



SUMMARY OF KEY  
FINDINGS - ISSUES &  
THREATS

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## 5.0 Neighbourhood Character Survey

### 5.1 Site Survey Methodology

During the first stage of the project, a survey of all residential areas of Mornington Peninsula was undertaken. This included all residential land within the General Residential Zone (GRZ), Low Density Residential Zone (LDRZ), Mixed Use Zone (MUZ), residential areas outside the Urban Growth Boundary and a small pocket of residential area located in Cape Schanck, within the Green Wedge Zone (GWZ). Small Neighbourhood Activity Centres (NAC's) were also considered as part of the streetscape when assessing the overall Neighbourhood Character of areas.

A desktop analysis has been undertaken to determine initial character area boundaries before further assessment was undertaken during a street by street site survey of all areas within the study.

The initial desktop analysis used the existing Design and Development Overlays (DDOs) as an indicator for potential character area boundaries.

This process also allowed for the evaluation of the effectiveness of the existing planning framework.

The survey was undertaken throughout December 2018 and January 2019.

The methodology for the site survey includes:

- A review of the existing DDOs that affect the residential land of Mornington Peninsula.
- A review of Beleura Hill Neighbourhood Character Study character area precinct boundaries.
- Consideration to areas identified during the initial public consultation process, Council Officer Workshop and the initial desktop analysis.
- A street-by-street survey to gain an overview image of Mornington Peninsula's residential areas.
- An assessment of areas based on the general attributes of private and public realms: built form and layout of the different areas; overall streetscape qualities; vegetation and landscape quality and the era of development.
- Photos for each area and character type.
- Identification of pressure areas and change areas, where new development has impacted on surrounding neighbourhood character.

- Identification of the characteristics and neighbourhood character impacts of new and infill development
- Identification of more specific character precincts within each character type.

The following character elements were noted during the surveys:

- Wider landscape setting including views
- Streetscape qualities including native vegetation, footpaths, road widths, road layout, unsealed roads etc.
- Private garden styles and vegetation
- Building form (including roof form)
- Architectural style
- Siting including building spacing and setbacks
- Design detail and finishes
- Building materials and colours
- Frontage treatment
- Car parking and vehicular access

## 5.2 Key Issues and Threats

In order to determine appropriate implementation methods, the key character issues applicable to the study areas need to be considered. These are summarised below based on the initial survey findings of the study team, initial consultation with the community and working groups with Council planners.

The following themes have been identified as the key issues and threats:

- Contemporary infill
- Vegetation & Landscaping
- Subdivision
- Mixed use development
- Fencing
- Architectural style
- Colours & Materials
- Viewlines
- Bushfire Management

This section provides an overview of each of these preliminary issues and threats and identifies areas and locations which are affected. This is a initial preliminary analysis that will be updated upon completion of the site survey and community consultation activities.

## 5.3 Contemporary Infill

Infill buildings have played a major part in the level of change experienced throughout the study area. Infill has occurred in the form of:

- replacement houses
- subdivision of sites
- infill buildings/dwellings towards the rear of existing ones
- redevelopment of sites to accommodate larger residential developments and mixed use developments including aged care facilities, medical centres and retirement villages.

'Holiday conversions', are becoming more prevalent across the Shire. This is where a typically modest scale holiday beach shack is demolished to make way for a larger scale contemporary dwelling. This trend is resulting in the incremental loss of character in many areas within the Peninsula.

The quality of design of infill buildings is varied. Some are respectful of the existing and valued character of a precinct, while others fail to reflect their location and comprise features that disregard the character of existing buildings. For example, there are a number of newer developments that are visually bulky, have high site coverage, provide small front

and side setbacks, have minimal canopy tree retention and provide limited space for deep soil planting. The introduction of a prominent element not commonly found in the area can incrementally diminish the valued character of the neighbourhood.

The concept of character does not seek to prevent infill development from occurring; rather it aims to ensure that new buildings reflect their location and respect the surrounding built form in a contemporary way.

A contemporary development could successfully respond to its location by reflecting the form and siting of surrounding dwellings.



212 Mount Eliza - construction of larger new development

### Analysis Overview

- Dromana and Safety Beach have increased development pressure due to improved accessibility via Peninsula Link
- Merricks, Mt Eliza and Somers are seeing larger scale (two to three storey) detached dwellings, often constructed by 'volume builder' construction companies.

### Locations affected

- Mt Martha (and other areas featuring steep topography) are experiencing volume builds that do not respond to slope, relying instead on significant cut and fill.
- Residential areas not currently included within a DDO
- Residential areas affected by DDO1 (has limited provisions)

### Other

- Quality of existing dwellings
- Future population projections

### Implications for Guidelines

Examine the extent to which design objectives can increase setbacks and reduce the bulk and scale of built form, by:

- Restricting the percentage of the site covered by impermeable surfaces
- Strengthen guidelines in regards to deep soil areas and canopy tree/significant vegetation retention in front and back yards

## 5.4 Vegetation & Landscaping

Vegetation and landscaping are central elements for determining an area's character. This relates to existing vegetation, including:

- The public and private realm
- The landscaping of individual gardens
- The cumulative effect of landscaping across an entire area

Across the study area vegetation is predominantly informally planted native trees and shrubs, canopy trees and low lying bush.

There is however also a mix of:

- Formal gardens with exotic vegetation
- Informally planted gardens with a mix of either native and exotic species
- Wide grassy lawns or low-level gardens with limited vegetation.

A key threat to neighbourhood character is the loss of vegetation in private gardens, and its replacement with larger scale development or non-permeable hardscaping such as paving. In addition, existing landscape character is undermined by new development that does not provide adequate garden space for the planting of new vegetation and canopy trees, which require deep soil and space for roots to grow.

Loss of significant vegetation is particularly prevalent in Mornington Shire due to existing permit exemptions within overlays for the removal of vegetation for bush fire management and maintenance. As the majority of the Mornington Peninsula is bushfire prone and covered by the Bush Fire Management Overlay, these permit exemptions are a significant concern in regards to maintaining existing neighbourhood character.



214 Flinders - residential dwelling within a vegetated setting



213 Mount Eliza - streetscape with minimal vegetation

### Analysis Overview

<b>Locations affected</b>	Areas under pressure for redevelopment
	<ul style="list-style-type: none"> <li>• Rosebud</li> <li>• Mt Martha</li> <li>• Dromana</li> <li>• Safety Beach</li> <li>• Mt Eliza</li> <li>• Somers</li> <li>• Shoreham</li> <li>• The 'pointy end' of the Shire</li> </ul>
<b>Other considerations</b>	<ul style="list-style-type: none"> <li>• Lack of statutory protection for vegetation</li> <li>• Boundary-to boundary development preventing provision of adequate deep soil areas</li> <li>• Excessive site coverage</li> </ul>

### Implications for Guidelines

Investigate opportunities to strengthen policy around retention of existing vegetation, by:

- Strengthening guidelines (e.g. in regards to vegetation retention and deep soil areas)
- Increasing requirement for side and rear setbacks to create space for significant vegetation planting

## 5.5 Subdivision

Subdivision of lots within the Shire is particularly prevalent in residential areas that are not covered by an existing DDO with density provisions. Subdivision of lots is typically in conjunction with vegetation removal and 'moonscaping', to maximise the development yield of sites for medium density dwellings.

Subdivision of larger lots throughout the study area has a direct impact on Neighbourhood Character due to:

- Reduced building separation
- Reduced setbacks
- Tree clearing to allow for larger scale development
- Minimal significant tree retention
- Minimal provision of space for deep soil planting and canopy trees
- Demolition of existing 'beach shacks' for larger scale development
- Change in materiality - use of more contemporary materials (concrete, render etc.)

A key threat to Neighbourhood Character in many areas is the subdivision of larger lots and the subsequent incremental change in types of housing stock.



215 Mount Eliza - subdivision with medium density housing

### Analysis Overview

#### Locations affected

- Areas not covered by a DDO
- Areas covered by DDO1 (no density provisions)
- Areas of Mt Eliza affected by DDO2 - allows for integrated subdivision (a development application may be granted permission for subdivision)

#### Other considerations

- Lack of statutory protection for vegetation
- Future demographic considerations
- Choice of housing typologies

### Implications for Guidelines

- Investigate minimum subdivision sizes for areas not currently covered by existing provisions
- Consider need for mix of housing typologies in areas earmarked for growth in the Mornington Peninsula Housing and Settlement Strategy

## 5.6 Retirement Villages, Aged Care, Medical and other Services

There is an increasing pressure for mixed use development in residential areas within many parts of Mornington Peninsula. This type of development includes:

- Retirement villages
- Aged care facilities
- Medical centres
- Childcare centres

Clause 53.17 Residential Aged Care facility allows for an aged care facility to have a maximum building height of 16 metres on land located within the General Residential Zone (GRZ).

The GRZ is the predominant residential zone of Mornington Peninsula, which has a maximum building height of 11 metres. The increasing prominence of and pressure for, development such as Aged Care facilities that are of a greater scale and form of the surrounding residential dwellings, impacts the rhythm of the street and the ability to provide planting of canopy trees or the retention of significant vegetation, potentially impacting on the existing character.

### Analysis Overview

#### Locations affected

Areas under pressure for redevelopment (e.g. areas with lower quality housing stock, in close proximity to activity centres or foreshore/beach areas, areas prone to site consolidation, not covered by a heritage overlay).

#### Other considerations

- Future demographic considerations
- Choice of housing typologies

### Implications for Guidelines

- Consider interface issues for mixed use development in residential areas.
- Include guidelines for design treatment of larger scale aged care, retirement villages, medical and childcare centres.
- Consider guidelines for the retention of significant vegetation and provision of space for canopy trees within mixed use development.
- Consider impact of upper level setbacks to existing residential uses - particularly within aged care facilities that are largely built to boundary, with open spaces in the centre of the development.



216 Hastings Cove Retirement Village

## 5.7 Fencing

The treatment of front and side boundaries varies throughout the study area, with many areas predominantly having no front fencing or fences that either allow views to the front garden or dwelling, vegetation as a border treatment or open frontages. All of these boundary characteristics result in an open or vegetation-dominated atmosphere where fences are a less prominent feature.

Some areas are beginning to see the introduction of more dominant fencing styles that block views to gardens and dwellings and create an inconsistent wall along the street. These high, solid front fences detract from the character of all areas. High, solid front fences are particularly prevalent along major roads or smaller roads of high usage and are generally employed as methods of noise reduction and privacy.

### Analysis Overview

#### Locations affected

- Areas under pressure for redevelopment
- Areas with frontages to main roads

#### Other considerations

Noise impacts and privacy concerns from the public realm

### Implications for Guidelines

- Provide greater policy guidance around front fence design that is appropriate to local neighbourhood character, by:
  - Include guidelines discouraging the development of high, blank fences that limit visual permeability and engagement with the streetscape.
- Provide greater information around focusing noise mitigation on the style and design of the building, including techniques such as double glazing.
- Consider pressure from applications to incorporate high front fences in order to utilise the area as private open space.



218 Tyabb - residential streetscape with high solid fencing



217 Somerville - streetscape with no fencing

## 5.8 Siting and Scale

'Holiday Conversion' redevelopments are a common occurrence in most areas within Mornington Peninsula. This typically involves the demolition of existing modest holiday beach shacks, which are subsequently replaced with larger scale dwellings that maximise site yield with minimal setbacks, minimal vegetation retention and insufficient provision of deep soil areas for canopy trees.

In terms of character, it is considered important for new developments to differ in detailed design elements, while respecting the form, siting, scale and vegetation coverage of existing dwellings in a streetscape or character area.

The scale and siting of dwellings on their lot has a significant influence on the character of a streetscape. In areas with consistent neighbourhood character, dwellings will generally follow the typical pattern to the rest of the streetscape and will conform to similar building envelopes.

New developments with substantially reduced front setbacks interrupt the established pattern of streets and increases the built form enclosure of the street.

### Analysis Overview

#### Locations affected

Areas under pressure for redevelopment (e.g. areas with lower quality housing stock, in close proximity to activity centres or foreshore/beach areas, not covered by a heritage overlay) e.g. Merricks Beach, Portsea, Sorrento

#### Other considerations

- Redevelopment/extensions of single dwellings into larger scale and medium density housing
- Development of aged care, retirement, medical centres and child care facilities within residential areas
- Within the BMO, replacement or extended dwellings require a Bushfire Management Plan and the creation of a defensible space. As a result, in developments with a large building footprint very high levels of vegetation is required to be removed.

### Implications for Guidelines

Examine the best ways of maintaining views between dwellings of planting in rear gardens, sense of spaciousness and streetscape rhythm, by:

- Include guidelines encouraging upper level setbacks and front and side setbacks for the provision of landscaping and significant vegetation.



219 Shoreham - 'beach shack' dwelling

## 5.9 Colours & Materials

Consistency of colours and materials is a vital part of the character of some areas of Mornington Peninsula. Colour palettes of some contemporary designs cause the built form to stand out from their surroundings, rather than blending in with them. Some parts of the Shire have an identified and recognisable character due to the consistency of the colour palette and use of materials. For example, Merricks Beach uses predominantly lighter or muted tones and finishes which adds to the coastal feel of the township.

Many areas of the Shire are often characterised by muted and light hues on both walls and roofs. Yet much contemporary development makes use of a grey-based palette, and this exaggerates the contrast in style and form between new and old. Sometimes adopting the same (or similar) materials and finishes can be a decisive factor in allowing a contemporary design to complement, rather than compete, with its surroundings.

This study seeks to clearly identify the areas where maintaining similar or compatible surface finishes is fundamental to the preferred neighbourhood character.

### Analysis Overview

#### Locations affected

Areas under pressure for redevelopment (e.g. areas with lower quality housing stock, in close proximity to activity centres or foreshore/beach areas, not covered by a heritage overlay).

#### Other considerations

- Redevelopment/extensions of single dwellings into larger scale housing
- Development of aged care, retirement, medical centres and child care facilities within residential areas

### Implications for Guidelines

- Examine the extent to which it is desirable and practical to update the existing colour palette and reflectivity provisions within the DDO Schedules:
  - Identify areas in which a specified range of surface finishes should be a vital part of the preferred future character
  - Identify areas where the current provisions are considered redundant



220 Mt Eliza - streetscape with muted finishes

## 5.10 Viewlines

The existing DDOs have considerations for the reasonable and practical protection of shared viewlines. This includes considerations for building heights, setbacks etc. and the general visual bulk of built form.

Generally, a proposal is considered to be a reasonable outcome for the protection of shared viewlines of surrounding properties, if all other relevant provisions of the DDO are met.

Volume/bulk builder style development typically utilises a cut and fill method to accommodate large scale standard dwelling designs. Although this allows for the continuation of uninterrupted shared views, it disrupts the street rhythm and reduces vegetation retention.

### Analysis Overview

#### Locations affected

- Areas within close proximity to foreshore areas or located on higher grounds
- Areas with long ranging views to surrounding headlands, rolling hills etc.

#### Other considerations

- Development of larger scale aged care, retirement, medical centres and child care facilities within residential areas
- Choice of housing typologies

### Implications for Guidelines

Consider guidelines for the identification of and reasonable protection of shared viewlines, including:

- Upper level setbacks
- Front and side setbacks
- Road Forms
- Siting
- Building bulk



221 Flinders - residential area with shared viewlines

## 5.11 Bushfire Management

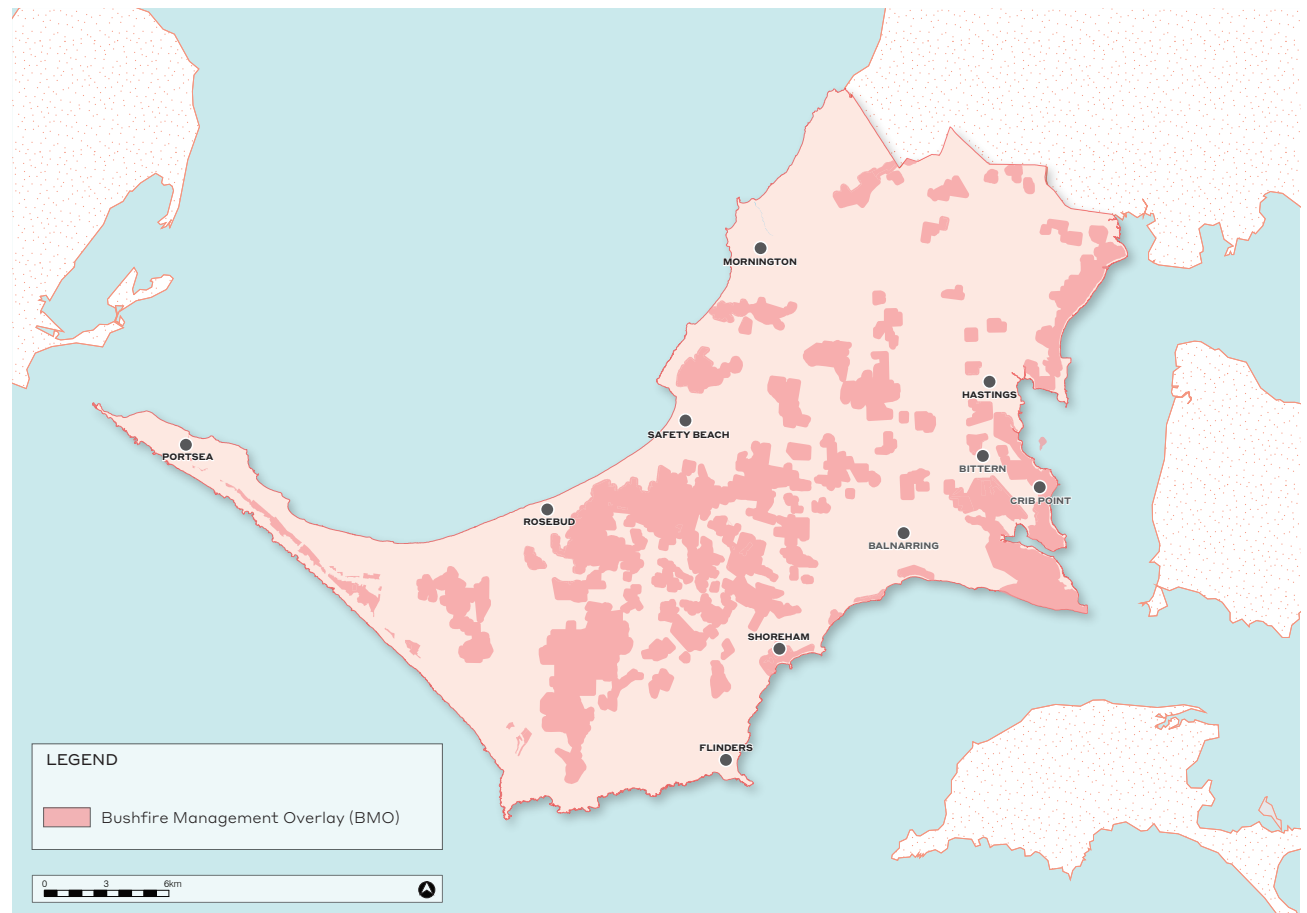
Bushfire management is a significant threat to the character of the Mornington Peninsula, most specifically the Bushfire Protection Exemptions at Clause 52.12 of the Planning Policy Framework.

This Clause exempts any requirement of a planning permit that prohibits the removal, destruction or lopping of vegetation in order to create a defensible space around buildings that are used for accommodation.

As a large proportion of the Mornington Peninsula is bushfire prone (see figure opposite), this Clause poses a threat to existing vegetation where new developments within the Bushfire Management Overlay are proposed.

Replacement or extended dwellings in these areas will subsequently require a Bushfire Management Plan and the inclusion of defensible space. On smaller lots, this could result in the clearance of an entire parcel, particularly if large building footprints are proposed.

The Bushfire Management Overlay requirements are considered to preempt or override character considerations.





NEXT STEPS

Upon completion of the Draft Background Report, Phase 1 'My Neighbourhood' engagement will continue to be prepared and undertaken along the Port Phillip townships.

Upon completion of the site survey, the Draft Neighbourhood Character Study and Guidelines will be prepared, including:

- Prepare detailed project methodology
- Prepare Phase 1 engagement summary
- Develop preliminary character precinct boundaries and preferred character statements (inclusive of mapping)
- Prepare Draft planning scheme change recommendations

The identification of character precincts will ultimately result in the preparation of individual precinct profiles, including design guidelines and preferred character statements.

DRAFT



APPENDIX A

## VCAT Analysis

**Table 7 – VCAT & Panel Analysis**

<b>Bentons Blossom Pty Ltd v Mornington Peninsula SC [2017] VCAT 352</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
5 May 2017	180 Bentons Road, Mount Martha	Approval sought for the construction of 52 dwellings on a large site in Bentons Road, Mt Martha.	<ul style="list-style-type: none"> <li>• Council failure to make decision</li> <li>• Level of consistency with local policy relating to neighbourhood character at Clause 11.14-1, 21.07-2.</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
<b>GRZ1</b>	Clauses 9, 10, 11, 15, 16, 18, 21.02, 21.03, 21.04, 21.06, 21.07, 22.13, 52.06, 55 & 65.	Permit granted for 180 Bentons road with endorsed plans for the construction of 47 single and double storey dwellings and associated works within the GRZ1.	<ul style="list-style-type: none"> <li>• Over development of site that does not respect existing neighbourhood character</li> <li>• Strong opposition from neighbouring residents based on neighbourhood character, traffic and parking.</li> </ul>

### Implications

While the member acknowledged the significant differences of opinion regarding the density of the proposed development, it was concluded that policy is unambiguous as to the role of land within the GRZ1 and inside the UGB to accommodate population growth. Specifically, the member noted that population must be accommodated in existing urban areas, leaving the surrounding rural areas protected.

Concerns regarding traffic impacts on the surrounding local roads were managed by the inclusion of detailed conditions on the permit, with the member noting that the site could be developed in this way without creating unacceptable impacts on the adjoining roads.

While the member identified that there would be some adverse impacts associated with a development of this size and scale, that on balance there would be a net community benefit in allowing the development to go ahead.

Council opposed both the original 52 dwelling development, as well as the amended plans for 47 dwellings. The member ordered that Councils original decision be set aside, and the development to be approved at 47 dwellings.

**Table 8 – VCAT & Panel Analysis**

<b>Deryan v Mornington Peninsula SC [2018] VCAT 1755</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
13 November 2018	3 Carnoustie Grove	Construction of 3 double storey dwellings fronting Carnoustie Grove with separate driveways.	<ul style="list-style-type: none"> <li>Initial refusal by council of application to construct 3 double storey dwellings on a lot.</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	<ul style="list-style-type: none"> <li>Amended permit addressing some of Councils concerns refused.</li> <li>Refused on the basis of neighbourhood character as well as inconsistencies with the Housing and Settlement Strategy 2017.</li> <li></li> </ul>
GRZ1	Clauses 11, 13, 15, 16, 18, 21, 52.06, 55, 65 and 71.02.	Decision of the responsible authority set aside, permit granted for the construction of 3 dwellings on a lot.	

**Implications**

**Weight to be given to the adopted Housing Strategy relative to existing Planning Scheme policies and provisions:**

Noting that the ministerial authorisation to amend the Mornington Planning Scheme to implement the recommendations of the Strategy had been previously declined, the member considered the weight that should be given to the adopted document. The member concluded that:

*"The Strategy is a document that sits outside the planning scheme and because aspects of it conflict with the provisions of the planning scheme, the weight that I accord to that document is diminished, particularly in circumstances where attempts to implement its recommendations into the planning have been unsuccessful."*

The member went on to say that while the Strategy is an adopted policy of the Council, it can't be seriously entertained, and carries little to no influential weight.

The member also determined that there was little issue with the concept of 2 storey dwellings in a partly detached configuration due to the existing mix of dwelling typologies within the immediate area. The member decided it necessary to request plans showing amended side setbacks, balconies and landscaping, but did not take issue with the general premise of the development and it's response to existing neighbourhood character.

**Table 9 – VCAT & Panel Analysis**

<b>Killeen Group Pty Ltd v Mornington Peninsula SC [2017] VCAT 2163</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
21 December 2017	142 Bentons Road, Mount Martha	Development of 22 dwellings with associated works in three free standing building modules of double storey form.	<ul style="list-style-type: none"> <li>Council refusal based on excessive mass and visual bulk, poorly designed car parking layouts, insufficient open space and privacy issues between dwellings.</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
GRZ1	Clauses 11.14-1, 15.01-1, 16.01-4, 21.02, 21.03, 21.04, 21.06, 21.07 Clauses 52.06, 55	Decision of responsible authority set aside, permit granted for the development of 20 dwellings with associated works in the GRZ1	
<b>Implications</b>			

The member outlined that as the Mornington Peninsula Planning Scheme does not include specific neighbourhood character policy or existing or preferred character statements, neighbourhood character issues must be considered alongside the existing zoning and policy settings. The member notes that the existing character is a mix of single and double storey detached houses on single lots and acknowledges that this proposal is a considerable variance from existing conditions.

The opinion of the member is that the recommendation of the Housing Strategy for land within the subject site to be rezoned to NRZ carries little weight, and was therefore not seriously entertained.

The member noted that due to the physical setting of the development against an area of open space, the proposed development would effectively create its own neighbourhood character without affecting the existing character of the neighbourhood. The Member did however require a reduction in proposed dwellings to a total of 20, to bring the development more closely in line with local policy and would assist with addressing the existing neighbourhood character context.

Issues regarding non compliance with ResCode were rectified through the addition of appropriate conditions to the permit.

**Table 10** – VCAT & Panel Analysis

<b>Mullholland v Mornington Peninsula SC [2016] VCAT 2070</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
9 December 2016	23-25 Green Island Avenue, Mt Martha	Construction of a multi unit development comprising 15 dwellings	<ul style="list-style-type: none"> <li>• Development not supported by Council due to number and density of proposed dwellings.</li> <li>• Strong community opposition to development on neighbourhood character grounds</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
GRZ	Cls 9, 10, 11, 12, 15, 16, 18, 21, 22.13, 52.06, 55 and 65.	Permit granted to allow construction of multiple dwellings	
<b>Implications</b>			

The member outlines that there is no strong policy basis to reject the development based on neighbourhood character concerns, and that if it was essential to limit development to single storeys for neighbourhood character purposes, Council should pursue this through a planning scheme amendment.

Considering the actual existing character of the area which is already extensively developed with multi unit dwellings, the member considered the proposal to be consistent with existing neighbourhood character.

**Table 11** – VCAT & Panel Analysis

<b>Shelrain Pty Ltd v Mornington Peninsula SC (Corrected) [2018] VCAT 356</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
14 March 2018	27-29 Woyna Avenue, Capel Sound	Development of seven two storey dwellings.	<ul style="list-style-type: none"> <li>Initial Council decision based on concern for existing and future neighbourhood character</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
GRZ1	Cl. 9, 10, 11, 15, 16, 21.06, 21.07, 22.13, 32.08, 52.06, 55 & 65.	Decision of responsible authority set aside, permit granted to allow the development of seven dwellings and a reduction on the required number of car parking spaces.	

**Implications**

The Member considered that the Housing Strategy upon which Council largely based their decision, as well as Local Policy, did not carry enough weight to refuse the application based on grounds of Neighbourhood Character.

Councils contention that the Neighbourhood Character of Capel Sound is defined by dwellings sitting beneath tree canopies was considered to be inaccurate by the Member. Noting the variety of building types and general lack of canopy trees across the surrounding neighbourhood, the Member suggested that the character was in fact akin to an incremental change area. Considering this, the Member found the application to be consistent with recent town house development in the area and consistent with existing character.

**Table 12 – VCAT & Panel Analysis**

<b>Staff Pty Ltd V Mornington Peninsula SC [2018] VCAT 887</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
8 June 2018	34-36 Bartels Street, McCrae	Construction of seven double storey dwellings	<ul style="list-style-type: none"> <li>• Council refusal on the grounds of neighbourhood character concerns and non-compliance with DDO1.</li> <li>• Additional objector concern surrounding view sharing and loss of views.</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
GRZ1 DDO1		Decision of responsible authority set aside, permit granted for the construction of seven dwellings in the GRZ.	
<b>Implications</b>			

Regarding visual bulk, the Member noted that while DDO1 imposes both general and mandatory heights, it does not seek to control development density. The Member was satisfied that the proposed development is supported by both the Planning Scheme and the sites physical and locational attributes.

While Council argued that the granting of the permit would set a precedent for further change within the neighbourhood, the Member considered that an existing number of new developments were already causing the neighbourhood to transition in character.

Council expressed concern about the visual bulk impacts of the resulting from the unbroken form of the proposed building. Council identified that the resulting loss of views from the abutting property to be a negative impact on amenity. While DDO1 encourages the protection of shared view lines, the proposal sits comfortably inside the relevant height and setback requirements of DDO1, as well as the relevant standards of Clause 55. Considering this, the Member concluded that while a loss of view would occur, the impact had been contained within the acceptable limits as defined by DDO1.

**Table 13 – VCAT & Panel Analysis**

<b>Charlton V Mornington Peninsula SC [2017] VCAT 1770</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
30 October 2017	98 Glenisla Drive, Mount Martha	Removal of vegetation and construction of a double storey house featuring a series of pitched roofs and gabled ends.	<ul style="list-style-type: none"> <li>• Council refusal on the grounds of neighbourhood character concerns and non-compliance with DDO1.</li> <li>• Additional objector concern surrounding view sharing and loss of views.</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
GRZ1 DDO1		Decision of responsible authority set aside, no permit granted.	
<b>Implications</b>			

Councils initial support for a two storey home with a significant pitched roof with gabled ends was met with objection from the owner of neighbouring property.

Neighbour objected based on DDO2s objective to share viewlines, suggesting that the proposed development would block the view from their property.

The Member notes that while the proposal is consistent with most aspects of the scheme, it greatly exceeds the height limit under DDO2. The Member considered that there had not been a reasonable effort to maintain shared views by the proposed development, and that it could be supported if a new application was lodge with a revised roof design that could demonstrate a reasonable shared viewline.

**Table 14 – VCAT & Panel Analysis**

<b>Steller Lifestyle Pty Ltd v Mornington Peninsula SC [2018] VCAT 55</b>			
<b>Date</b>	<b>Address</b>	<b>Description of Application</b>	<b>Key Points</b>
21 February 2018	162-182 Woolleys Road, Bittern	Use and development of land for a retirement village containing 259 independent living units and associated community facilities, removal of vegetation.	<ul style="list-style-type: none"> <li>• Whether an increase in dwelling density created by the proposed retirement village is an appropriate outcome for land zoned LDRZ</li> <li>• Traffic and Infrastructure Concerns</li> <li>• Bushfire Risk</li> </ul>
<b>Zones &amp; Overlays</b>	<b>Policies Cited</b>	<b>Order</b>	
LDRZ VPO1 DDO7	Clauses 9, 10, 11, 12, 13, 15, 16, 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 22.13, 32.03, 42.02, 43.02, 52.06, 52.17 & 65.	Council decision affirmed, no permit issued.	
<b>Implications</b>			

Council refused the permit for the use and development of land for a retirement village at the subject site, citing concern with the urban scale of the development and its context within a low density rural landscape.

The CFA offered support for the proposal, subject to conditions, because the subject site is not located within the Bush Fire Management Overlay. However, the Member noted that since amendments VC 138 and 140, the planning scheme provides unambiguous guidance as to lands considered to be within bushfire prone areas. The Member identified that while the site is not within a BMO, it is still within a bushfire prone area, and that they did not believe that the CFA had properly considered bushfire risk.

The Member also noted that while the subject site was inside of the Urban Growth Boundary, the planning scheme does not suggest that the site had to be developed at an increased density. The Member concluded that the presence of the LDRZ meant that the proposal was not consistent with the objectives of the planning scheme.

**ETHOS  
URBAN**