

C249morn & P20/2355 FAQ's

Q. Is the land Council owned land?

A. No, both sites are privately owned.

Q. Is the land zoned Green Wedge?

A. No, both sites are within the Urban Growth Boundary (UGB) so do not form part of the Shire's Green Wedge. Both sites are zoned [Low Density Residential Zone](#) (LDRZ) which is a 'housing' zone for "low-density residential development".

Q. Will there be a new road from Rainier Avenue to the proposed development?

A. No new road connections will be provided from Rainier Avenue to the sites. The proposal includes two new road connections – one from Boundary Road and the other from Collins Road.

Two pedestrian links are proposed from Rainier Avenue via St Remo Place and another existing reserve between 73 and 71 Rainier Avenue, Dromana.

Q. Does this proposal develop within the Boundary Road Bushland Reserve?

A. The *Boundary Road Bushland Reserve* is the area of the bushland that is within the Boundary Road road reserve that runs parallel to 170 Boundary Road, Dromana.

Some vegetation removal will be required from within the *Boundary Road Bushland Reserve* to provide for the road connection from Boundary Road. The 2.0 metre wide footpath which is to provide access to the Boundary Road shops from the subject site, will be designed to avoid native vegetation removal.

Q. What public facilities are included in the proposed development?

A. The application proposes:

- a connected pedestrian and shared path network,
- a 6.99hectare conservation reserve that is to be handed to the Mornington Peninsula Shire in the future,
- a local park and other public reserve areas for community use,
- pedestrian links from Rainier Avenue via existing reserves,
- a pedestrian footpath connection from the subject site to the existing Boundary Road shops.

Q. What is the development contributing to the community?

A. Apart from more housing, the developer is providing a monetary contribution on no less than \$2million towards providing affordable housing within the Mornington Peninsula Shire. The proposal also provides for:

- a 6.99hectare conservation reserve that is to be handed to the Mornington Peninsula Shire in the future,
- a pedestrian connection from the subject site to the existing Boundary Road shops,
- Creation of new public reserves with facilities for community use.

Q. Who will own and manage the conservation reserve?

A. A Conservation Management Plan has been prepared which establishes management actions to improve vegetation and habitat and provides for the 6.99hectare conservation reserve to be handed over to Mornington Peninsula Shire in future.

Q. How much vegetation removal is proposed?

A. The majority of vegetation external to the 6.99hectare conservation reserve will be removed. Select native trees will be retained throughout the development with new plantings along a drainage and habitat corridor to be undertaken along with street tree planting throughout. Refer to the proposed 'Preliminary Subdivision Plan'

and 'Landscape Masterplan' in the 'Where can I see the Amendment Documentation?' tab for further details regarding proposed vegetation removal and plantings.

Q. What happens to the habitat when the works start on the site (if approved)?

- A. A condition of the draft planning permit requires that "An appropriately certified zoologist or wildlife handler must be present during all vegetation removal operations to ensure any affected wildlife is not harmed and is removed from the subject land to an appropriate relocation site or relocated onsite to an appropriate location away from the works area to the satisfaction of the Responsible Authority".

A copy of the 'Planning Permit – Draft' is available via the Where can I see the Amendment Documentation?' tab.

Q. When will the combined planning scheme amendment and planning permit application go on exhibition so I can make a submission?

- A. Following a resolution at the 13 July 2021 Planning Services Committee meeting, Council has sought authorisation from the Minister for Planning to prepare and exhibit the combined planning scheme amendment and planning permit application. Authorisation has not as yet been received.

If authorisation is received, Mornington Peninsula Shire will prepare the amendment for exhibition.

If authorisation is granted, the combined amendment and permit application will be exhibited for a minimum of one calendar month in accordance with the requirements of the *Planning and Environment Act 1987*.

Before exhibition starts, Council will notify all owners and occupiers of land that may be materially affected by the amendment, as well as local community groups, public authorities and various Ministers. A notice will also be placed in the local newspaper, signs will be erected on the subject site, and information will be published on Council's website.

Q. Can I make a submission now?

- A. In line with the requirements of the *Planning and Environment Act 1987*, Council will accept submissions once exhibition starts. To keep informed about when exhibition starts, and other key stages in the process, please 'follow' the project on Council's website.

Q. What is the process?

- A. Following exhibition (if authorised), Council will consider all written submissions at a formal Planning Services Committee meeting. If concerns raised in submissions cannot be resolved, Council will decide whether to abandon the amendment, make changes to the amendment, split the amendment, or refer all submissions to an independent planning panel for review and recommendations.

If the matter proceeds to a panel hearing, submitters can present their submissions to the panel in person or be represented by another person. You can read more about panels and the hearing process at: <https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guidesuide-to-planning-panels>.

Following the hearing, the panel will prepare a report for Council outlining its findings and recommendations. Once received, Council will consider the panel's report and recommendations at another Planning Services Committee meeting before deciding whether to adopt or abandon the amendment.

If Council adopts the amendment (with or without changes), the amendment is then submitted to the Minister for Planning. If the Minister approves the amendment, the planning scheme will be updated accordingly. If Council abandons the amendment, the Minister will be informed of Council's decision.

The Minister is also responsible for deciding whether the permit should be granted with or without changes or subject to conditions. There is no opportunity for review of the Minister's decision by the Victorian Civil and Administrative Tribunal as this a combined planning scheme amendment and planning permit under Section 96A of the *Planning and Environment Act 1987*. If a planning permit is granted, Mornington Peninsula Shire will be the responsible authority for the permit.

For more information on the combined planning scheme amendment and planning permit application process please refer to:

- [Using Victoria's Planning System - Chapter 2 – Planning Scheme Amendments](#)
- [Amending a Planning Scheme](#)

Q. Who will approve the planning permit?

A. As the proposal is a combined planning scheme amendment (which proposes to rezone the land) and planning permit application (which allows for the development) the Minister for Planning makes the final decision. If approved, the Mornington Peninsula Shire becomes the responsible authority for the planning permit.

As the Minister for Planning is the decision maker, there is no opportunity for review of the decision by the Victorian Civil and Administrative Tribunal (VCAT).