

Amendment C286morn – FAQs

Sorrento Built Form Review and DDO28



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1. What is a planning scheme?

A legal document that contains all the policies and provisions that control land use and development in a local government area. Planning schemes have three main parts:

1. Maps showing how land is affected by zones and overlays
2. Ordinance setting out the written requirements of a planning scheme
3. Incorporated documents (such as a Code of Practice)

Every council in Victoria has its own planning scheme. A planning scheme is prepared by a council or the Minister for Planning and approved by the Minister for Planning.

The local council is generally responsible for administering its own planning scheme to ensure land is used and developed in a way that delivers a net community benefit.

Visit [Planning Victoria](#) for more information about planning schemes.

2. What is a planning scheme amendment?

A change (or set of changes) proposed to a planning scheme. Examples include:

- Changing the zoning of land
- Applying an overlay to land
- Introducing new local planning policy

There is a formal process for amending a planning scheme which involves several stages including:

- A person or council requests an amendment.
- The Minister for Planning authorises a council to prepare the amendment
- The council prepares to exhibit the amendment to the public
- The amendment goes on exhibition for at least 4 weeks
- Community members can make submissions on the amendment, and a panel or advisory committee may hold a hearing to review submissions
- The council considers the panel / committee report and decides whether to adopt the amendment (with or without changes) or abandon the amendment
- The council submits the amendment to the Minister for Planning for approval

Visit this Department of Transport and Planning webpage for more information about the planning scheme amendment process:

<https://www.planning.vic.gov.au/schemes-and-amendments/amending-a-planning-scheme>

Visit this Department of Transport and Planning webpage to browse planning scheme amendments. This page has a search function to view any planning scheme amendment:

<https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments>

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3. What are the stages in the process for Amendment C286morn?

Stage 1 – Exhibition:

Council has been authorised by the Minister for Planning to prepare and publicly exhibit Amendment C286morn.

When exhibition starts, surrounding property owners and occupiers, public authorities, local community groups and other stakeholders will receive a letter from Council detailing the amendment, how and where to view the relevant documentation, and the dates for exhibition.

During exhibition, anyone who wants their views on Amendment C286morn to be considered by Council must make a written submission. Council's letter will detail how and when to make a submission. Details can also be found on the Amendment C286morn website:

<https://www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme-Amendments> [scroll down to the 'Amendment C286morn - Ocean Beach Road Sorrento Built Form Review' tab].

Stage 2 – Review of Submissions and Council Decision

Once exhibition finishes, any submissions received will be considered by Council at a Council meeting. At this meeting, Council will decide whether to make changes to Amendment C286morn in response to submissions, refer unresolved submissions to an independent planning panel for review and recommendations, or abandon the amendment.

Anyone who made a submission will be notified of the Council meeting in advance and can request to speak at the meeting. Submitters will also be notified of Council's decision following the meeting.

Stage 3 – Planning Panel:

If submissions are referred to a panel, the panel may hold a public hearing to allow anyone who made a submission to address the panel.

Following the hearing, the panel will prepare a report with recommendations for Council and the Minister for Planning to consider.

Stage 4 – Council Decision

Council will consider the panel's report and recommendations at a Council meeting and decide whether to adopt, make changes to or abandon the amendment. Again, submitters will be notified of this meeting in advance and Council's decision following the meeting.

Stage 5 – Minister's Decision

If Council decides to adopt Amendment C286morn (with or without changes), it will notify all submitters and forward the amendment to the Minister for Planning for a decision.

If the Minister approves Amendment C286morn, the Mornington Peninsula Planning Scheme will be updated and the affected properties will be rezoned. Council will notify all submitters and affected landowners of the Minister's decision.

The Minister's decision cannot be appealed (unless there is a defect in procedures during the amendment process).

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If Council decides to abandon Amendment C286morn, Council must notify the Minister and all submitters and affected landowners of its decision, and no changes will be made to the Planning Scheme (i.e., no properties will be rezoned).

4. How long does this process take?

The above process to amend a planning scheme generally takes 12-18 months to complete, but in some cases may take several years.

5. What is 'Amendment C286morn'?

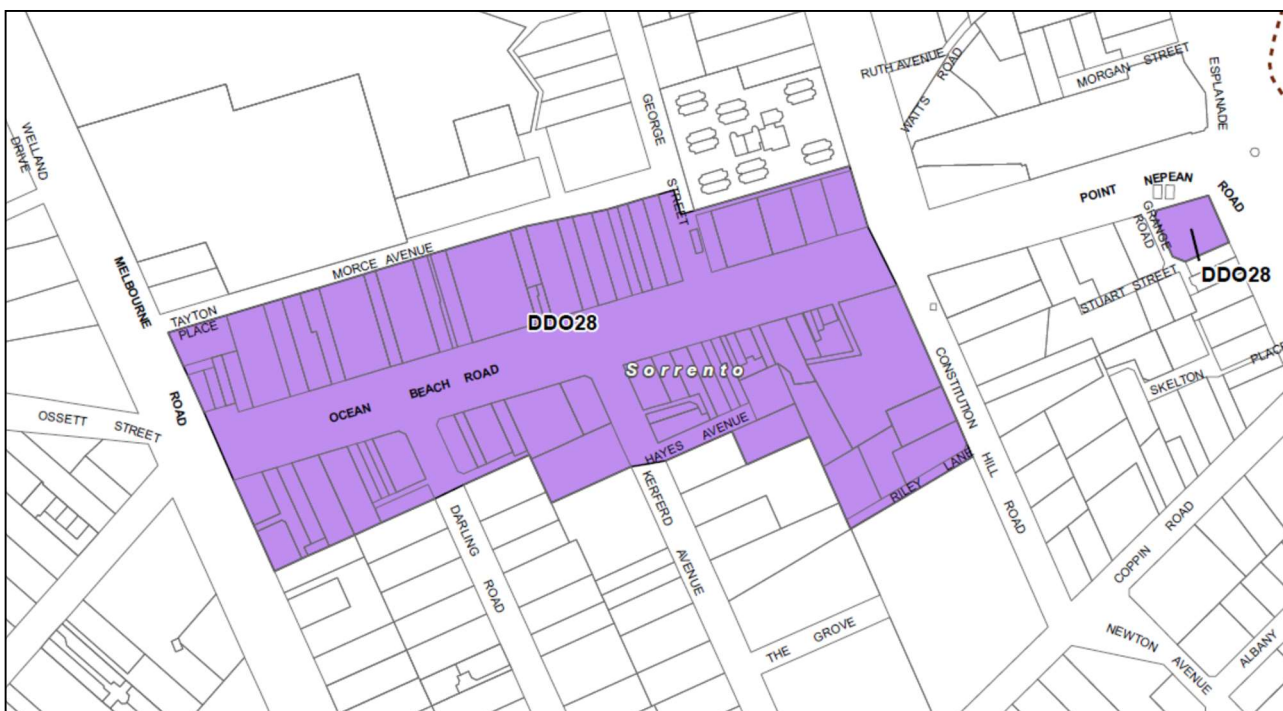
Amendment C286morn proposes to apply permanent, mandatory building design controls to the Ocean Beach Road Commercial Precinct in Sorrento to protect and enhance the valued character, heritage, and amenity of the area. These controls are contained in the proposed Design and Development Overlay – Schedule 28 (DDO28).

6. Who proposed the amendment?

The amendment was requested by Council.

7. What land is affected by Amendment C286morn?

The amendment applies to land included within the Ocean Beach Road Commercial Precinct as outlined in proposed DDO28 shown below. A list of affected properties is also provided overleaf.



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List of affected properties:

- 2-8 to 174 Ocean Beach Road, Sorrento (even numbers)
- 1-21 to 157-163 Ocean Beach Road, Sorrento (odd numbers)
- 848 Melbourne Road, Sorrento
- 854 Melbourne Road, Sorrento
- 3293-3295 Point Nepean Road, Sorrento
- 21 Constitution Hill Road, Sorrento
- 19 Constitution Hill Road, Sorrento
- Lot 1 TP223941 (1-17 Constitution Hill Road, Sorrento)
- 8 Riley Lane, Sorrento
- 1 Hayes Avenue, Sorrento
- 2 Hayes Avenue, Sorrento
- 56 to 60 Kerferd Avenue, Sorrento
- 45 to 49 Kerferd Avenue, Sorrento
- 37 Darling Road, Sorrento

8. Why is Amendment C286morn needed?

The amendment is required to replace existing building design controls within the Ocean Beach Road Commercial Precinct that are due to expire on 4 July 2025, with permanent new controls which are based on the recommendations from the [Ocean Beach Road Sorrento Built Form Review \(May 2024\)](#).

9. What is the Ocean Beach Road Sorrento Built Form Review?

The Ocean Beach Road Sorrento Built Form Review (MPS, 2024) ('the Review') is the key background document for Amendment C286morn. The findings and recommendations of the Review provide the strategic basis for Amendment C286morn.

Specifically, the Review:

- analyses the Sorrento Activity Centre's planning, physical and historical context,
- lists the overall opportunities and constraints that inform potential growth and future built form outcomes in the Activity Centre,
- provides 3D modelling which demonstrates potential future built form outcomes within the Activity Centre,
- tests various building heights, building setbacks and development scenarios as viewed from several key vantage points throughout the Activity Centre, and
- analyses various components of the Activity Centre, including the Ocean Beach Road streetscape, heritage buildings, the Morce Avenue interface, the 3293-3295 Point Nepean Road site (former East sub precinct), side streets, and residential interfaces to commercial development.

Further details about the Review can be found on this webpage:

<https://www.mornpen.vic.gov.au/About-Us/Strategies-Plans-Policies/Strategy-Plan-Listing1/Ocean-Beach-Road-Sorrento-Built-Form-Review>

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10. What are the key findings and recommendations from the Review?

The Review recommends implementing a range of actions including:

- to update the extent of existing Design and Development Overlay – Schedule 28: Ocean Beach Road Commercial Precinct (DDO28) which currently applies to the precinct,
- to refine the existing design objectives and mandatory requirements of DDO28,
- to implement a two storey, 9 metre building height limit for new development fronting Point Nepean Road (at 3293-3295 Point Nepean Road).
- to implement a three-storey, 12 metre height limit for new development abutting Ocean Beach Road,
- in addition to the above building height limit, new development must also not exceed two stories or 9 metres at the street frontage and any third storey must be set back at least 4 metres from the street frontage (this excludes heritage sites).
- to implement a 12 metre building height limit for new development abutting Morce Avenue and side streets within the Activity Centre.

11. What is a planning overlay and what is the Design and Development Overlay (DDO)?

An overlay is a planning tool that controls how land can be developed. The overlay will identify what planning objectives are to be achieved for the land, what types of development or works need a planning permit, if there are any specific application requirements and whether there are any specific design standards or mandatory requirements that need to be met. Not all land has an overlay applied.

The [DDO](#) is a planning overlay that controls the design and built form of new development. The schedule to the overlay can require a planning permit to develop land that does not address any number of built-form matters.

The schedule can also include mandatory controls on, for example:

- building & wall heights
- building setbacks

12. How will Amendment C286morn affect properties included in the amendment?

If the amendment is approved, any new development proposed for land affected by the amendment will need to comply with the design controls outlined in DDO28. (It is noted that the controls will not apply retrospectively to existing development. That is, existing buildings will not have to be renovated to comply with the new controls).

13. Has Amendment C286morn already been exhibited for public comment?

Yes. Amendment C286morn was previously placed on public exhibition from 28 July 2022 to 24 October 2022. A total of 73 submissions were received during the exhibition period.

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Following the conclusion of the exhibition period, a review of the amendment was undertaken by Council and this resulted in changes being made to the amendment. This included the preparation of a revised version of the Ocean Beach Road Sorrento Built Form Review (May 2024) and the proposed DDO28 control.

After review process was completed, Council resolved at the 28 May 2024 Ordinary Council meeting to endorse the updated version of Amendment C286morn (including the revised documents above) and to undertake the re-exhibition of the amendment in 2024.

The Council Meeting report and minutes can be accessed via the link below

[https://www.mornpen.vic.gov.au/About-Us/About-Our-Council/Council-Meetings/CouncilCommittee-Meeting-Agendas-and-Minutes?dlv_OC%20CL%20Public%20Meetings=\(keyword=28%20may%202024\)](https://www.mornpen.vic.gov.au/About-Us/About-Our-Council/Council-Meetings/CouncilCommittee-Meeting-Agendas-and-Minutes?dlv_OC%20CL%20Public%20Meetings=(keyword=28%20may%202024))

14. Why is the amendment being re-exhibited?

Re-exhibition of the amendment will ensure that all submitters, landowners, and members of the community will have the opportunity to review and make further submissions on the revised amendment before Council decides next steps in the planning scheme amendment process.

15. When will Amendment C286morn come into effect?

Amendment C286morn will only come into effect if/when it is approved and gazetted by the Minister for Planning.