes rather than using roofing materials with 40 per cent or less reflectivity.

3.1.3 Fencing objective

Rephrase 'fencing choices' to 'fencing design'.

3.1.4 Fencing policy guidelines

Amend the second policy guideline to refer to 'Transport Zone 2' rather than 'Road Zone, Category 1'.

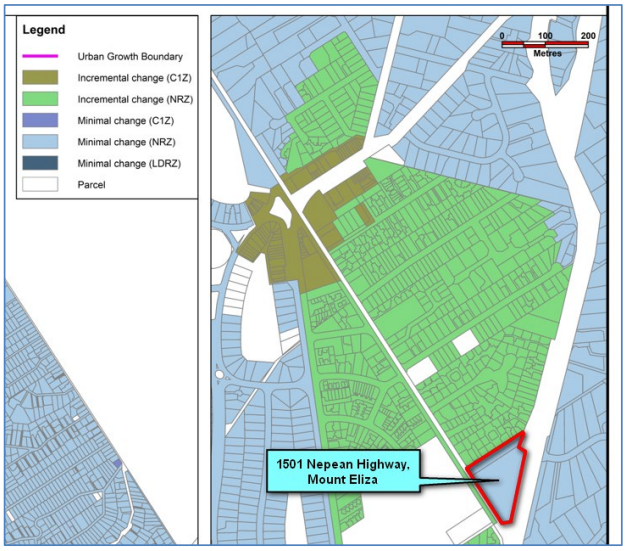
3.2 Clause 16.01-1L Housing supply – Mornington Peninsula

3.2.1 Strategies

Amend the second strategy to ensure development in investigation areas respects the valued character, rather than reflects the housing change category, of surrounding residential areas and is responsive to the environmental conditions and constraints, if any, of the site.

3.2.2 Housing change framework maps

Redesignate the site at 1501 Nepean Highway, Mount Eliza to 'Incremental change (NRZ)'.



4 GRZ Schedules

4.1 GRZ1 and GRZ2

Amend these schedules as follows:

- Delete the GRZ2.
- Rename the GRZ1 to 'Substantial Change Township Area'.
- Remove the exhibited minimum street setback, side and rear setbacks, and private open space requirements from the GRZ1.
- Amend the objectives and decision guidelines to better reflect the character and intensity of residential development anticipated for substantial change areas.

4.2 GRZ3

Amend the schedule as follows:

- Rename the schedule to 'Substantial Change Town Centre Area'.
- Remove the exhibited minimum street setback, side and rear setbacks, and private open space requirements.
- Amend the objectives and decision guidelines to better reflect the character and intensity of residential development anticipated for substantial change areas.
- Delete the 3-storey maximum building height requirement but retain the 14-metre maximum requirement given nearly all of the GRZ3 areas are currently affected by the DDO13, which supports 4 storeys where it applies in the GRZ3.

4.3 Changes across GRZ1, GRZ3 and GRZ4

Amend these schedules as follows:

- In the front fence height requirement, refer to 'Transport Zone 2' instead of 'Road Zone, Category 1'.
- In the application requirements for the Landscape Plan, include an additional requirement for a landscape plan to ensure landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- In the decision guidelines:
  - remove 'design' where it is considered superfluous when the guideline already refers to form and siting.
  - Include an additional guideline that considers whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
  - rephrase 'choice of fencing' to 'design of fencing'.

5 NRZ Schedules

5.1 Decision guidelines regarding side and rear setbacks

5.1.1 Setback in the backyard

Include an additional decision guideline on the siting and setback of buildings from the side and rear boundaries of a lot to maintain the predominant backyard character in the area.

This only applies to schedules that specify a larger rear setback than the VPP, i.e. all proposed schedules except the NRZ19 to NRZ22, NRZ27 and NRZ37.

5.1.2 Reduced setback from one side boundary

Include an additional decision guideline on reducing side setback from one side boundary if it is appropriate while having regard to the building rhythm within the streetscape.

This only applies to schedules where a reduced setback from one side boundary is identified as a characteristic of the neighbourhood character precinct, i.e. the NRZ2, NRZ3, NRZ5, NRZ10, NRZ12, NRZ13, NRZ28 to NRZ31, NRZ33, NRZ35 and NRZ36.

5.2 NRZ12

Amend the first objective to provide for '1-2 storey dwellings' rather than 'single storey dwellings' given the neighbourhood character study has identified 1-2 storey dwellings as characteristic of this precinct.

5.3 NRZ14

Amend the side boundary setback requirement to 1 metre instead of 2 metres to rectify a clerical error.

5.4 Minimum subdivision area

Remove the minimum subdivision area requirement from the proposed NRZ23 to NRZ27 and NRZ29 to NRZ33 to retain the average subdivision area requirement in relevant DDO schedules.

5.5 NRZ39, NRZ40 and NRZ41

Remove the exhibited minimum street setback, side and rear setbacks, and private open space requirements (if any) from the NRZ2, NRZ6 and NRZ14 but only for the residential areas contained inside the structure plan area of Mornington Activity Centre (Figure 1) and of Hastings Activity Centre (Figure 2). Create three new schedules to enable associated changes to the objectives and decision guidelines to reflect the removal of these requirements. Name these new schedules as follows:

- NRZ2 → NRZ39 (Garden Residential Township Area)
- NRZ6 → NRZ40 (Garden Court Township Area)
- NRZ14 → NRZ41 (Bush Coastal Contemporary Township Area)

5.6 Changes across schedules

The changes below apply to a schedule, where applicable:

- In the front fence height requirement, refer to 'Transport Zone 2' instead of 'Road Zone, Category 1'.
- In the application requirements for the Landscape Plan, include an additional requirement for a landscape plan to ensure landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- In the decision guidelines:
  - remove 'design' where it is considered superfluous when the guideline already refers to form and siting.
  - Include an additional guideline that considers whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
  - rephrase 'choice of fencing' to 'design of fencing'.

6 LDRZ Schedules

The changes below apply to all schedules:

- Delete the subdivision exemption 'land set aside as common property' given it is not considered a separate lot when assessing subdivision applications.
- Include an additional subdivision exemption to provide for re-subdivision.
- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.

7 DDO Schedules

7.1 DDO1, DDO19, DDO20 and DDO23

Undelete DDO1, DDO19, DDO20 and DDO23, which were initially proposed to be deleted from the planning scheme. However, these schedules will be amended to remove unnecessary permit triggers and complexities.

7.1.1 DDO1

Amend the schedule as follows:

- Rename the schedule as 'Township Area'.
- Reduce the number of design objectives to five.
- Provide permit exemptions if all permit requirements are met but only for one dwelling on a lot.

- Remove all permit requirements except building height of 6 metres, 10-metre building setback from Nepean Highway with first 5 metres landscaped, and difference between finished and natural ground levels.
- Retain the mandatory 2-storey maximum building height requirement but remove the 10-metre maximum building height requirement.
- Retain all exemptions to the mandatory maximum building height requirement.
- Regarding the 'building alteration or extension' exemption to the mandatory maximum building height requirement:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- Revise the decision guidelines to achieve a better nexus with the objectives and permit requirements.

7.1.2 DDO19 and DDO20

Amend both schedules as follows:

- Remove 'Residential' from the schedule name.
- Reduce the number of objectives to five.
- Remove all permit requirements except building height of 6.5 metres and 1 storey, minimum street setback, difference between finished and natural ground levels, and access to a roof area.
- Retain the mandatory 8-metre and 2-storey maximum building height requirement.
- Retain all exemptions to the mandatory maximum building height requirement.
- Regarding the 'building alteration or extension' exemption to the mandatory maximum building height requirement:
  - remove the second condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the third condition for clarity.
- Retain the mandatory maximum of one dwelling on a lot requirement.
- Retain the average subdivision area requirement and allow only land set aside as common property to be included in the calculation of the average area.
- Allow land to be transferred to Council as public open space contribution to be exempted from the subdivision requirement.
- Reword the realignment exemption to the subdivision requirement to provide for re-subdivision to better reflect the original intention of this exemption.

- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.
- Include an additional subdivision exemption for the purpose of creating a road, utility installation or other public purpose.
- Revise the decision guidelines to achieve a better nexus with the design objectives and permit requirements.
- Remove the transitional provisions.

7.1.3 DDO23

Amend the schedule as follows:

- Reduce the number of objectives to five.
- Remove all permit requirements except building height of 6.5 metres and 1 storey, minimum street setback, difference between finished and natural ground levels, and access to a roof area.
- Retain the mandatory 8-metre and 2-storey maximum building height requirement.
- Retain all exemptions to the mandatory maximum building height requirement.
- Regarding the 'building alteration or extension' exemption to the mandatory maximum building height requirement, include a second condition to the exemption as follows:
  - *The footprint of the upper storey, existing at the approval date of 6 May 1999, is not increased by more than 10 per cent.*
- Retain the mandatory maximum of one dwelling on a lot requirement.
- Remove all subdivision provisions. (N.B. The minimum subdivision area of 900 square metres has been moved to the NRZ34.)
- Revise the decision guidelines to achieve a better nexus with the design objectives and permit requirements.

7.2 DDO2, DDO3, DDO4, DDO5

Amend these schedules as follows:

- Revise the design objective relating to the skyline and existing tree canopy line to consider the form, siting, materials and tones of buildings. This would provide clearer guidance when assessing a development that exceeds the building height trigger.
- Retain the existing building height trigger.
- Retain the existing 'Ellerina Road' exemption to the mandatory building height requirement and redefine the boundary with accurate references to existing roads. This only applies to schedules that currently provide for this exemption.
- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement; however:

  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- Retain the average subdivision area requirement and allow land set aside as common property to be included in the calculation of the average area. This only applies to schedules that currently provide for average subdivision area, i.e. the DDO2 and DDO3.
- Delete the subdivision exemption 'land set aside as common property' given it is not considered a separate lot when assessing subdivision applications.
- Reword the realignment exemption to the subdivision requirement to provide for re-subdivision to better reflect the original intention of this exemption.
- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.
- Revise the decision guidelines to achieve better nexus with the design objectives and permit requirements.

7.3 DDO7

Amend the schedule as follows:

- Retain the existing building height trigger.
- Retain the average subdivision area requirement and allow land set aside as common property to be included in the calculation of the average area. This only applies to schedules that currently provide for average subdivision area.
- Delete the subdivision exemption 'land set aside as common property' given it is not considered a separate lot when assessing subdivision applications.
- Reword the realignment exemption to the subdivision requirement to provide for re-subdivision to better reflect the original intention of this exemption.
- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.

7.4 DDO6, DDO11, DDO32 and DDO33

Amend these schedules as follows:

- Revise the design objective relating to the skyline and existing tree canopy line to consider the form, siting, materials and tones of buildings. This would provide clearer guidance when assessing a development that exceeds the building height trigger.
- Retain the existing building height trigger.

- Remove the mandatory 8-metre maximum building height requirement as it is redundant given the 'Ellerina Road' exemption is to be retained.
- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement in areas where the exemption currently applies; however:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- Retain the average subdivision area requirement and allow land set aside as common property to be included in the calculation of the average area. This only applies to areas where an average subdivision area requirement is currently provided, i.e. the DDO6, DDO11 and DDO32.
- Delete the subdivision exemption 'land set aside as common property' given it is not considered a separate lot when assessing subdivision applications.
- Reword the realignment exemption to the subdivision requirement to provide for re-subdivision to better reflect the original intention of this exemption.
- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.
- Revise the decision guidelines to achieve better nexus with the design objectives and permit requirements.

7.5 DDO17

Amend the schedule as follows:

- Rename the schedule as 'Woodthorpe Estate, Capel Sound' given it would no longer apply over the extended areas in Bittern and Crib Point.
- Revise the design objective relating to the skyline and existing tree canopy line to consider the form, siting, materials and tones of buildings. This would provide clearer guidance when assessing a development that exceeds the building height trigger.
- Include additional provisions in the design objectives relating to earthworks and subdivision.
- Retain the existing building height trigger.
- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement; however:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.

- Retain the average subdivision area requirement and allow only land set aside as common property to be included in the calculation of the average area.
- Retain the subdivision exemption relating to a restructure plan or a development plan.
- Allow land to be transferred to Council as public open space contribution to be exempted from the subdivision requirement.
- Retain the subdivision exemption relating to realignment but reword the exemption to provide for re-subdivision to better reflect the original intention of this exemption.
- Retain the subdivision exemption relating to two or more dwellings that have lawfully existed but include the approval date of 6 May 1999.
- Retain the subdivision exemption relating to excising land for a road, utility installation or other public purpose.
- Revise the decision guidelines to achieve better nexus with the design objectives and permit requirements.

7.6 DDO18

Amend the schedule as follows:

- Revise the design objective relating to the skyline and existing tree canopy line to consider the form, siting, materials and tones of buildings. This would provide clearer guidance when assessing a development that exceeds the building height trigger.
- Retain the existing building height trigger.
- Remove the mandatory 8-metre maximum building height requirement as it is redundant given the 'Ellerina Road' exemption is to be retained.
- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement; however:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- Revise the decision guidelines to achieve better nexus with the design objectives and permit requirements.

7.7 DDO22

Amend the schedule as follows:

- In the application requirements for the Landscape Plan, include an additional requirement for a landscape plan to ensure landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- In the decision guidelines, include an additional guideline that considers whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.

7.8 DDO24

Amend the schedule as follows:

- Revise the design objective relating to the skyline and existing tree canopy line to consider the form, siting, materials and tones of buildings. This would provide clearer guidance when assessing a development that exceeds the building height trigger.
- Retain the existing building height trigger.
- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement; however:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- Retain the average subdivision area requirement and allow land set aside as common property to be included in the calculation of the average area. Reword the provision to match the five precincts as per the proposed NRZ23 to NRZ27.
- Delete the subdivision exemption 'land set aside as common property' given it is not considered a separate lot when assessing subdivision applications.
- Reword the realignment exemption to the subdivision requirement to provide for re-subdivision to better reflect the original intention of this exemption.
- Include the approval date of 6 May 1999 in the subdivision exemption relating to creating a separate lot for each dwelling where two or more dwellings have lawfully existed on a lot at the approval date.
- Revise the decision guidelines to achieve better nexus with the design objectives and permit requirements.
- Add a new map that shows the five precincts as per the proposed NRZ23 to NRZ27.

7.9 DDO34 to DDO53

Amend these schedules as follows:

- Retain the existing building height trigger in the schedules where the trigger was initially proposed to be removed.
- Amend the side boundary setback requirement in the DDO46 to 1 metre instead of 2 metres to rectify a clerical error.
- In the permit requirement for a fence, refer to 'Transport Zone 2' instead of 'Road Zone, Category 1'.
- Remove the mandatory 8-metre building height requirement for areas north of the 'Ellerina Road' boundary, given the 'Ellerina Road' exemption is to be retained.

- Retain the 'building alteration or extension' exemption to the mandatory maximum building height requirement in areas where the exemption currently applies; however:
  - remove the first condition relating to the existing building height given it is superfluous.
  - remove the third condition relating to the external bulk of the existing building given it is too subjective and not helpful in decision-making.
  - specify the approval date of 6 May 1999 in the fourth condition for clarity.
- In the application requirements for the Landscape Plan, include an additional requirement for a landscape plan to ensure landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
- In the decision guidelines:
  - Include an additional guideline that considers whether the landscaping is of a low-threat bushfire risk, if the land is in a bushfire prone area.
  - rephrase 'choice of fencing' to 'design of fencing'.
- In the decision guidelines, rephrase 'choice of fencing' to 'design of fencing'.
- Include an additional decision guideline in the DDO40 to DDO42 about the design of fencing, which had been omitted due to clerical error.

8 NCO Schedules

The changes below apply to all schedules:

- Remove the permit requirement relating to the demolition or removal of a building.
- In the walls on boundaries standard, amend the garage wall length exemption to 6.5 metres to allow for a standard garage of 6 metres internal dimension plus 250 millimetres wall thickness front and rear.
- Revise the decision guidelines to remove consideration of demolition.

9 Editorial Changes

Changes to improve phrasing, or correct grammatical and spelling errors have been made, where necessary.