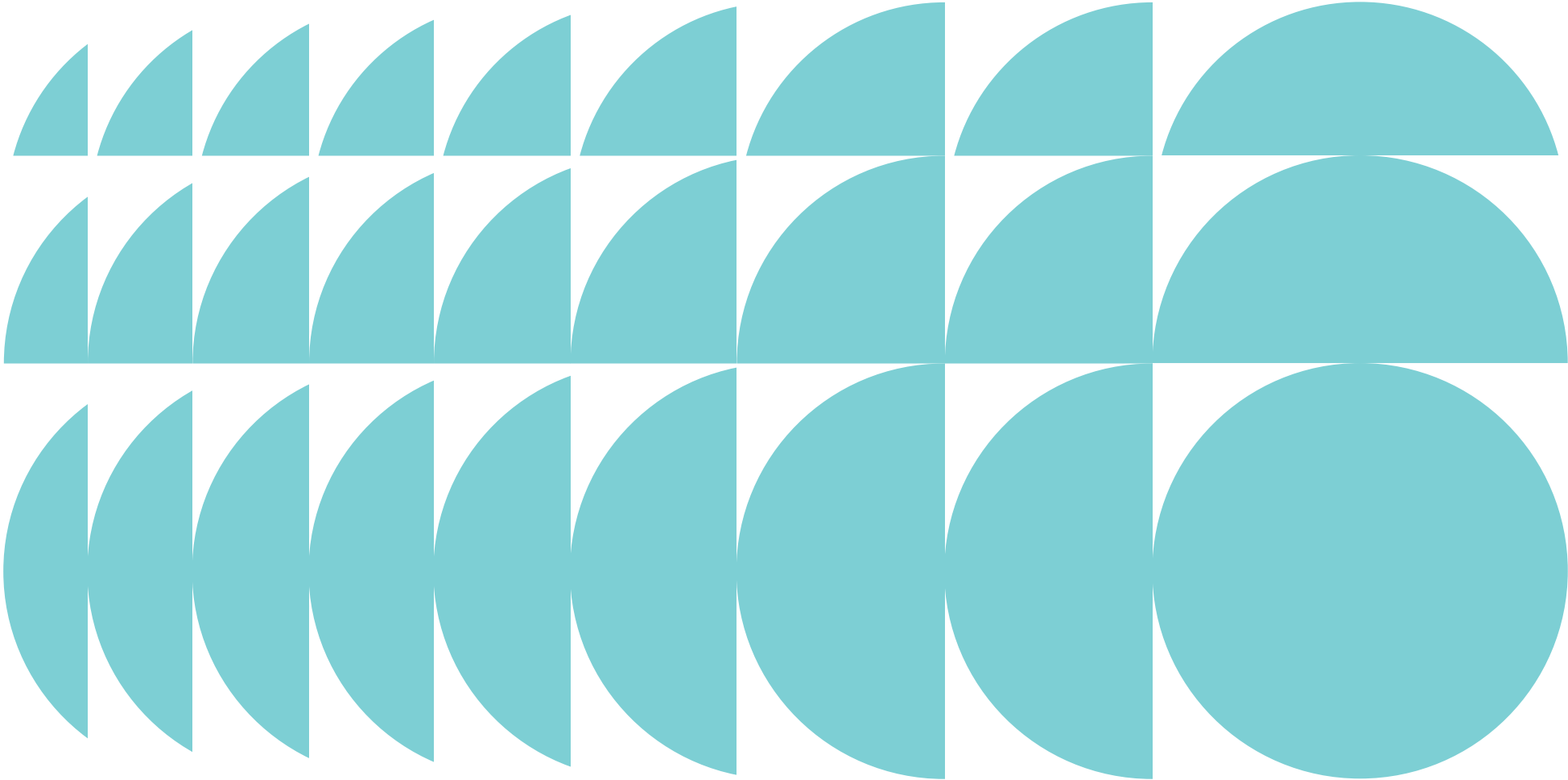


**ETHOS  
URBAN**

**Mornington Peninsula  
Neighbourhood Character Study**

Background Report  
March 2019



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This document has been prepared by:

This document has been reviewed by:



Nikki Hill & Hayden Noble                      21.12.2018                      James Reid                      21.12.2018

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**1.0**



INTRODUCTION

# 1.0 Introduction

## 1.1 Overview

The Mornington Peninsula is one of Victoria's greatest assets, appreciated for its scenic beaches and coastal environments, townships and residential areas nestled within the vegetation and sand dunes, semi rural landscapes and areas of both national and international conservation significance.

The Neighbourhood Character Study seeks to capture these unique values and develop a framework that will ensure better design and amenity outcomes for all residential localities across the Mornington Peninsula.

To achieve this objective, the study will:

- Develop a methodology for identifying neighbourhood character areas within the Mornington Peninsula
- Develop a Neighbourhood Character Strategy and Guidelines for the Mornington Peninsula
- Develop preferred character statements and guidelines for all character areas within the Mornington Peninsula

Upon completion of the study, residentially zoned areas will be supported by preferred character statements incorporated within the Planning Policy Framework of the Mornington Peninsula Planning Scheme.

This will strengthen planning provisions including DDO and Zone Schedules that will provide increased clarity regarding character identification and protection.

### Mornington Peninsula Snapshot:

- Located between Port Phillip Bay and Western Port Bay, approximately 50 kilometres south east of central Melbourne.
- Covers approximately 720 square kilometres of land with a coastline that extends over 190 kilometres and encompasses approximately 10% of Victoria's coastline.
- A settlement pattern that consists of a range of townships and villages spread across the peninsula, with the majority of the residential population living along the coastline.
- Urban design attributes and character of individual settlements that provide a sense-of-place greatly valued by local communities.



**50km** South-East of Melbourne



**163,847** current residents  
\*ABS Estimated Residential Population - 2017



**9.5%** projected population growth to 2031  
\*ID Forecast

## 1.2 Purpose of this Report

### **Purpose of this Report**

This report provides context for the preparation of the draft Neighbourhood Character Study, and examines a range of sources to identify emerging issues and threats to the character of the area, as well as examining many of the physical characteristics of different neighbourhoods. It is the outcome of research by the project team with the input of Council and the community and is intended to provide background research, information and data. .

A comprehensive study including a detailed site survey of neighbourhood character precincts, including a street by street analysis of areas to accurately determine character attributes and determine precinct boundaries, will guide preparation of the Study, Guidelines and recommended improvements to planning scheme provisions.

This Background Report provides the following:

- Review of existing strategies and background information
- Review of significant VCAT and Planning Panel decisions
- Identification of town specific issues relating to:
  - existing conditions
  - vegetation coverage
  - lot analysis
  - dwelling age
  - demographics
  - planning permits
  - previous consultation
  - existing built form frameworks
  - existing zones and overlays
- Outline of site survey methodology
- Potential threats (peninsula wide)
- Summary of key findings

## 1.3 Project Scope

### **What is a neighbourhood character study?**

A neighbourhood character study is undertaken in order to identify and understand common patterns of residential design and development. It does not address amenity issues such as traffic and parking. The scope of a neighbourhood character study is outlined in full detail at Chapter 2.1.

A field survey and desktop analysis of the street layout, built form and landscaping is used to inform 'character types' and where necessary detail key elements and values in sub-precincts.

The study carefully considers character boundaries and identifies where 'special character areas' may require further protection or investigation.

The identified character types and precincts will be used to develop 'preferred future character' objectives and design guidelines.

Particular attention was given to areas of change identified during the projects inception Stage.

### **Why is the current study being undertaken?**

As identified in the *Mornington Peninsula Planning Scheme Review* (2018) there is a need for the Mornington Peninsula to continue to strengthen place-making directives, especially around detailed neighbourhood character

analysis and guidance. *The Mornington Peninsula Planning Scheme Review* (2018) noted that since 2014, only a handful of discrete Neighbourhood Character studies have been completed and implemented across the Peninsula. As a result, the review recommends:

- Further strategic work to prepare and implement future neighbourhood character studies (recommendation 2) and,
- To amend the policy and provisions of the planning scheme to ensure alignment with adopted strategic plans and neighbourhood character studies (recommendation 4).

Currently, Council relies on existing provisions in the form of Design and Development Overlay (DDO) schedules to control building heights, setbacks, subdivision sizes and external appearance. As the DDO schedules apply to vast areas, often crossing township boundaries, they do not distinguish the variations in built form and landscape features that exist across the townships. In areas where DDOs are not applied, there is no clear neighbourhood character direction provided by planning policy.

Another significant threat to character in the Mornington Peninsula is the demand for replacement stock for holiday home use. Evidence suggests that demand for "lock up and leave" compound style developments is high. This type of development is generally

not consistent with character that full time residents of the Mornington Peninsula Desire. Further discussion surrounding this issue is outlined at section 5.3 of this report.

The Neighbourhood Character Study will provide greater detail as to the extent of variation across built form, vegetation and landscape features across the townships.

This review also provides an opportunity to embed more precision into the planning scheme provisions, to assess the continuing relevance of the intent behind these provisions, and to understand the nature of the threats to character that have been observed.

## Project Stages

This project will be undertaken over a six stage process as outlined in the diagram below. This report presents the work undertaken for the current stage, Stage 2: Background Report.



## 1.4 Study Area

The Study Area for the project encompasses all residentially zoned land within the Mornington Peninsula Shire and residential land within the Green Wedge Zone in Cape Schanck.

Residential land is found predominantly along the Port Phillip Bay coastline and includes a number of major townships including Mornington, Mt Eliza, Rosebud, Blairgowrie and Sorrento. The Western Port Bay coastline features a number of major towns including Somerville and Hastings, as well as a number of smaller coastal village townships.

To the east, townships and associated residential land fronting Western Port Bay are separated by pastures and grasslands; a stark contrast to the continuous built up area on the western coastline.

Melbourne's Urban Growth Boundary (UGB) currently extends to most residential land on the Mornington Peninsula. However, some residential land is located outside of the UGB and is still included within the study area. This includes land in Point Leo, Merricks, and Balnarring Beach.



01 Study Area

## 1.5 Consultation Process

There will be two phases of Community Engagement held for the duration of the project. There will also be ongoing activities that will be 'live' for the duration of the project.

The below phases of engagement have the following overall objectives for all community consultation in this project:

- Ensuring that throughout the engagement process the community feels listened to, involved and empowered; that their say has an influence on the project
- Providing the public with sufficient information to assist them in understanding the problem, opportunities and solutions
- Ensure that the community hears back after consultation to ensure they feel involved in the progress of the project – “ the feedback loop”
- Ensuring Council and the community develop a positive relationship for the duration of the project
- Reaching all parts of the community, even those that are generally reserved, and ensuring all townships get individual community feedback
- Hearing from a range of voices including those well informed about the project, as well

as those new to project content

- Keep internal Council departments informed, as a major source of information and the key to many residents.

Significant stages of engagement throughout the project include:

- Stage 3: Championing the Study – Engagement Phase 1
- Stage 6: Draft Consultation – Engagement Phase 2

### Engagement Phase 1

Phase 1 of engagement will be with the community and all relevant stakeholders. This will include conducting, organising and attending community information sessions. This stage will be designed to identify key design values and issues that are experienced within the community and reflect these in the Issues and Opportunities Report.

This stage of engagement aims to:

- Raise awareness about the project and promote opportunities to be involved in the first round of engagement activities.

- Create opportunities for people to contribute information about:
  - What they like/dislike about their neighbourhood's character.
  - What they value in their neighbourhoods.
  - Invite feedback on character and design issues.
- Share preliminary information and local knowledge, and develop the community's understanding of the project.
- Promote the next stages of the project and identify the next opportunity for people to get involved.
- Ensure consultation has a broad reach of voices and geographies across the study area.
- Use a range of different consultation techniques to produce a high level of responses.

The engagement summary for Phase 1 will be included in the Draft Neighbourhood Character Study.

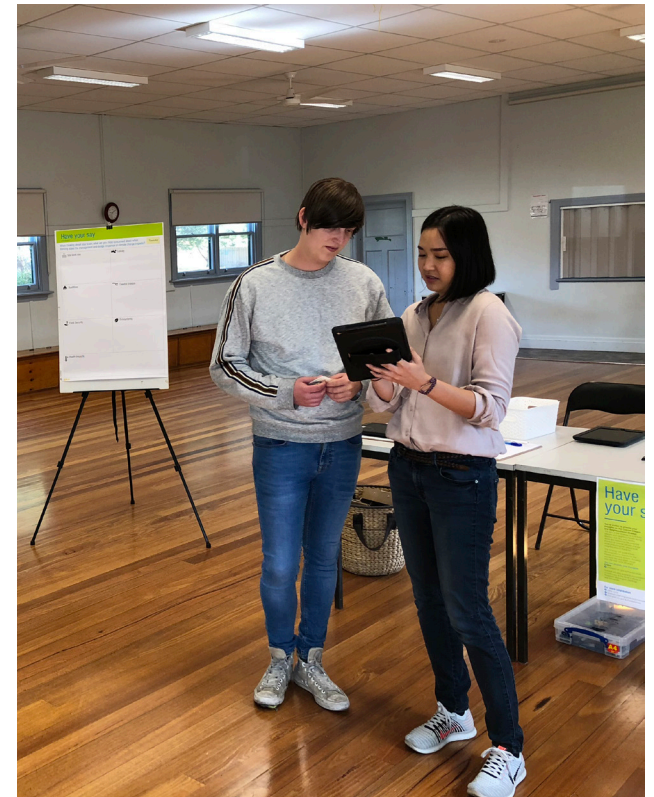
## Engagement Phase 2

Phase 2 of engagement involves community consultation on the draft Neighbourhood Character Study and Guidelines. This stage will be designed to engage with both Council Officers, the community and other stakeholders, to gain feedback on the exhibition of the draft study and guidelines. This will include the preparation of consultation material, and attendance at a series of public drop in sessions to allow the community to view the drafts, ask any questions to staff and provide feedback.

This stage of engagement aims to:

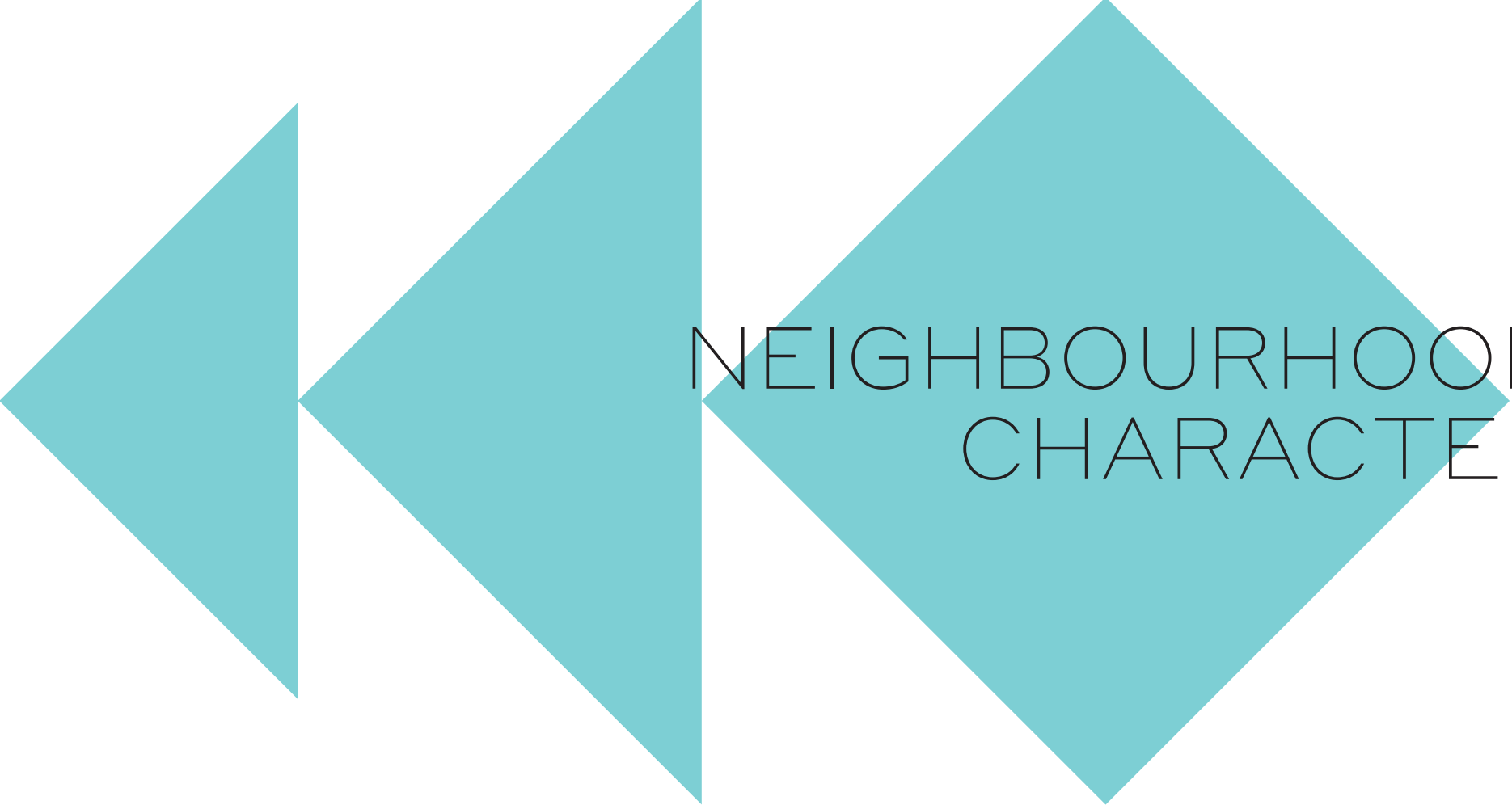
- Provide feedback from Phase 1 engagement (feedback loop)
- Involve relevant staff/departments within Council to provide input
- Gain feedback on the draft guidelines before they are finalised
- Outline the next steps of the project

The engagement summary for Phase 2 will be included in the Final Neighbourhood Character Study.



02 Crib Point Listening Post - Phase 1 Engagement

**2.0**



NEIGHBOURHOOD  
CHARACTER

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## 2.0 Neighbourhood Character

### 2.1 What is Neighbourhood Character?

Character in town planning is a term usually associated with words such as Urban ('urban character'), Neighbourhood ('neighbourhood character'), or Landscape ('landscape character'). The qualifier 'neighbourhood' generally means any residential area. The character of places is usually considered in terms of a specific area, locality or neighbourhood.

Victorian planning codes have led the way in Australia in recognising and documenting the need to respect the character of residential areas in new development. The definition of character forms a basis for neighbourhood character study methodologies and processes.

The character of an area is a synthesis of public and private domain characteristics which can be summarised as built development, vegetation and topography. It is the interplay between these characteristics that make a place, town or neighbourhood distinctive. Some of these characteristics are more important than others in creating a distinctive character, which must be highlighted in written character statements.

#### **Neighbourhood Character**

To a large extent, Urban Character and Landscape Character have continued to be accepted as areas in which the professional judgment of designers, planners and others plays an important role. With Neighbourhood Character, there are schools of thought that give equal or greater value to the perceptions of residents and others in a locality. Residents often talk about non-physical characteristics when invited to say what they like and dislike about their neighbourhood – for example, the proximity of shops, the noise of traffic and the friendliness of the local bus driver. It has been demonstrated that neighbourhood character is something that can have a range of meanings for different people or situations and is difficult to define. For many, character is about the people who live in the area; for others it is broad attributes of the area, such as closeness to shops or transport, how much open space or traffic there is.

#### **Character in Planning**

While character can be conceived of in very broad terms, in practice planning systems confine their provisions to the physical form of development.

In other words, character in planning confines

itself to what can be seen: built form and landscape, in simple terms. Because planning generally only has a limited scope in its ability to control a neighbourhood's character, policies and provisions need to be focussed on the physical planning outcomes that are capable of being influenced by planning scheme tools. Fundamentally we aim to answer the question: How do buildings and landscape interact? Built form, vegetation and topographical characteristics are the physical manifestation of neighbourhood character.

While people's views about neighbourhood character are by their nature subjective, for the purposes of planning neighbourhoods, the identification of character can and should be as value-neutral as possible. An objective description of a neighbourhood's existing character can be established through analysis of various physical attributes of a place.

Often, locals are not as aware as a visiting professional about what makes their area different and distinct from other areas, at least in terms of the kind of physical characteristics that are subject to planning control.

## **What is not Character?**

### **Amenity**

In Victoria, there is a statutory distinction between the concept of amenity and the concept of neighbourhood character. Amenity refers to things like overlooking, access to sunlight, private open space, noise and so on. Character, on the other hand, is about the characteristics of the area that make one place different from another. This distinction is fundamental to a Victorian statutory planner, but impossible to sustain in conversation with citizens – most people use the terms interchangeably.

### **Heritage**

It is important to distinguish between heritage and character, and ensure that they are not mixed up. One reason why character gets confused with heritage is that its genesis in some places was, in part, as a way of introducing tighter control of non-heritage built form in areas adjoining heritage areas. Another commonly drawn distinction between heritage and character is that heritage is a designation applying only to special places, whereas character is everywhere. However this overlooks the fact that special character areas can be designated, and that, in some senses, every area can be said to have a history.

The protection of heritage and cultural significance is largely concerned with retaining the fabric and setting of a valued building and place. Heritage significance cannot be improved, though the fabric of a place can be improved, restored or reinterpreted. Where heritage concerns itself with the conservation of culturally significant places, character concerns itself with the enhancement of an area's distinct identity. Rather than being based on an area's history, it is based on the visual relationship between built form and landscape.

Character has been a concept developed by some State and Local governments in Australia as a way of producing better contextual siting and design. While in some instances the focus on character has been on buildings, character is not only related to building stock. General provisions for character are not intended to keep particular built form or landscape elements from change, but to encourage the differentiation of areas. In this way, character provisions are more about managing new built form, to develop an area's desired character, than conservation of the old.

In Victoria, special character areas can be designated. Special areas have a strong and distinct character that the community particularly values. Special character areas

may have tighter planning provisions than other areas, but the provisions are not intended to prevent change to those places. Rather they are intended to improve the management of change so that development responds to, and strengthens, sense of place.

Character studies principally evaluate the interplay of built form, vegetation and topographical elements in the public and private domain, with reference to the style and age of buildings where relevant. They place a much greater emphasis on visual evidence, such as, the look of an area. They may also place a greater emphasis on community values about what is valued about a local area. An area's character can be improved by new works and development. A character policy may propose a completely new character for an area. Character provisions generally do not allow sustained refusal of permission to demolish a building.

## 2.2 Character Principles

The following principles of neighbourhood character were prepared by a former Department of Infrastructure working party into neighbourhood character that met in late 1999. They were included in the Draft Practice Note on Neighbourhood Character published in June 2000 as part of the first draft of ResCode. These form the basis of the process and content of the work undertaken by Ethos Urban for neighbourhood character studies. The principles are:

### **Community Values**

**The values of the local community are part of determining the appropriate response to neighbourhood character. Planning provisions that aim to protect, change or improve character must draw on professional and community views.**

The community should be involved in identifying the neighbourhood character measures appropriate to their area. Professionals assist in developing and translating these ideas into techniques to manage design.

### **Physical Focus**

**Character, in its broadest sense, can include environmental, social and economic factors, but the planning system is concerned with managing the physical evidence of character and related social impacts.**

The planning system is primarily focussed on achieving a wide range of objectives through the physical environment. Character is not concerned only with the private domain, as much of neighbourhood character is manifested in the public street space. However, some character issues are related to social outcomes or impacts. For example, the height of front fences is a town planning issue with character implications that may be physical (does a high fence contribute positively to the 'look' of the area?) and social (how do high fences affect social interaction?).

### **Special Qualities of an Area**

**All areas have a character that can be described, evaluated and, in many cases, improved. In some areas protection of particular qualities may be warranted.**

The aim in placing greater priority on character is to improve the quality of the environment throughout Victoria's residential areas. For

this reason, neighbourhood character is equally relevant everywhere. Planning provisions should aim to protect identified distinctive and valued elements.

### **Interaction Between Elements of Character**

**Character is about the interrelationships between various elements of an area, and so cannot be described or evaluated by considering individual elements in isolation.**

Design responses need to consider the whole picture of a neighbourhood, rather than focussing upon one or two elements of the building form or siting.

### **Neighbourhood Character and Other Planning Policies**

**State and Council policies provide the rationale for decisions about whether to protect, change or improve the neighbourhood character of an area. Area-specific provisions should be developed in the light of these strategic directions.**

A Council's Municipal Strategic Statement will provide guidance about priorities in any particular area. Local housing issues and other State planning policy directions such as focusing higher density development around activity centres will be important considerations.

## **Preferred Character**

**Neighbourhood character descriptions and evaluations should focus on the preferred character of an area.**

Descriptions of existing characteristics are an important part of the process of identifying the 'starting point', but the desired character needs to be evaluated and considered in the context of other policy priorities. It may be that some areas should be encouraged to develop a new character, just as there may be some areas where critical elements need to be protected or reflected in all new development.

## **Neighbourhood Character Typologies**

**There are a limited number of consistent precinct types that can be defined, and frequently appropriate policy responses can be formulated without the need for expensive studies.**

The 'Responding to Neighbourhood Character' ResCode Practice Note has adopted this approach in presenting possible policy responses to three typical residential character types.

This is not to say that detailed analysis can be completely avoided, but much can be gained

from shared understandings. Many councils have undertaken very detailed character studies and this information may supplement the examples provided.

## **Site Analysis**

**A site analysis, specifically from the neighbourhood character perspective, is necessary whether or not a detailed character study has been undertaken.**

A site analysis is necessary to identify characteristics that might be unusual or particular to the locality. This may not prescribe the answer, but inform the decision. A site analysis should be undertaken as part of the development assessment process. This is discussed in detail in the Implementation section.

## **Character and Heritage**

**Character and heritage share many attributes, but there are important differences between the two concepts. Community values are a key justification for the protection of neighbourhood character. Policies to transform character may be appropriate in some areas.**

Character studies evaluate the interplay of built form, vegetation and topographical

qualities, with reference to styles and ages where relevant, whereas heritage studies evaluate cultural heritage significance, with some reference to built form, vegetation and topographical qualities. Heritage studies designate levels of significance for sites or precincts by assessment against established criteria and by way of comparison with other heritage places. The basis of neighbourhood character is that every place has character regardless of its age or appearance and community feedback is an important means by which the value of this character can be understood.

## **Character and Amenity**

**The difference between neighbourhood character and amenity must be recognised.**

Character and amenity are terms often used interchangeably, but issues of immediate impacts on adjoining properties like visual and acoustic privacy and overshadowing should continue to be treated as issues separate to neighbourhood character.

## 2.3 Character Types

### Four Neighbourhood Character Types of Victoria

Neighbourhood character is a fundamental of sense of place in residential communities. While many councils have undertaken neighbourhood character studies, little or no attempt has been made to generalise the findings of these studies into a typology of neighbourhood character types. Broadly speaking, the following neighbourhood character types have been identified across Victoria:

**Table 1** – Character Types

<b>Built Form/Landscape Relationship</b>	<b>Character Type</b>
<b>Built form dominated residential areas</b>	Inner Urban
<b>Spacious residential areas in a garden setting (formal street pattern, generally modified grid)</b>	Garden Suburban
<b>Spacious residential areas in a garden setting (informal, generally curving street pattern with courts/cul-de-sacs)</b>	Garden Court
<b>Landscape dominated residential areas</b>	Bush Suburban

These four broad categories illustrate the four main types of residential areas that exist in Victoria, from an urban design perspective. The differentiation between these types is not based on architectural style or era of development. It is founded on the layout and form of the areas, and the way that the built form interacts with and relates to the landscape. These factors should be the basis for the application of neighbourhood character policies. Neighbourhood character is not about the imposition of design styles. Rather it should be about recognising the distinctive characteristics of different urban forms, and their relationship to topography and vegetation. Getting this right is the best way of maintaining and enhancing the sense of place of the state's residential areas.

An initial version of these character types, was included in the Draft Practice Note on Neighbourhood Character published in June 2000 as part of the first draft of ResCode. Although this Practice Note has since been superseded, it provided some useful principles about the nature of neighbourhood character. The upgraded version of the character types shown here is included in *Sense of Place: urban design principles* for the Metropolitan Strategy, a technical report on urban design prepared by

Planisphere and published in October 2002 as part of the Melbourne 2030 metropolitan strategy.

Within each of these four main character types, there can be wide variations. They are important in differentiating the character of one neighbourhood from another, and in creating or strengthening a sense of place. These variations are identified through the character survey, and will be highlighted in the “Precinct Descriptions” of each Precinct Profile.

**3.0**



CONTEXT &  
BACKGROUND

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## 3.0 Strategic Policy Context

### 3.1 Metropolitan Policies & Strategies



03 Plan Melbourne (refresh), 2017-2050

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#### 3.1.1 Plan Melbourne (refresh) 2017-2050

Plan Melbourne is the overarching state planning strategy for Victoria and is implemented throughout the State Planning Policy Framework. It defines the future shape of the city and state over the next 35 years. It aims to integrate long term land use, infrastructure and transport planning and sets out the strategy for supporting jobs and growth, while building on Melbourne's legacy of distinctiveness, liveability and sustainability.

Plan Melbourne identifies the settlement of Mornington as being a Major Activity Centre, playing an important economic role within the wider metropolitan region.

Further, Plan Melbourne recognises the valued landscape attributes of the Mornington Peninsula and outlines the intention to prepare a localised planning statement.

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### 3.1.2 Localised Planning Statement

The Mornington Peninsula Shire Localised Planning Statement supports the Mornington Peninsula Planning Scheme and assists with implementing legislation. It is an incorporated document in the Mornington Peninsula Planning Scheme and is embedded within the State Planning Policy Framework.

The Statement aims to recognise the role and value of the Mornington Peninsula to the State of Victoria. The Mornington Peninsula is one of Melbourne's greatest assets, characterised by contained townships, a substantial and diverse local economy, and areas of national and international conservation significance.

The Localised Planning Statement is one of the key documents providing context to the preparation of this Study. Accordingly there are a number of relevant aims and strategies.

#### Integrated Planning

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.

#### Strategies:

- Maintaining and enhancing the character and role of the settlements, towns and villages on the Mornington Peninsula, both individually and as part of a hierarchy of settlements, and to effectively manage the future change.
- Conservation and enhancement of natural systems and biodiversity.
- Protecting coastal areas for their special recreational, community and conservation values.
- The Mornington Peninsula will not accommodate major population growth and the existing Urban Growth Boundary and Green Wedge rural area will be maintained.
- Urban development, including residential and low density residential development in whatever form, will be limited to areas within the Urban Growth Boundary.
- The establishment of a strong and consistent overall policy framework for future land use and development is essential, including the use of mandatory provisions and standards where necessary, due to the particular pressures on the Peninsula's rural landscapes, coasts, towns and villages, and the risk of unintended and unplanned change through cumulative impacts.
- Sustainability in the context of this Statement will be considered in terms of the economic, social and environmental dimensions of land use and development, and their interaction.

## Conservation of natural systems and biodiversity

### Strategies:

- Planning for the coast will recognise that this is an inherently dynamic environment, and that it is important to clearly identify the role and function of different sections of the coast, consistent with the environmental capacity of different areas.
- Maintenance of environmental quality and protection against pollution and degradation of every description will be primary considerations.
- Planning for the area will take into account information from scientific studies and other research into the area and adjacent bays and catchments.
- The proper consideration of environmental risks, including bushfire, erosion and inundation will be included in all planning decisions.
- Careful consideration of the environmental implications and other impacts of all proposed development will be carried out.

## Protecting the character and role of the settlements, towns and villages

### Strategies:

- The hierarchy of settlements on the Mornington Peninsula will be recognised and maintained, with provisions to reinforce the distinction between major activity centres and other townships through appropriate density, height and built form provisions and provisions to avoid out of centre commercial development.
- The townships of the Mornington Peninsula are expected to accommodate at most moderate and generally low levels of housing growth, with many smaller towns and villages intended to accommodate very limited further development.
- Development within the Urban Growth Boundary, whether within residential, commercial or other areas, will be of a type and scale that maintains the existing valued character of each town or settlement, or supports a change to a preferred future character that is clearly established through community consultation and the adoption of a relevant local area plan.

- The character and functions of the towns and villages will be protected and there will be no linear development between towns along the coast or expansion into the areas between townships.
- Future planning for the settlements on the Peninsula will be based on principles of good design, Integrated Local Area Planning and Environmentally Sustainable Development, and in accordance with the character, scale, role and functions of each settlement.

## Protecting landscape and cultural values

### Strategies:

- Areas of special character, beauty and significance will be designated and protected
- The character of the Peninsula's rural area, rural landscapes, coastlines and seascapes will be protected.
- All development will be designed to respect and, where possible, enhance the natural environment, the rural landscape and scenic values of the Green Wedge.

## Providing for sustainable agriculture

To recognise and protect the value of the Mornington Peninsula for agriculture and to support and encourage sustainable agricultural land use.

## Provision for recreation and tourism

To recognise and protect the recreational role of the Mornington Peninsula and to make provision for appropriate tourism based use and development.

## Planning for the port area

To ensure the appropriate use and development of the Hastings port area and adjacent hinterland

- Planning will ensure the appropriate development of the Hastings port area and adjacent hinterland.
- Planning will provide for the protection of the important values and resources of Western Port and its land catchment having regard to the importance of recreation, nature conservation and tourism.
- Residential development in the port planning area will be strictly limited and contained to selected existing township areas within the existing Urban Growth Boundary.
- Port and port related industrial development will be carefully designed to limit environmental and visual impact.



05 Crib Point Local Store

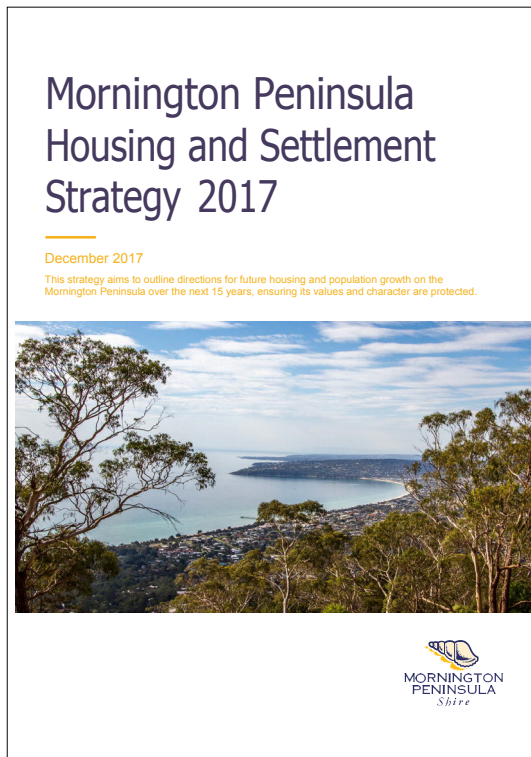


06 Balnarring Industrial Shed



04 Merricks Beach

### 3.1.3 Mornington Peninsula Housing & Settlement Strategy



07 Mornington Peninsula Housing and Settlement Strategy, 2017

This document provides the first housing strategy for Mornington Peninsula, outlining directions for future housing and population growth over the next 15 years. It includes strategies for housing growth in infill areas and new areas. The strategy recognises the unique role of the Shire in providing ‘services’ not only for its residents, but also for the Melbourne region, in terms of informal recreation, conservation and agriculture, and its potential to accommodate future port development along Western Port.

The strategy places an emphasis on maintaining the hierarchy of small and large settlements within the Shire, while ensuring future development is appropriate for these settlements. It indicates the consistency between the distribution of future housing growth with the hierarchy of centres. The strategy acknowledges the potential to increase housing diversity and supply, located within and adjacent to activity centres, while highlighting the importance of maintaining the existing low scale built-form along the coast and hinterland.

The strategy highlights the importance of the existing Design and Development Overlays (DDOs), due to the presence of density provisions in most schedules. A detailed analysis of the DDOs can be found in Appendix B.

The following ‘areas for investigation’ were identified where a review of the overlay provisions was required: Mornington (Beleura Hill), Crib Point, Bittern (Portsmouth Road), Mt Martha (Birdrock Avenue), Dromana, Mornington East, and The Avenues in Rosebud.

Additionally, the strategy indicates the need to consider introducing an Urban Growth Boundary around the urban areas of Balnarring Beach, Merricks Beach, Merricks and Point Leo.

Giving consideration to the drivers of change and the implications for the entire Peninsula, key considerations of The Strategy include:

- The role of each township in the hierarchy of townships on the Mornington Peninsula;
- The character of residential areas and the aim of promoting green neighbourhoods;
- The need to reduce exposure to environmental risks, including bushfire and potential coastal inundation and erosion that may result from climate change;
- The level and capacity of existing facilities, open space, and infrastructure;
- The ability to access facilities, services, public transport and employment.

## Key Issues

### Housing Demand & Supply

The Housing Strategy considers both the Victoria in Future (ViF) and Forecast Id housing demand projections alongside key assumptions regarding development within the Mornington Peninsula. Findings from the Strategy suggest that potential housing yield will exceed both ViF and Forecast Id demand projections.

### Managing Change & Protecting Neighbourhood Character

The Strategy identifies a number of existing neighbourhood character types including:

- **Garden** - where streetscaping elements are key landscaping features.
- **Bayside** - areas near the bays with flatter topography.
- **Coastal** - similar to bay, with a stronger land form influence.

Having regard to these character types, the Strategy advocates for the continued use of Design and Development Overlays (or equivalent local planning provisions) for the continued protection of the identified character.

## Strategic Principles

### Housing Demand & Supply

The strategic response to the unique issues surrounding development within the Mornington Peninsula outlined by the Strategy include:

- Maintain clear township boundaries.
- Utilise zones and overlays to designate expected levels of change within residential areas.
- Provide greater housing diversity within Major Activity Centres.
- Retain existing areas and precincts within the LDRZ.

## Housing Distribution Mapping

The Strategy contains Housing Distribution mapping for all residential areas, outlining the zones and overlays that will be utilised to designate growth and change. These include:

### Existing GRZ

*These residential areas, located near the major activity centres of Mornington, Rosebud and Hastings, will be retained as GRZ without subdivision provisions. Nonetheless, new Design and Development Overlay (DDO) schedules with provisions for height provisions will be introduced for Rosebud and Hastings as per the recommendations in the Rosebud and Hastings structure plans.*

### Town Centre Residential DDO

*This overlay will provide for a discretionary site density of 1 dwelling per 80 to 150 m<sup>2</sup> of effective site area and a mandatory height limit of three storeys with increased setbacks for upper storey areas. Due to the greater uncertainty regarding the density and timing of redevelopment, the potential yield from these areas has not been included in the estimated housing supply at this stage. Nonetheless, they will need to be further defined through town centre structure plans.*

### **Neighbourhood Residential Zone (NRZ) Schedule 1**

*The schedule to this zone will provide for a minimum site or lot area of 300 m<sup>2</sup> per dwelling.*

### **Neighbourhood Residential Zone (NRZ) Schedule 2**

*The zone will apply to many previously unclassified areas and the schedule would provide for a minimum site or lot area of 450 m<sup>2</sup> per dwelling. This would effectively moderate the potential for incremental infill development, enabling applications for dual occupancy development on between approximately 20% and 50% of existing lots, depending on the existing lot sizes in the area.*

### **Neighbourhood Residential Zone (NRZ)**

*This zone will apply to all General Residential Zone (GRZ) areas except those without a DDO or affected by DDO1. The proposed rezoning from GRZ to NRZ is based on housing capacity, character and a review of planning scheme provisions which together identify these areas as not suitable to adopt the role of accommodating significant new housing in otherwise established residential areas of townships. There is no need for an additional schedule to this zone because minimum site or lot area requirements will continue to be provided by the underlying DDOs.*

### **Investigation Areas**

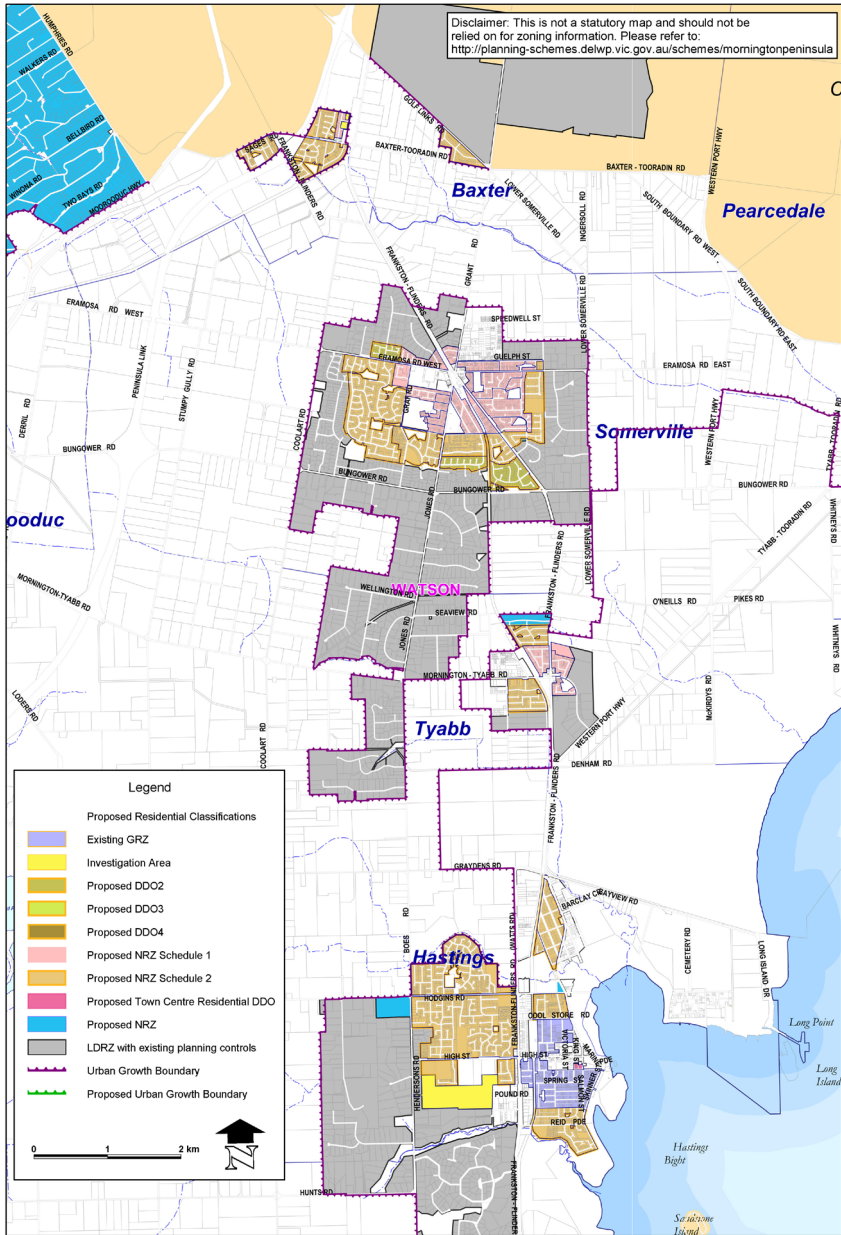
*These are areas considered to be either primarily under-developed (and/or relatively isolated) or strategically located with potential for denser development. Examples of the former are Low Density Residential Zone (LDRZ) land in Dromana, Mount Martha and Mornington, and GRZ land in Hastings, where further consideration of development options is merited. Land currently within the Industrial 3 Zone on Creswell Street, Crib Point is another example. As for the latter, the GRZ Council-owned land in Baxter is considered to have sufficient strategic justification to be included as investigation areas due to its proximity to the activity centre, railway station and major transport routes.*

### **Proposed DDO Conversions or New DDOs**

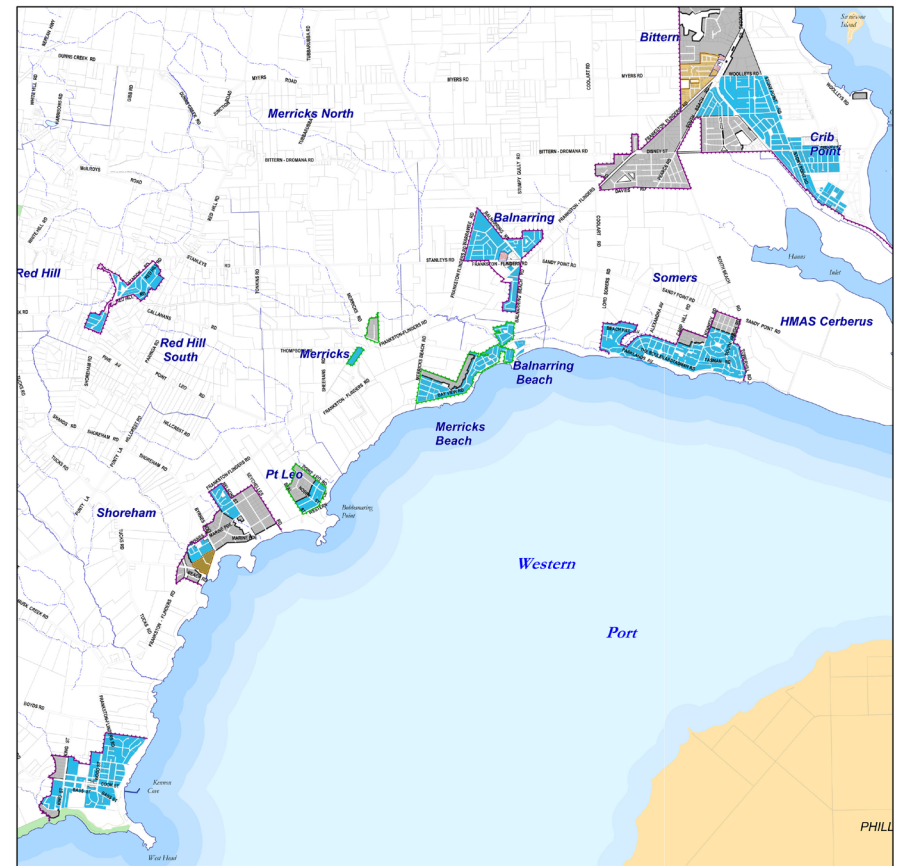
*These are conversions from an existing DDO to another or applications of a DDO to areas currently without one. The existing provisions of the areas identified here are considered inadequate in terms of reflecting the existing conditions and protecting the character of the areas. This includes areas of low density subdivision in Portsea, land on the eastern edge of Mornington and land adjoining Bayvista Rise in Somerville.*

### **Proposed Urban Growth Boundary (UGB)**

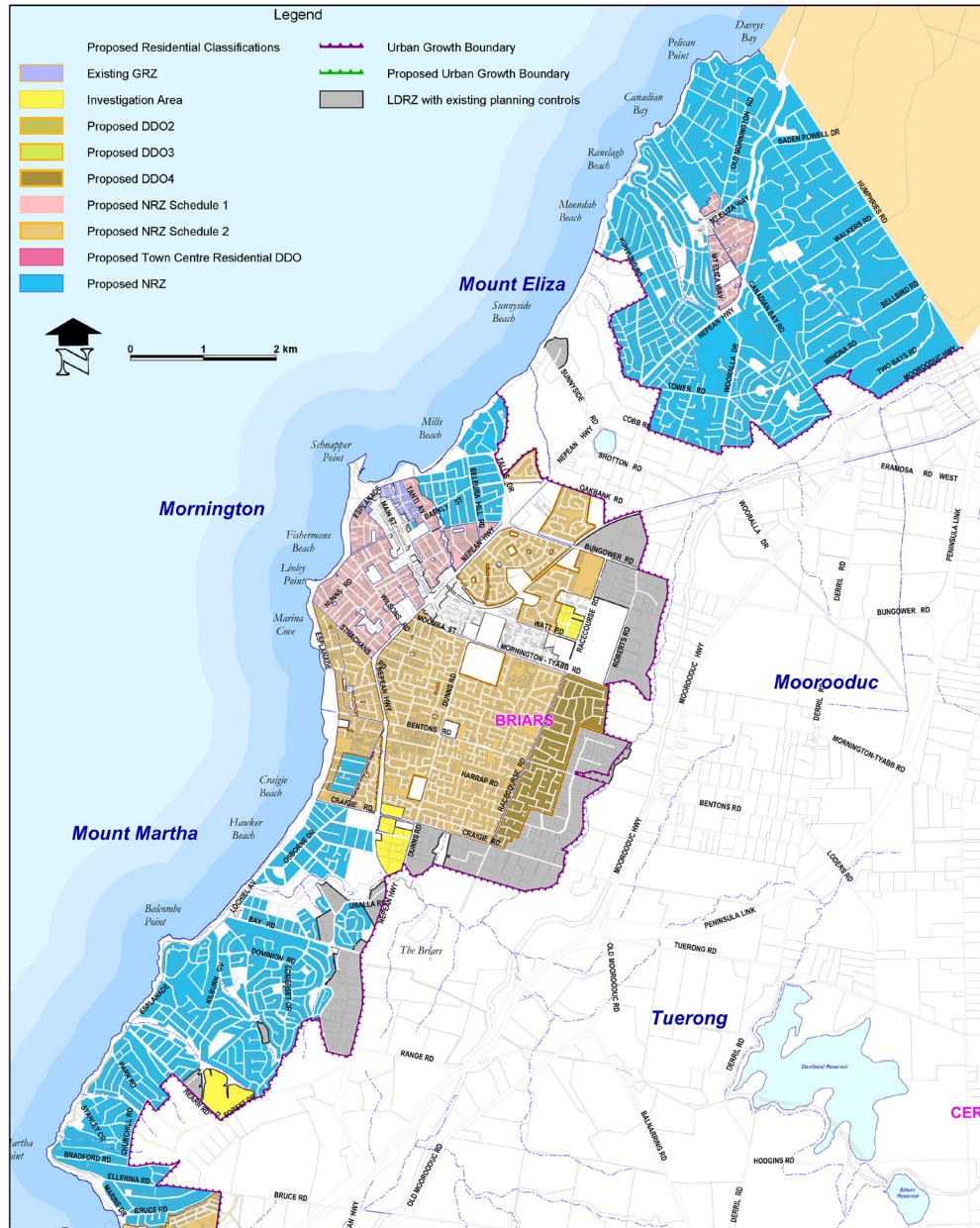
*This proposal attempts to fix the anomaly arising from the absence of an UGB around the urban areas, i.e. GRZ and LDRZ, of Balnarring Beach, Merricks Beach, Merricks and Point Leo.*



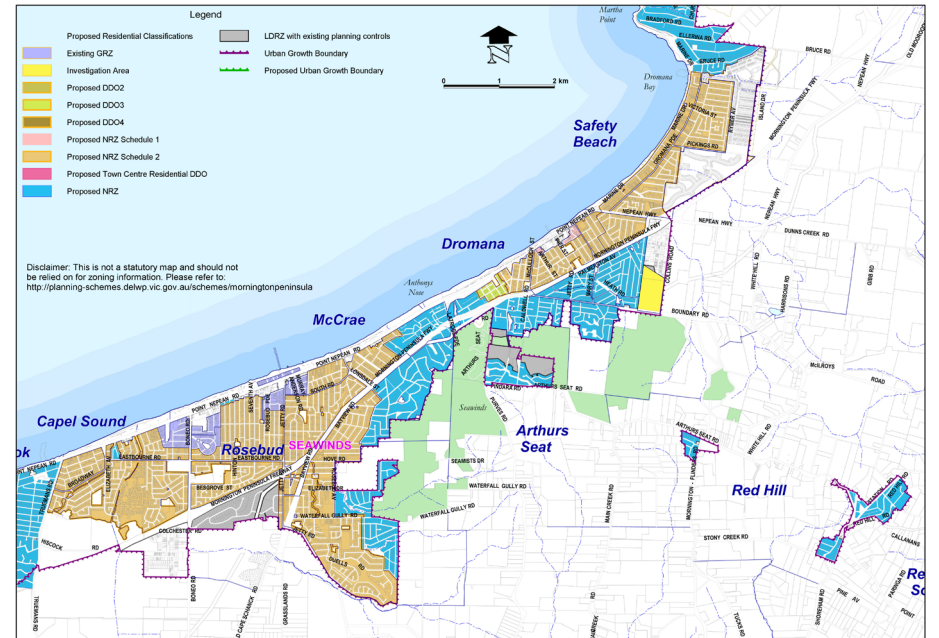
08 Mornington Peninsula Housing and Settlement Strategy Map, 2017



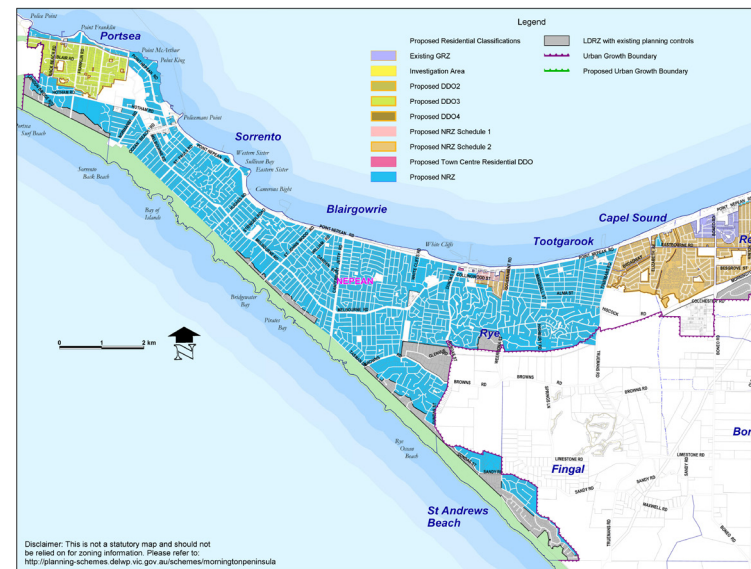
09 Mornington Peninsula Housing and Settlement Strategy Map, 2017



10 Mornington Peninsula Housing and Settlement Strategy Map, 2017



11 Mornington Peninsula Housing and Settlement Strategy Map, 2017



12 Mornington Peninsula Housing and Settlement Strategy Map, 2017

## 3.2 Planning Policy Framework & Local Planning Policy Framework

### 3.2.1 Planning Policy Framework

#### Implications

As outlined in the following section, the Planning Policy Framework of the Mornington Peninsula seeks to provide guidance to future development within the shire, with a number of policies relating to built form issues, including neighbourhood character.

A key issue emerging from this review is that there is no specific local policy for neighbourhood character within the Planning Policy Framework. As a result, there are no clear descriptions of preferred character for Mornington Peninsula townships.

Similarly, Planning Zones in the Mornington Peninsula are not tailored to address the Shire's unique built form, instead relying on standard ResCode schedules that do not provide for built form controls that are appropriate to the context of the Mornington Peninsula.

This highlights significant gaps in the existing Planning Policy Framework that the Neighbourhood Character study will seek to address.

#### Smart Planning

Smart Planning has introduced Amendments VC142 and VC148 to all Victorian Planning Schemes which restructure the Victorian Planning Provisions (VPP), and support the future translation of Local Planning Policy (LPPFs) into the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF). In the future, the PPF will have a new 3-tier integrated policy structure, new and updated policy themes and integration of regional policy, rather than separate State, Regional and Local sections.

The Mornington Peninsula Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) remain in the interim, but eventually these will be included in the new Municipal Planning Strategy and PPF.

#### Clause 11 Settlement

Clause 11 ensures that planning anticipates and responds to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Key settlement strategies relevant to this study include:

- **Green wedges - Metropolitan Melbourne (11.01-1R)** protects the green wedges of Metropolitan Melbourne from inappropriate development and identifies the Shire as an important agricultural area.
- **Sequencing of Development (11.02-3S)** aims to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.
- **Coastal Settlement (11.03-4S)** aims to plan for sustainable coastal development by managing coastal population growth to prevent unsustainable use of coastal resources.
- **Distinctive areas and landscapes (11.03-5S)** aims to protect and enhance the valued attributes of identified distinctive areas and landscapes, with the strategy to develop a Localised Planning Statement for the Mornington Peninsula and **Regional and local places (11.03-6S)** which aims to facilitate integrated place-based planning.

## Clause 12 Environmental and Landscape Values

This Clause identifies the need to protect the health of ecological systems, as well as the biodiversity that they support. Particular emphasis is placed on the role of planning to protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value. A number of policies at Clause 12 are relevant, including:

- **Native vegetation management (12.01-2S)** ensures there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- **Coastal areas (12.02)** seeks to recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.
- **Water Bodies and Wetlands (12.03)** aims to protect and enhance river corridors, waterways, lakes and wetlands.
- **Significant Environments and Landscapes (12.05)** seeks to protect and conserve environmentally sensitive areas.

## Clause 13 Environmental Risks and Amenity

This Clause addresses the importance of strengthening the resilience and safety of communities through best practice environmental management. This includes avoiding or minimising natural and human-made environmental hazards. There is also a clear direction outlined within this Clause to prepare for and respond to the impacts of climate change. In particular, the SPPF provides policy for:

- **Natural Hazards and Climate Change (13.01-1S)** seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning and **Coastal inundation and erosion (13.01-2S)** which aims to plan for and manage the potential coastal impacts of climate change.
- **Bushfire Planning (13.02-1S)** aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of

human life.

- **Soil Degradation (13.04)** includes the sub-clause, **Erosion and landslip (13.04-2S)** to protect areas prone to erosion, landslip or other land degradation processes.

### Clause 14 Natural Resource Management

Clause 14 aims to assist in the conservation and wise use of natural resources, including agricultural land. Key strategies to achieve this include protection of productive farmland and to encourage sustainable agricultural land use.

### Clause 15 Built Environment and Heritage

This Clause recognises the role of urban design, building design and heritage in delivering liveable and sustainable cities, towns and neighbourhoods. A number of policies at Clause 15 are relevant, including:

- **Building Environment (15.01)** provides a number of sub-clauses and outlines a range of objectives relating to building design, subdivision design, built environment, healthy neighbourhoods, neighbourhood character and urban design.
- **Sustainable Development (15.02)**

encourages land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

- **Heritage (15.03)** aims to conserve and protect the local heritage. This includes **Clause 15.03-1** Heritage Conservation and **Clause 15.03-2** Aboriginal Cultural Heritage.

### Clause 16 Housing

This Clause aims to provide for housing diversity and ensure provision of supporting infrastructure. Key housing strategies relevant to this study include:

- **Residential Development (16.01)** outlines key objectives relating to integrated housing, housing diversity and housing affordability. Key strategies to achieve these objectives include:
  - Increasing the supply of housing in existing areas by facilitating increased housing yield in appropriate locations
  - Encouraging the development of well-designed medium density housing that respects neighbourhood character and improves housing choice
  - Ensuring that land supply continues to be sufficient to meet demand

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## 3.2.2 Local Planning Policy Framework

### Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) builds on provisions outlined in the PPF, providing specific guidance and direction for localities within the Shire of Mornington Peninsula Shire. Following the introduction of the PPF with Amendment VC148, LPPF content will be eventually translated into the PPF.

### Municipal Strategic Statement

The Municipal Strategic Statement (MSS) outlines a number of objectives and strategies relating to various land use and development themes including, settlement, open space, rural areas, foreshore and coastal areas, built environment, heritage and housing. It recognises the key issues relating to each theme and provides policy directions and objectives. Of particular relevance are the following clauses.

**Mornington Peninsula Strategic Framework Plan (Clause 21.04)** provides a framework for balanced development and sustainable land use on the Peninsula. It aims to maintain the long term economic, social and environmental values that been identified in the LPPF. The aim of the framework is to define a positive role for each area of the Peninsula having regards to the particular characteristics of each area and the full range of the community's needs and values.

The plan indicates a basic land use structure consisting of:

- Townships
- Coastlines and foreshores
- Rural areas
- Port development areas.

Planning for each of these areas requires consideration of social, economic and environmental dimensions as well as acknowledgement of major strategic directions which are also identified in the Strategic Framework Plan.

**Guiding Future Township Development (Clause 21.07)** recognises that the Shire's towns and villages provide for many of the social and economic needs of the community. Planning of the townships will have a critical influence on environmental outcomes. Planning for these townships requires a range of factors to be considered and include:

- Housing and integrated local area planning
- Local area character
- Activity Centres
- Industrial areas

The hierarchy of activity centres is shown in Figure 1.

### Foreshores and Coastal Areas (Clause 21.08)

acknowledges the Shire is surrounded on three sides by coastlines that substantially define the character of the Peninsula. Many of the coastal areas are environmentally sensitive and contain unique landforms and diverse species of flora and fauna. The coastal areas also have rich cultural and scenic value.

The objectives of this policy are to:

- To protect and enhance the natural ecosystems and landscapes of the coast for the benefit and enjoyment of present and future generations and;
- To achieve coordinated development of public and private facilities that increases the sustainable social, economic and recreational value of the coast and foreshore to the community.

These objectives are to be implemented with zones and overlays, policy and the exercise of discretion.

## Local Policies

Mornington Peninsula Shire's Local Planning Policies provide policy provide guidance on a number of built form issues including heritage and neighbourhood character. These policies include:

**Heritage Places and Abutting Land (Clause 22.04)** applies to any application for use or development of land that is within, partly within or abutting a Heritage Overlay.

**Aboriginal Cultural Heritage (Clause 22.05)** applies to all land. The policy acknowledges that the Peninsula was mainly occupied by the Bunurong people prior to the arrival of European settlers. Sites and objects demonstrating former Aboriginal occupation of the land can be found throughout the Mornington Peninsula, particularly in coastal areas. These sites and objects have cultural, educational and archaeological significance for the local Aboriginal community and the broader community.

The clause outlines important objectives and policy directions for the protection of Aboriginal Cultural Heritage within the Mornington Peninsula.

**Mornington Peninsula Fire Protection Policy (Clause 22.11)** applies to all land. The policy seeks to ensure that development includes fire protection measures that relate to the level of risk in the area.

Clause 22.11 outlines important objectives and policy directions for protection against fire. Areas include:

- Residential, industrial and business areas
- Rural living and rural and areas.

**Non-residential uses in Residential Zones (Clause 22.12)** applies to all land in the Residential 1 Zone and Low Density Residential Zone. This policy builds on the SPPF and LPPF, in particular Clause 21.07 Guiding future township development. Clause 22.12 is based on an understanding that it is essential for non-residential uses in residential areas to be carefully assessed and regulated so they will not prejudice, either by themselves or through incremental change, the implementation of policies. The policy outlines important objectives and policy directions for the protection of residential areas.

**Township Environment (Clause 22.13)** applies to all land within the Residential 1 Zone, Low Density Residential Zone, Business 1, 4 and 5 Zones and Industrial 1 and 3 Zone and to all other land within the township areas of the Mornington Peninsula.

**Mornington Peninsula Land Units (Clause 22.1)** applies to all land covered by the Environmental Significance Overlay. This policy outlines key objectives that aim to promote sustainable use and development of rural land, and to maintain and conserve environmental systems.

**Sorrento Historic Precinct Policy (22.17)** applies to all land designated HO1 and aims to recognise the significant character of Sorrento that is of high value to residents and visitors alike. This policy addresses issues including landscape, views and vistas, and ensuring that development is complementary to the existing character of the precinct.

**Mornington North Policy (22.21)** applies to all land in the Mornington North Policy Area. This policy supports the vision for Mornington North to be a clearly defined low-density residential area and urban residential area.

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### 3.2.3 Zones

#### Residential

The predominant residential zoning within the study area is the **General Residential Zone (GRZ)**. Typical housing development with the GRZ includes single detached dwellings, with the occasional unit complex closer to town centres.

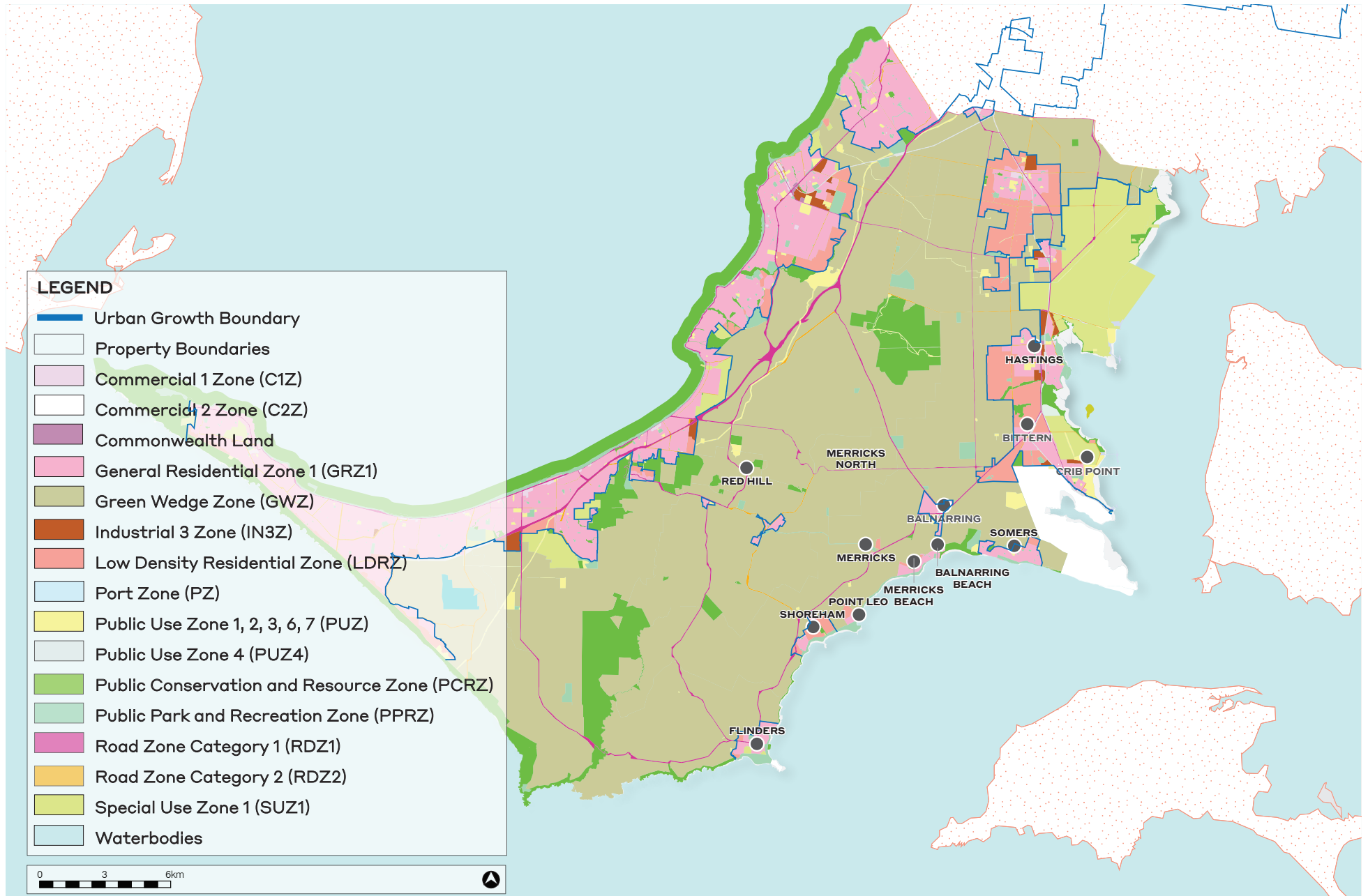
The **Low Density Residential Zone (LDRZ)** applies generally to areas on the periphery of the existing GRZ land. Typically the LDRZ provides for low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. Typical housing development includes single storey detached dwellings.

#### Mixed Use

The **Mixed Use Zone (MUZ)** applies to a one parcel within the Mornington town centre. The MUZ provides for a range of residential, commercial and industrial uses that complement mixed-use functionality.

#### Environment

Outside of the Urban Growth Boundary, a large proportion of the Mornington Peninsula is zoned **Green Wedge (GWZ)** and provides for agricultural uses and for conservation purposes, limiting non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot be located in urban areas for amenity or other reasons.



Mornington Peninsula Planning Scheme (2019)

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### 3.2.4 Overlays

#### Environmental and Landscape

The **Vegetation Protection Overlay (VPO)** is designed to protect areas of significant vegetation within Mornington Peninsula and to ensure development minimises the loss of vegetation. It is also used to recognise vegetation areas as places of special significance, natural beauty, interest and importance.

The VPO identifies the following features within the Mornington Peninsula:

- **VPO1:** Township Vegetation
- **VPO2:** Significant Treelines

Each schedule presents a statement of the nature and significance of vegetation to be protected and objectives that help protect, maintain and conserve those features.

#### Heritage and Built Form

The Heritage Overlay (HO) seeks to conserve and enhance heritage places of natural or cultural significance and to ensure development does not adversely affect the significance of heritage places.

Many sites included within the Heritage Overlay are related to Aboriginal cultural heritage significance and the Mornington Peninsula's history as Victoria's first European settlement, which is evident in the presence of homesteads and cottages throughout the Shire.

The **Design and Development Overlay (DDO)** applies design requirements to achieve specific design and built form outcomes.

There are 28 individual Schedules to the DDO that apply across the Shire.

As identified in the *Mornington Peninsula Housing and Settlement Strategy 2017*, the first seven DDOs effectively form a character typology that is applied to various residential areas on the Peninsula. The existing DDOs set out design objectives in various areas and include mandatory subdivision and development density provisions, mandatory building height provisions, site coverage in some cases, and other siting design requirements. These DDOs include are shown adjacent in Table 2.

The **Development Plan Overlay (DPO)** identifies areas that require future use and development to be outlined on a development plan, before a permit can be granted.

The DPO applies to land in across many of the Peninsula's townships including Hastings, Mornington, Mount Martha, Bittern, and Rosebud.

#### Other

The **Restructure Overlay (RO)** is designed to identify old and inappropriate subdivisions which are to be restructured. They also act to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

The RO applies to nine areas throughout the Mornington Peninsula, including:

- **RO1:** Bittern Crib Point Restructure Plan, April 2013
- **RO2:** Naval Base Estate Restructure Plan, March 2012
- **RO3:** Disney Street Industrial Restructure Plan, April 2004
- **RO4:** Creswell Street Restructure Plan, October 2009
- **RO5:** Hastings Business 4 Restructure Plan, 2009
- **RO6:** Hellicars Road Estate Restructure Plan, April 2004
- **RO7:** Arthurs Seat Restructure Plan, March 2004
- **RO8:** St Andrews Beach Restructure Plan, March 2012
- **RO9:** Bungower Road Area Restructure Plan, December 2011

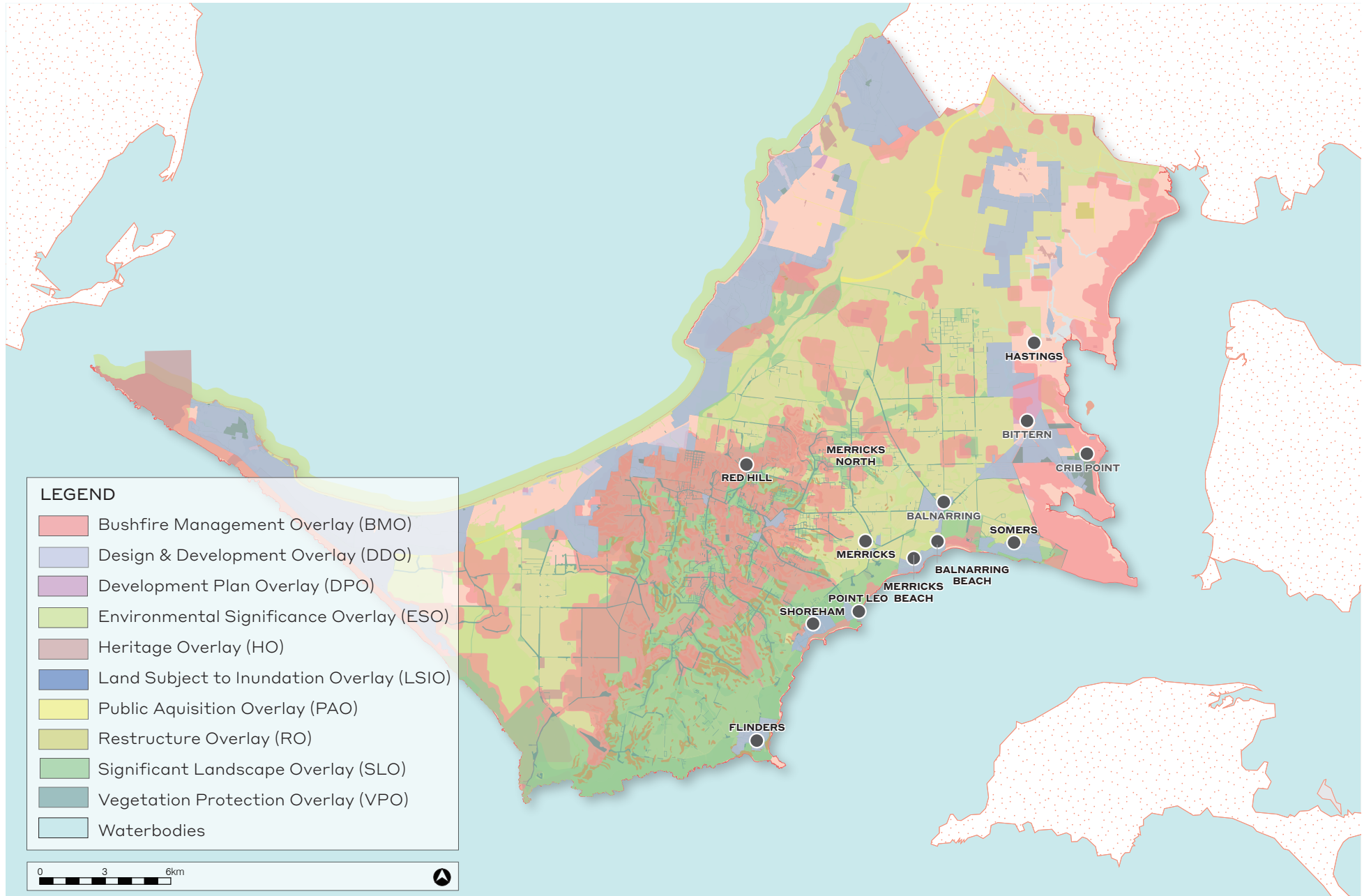
**Table 2 – Relevant DDOs**

Schedule	Requirements
DDO1: Township Design	Includes township areas adjacent to foreshore / coast; no specified minimum lot size but includes height provisions; permit required for building over 6m (maximum 10m or 2 storeys).
DDO2: Bayside and Village Design	Requires a minimum lot size of 1,300 sqm (with provision to consider dual occupancy on lots of 1,300 sqm); includes a maximum height limit of 8m or 2 storeys.
DDO3: Coast and Landscape Design	Minimum lot area of new subdivision of 1,500 sqm, includes a maximum height limit of 8m or 2 storeys.
DDO4: Environmental Design	Minimum lot area in new subdivision generally between 2,000 - 5,000 sqm; includes a maximum height limit of 2 storeys.
DDO5: Low Density - Wildcoast Protection Area	Minimum lot size of 5,000 sqm; includes a maximum height limit of 8m or 2 storeys.
DDO6: Low Density - Landscape	Minimum average lot size of 1 hectare; includes building height provisions; requires approval over 8m or 2 storeys.
DDO7: Low Density - Environmental	Minimum average lot size of 2 hectares; includes building height provisions; requires approval over 8m or 2 storeys.

In addition, there are several DDOs which apply to specific areas. Those relevant to this study include:

**Table 3 – Relevant DDOs**

Schedule	Requirements
DDO14: Flinders Village Centre	Applies to frontages along Cook Street; includes a max height limit of 8.5m or 2 storeys.
DDO15: Shoreham Village Centre	Reinforces the scale and character of the Shoreham Village Centre; includes a max building height of 8.5m or 2 storeys.
DDO19: Bittern and Crib Point Township Residential Area	Sets out mandatory requirements for the design and siting of new development; includes minimum street setbacks, building heights, site coverage and permeability, significant trees/landscaping, POS, design detail, fence height and number of dwellings.
DDO20: Crib Point Town Centre Residential Area	Sets out mandatory requirements for the design and siting of new development; includes neighbourhood character, street integration, minimum street setbacks, building heights, site coverage and permeability, significant trees/landscaping, POS, design detail, fence height and number of dwellings.
DDO21: Crib Point Town Centre	Applies to new development in the Crib Point town centre; includes a max height limit of 8.5m or 2 storeys.



Mornington Peninsula Planning Scheme (2019)

### 3.3 Planning Scheme Amendments

#### Implications

Amendment VC110 has a significant effect on future development within residential land zoned as General Residential 1.

The introduction of mandatory garden area requirements ensures that future development is more in line with the character of many of the peninsulas residential areas.

Specifically, the Garden Area requirements allow for the increased planting of vegetation including large canopy trees, and result in increased setbacks and less development being built to boundary.

Amendment C219 would also have a significant impact on future development across many of the Shire's townships, with the proposed NRZ clearly defining areas of limited development and growth.

These amendments, along with the future outcomes from the Neighbourhood Character Study, will assist in closing existing policy gaps relating to the preservation Neighbourhood Character on the Mornington Peninsula.

#### Reformed Residential Zones

The Victorian Government has adopted Planning Scheme Amendment VC110, implementing reforms to its suite of residential zones across every planning scheme. These changes were made applicable from 2017. This is a summary of the relevant changes.

##### General Residential Zone (GRZ)

- A schedule may contain neighbourhood character objectives to be achieved for the area.
- Introduce mandatory garden area requirement.
- Subdivision that creates a vacant lot less than 400sqm must contain a minimum garden area of at least 25% (unless an approved precinct structure plan applies).
- Default mandatory height of 11m, and must contain no more than 3 storeys at any point (excluding basement).
- Some exemptions to this maximum height requirement and the height can be varied in schedule to the zone (see 'Building Height Exemptions' over the page).
- Provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit).
- Introduce 'building height if land is subject to

inundation' section to allow building height to be measured from finished floor level (FFL).

- Transitional provisions for garden area and maximum building height for existing buildings, permits approved before VC110 was approved (27.03.2017), and building permits already approved.

##### Neighbourhood Residential Zone (NRZ)

- Reference to 'limit opportunities for increased residential development', and 'implement neighbourhood character policy' removed from purpose of the NRZ.
- Introduce mandatory garden area requirement.
- A schedule must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.
- Subdivision that creates a vacant lot less than 400sqm must contain a minimum garden area of at least 25% (unless an approved precinct structure plan applies).
- Delete minimum number of dwellings on a lot provision.
- Default mandatory height of 9m, and must

contain no more than 2 storeys at any point (excluding basement).

- Some exemptions to this maximum height requirement and the height can be varied in schedule to the zone (see 'Building Height Exemptions' over the page).
- These provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit).
- Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL).

### Mandatory Minimum 'Garden Area'

The biggest change affecting the GRZ and NRZ is introduction of a mandatory 'garden area' requirement based on a percentage of specified lot sizes:

Table 4 – Garden Area

Lot Size	Min. % of lot set aside as Garden Area
400-500sqm	25%
501-650sqm	30%
650sqm +	35%

This provision is intended to apply to single dwellings, two or more dwellings on a lot, or subdivision of land. This requirement applies whether or not a planning permit is required for the construction or extension of a dwelling. It will apply to development on single lots through the building regulations and will be enforced by the relevant building surveyor (including private building surveyors). This is also the case in instances where a planning permit is required.

The definition for 'garden area' is:

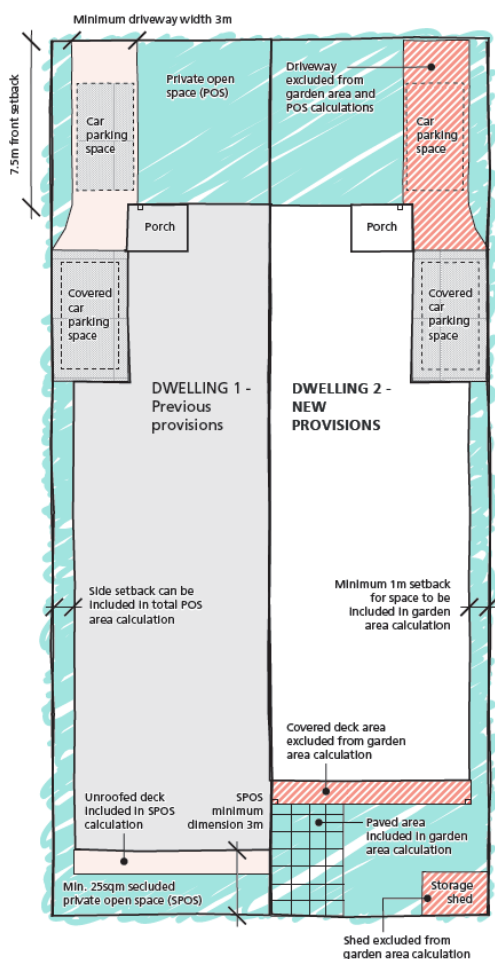
*Any area on a lot with a minimum dimension of 1 metre that does not include: a) a dwelling or residential building, except for: an eave, fascia or gutter that does not exceed a total width of*

*600mm; a pergola; unroofed terraces, patios, decks, steps or landings less than 800mm in height; a basement that does not project above ground level; any outbuilding that does not exceed a gross floor area of 10 square metres; and domestic services normal to a dwelling or residential building; b) a driveway; or c) an area set aside for car parking. Where a council has private open space requirements in a residential zone schedule, the most restrictive (i.e. the highest requirement) will apply.*

All other Clause 54, 55 and 56 requirements relating to site coverage, permeability and private open space will also still apply.

### Example: Garden Area Requirements

Figure 14 compares the previous minimum private open space requirements and resulting ground floor building footprint for a single dwelling on a 400sqm lot with the new provision and garden area requirements (25%).



### Amendment VC143

The following changes to the garden area provision were included within VC143:

- **Clause 32.08-4** - Enables an area to be exempt from the minimum garden area requirement through a schedule to a Zone.
- **Clause 32.08-3 & 32.09-3** - Excludes the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement and clarifies that the minimum garden area requirement does not apply to:
  - a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan
  - a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan
  - a vacant lot less than 400 square metres where there is an approved residential development
- **Clause 32.08-4 & 32.09-4** - Removing the minimum garden area requirement from applying to the construction or extension of a dwelling or residential building where a planning permit is not required, removing the reference to garden area being required to be provided at

ground level and clarifying that minimum garden area does not apply to:

- a medium density housing site in an approved precinct structure plan or equivalent strategic plan
- a medium density housing site in an incorporated plan or approved development plan
- an existing building that did not meet the minimum garden area requirement prior to the approval of Amendment VC110

13 Garden Area Diagram

# DRAFT

## Summary of Zone Changes

The table below outlines the key changes to the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ):

<b>Provision</b>	<b>RGZ</b>	<b>GRZ</b>	<b>NRZ</b>
<b>Purpose</b>	Include reference to 'town centres' where housing diversity should be offered 'Residential development achieves design objectives specified in a schedule to the zone'	Delete 'implement neighbourhood character policy' Change 'provide a diversity of housing types and housing growth' to 'encourage a diversity..'	Delete reference to 'limit opportunities for increased residential development' Delete 'implement neighbourhood character policy'
<b>Design &amp; Neighbourhood Character Objectives</b>	Must contain design objectives to be achieved for the area.	May contain neighbourhood character objectives to be achieved for the area	Must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.
<b>Subdivision</b>	N/A	A new vacant lot less than 400sqm must contain a minimum garden area of at least 25% of the lot (unless an approved precinct structure plan or equivalent strategic plan applies)	
<b>Minimum Garden Area</b>	Minimum Garden Area does not apply	Introduce mandatory garden area requirement as above Provisions apply regardless of whether a planning permit is triggered under the zone (i.e. to a building permit)	
<b>Maximum Building Height</b>	Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)	Mandatory height of 11m Must contain no more than 3 storeys at any point (excluding basement) Provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit) Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)	Mandatory height of 9m Must contain no more than 2 storeys at any point (excluding basement). Provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit) Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)
<b>Number of Dwellings on a Lot</b>	N/A	N/A	No maximum number of dwellings specified.
<b>Transitional Provisions</b>	No transitional provisions. All current applications must comply	Minimum garden requirement, maximum building height and number of storeys do not apply to proposals from before the approval date of VC110, if: <ul style="list-style-type: none"> <li>Dwellings/residential buildings are already being constructed</li> <li>Permit application already lodged for the construction/extension of a dwelling/residential building</li> <li>A planning permit was not required but a building permit was already issued, a building surveyor already appointed to issue a building permit, or a building surveyor is satisfied and certifies in writing that the construction/extension of a dwelling /residential building has been substantially completed</li> </ul>	

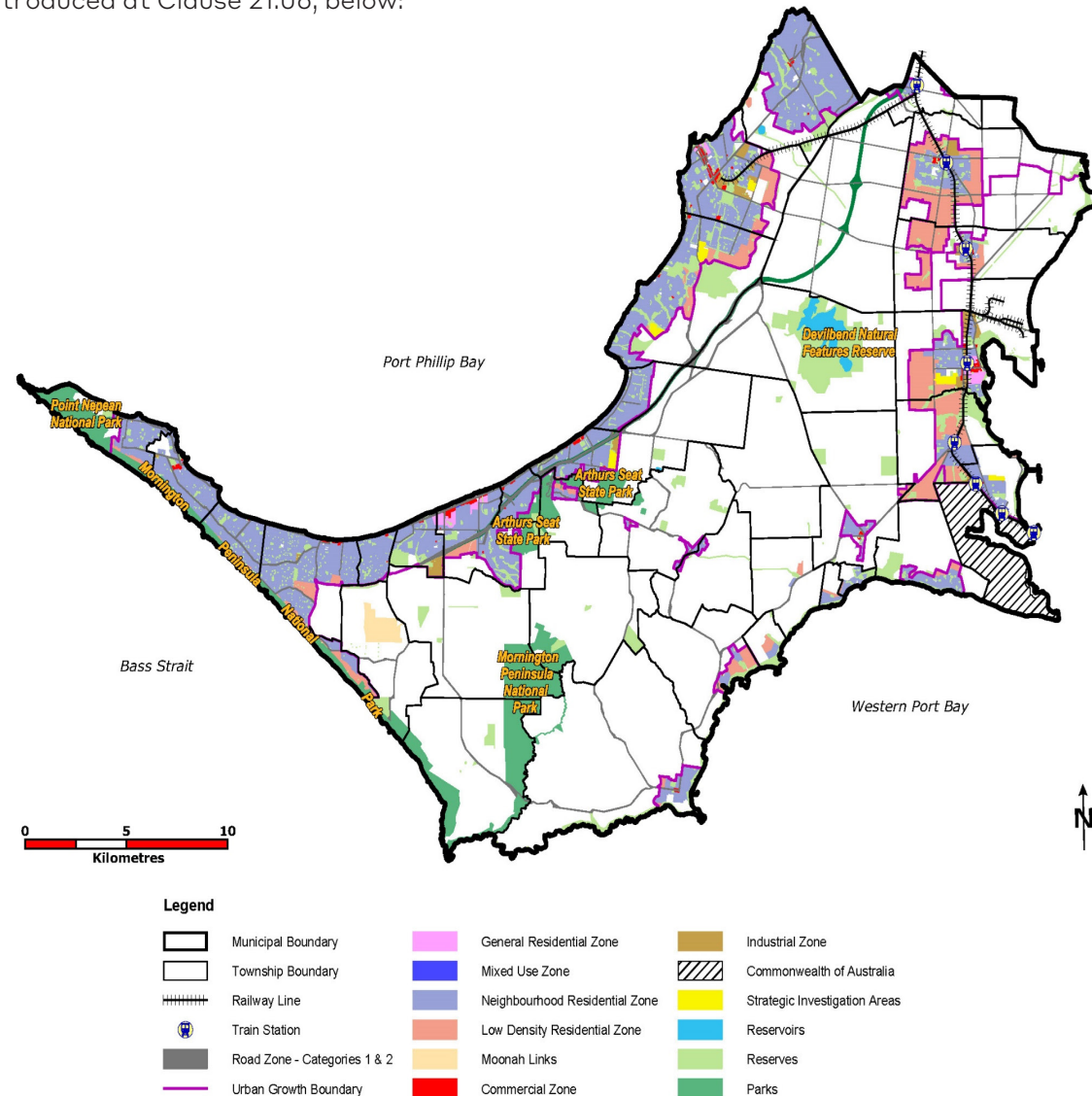
## Amendment C219

Amendment C219 (proposed to be introduced) implements a key recommendation of the Mornington Peninsula Housing and Settlement Strategy (MPSC, 2017) to introduce the Neighbourhood Residential Zone (NRZ) to the Mornington Peninsula Planning Scheme (MPPS).

The Amendment:

- Introduces and applies three new NRZ schedules to all areas currently zoned General Residential 1 (GRZ1), except select areas within the Mornington, Rosebud and Hastings Major Activity Centres;
- Amends the Municipal Strategic Statement (MSS) to update content regarding population growth, demographic change and residential growth as derived from the HSS;
- Amends two local planning policies to correct zoning reference errors;
- Removes schedule 1 to the Design and Development Overlay (DDO) from areas to be zoned NRZ, as the maximum building height provisions of this schedule exceed those of the NRZ;
- Amends various DDO schedules and associated planning scheme maps to delete provisions that either duplicate exemptions, or exceed the maximum building height prescribed by the NRZ;
- Removes various Development Plan Overlay (DPO) schedules from the Planning Scheme as the development plans approved under these schedules have been implemented;

An overall Housing Framework Plan is proposed to be introduced at Clause 21.06, below:



Of particular note is the deletion of mandatory height exemptions contained within ten schedules to Clause 43.02.

The following DDOs in Table 5 are amended to remove provisions that either duplicate exemptions, or exceed the maximum building height of 9 metres and 2 storeys prescribed by the NRZ.

The DDO1 (Township Design) is removed from all areas to be rezoned NRZ as the DDO1 has a mandatory maximum building height of 10 metres and two storeys which exceeds the NRZ maximum building height of 9 metres.

DDO1 is to remain only on those areas zoned GRZ1 within the Mornington, Rosebud and Hastings Major Activity Centres where building heights in excess of 8 metres may be acceptable.

It is noted that the planning scheme amendment is awaiting approval from the Minister for Planning for exhibition.

**Table 5 – DDOs Amended to Remove Provisions**

DDOs*	Mandatory height exemption to be removed
DDO2, DDO3, DDO4	Building height restrictions to land north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street, but only if the building is 2 storeys or less above natural ground level
DD023	A minor extension or alteration to a lawfully existing building where the proposed maximum building height would not exceed the existing building height
DDO2, DDO3, DDO4, DDO5, DDO17, DDO18, DDO19, DDO20, DDO24	Alteration to or extension of a lawfully existing building but only if all of the following requirements are met: <ul style="list-style-type: none"> <li>The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.</li> <li>The maximum building height of the existing building is not exceeded.</li> <li>The external bulk of the existing building is not significantly increased.</li> <li>The footprint of the upper storey, existing at the approval date, is not increased by more than 10%</li> </ul>

\* DDO2 (Bayside And Village Design), DDO3 (Coastal And Landscape Design), DDO4 (Environmental Design), DDO5 (Low Density – Wildcoast Protection Area), DDO17 (Woodthorpe Estate, Rosebud West), DDO18 (Mount Eliza Woodland Area), DDO19 (Bittern And Cribb Point Township Residential Area), DDO20 (Crib Point Town Centre Residential Area), DDO23 (Hendersons – Creswell Residential Precinct), DDO24 (Beleura Hill, Mornington)

## 3.4 Local Strategy Documents

### 3.4.1 Beleura Hill Neighbourhood Character Study 2014

#### Implemented as Amendment C189

This amendment updated Clause 21.12 to insert the Beleura Hill Design Guidelines, and replaced DDO1 with DDO24 on properties within the Beleura Hill, and replaced DDO1 with DDO2 on properties in the Birdrock/ Clarkes Avenue area.

The Beleura Hill Neighbourhood Character Study (NCS) was developed to address community concerns relating to changes in built form and associated impacts on neighbourhood character.

The NCS developed a set of Urban Design Guidelines that aim to manage new developments, ensuring that they respond to the existing and preferred character of the neighbourhood.

The NCS identified issues relating to new development specific to individual precincts within the neighbourhood, which included:

#### The Esplanade

- Visual bulk of new developments
- Limited landscaping

- Decreasing backyard size

#### Creek Precinct

- Inconsistent vegetation mix presenting to streetscape
- Discontinuous and degraded nature strips
- Garages located forward of dwellings dominating streetscape

#### Beleura House Precinct

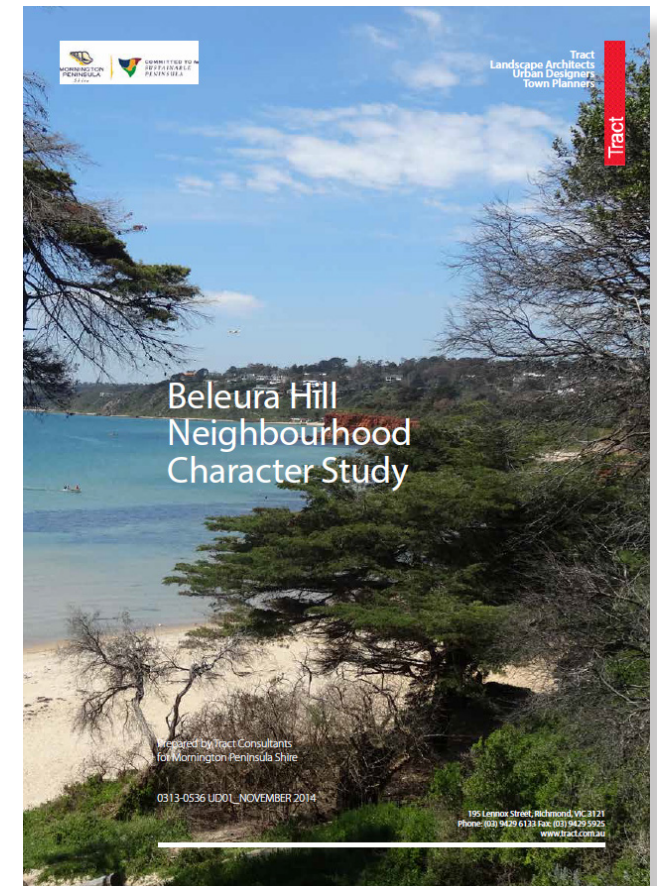
- Excessive site coverage
- Large crossovers
- Inconsistent architectural styles

#### Beleura Hill Road (South)

- Degraded nature strips
- Construction of large houses and multi unit developments
- High front fences

#### SE, SW & NW Precincts

- Excessive visual bulk of buildings due to lack of front gardens
- Excessive site coverage



14 Beleura Hill Neighbourhood Character Study 2014

### 3.4.2 Mount Eliza Woodland Neighbourhood Character Study 2006

#### Implemented as Amendment C162

This amendment introduced DDO18 to the Mount Eliza Woodland area, introducing new guidelines and restrictions to guide future development in the area. DDO18 replaced DDO4 - Environmental Design.

Significant and increasing pressure for redevelopment within Mount Eliza (including subdivision and vegetation removal) presents as a challenge for the area which has been identified by both Council and the community as having a unique landscape quality and character.

The Mount Eliza Woodland Neighbourhood Character Study (NCS) identifies key characteristics of the area, ensuring that guidelines and planning provisions are in place to retain and enhance these characteristics.

The NCS identifies a number of key character issues within the precinct. These include:

#### Landscape Quality

- Established canopy tree cover is highly valued and needs to be retained, along with the existing integration between roadside vegetation and private gardens.

#### Lot Size & Spacing

- Generous lot sizes to remain a key characteristic of the area, as they primarily allow for vegetation to take visual precedence over the existing built form.

#### Environmental Sensitivity

- The study area comprises a number of environmentally sensitive areas including the Mt Eliza Escarpment and the Kooraboite Creek Environs. There are a number of opportunities to reflect the character of these environments in new developments by encouraging continuous vegetation planting.

#### Built Form

- Existing built form within the area is subordinate to the surrounding vegetation. Guidelines for built form should address siting, height and setbacks in order to retain this character. Open street frontages (or low front fences) are also integral to retaining the existing woodland character.



15 Mt Eliza Woodland Neighbourhood Character Study

### 3.4.3 Dromana Residential Investigation Areas Assessment

#### To be implemented as Amendment C219

Recommendations of the Dromana Residential Investigation Areas Assessment is proposed to be incorporated as part of future amendment C219. As outlined in the previous section, this amendment seeks to apply the recommendations of the Mornington Peninsula Housing Strategy to a number of townships across the shire.

The Dromana Residential Investigation Areas Assessment was undertaken to determine the need for additional neighbourhood character protection within the Dromana township.

Specific recommendations for key sub-precincts were developed and address a number of general issues, as follows:

#### Recommendations

- Ensuring that residential development responds to existing character, topography and setting.
  - Retaining the spacious feel of the area with consistent front setbacks and limited site coverage.
- Supporting the retention of existing vegetation.
  - Ensuring that building materials reflect the Mornington Peninsula's coastal surroundings.
- A number of recommendations were made that were specific to individual sub precincts, as follows:
- Dromana Landscape Precinct:**
- 8m / 2 storey height limit.
  - Average 1500m<sup>2</sup> subdivision size.
- Dromana Township Precinct:**
- 8m / 2 storey height limit.
  - Minimum of 1 large canopy tree.
  - Retention of 5m rear setback minimum.
- Dromana Hillside Precinct:**
- 8m / 2 storey height limit.
  - Minimum subdivision lot size of 650m<sup>2</sup>, no more than 2 dwellings for every 720m<sup>2</sup>.



**Dromana**  
Residential Investigation Areas Report

June 2018

16 Dromana Residential Areas Investigation Assessment Report

### 3.4.4 Mount Martha Investigation Area Discussion Paper 2015

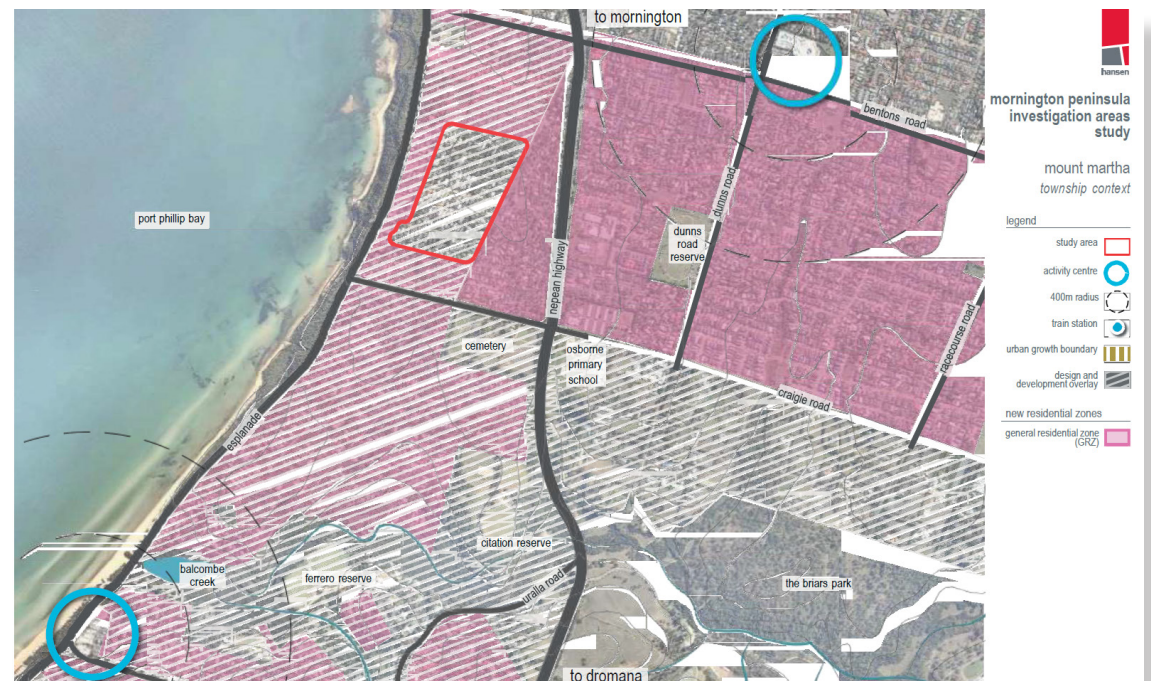
#### Amendment C189 - Incorporated as a Reference Document

The Mount Martha Investigation Area Discussion Paper provides a summary of the issues of the area, as well as a review of current planning policy.

Of particular relevance, the report investigated the neighbourhood character of the area, finding it to be dominated by public and private realm vegetation. An informal, unsealed road treatment along with a proliferation of low density dwellings further contribute to the character of this area.

The report recommends that a subdivision and or development density control should be implemented by way of a zone schedule in order to preserve the existing character of the area.

Further investigation into the rezoning of the investigation area to Neighbourhood Residential Zone is also recommended.



17 Mount Martha Township Context (Mornington Peninsula Investigation Areas Study 2015).

### 3.4.5 Hastings Town Centre Structure Plan 2017

#### Implemented as Amendment C190 (approval under consideration)

This amendment implemented the recommendations of the Hastings Town Centre Structure Plan in order to guide future land use and development within the activity centre. This amendment introduces new local policy at Clause 22.24, as well as a new DDO (DDO27) that implements 3 storey height and 11m setback controls.

This structure plan outlines the objectives, policies and actions to support the development of Hastings Town Centre over the next 15 years. This plan had been prepared alongside the Hastings South Coastal Management Plan, allowing for flexibility for potential significant changes due to opportunities provided by the development of the Port of Hastings.

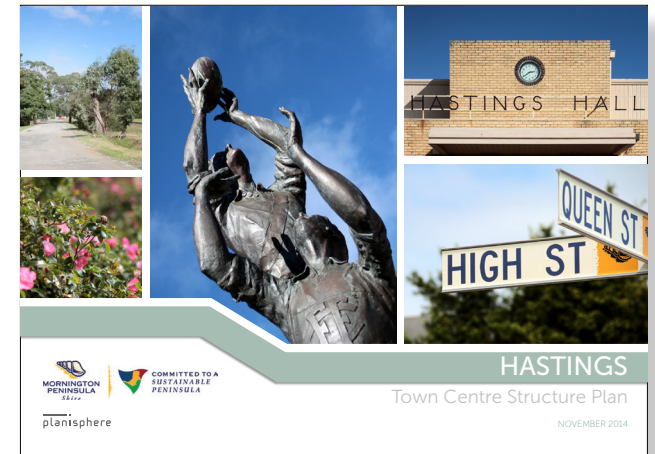
The local community has come up with the following vision for the township:

**Hastings will be the key centre for the Western Port district, providing new development opportunities, while retaining the character of a 'country town on the coast'.**

Within the planning period, population is expected to increase by 2,400 and an additional supply of approximately 1,100 new dwellings. It is expected that 500 of these dwellings will be found within the town centre together with an increase in retail/commercial floor space and tourism/recreation-base development

The strategy covers policies that relate to building heights and setbacks, heritage, built form, public space, environmentally sustainable design, safety, and an integrated transport network. Additionally, the document provides an urban design framework for three integral areas to the centre. These areas were identified to be locations where a substantial portion of the future growth may be accommodated. They include the following:

- King Street Area - the areas on both sides of King Street, between High Street and Church Street.
- The area between High Street, Marine Parade, Herring Street and Salmon Street - the 'Civic Triangle'.
- The Railway Station precinct (subject to cooperation from State Government).



18 Hastings Town Centre Structure Plan, 2014

### 3.4.6 Rosebud Major Activity Centre Structure Plan 2017

#### Implemented as Amendment C206 (approval under consideration)

This amendment implements the Rosebud Structure Plan in the form of a new Local Planning Policy at Clause 22.23 and DDO26.

The Rosebud Major Activity Centre Structure Plan was prepared to establish a long term vision for the centre as a means to provide greater certainty for residents and landowners up to the year 2030. In part, the vision is for the activity centre to:

**"Evolve into a permanent and strong sustainable community, continuing as one of the Peninsula's key seaside retreats. The key historic and cultural values in terms of its relaxed lifestyle and heritage built form and cultural assets will be protected and enhanced".**

Of most relevance to this study are the recommendations delete affecting residential land, outlined as follows:

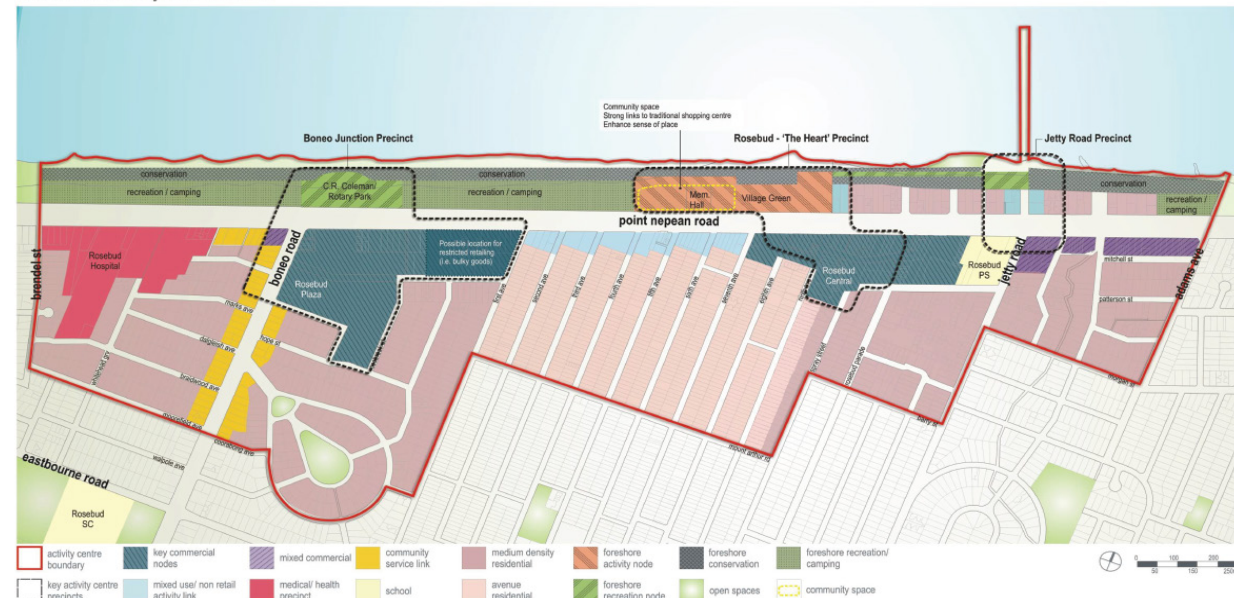
#### Land Use:

- Encouraging significant residential consolidation and choice within the centre, particularly along the Point Nepean spine and other key roads.

#### Environment:

- Protecting and enhancing linkages to the unique coastal environment setting.
- Protecting views to the activity spine and foreshore reserve.
- Protecting and enhancing the heritage assets of Rosebud, including built form elements.

Land Use and Activity Framework Plan



19 Land Use & Activity Framework Plan (Rosebud Activity Centre Structure Plan)

### 3.4.7 Mornington Activity Centre Structure Plan 2007

#### Implemented as Amendment C72

This amendment introduced DDO13 to the Mornington Activity Centre. This DDO introduces guidelines and requirements that ensure the low scale, coastal character of Mornington is enhanced.

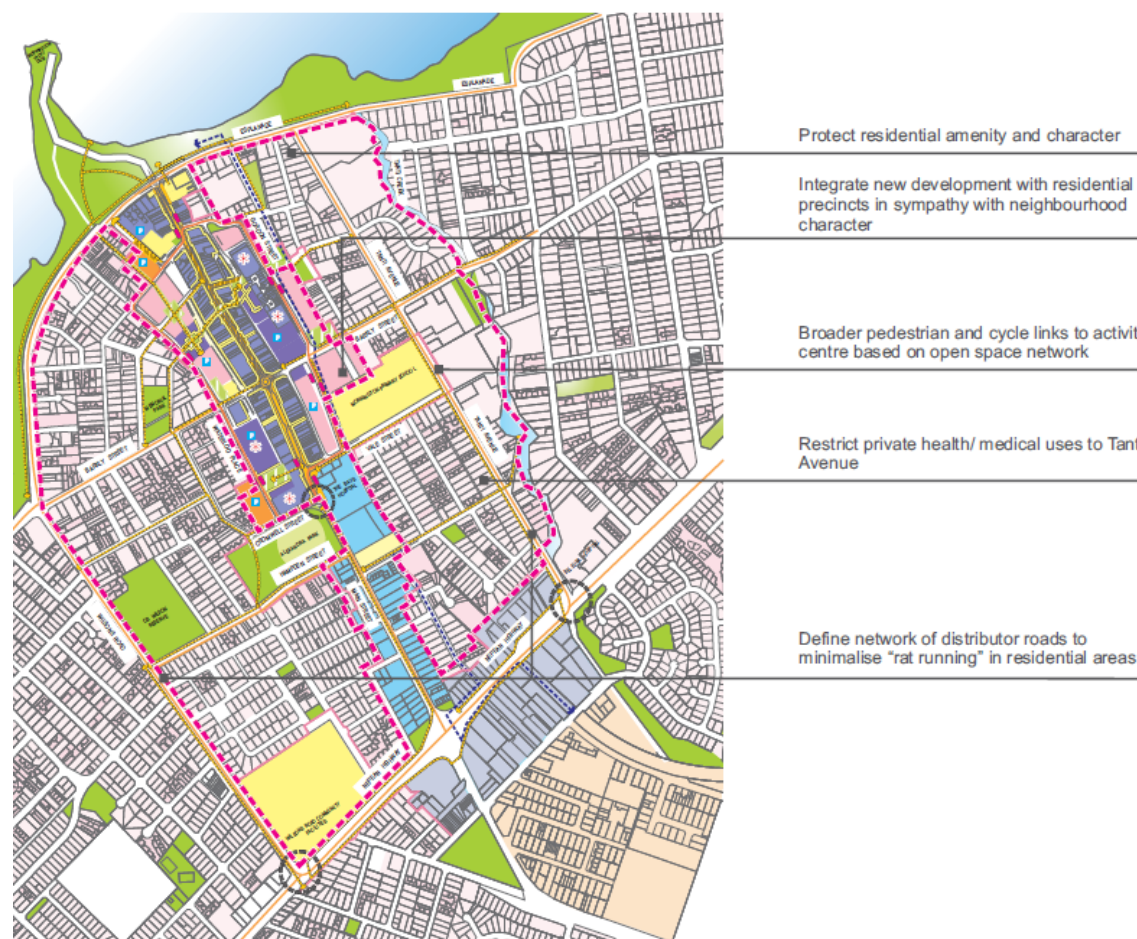
The Mornington Activity Centre Structure Plan was prepared to provide a framework to guide land use and development over a 25 year period. The Structure Plan is concerned with a number of precincts across Mornington, with the most relevant to this study being the two residential precincts east and west of the retail core.

Analysis undertaken of the two residential precincts suggests an overall decline in the prevalence of single dwelling houses and increase in multi unit dwellings.

Policy directions aimed at retaining the existing character of the two precincts include a focus on an overall integration of new development, in sympathy with existing neighbourhood character.

The Structure Plan also suggests that the low scale nature of the residential precincts are already protected via a two-storey height limit.

The Structure Plan recommended further protection of neighbourhood character and protection from undesirable spill built form over effects from the retail core.



20 Residential Precincts (Mornington Activity Centre Structure Plan 2007)

### 3.4.8 Dromana Township Project 2018

The Dromana Township Plan (specifically Part B - Residential Area Investigation) undertook an investigation of residential character in order to determine whether further neighbourhood character protection for the area was required.

The Plan divided all residential areas into a total of 6 precincts including:

- Foreshore Residential
- Vista Residential
- Parkside Residential
- Town Centre Periphery
- Curvilinear Residential
- Point Nepean Road Frontage.

Recommendations were generated for all 6 of the residential precincts, with guidelines relating to building height, preferred typology and detailed DDO provisions.

A summary of recommendations from the Plan is shown in table 20.

Precinct Name	Preferred Height	Preferred Typology	Design Controls (DDO)
1 Foreshore Residential	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> <li>• Duplexes or side-by-side dwellings to position upper level to rear.</li> </ul>	<ul style="list-style-type: none"> <li>• Dual occupancy (front-back)</li> <li>• Single storey attached duplex with opportunity for recessed upper storey element to the rear.</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling design to adopt post-war references.</li> <li>• Materials to reference coastal environs (timber, weatherboard, natural stone, muted tones).</li> <li>• Minimum 50% permeable front setback.</li> <li>• Low permeable timber fencing to a maximum height of 1.2m.</li> <li>• Encourage native landscape (including minimum 1 tree) within front setback.</li> <li>• Exposed aggregate driveways.</li> <li>• Retention of rear setback to preferred minimum of 5m.</li> </ul>
2 Vista Residential	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> <li>• Setback second floor from street to maintain open views toward bay and Arthurs Seat</li> </ul>	<ul style="list-style-type: none"> <li>• Dual occupancy (front-back)</li> <li>• Townhouses</li> </ul>	<ul style="list-style-type: none"> <li>• Materials to reference coastal environs (timber, weatherboard, natural stone, muted tones).</li> <li>• Low permeable timber fencing to a maximum height of 1.2m.</li> <li>• Roof configurations to adopt a pitched or skillion profile, discouraging flat roofs.</li> <li>• Encourage native landscape (including minimum 1 tree) within front setback.</li> <li>• Retention of rear setback to preferred minimum of 5m.</li> </ul>
3 Parkside Residential	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> </ul>	<ul style="list-style-type: none"> <li>• Dual occupancy (front-back)</li> <li>• Townhouses</li> </ul>	<ul style="list-style-type: none"> <li>• Materials to reference coastal environs (timber, weatherboard, natural stone, muted tones).</li> <li>• No fencing to street frontage or adopt a landscape setback from boundary with permeable fencing behind.</li> <li>• Roof configurations to adopt a pitched or skillion profile, discouraging flat roofs.</li> <li>• Minimum 50% permeable front setback.</li> <li>• Encourage native landscape (including minimum 1 tree) within front setback.</li> <li>• 1.5m wide landscape belt to common driveways.</li> </ul>
4 Town Centre Periphery	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> </ul>	<ul style="list-style-type: none"> <li>• Dual occupancy (front-back)</li> <li>• Townhouses</li> </ul>	<ul style="list-style-type: none"> <li>• Materials to reference coastal environs (timber, weatherboard, natural stone, muted tones).</li> <li>• Low permeable timber fencing to a maximum height of 1.2m.</li> <li>• Roof configurations to adopt a pitched or skillion profile, discouraging flat roofs.</li> <li>• Encourage native landscape (including minimum 1 tree) within front setback.</li> <li>• Maintain single crossover to the street.</li> </ul>
5 Curvilinear Residential	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> </ul>	<ul style="list-style-type: none"> <li>• Dual occupancy (front-back)</li> <li>• Villa-units</li> </ul>	<ul style="list-style-type: none"> <li>• Materials to reference coastal environs (timber, weatherboard, natural stone, muted tones).</li> <li>• Low permeable timber fencing to a maximum height of 1.2m.</li> <li>• Roof configurations to adopt a pitched or skillion profile, discouraging flat roofs.</li> <li>• Encourage native landscape (including minimum 1 tree) within front setback.</li> <li>• Minimum 50% permeable front setback.</li> <li>• Retention of rear setback to preferred minimum of 5m.</li> </ul>
6 Point Nepean Road Frontage	<ul style="list-style-type: none"> <li>• 2 storeys (9m)</li> </ul>	<ul style="list-style-type: none"> <li>• Townhouses</li> <li>• Low scale apartments in garden setting (consolidated, corner sites)</li> </ul>	<ul style="list-style-type: none"> <li>• Low-rise apartment forms supported on dual frontage sites and lots greater than 1000m<sup>2</sup></li> <li>• Allow 2 storey attached townhouse forms, defining main road frontage to Town Centre.</li> <li>• Roof terraces can be accommodated at the third storey (no additional terrace permitted above).</li> <li>• Encourage semi-permeable, medium to high front fences with landscape buffer to street boundary.</li> <li>• Maintain rear vehicle access where currently accessible.</li> <li>• Materials to be reflective of Mornington Peninsula's coastal environs including timber and weatherboard products, natural stone and light muted tones.</li> <li>• Flat or skillion roof forms are supported.</li> <li>• Dwelling design should maintain a fine grain rhythm along Nepean Highway.</li> </ul>

21 Precinct Recommendation Summary (Dromana Township Project 2018 )

### 3.4.9 Tyabb Township Plan

The purpose of the plan is to manage the impacts of growth and the demands for additional development in the township of Tyabb over the next 10 to 15 years. The plan is intended to assist stakeholders regarding the use and development of land, infrastructure, and services in Tyabb.

The document notes that the township boundary in the north, south, and west is well-defined by the Urban Growth Boundary and the pattern of existing development. In the east, the town boundary is not clearly defined but is marked by the change in zoning for land designated for uses related to the Port of Hastings.

The Plan states that there are a range of issues that threaten the liveability and character of Tyabb. Generally, there are issues of fragmentation within the town centre from increasing vehicle traffic and undeveloped land, as well as rapid changes from development of the township due to population growth. However, it is acknowledged that these pressures also present opportunities for the town in the form of economic development, employment, and improvements to facilities and services.

The report provides a set of policies and actions, summarised in the framework plans for the township and the town centre .



22 Tyabb Township Plan, 2012

### 3.4.10 Rye Township Plan

The Rye Township Plan provides a set of objectives and recommendations that aim to provide for environmental enhancement, improved walkability and cycling, as well as connected public spaces.

Although primarily focused on the commercial centre and public space, the plan does make a number of recommendations relating to residential development. These include:

- Promotion of density and mixed use zoning to encourage appropriate population growth and support a wider range of infrastructure and services.
- Support moderate increases in building height and density in identified locations.
- Application of the Design and Development Overlay - Schedule 1 to residential land south of commercial centre, allowing for an increase in building heights and no minimum lot size.



23 Proposed Land Use Zoning (Rye Township Plan 2017)

## 3.5 VCAT Summary

The following is a summary of a selection of VCAT cases regarding Neighbourhood Character from across the Mornington Peninsula. The implications for this study are outlined below. For a full summary of all reviewed VCAT cases, refer to Appendix A.

### Neighbourhood Character

A recurring theme across all cases was the lack of Neighbourhood Character policies within the Mornington Peninsula Planning Scheme.

Residential areas not covered by existing DDOs were the subject of all VCAT cases reviewed. Without a DDO to guide decisions relating to character concerns, application refusals have generally been unsuccessful when reviewed by Members at the Tribunal.

Further, this analysis has shown that a reliance on the adopted Housing Strategy has not been sufficient in protecting neighbourhood character within areas not covered by the DDOs. VCAT Members have consistently noted that as the Strategy has not been fully implemented within the scheme through zone, overlay or other policy provisions, the Strategy can be afforded little to no weight.

This reinforces the critical need to develop strong Neighbourhood Character precincts and guidelines that can be translated directly into the Mornington Peninsula Planning Scheme.

### View-sharing

Another recurring theme across a number of the cases reviewed was the issue of view-sharing.

Mornington Peninsula Shire outline an objective to "*protect shared viewlines where reasonable and practical*".

What constitutes a reasonable effort to protect a view has been a point of contention for VCAT cases both within the Shire, and across other Victorian municipalities.

A review of this issue within the context of the Mornington Peninsula Shire identifies that the existing DDOs are currently providing a suitable framework from which to judge the reasonability of an attempt at view sharing.

Applications that satisfy provisions relating to height, setbacks and density within existing DDOs have been identified as making a reasonable effort to protect a view.

It is important to note that while Neighbourhood Character Design guidelines will not seek to

control private views, the desire to develop dwellings that maximise views does contribute to the existing attributes of a character area.

**Table 6** – List of Reviewed VCAT Cases

Case
<b>Bentons Blossom Pty Ltd v Mornington Peninsula SC</b>
<b>Deryan v Mornington Peninsula SC</b>
<b>Killeen Group Pty Ltd v Mornington Peninsula SC</b>
<b>Mullholland v Mornington Peninsula SC</b>
<b>Shelrain Pty Ltd v Mornington Peninsula SC</b>
<b>Staff Pty Ltd V Mornington Peninsula SC</b>
<b>Charlton V Mornington Peninsula SC</b>

For a full summary of the cases listed above, please refer to Appendix A.