

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C65 PART 2

EXPLANATORY REPORT

Who is the Planning Authority?

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

The amendment includes many items and all except the following have been made at the request of the Mornington Peninsula Shire Council.

Request	Proponent
Request 142	Sinclair Knight Merz on behalf of Melbourne Water
Request 482	Melbourne Water
Request 514	Hansen Planning Services on behalf of W. Pec Nominees Pty Ltd and Eastglade Pty Ltd
Request 534	Marianne Peterson

Land affected by the Amendment.

The amendment applies to a number of land parcels, which are described in Table 1.

What the Amendment does.

The amendment includes 20 items (affecting 19 sites), each of which is identified by a request number, summarised in Table 1 and, if necessary, described more fully in an appendix to this report.

Why the Amendment is required.

The amendment is required for the reasons set out in Table 1 and, for the more complex items, dealt with more fully in an appendix to this report.

Impact of the Amendment.

Minister's Directions

The amendment is affected by Minister's Directions 1 and 9 under section 12 of the *Planning and Environment Act 1987*.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

The amendment is consistent with Minister's Direction No. 1, *Potentially Contaminated Land*. The sites which are to be rezoned by the amendment to allow for sensitive land uses have no land use history which indicates that the land may have been contaminated. The only exception to this is in relation to the rezoning of the land at Gordon Street, Mornington (Request Item 514) for which the application of an Environmental Audit Overlay is required to recognise the potential contamination of the land.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered and Amendment C65 Part 2, as a whole, is considered to be consistent with the Metropolitan Strategy. The questions posed by that direction are addressed more fully in the appendices to this report.

For the purpose of describing the impacts of the amendment, the various items are referred to by their request numbers. Please note that requests included in this amendment range between request number 66 and 596, the prefix R before the number, where used, refers to the word "request". Not all requests in the range are included in this amendment. Where possible, the requests addressed in this amendment have been grouped according to common purpose and impact. The groups are as follows.

Heritage Changes - (Request items: 479, 502, 521, 534, 548, 569, 570)

Surplus Land Changes - Flood Street Tyabb - (Request item: 142)

Public Land Changes – Mornington High School, 91 Wilson Road (Request item: 351)

Public Land Corrections – (Request items: 66, 444, 522, 538, 574, 596)

Business Zone Changes – Gordon Street Mornington (Request items: 514, 572)

Miscellaneous - (Request items: 401, 482)

Environmental Effects

Reports are appended for each of the above groups.

Social and Economic Effects

Reports are appended for each of the above groups.

Justification of the Amendment

A separate strategic and policy justification is appended for each of the above groups.

Where you may inspect this Amendment.

The amendment and supporting plans and documentation are available for public inspection, free of charge, during office hours at the following places:

Department of Sustainability and Environment
Planning Information Centre
Upper Plaza, Nauru House
80 Collins Street, Melbourne

Mornington Peninsula Shire Council

- Mornington Office – Queen Street, Mornington
- Rosebud Office – Besgrove Street, Rosebud
- Hastings Office – Marine Parade, Hastings

Table 1

Request	Land	Proposal	Reason
66	5 and 9 Harrison Street, Dromana.	Rezones the land from a Public Use Zone 6 (Local Government) to a Residential 1 Zone.	To recognise that the land is in private ownership and the adjoining zoning.
142	2 (part), 4 (part) and 6 Flood Street, Tyabb.	Rezone the land from a Public Use Zone 1 (Service and Utility) to a Green Wedge Zone 2.	To facilitate the sale of surplus Melbourne Water land.
351	91 Wilsons Road, Mornington (former Mornington High School site).	Rezone the land from a Public Use Zone 2 to a mix of a Public Use Zone 3, 6 and 7 and delete the Design and Development Overlay Schedule 1 from applying to part of the land.	To facilitate the use of the former school site for a mix of State and local government uses.
401	36 - 42 Coryule Street, Shoreham (CP106058).	Delete the Significant Landscape Overlay 4 (Scenic Recreation Sites) from applying over the land.	Corrects a mapping error by deleting the overlay control.
444	2215 Frankston Flinders Road, Bittern.	Rezone the land from a Public Use Zone 4 to a Rural Zone 2.	To recognise that the land is in private ownership and the adjoining zoning.
479	<i>Dalkeith</i> 245 Nepean Highway, Mount Martha (see related item 502 below).	Amends the schedule to the Heritage Overlay in relation to HO149 ' <i>Dalkeith</i> ', 245 Nepean Highway, Mount Martha to substitute "yes" for "no" in the column headed "Prohibited uses may be permitted?"	To facilitate use of the land for otherwise prohibited uses in order to generate funding for the upkeep of a property with heritage significance.
482	41 and 43 Austral Crescent, Baxter and adjoining road frontage as well as including Lavender Lane road reserve.	Applies the Land Subject to Inundation Overlay over the land.	To recognise the potential for stormwater flooding over the land.
502	<i>Dalkeith</i> 245 Nepean Highway, Mount Martha (see related item 479 above).	Amends the Heritage Overlay map in relation to HO149 ' <i>Dalkeith</i> ', 245 Nepean Highway, Mount Martha by removing the land in Lot 1 of PS520602 from the overlay control.	Recognises the subdivision of the land and deletes the Heritage Overlay from the portion of the land which has no heritage significance.
514	9, 10 and 11 Gordon Street, Mornington.	Rezones the land from a Business 4 Zone to a Mixed Use Zone. Deletes the Design and Development Overlay Schedule 1 and the Vegetation Protection Overlay schedule 1. Applies the Environmental Audit Overlay and the Design and Development Overlay Schedule 9.	To facilitate residential development on part of the land.

521	Palm Beach Estate, Somers (around Garden Square and bounded by Alexandra Avenue, The Boulevard, Camp Hill Road and an east-west line running one block depth parallel to and north of Bonview Avenue).	Amends the Schedule to the Heritage Overlay in relation to HO290 ' <i>Palm Beach Estate</i> ' to introduce an Incorporated Plan under Clause 43.01-2.	To recognise the heritage values of the locality and to exempt certain buildings and works from the need for a permit.
522	2385 Frankston Flinders Road, Bittern.	Rezones the land from a Public Use Zone 4 (Transport) to a Low Density Residential Zone.	To recognise that the land is in private ownership and the adjoining zoning.
534	16 Peacock Road, Tyabb.	Amends the Heritage Overlay map in relation to HO289 ' <i>Tyabb Residential, Commercial & Civic Precinct</i> ', by deleting from the Heritage Overlay map that part of 16 Peacock Road which is outside of the existing building area.	To delete from the land that part of the Heritage Overlay which has no heritage significance.
538	68 The Crescent, Tyabb.	Rezones the land from a Public Use Zone 2 (Education) to a Residential 1 Zone.	To recognise that the land is in private ownership and the adjoining zoning.
548	Lot 1 being part of 17-19 Albert Street, Mornington.	Inserts Lot 1 Albert Street in the Heritage Overlay map and Schedule to the Heritage Overlay as HO328.	To recognise land with heritage values.
569	3458 Frankston Flinders Road, Merricks.	Amend the Schedule to the Heritage Overlay in relation to HO285 ' <i>Merricks General Store</i> ' to introduce an Incorporated Plan under Clause 43.01-2.	To recognise the heritage values of the site and to exempt certain buildings and works from the need for a permit.
570	Crib Point Public Cemetery, 189 Disney Street, Crib Point.	Amend the Schedule to the Heritage Overlay in relation to HO274 ' <i>Crib Point Public Cemetery</i> ' to introduce an Incorporated Plan under Clause 43.01-2.	To recognise heritage values of the site and to exempt certain buildings and works from the need for a permit.
572	23 McCombe Street and Units 3 and 4 at 1A Rosebrook Street, Rosebud.	Rezone the land from a Business 1 Zone to a Residential 1 Zone and delete the Development Plan Overlay Schedule 8 (Port Phillip Plaza Development Plan) from the same land.	To recognise the use of this land as private dwellings and remove an inappropriate development plan overlay from applying over the land.

574	2353 Point Nepean Road, Rye (Part Lot 1 PS317240).	Rezones the land from a Public Use Zone 6 (Local Government) to a Business 1 Zone.	Corrects a mapping anomaly.
596	Red Hill Recreation Reserve and Show Grounds (34 Arkwells Lane, Red Hill).	Rezones the land from a Public Conservation and Resource Zone to a Public Park and Recreation Zone.	To recognise the most appropriate public land zoning controls based on its activities.

SURPLUS LAND CHANGES

Flood Street, Tyabb Request Item 142

Land affected by the amendment

Part Street No. 2 (Crown Allotment 6C Parish of Bittern County of Mornington); Part Street No. 4 (Lot 7 on LP3658); all of Street No. 6 (Part Crown Allotment 6B) and part of the road reserve adjoining Street Nos. 4 and 6, Flood Street, Tyabb.

What the Amendment does.

The amendment re-zones surplus Melbourne Water land in Flood St, Tyabb and part of the adjoining Flood Street road reserve from a Public Use Zone 1 to a Green Wedge Zone 2. The Tyabb Reservoir will remain in the Public Use Zone 1.

Why the Amendment is required.

The amendment is required to:

- facilitate the sale of land that Melbourne Water has declared as being surplus to its requirements for the operation of Tyabb Reservoir. Melbourne Water is required by Government Policy to rezone surplus sites prior to sale in order to provide the most appropriate zoning (Policy and Instructions on the purchase, compulsory acquisition and sale of land, Government of Victoria, June 1999). The soil stockpile situated along side the western boundaries of 2 and 4 Flood Street will remain in the Public Use Zone 1. It is intended that a future subdivision application by Melbourne Water will excise the soil stockpile from the lots within the Green Wedge Zone 2.
- include the land in the Green Wedge Zone Schedule 2 which is consistent with nearby zoning and a proper zoning of the land to reflect the current and most appropriate future use of the land for rural purposes consistent with the Mornington Peninsula Green Wedge.
- ensure private land will not be included in a Public Use Zone, as this would be contrary to the State Government's Public Land Practice Note for the operation of the Victoria Planning Provisions.

Impact of the amendment.

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In regards to Minister's Direction No. 1 *Potentially Contaminated Land*, the land subject to the amendment does not have a history of industrial, mining or storage of chemicals, gas, waste or liquid fuels. An Environmental Site Assessment has been undertaken on the land affected by the amendment and it has determined that the land is suitable for the development of a dwelling and that soil remediation work is not required.

With regards to the general duties of planning authorities under section 12 of the *Planning and Environment Act 1987*, Council is satisfied that a Certificate or Statement of Compliance pursuant to

the *Environment Protection Act 1970*, is not required and that an Environmental Audit Overlay is not required.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Policy 2.1 - Establish an Urban Growth Boundary to set clear limits to metropolitan Melbourne's outward development
- Policy 2.4 - Protect the green wedges of metropolitan Melbourne from inappropriate development
- Initiative 2.4.1 - Implement new planning scheme provisions to secure the protection of metropolitan green wedges in the planning system.
- Key direction: Better planning decisions, careful management. Current impediments to the smooth operation of the planning system will be examined and addressed at levels ranging from the review of planning schemes to the expansion of the work-force involved. The aim will be to speed up the process of getting planning permits and, when disputes arise, to resolve them as smoothly as possible. The creation of confidence and certainty is important.
- Policy 9.1 – Achieve better planning decisions
- Initiative 9.1.3 - Reduce the number of matters that need planning approval, simplify procedures and clarify rules, and provide more specific decision guidelines and performance standards by amending the Victoria Planning Provisions and planning schemes.

How does the Metropolitan Strategy affect the amendment?

The subject land is outside the Urban Growth Boundary and within the Mornington Peninsula Green Wedge.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendment helps to implement the key direction for better planning decisions and the related Policy 9.1 and Policy initiative 9.1.3 because it would remove the need to gain consent of the public land manager (Melbourne Water) prior to the lodgement of a planning permit application, saving time and unnecessary administrative burden.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

Further modification to achieve better implementation of the Metropolitan Strategy could only be achieved if the land being rezoned were first consolidated into a single lot. The three lots which are proposed to be disposed of by Melbourne Water after the rezoning are approximately 4.2 ha, 3.68 ha and 3.15 ha and are all well below the 40 hectares standard minimum lot size in the Green Wedge Zone 2. It is noted that the subdivision pattern in Flood Street includes similar sized and smaller lots and that this pattern was set by subdivisions that occurred in the 1800's. In this context it would be unreasonable to require any further consolidation.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment should not compromise the implementation of the Metropolitan Strategy because the rezoning of the land to the Green Wedge Zone is consistent with the surrounding zoning and is the most appropriate zoning for this land.

Environmental effects

The amendment should have no significant effect on the environment or the environment on the use or development envisaged for the land should the amendment be approved. Local impacts which may result from the use of the land for dwelling(s) will be managed through the planning permit application process. The objectives of the Green Wedge Zone 2 and the controls of the Environmental Significance Overlay Schedule 4 (Eastern Peninsula) will ensure that sustainable use of the land occurs with an emphasis on maintaining the natural, agricultural and landscape values of the area.

Social and Economic effects

The amendment will have positive economic and social benefits for the Mornington Peninsula Shire by facilitating the opportunity to use existing land zoned Public Use for purposes appropriate in the Green Wedge Zone.

The amendment will ensure that the land is not under-utilised as may occur if a Public Use Zone remains.

Strategic and Policy Justification of the Amendment

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) within the Mornington Peninsula Planning Scheme are supportive of the proposal.

State Planning Policy Framework (SPPF)

Relevant SPPF policies are Environment, Economic Development and Particular Land Use and Development

Environment: Conservation of Native Flora and Fauna (Clause 15.09)

The objective of this Clause is:

- *To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.*
- *In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character.*

Economic Development: Agriculture (Clause 17.05)

The objective of this Clause is:

- *To ensure that the State's agricultural base is protected from the unplanned loss of high quality productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of high quality and strategic significance in the local or regional context.*

Further it is noted that:

- *Permanent removal of high quality productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*

The proposed amendment of the subject site is consistent with the SPPF for the following reasons:

- A preliminary flora survey was undertaken prior to the preliminary site layout design for the proposed works. The areas of native flora identified on site have been specifically avoided in the design of the upgraded road and private driveways. Furthermore, individual specimens of significant species have been avoided. The land is also affected by an Environmental Significance Overlay Schedule 4 Eastern Peninsula which contains a provision requiring a permit for the removal of native vegetation.
- The proposed land disposal after the re-zoning from Public Use 1 to Green Wedge Zone 2 will make more land available for rural use.

Local Planning Policy Framework (LPPF)

Mornington Peninsula Municipal Strategic Statement (MSS)

The Mornington Peninsula MSS is a visionary document that aims to guide decisions on land use planning in the Mornington Peninsula Shire.

At Clause 21.03, the regional role of the Mornington Peninsula is discussed. Mornington Peninsula is identified as a “fringe municipality”, in that Melbourne’s metropolitan area extends through to the adjoining municipalities of Frankston and Casey. Casey also contains part of the South Eastern Growth Area, which is intended to accommodate significant future growth.

Furthermore, it is recognised that Mornington Peninsula is not a designated urban growth area. Whilst there are still substantial areas set aside for further residential development, a limitation of urban development on the Peninsula is clear within the MSS and is also consistent with State policies.

At Clause 21.06, Mornington Peninsula’s settlement pattern is addressed. The Peninsula includes more than 20 townships, ranging from relatively large centres such as Mornington, Somerville, Hastings, Dromana and Rosebud, through to small towns and coastal villages such as Red Hill, Flinders and Merricks Beach. The MSS places emphasis on maintaining this settlement pattern and the relationship between the townships, the coast and the rural landscape as all contributing significantly to the Peninsula’s distinctive character.

A key issue identified within Clause 21.06 is the need to make provision for rural residential living, without the need for continuous expansion of the urban fringe. It is acknowledged that in some areas there are limits on development imposed by infrastructure constraints, such as a lack of reticulated sewerage.

Local Planning Policies (LPP)

Dwelling Density, Excisions and Realignment in Rural Areas (Clause 22.03)

The policy basis for this clause is as follows:

- *Land fragmentation is a key threat to continued agricultural use, inhibiting the ability to utilise economically efficient and sustainable farm practices. Fragmentation also increases the population density in rural areas, which often imposes constraints on farming operations due to concerns about the use of farm equipment, the use of fertilisers and the like and the introduction of dogs. In addition, the division of rural land holdings raises expectations of further residential encroachment, potentially increasing rural land prices and increasing pressures for further residential and rural residential sprawl – leading to further land fragmentation.*

The proposed amendment is consistent with the MSS and Local Policies for the following reasons:

- The proposed planning scheme amendment will provide for the subject land to be re-zoned to the Green Wedge Zone 2, assisting in reinforcing the rural character of the Peninsula and supporting natural systems. The land potentially provides for agricultural uses or a “rural living” environment similar to that enjoyed on neighbouring sites to the north along Flood Street.

PUBLIC LAND CHANGES

91 Wilsons Road, Mornington (former Mornington High School site) Request Item 351

Land affected by the amendment

The amendment affects the land at 91 Wilsons Road (Lot 1 on TP223385) which is located on the northern side of the intersection of Wilsons Road and the Nepean Highway, Mornington.

What the amendment does

The amendment changes the category of Public Use zoning affecting the land from category 2 (Education) to a combination of category 3 (Health and Community), 6 (Local Government) and 7 (Other public use). The amendment also deletes most of the Design and Development Overlay Schedule 1 (Township Design) from the land (it is kept within 30 metres of the nearest land in the Residential 1 Zone not including roads).

Why the amendment is required

The amendment is required to change the categories to the Public Use Zone to reflect the intended use of the land following the end of the educational use. The Design and Development Overlay Schedule 1 is largely deleted because this planning control is inappropriate to application over Public Use zoned land. However, it is retained within 30 metres of the Residential 1 zone to enable opportunity for public participation in decision making at the interface of the zones where residential amenity is of concern.

Impact of the amendment.

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Policy 6.2 - Plan for a more equitable distribution of social infrastructure.
- Initiative 6.2.5 - Continue to support local government in the provision of well-planned, quality and accessible community sport and recreation facilities and environments.
- Initiative 6.4.4 - Strengthen the creative potential of local communities by encouraging local government and the community to audit cultural resources and identify areas of opportunity and areas of need.

How does the Metropolitan Strategy affect the amendment?

The land subject to the amendment is located inside the Urban Growth Boundary.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendment is consistent with the above quoted policies and initiatives of the Metropolitan Strategy.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The amendment supports the Metropolitan Strategy but is not key to the implementation of any of its initiatives.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment will not compromise the implementation of the Metropolitan Strategy.

Environmental Effects

The amendment will not have an adverse effect on the environment. Until recently, the land was in use as a secondary school and the land was extensively developed with buildings normal to a school while the balance of the land was largely cleared of vegetation for playing fields. Sufficient undeveloped land remains on the site to allow for the development of the land without requiring the removal of any of the remaining vegetation on the land, most of which is located around the lot boundaries.

Social and Economic Effects

The amendment will have a positive social and economic effect.

The amendment changes the purpose of the Public Use Zone (PUZ) to allow for the use and development of the land for three separate community related entities. The land to be zoned PUZ3 (Health and Community) is to be used by Peninsula Community Health; the PUZ6 (Local Government) is to be used for the Peninsula Community Theatre; while the PUZ7 (Other public use) is intended to be the new location for the Mornington Country Fire Authority fire station. All of these uses have a direct association with the sustainable function of the Mornington community and present a positive contribution to the community.

The amendment will have a positive economic effect in that the use and development of this vacant land will generate employment and economic activity above and beyond the benefit provided by the former school use of the land. While the economic activity which could reasonably be expected to be generated is not significant, the development of (for example) the PUZ3 land for a community health use could provide additional employment opportunities and generate additional economic activity on the land.

Strategic and Policy Justification of the Amendment

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) within the Mornington Peninsula Planning Scheme are supportive of the proposal.

State Planning Policy Framework (SPPF)

Relevant SPPF policies are as follows:

- Clause 18.06 Health Facilities. The objective of this clause is ‘to assist the integration of health facilities with local and regional communities.

At Clause 18.06-2 the ‘General implementation states:

“Planning and responsible authorities should facilitate the location of health – related facilities (including acute health, aged care, disability service and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.”

The land which is to be zoned PUZ3 (Health and Community) is intended to be used in a health related capacity by a State Government instrumentality. While the exact use of this land has not been determined, the community health related use is in keeping with the policy objective and ‘General implementation’ of this policy, given that the Mornington township has a shortage of health care services, specifically in relation to aged care facilities.

Local Planning Policy Framework (LPPF)

At clause 21.07-1 the Municipal Strategic Statement states:

“Both within existing townships and in new growth areas, Council is committed to servicing and developing communities and promoting equity of access to a broad range of services and programs. Environmental sustainability is also applied as a guiding principle, with a need to balance and integrate social needs, ecological care and economic development.”

In line with the objectives of the Metropolitan Strategy, the Municipal Strategic Statement recognises the need to consolidate residential development within the boundaries of the existing townships and facilitate this development in localities where appropriate access to services and infrastructure is provided.

Current estimates show that the Mornington township is expected to grow by approximately 3,000 in the next 10 years. While the Municipal Strategic Statement recognises the importance of retaining and increasing the township population bases to justify the retention of existing service levels, the growth in population will place further demand on the existing services.

To meet existing and future demand levels it is necessary to identify key sites which offer the potential to allow for the appropriate development of community and social infrastructure and services. The former Mornington High School provides an opportunity for the location of these uses and is appropriately located at the peripheries of a Major Activity Centre. Accordingly, the division of this land into three parcels of different public use is in line with the objective of the Municipal Strategic Statement to “ensure the timely provision of all infrastructures, including health, education and community care facilities”.

The subject land is to be rezoned from Public Use Zone 2 to a mix of Public Use Zone 3, 6 & 7. The boundaries of the different purposes follow the boundary lines of a recently approved subdivision of the land. A brief summary of the intended uses follows.

- **Public Use Zone 3 (Health and Community)**
The land to be affected by the Public Use Zone 3 comprises 3.36 ha and is situated in the north eastern half of the land and fronts Separation Street and Nepean Highway. This parcel of land is currently free of any buildings and works.

Although this land is to be zoned Public Use Zone 3 (Health and Community) there are at present no plans at a state or local government level to use or develop this land for any specific use.

- **Public Use Zone 6 (Local Government)**
The land to be affected by the Public Use Zone 6 comprises 4.07 ha and is situated in the south west half of the land, fronting Wilsons Road and Nepean Highway. This land includes all of the remaining buildings of the former high school use.

It is proposed that this land be retained in Council ownership and that the buildings on the land (which are undergoing refurbishment) will be used by the Peninsula Community Theatre and other community groups where appropriate.

- **Public Use Zone 7 (Other public use)**
The land to be affected by the Public Use Zone 7 comprises 0.4 ha of land at the corner of Separation Street and Nepean Highway. This land is currently vacant.

It is currently intended that this land be used as the new location for the Country Fire Authority Mornington Depot. As yet, no development plans have been prepared for the CFA use of this land.

The amendment also proposes to delete the Design and Development Overlay Schedule 1 (Township Design) from the central part of the land.

This overlay control affects most of the Mornington township area located west of the Nepean Highway. The application of this overlay control is most appropriate to residential developments on standard size residential lots and seeks to ensure that the design of buildings is complementary to the streetscape, development patterns and amenity of the surrounding area. The application of this overlay control is generally not appropriate to land in the Public Use Zone as it has a buildings and works planning permit requirement. However it has been retained to provide a buffer of 30 metres around the nearest Residential 1 zoned land to enable this permit control to address interface issues (eg. Vehicular access and landscaping design) that may affect residential amenity.

The existing Vegetation Protection Overlay Schedule 1 (Township Vegetation) is to remain on the site. The subject land contains a number of significant trees, and tree rows. The retention of the Vegetation Protection Overlay will ensure that these trees are not removed without the requirement for a planning permit, unless they are specifically exempted by the existing provisions of the Vegetation Protection Overlay.

HERITAGE MATTERS

Request Items 479, 502, 521, 534, 548, 569, 570

The following assessment of the Minister's Directions, the Metropolitan Strategy and the State and Local Planning Policy Framework, applies to all eight of the above listed amendment items. Where one of these requirements is of specific importance to an individual amendment item, specific comment regarding that item has been made.

Following the strategic assessment is a summary of each amendment item in this group, providing further explanation as to why each amendment item is required.

Impacts of the amendment

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Initiative 5.4.4 - Ensure that planning schemes reflect the full extent of heritage values in each municipality.
- Initiative 9.1.3 - Reduce the number of matters that need planning approval. The introduction of incorporated plans (pursuant to Clause 43.01-2) in relation to items 521, 569 and 570 will reduce the number of planning permits required for buildings and works (including demolition) on the three identified parcels of land.

How does the Metropolitan Strategy affect the amendment?

Of the heritage sites affected by this amendment, four are located outside of the Urban Growth Boundary. Of the sites located outside of the Urban Growth Boundary, the amendment items do not affect the zoning of the land or seek to change the location of the Urban Growth Boundary.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendments are consistent with the above initiative of the Strategy.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The amendments support the implementation of the Metropolitan Strategy Initiative 5.4.4 - Ensure that planning schemes reflect the full extent of heritage values in each municipality.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendments should not compromise the implementation of the Metropolitan Strategy.

Social and Economic Effects

The items will contribute to a greater understanding of the Shire's built heritage and will give effect to the Burra Charter for the conservation of places of cultural significance. No adverse social impact are expected.

The items are not expected to have any adverse economic impact. The *Dalkeith* item (245 Nepean Highway, Mt Martha) is expected to have a positive economic impact on the operation of the heritage place. By allowing consideration of prohibited uses on the land, the economic activity generated by these uses may assist in maintaining the upkeep of the heritage property which may otherwise become uneconomic to retain.

Environmental Effects

The items are not expected to have any adverse environmental impact having regard to the protection of environmental interests already existing in the planning scheme. For the two heritage sites on which prohibited uses may be permitted, a planning permit will be required for these uses prior to their commencement. Any environmental impacts which may result from these uses may be considered as part of the planning permit application.

Strategic and Policy Justification of the Amendment

The following policies within the State and Local Planning Policy Framework contained within the Mornington Peninsula Planning Scheme are relevant:

State Planning Policy Framework

These items are consistent with the State Planning Policy Framework, in particular Clause 15.11 specifically with regards to the objective of the policy to “To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria’s image and making a contribution to the economic and cultural growth of the State”.

At Clause 15.11-2 ‘General Implementation’ the policy identifies five categories of historic sites which require heritage protection. In relation to the eight sites in this amendment, the following two categories are considered most relevant:

- sites associated with the European discovery, exploration and settlement of Victoria.
- important buildings, structures, parks, gardens, sites, areas, landscapes, towns and other places associated with the historic and cultural development of Victoria, including places associated with pastoral expansion, gold mining, industrial development and the economic expansion and growth of Victoria.

Municipal Strategic Statement

These items are consistent with the Municipal Strategic Statement, in particular Clause 22.04 and the Objectives:

- to recognise and apply the principles of the Burra Charter (the Australia ICOMOS charter for the conservation of places of cultural significance) in the practice of local heritage protection.
- to ensure that the significance of a site, involving the aesthetic, historic, scientific or social value of a place to past, present and future generations, is assessed and used to guide planning decisions.
- to conserve, manage and enhance identified sites and places of cultural heritage cultural heritage significance.

Specific Sites and Amendment Details

HO149 Dalkeith, 245 Nepean Highway, Mt Martha Request Items 479 and 502

The heritage place at 245 Nepean Highway, Mount Martha ‘Dalkeith’ (Lot 1 on TP104865) is a property of high heritage significance, being assessed in the *Shire of Mornington Heritage Study* as being significant to the State of Victoria.

This property, which is recognised in Clause 43.01 of the Heritage Schedule and on the Heritage Overlay maps within the Planning Scheme as HO149 Dalkeith (*house and garden*) is the subject of two separate items in this amendment. The following is a brief description of these items.

Item 479. To allow Prohibited uses on the land.

Amendment item 479 proposes to substitute *Yes* for *No* in the “Prohibited uses may be permitted” column of Schedule to Clause 43.01 of the planning scheme. The purpose of this change is to allow the consideration of uses which may otherwise be prohibited under the current Green Wedge Schedule 2 zoning of the land. This could include any use listed in Section 3 (Prohibited uses) of the ‘Table of uses’ at Clause 35.04-1, or any use listed in Section 2 of this table for which the condition opposite the use is not met.

By allowing consideration of prohibited uses on the land, the economic activity generated by these uses may assist in maintaining the upkeep of the heritage property which may otherwise become uneconomic to retain. Council has initiated this amendment item and it has not been proposed with consideration of a specific use application being made on the site. Any future application involving a prohibited use will be assessed on its merits and may involve public notice if it is considered that the use may have a detrimental impact on the adjoining and surrounding lands.

Item 502. Recognises the subdivision of the land and deletes the Heritage Overlay from the portion of the land which has no heritage significance.

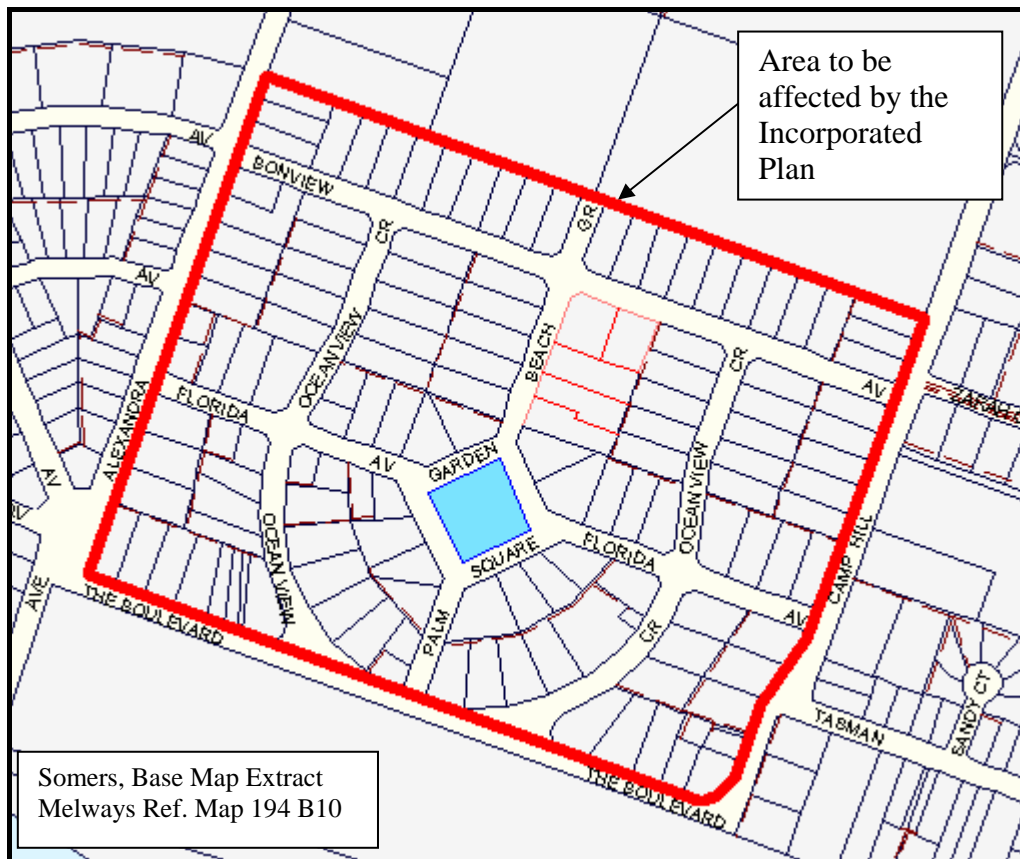
All of the subject land is currently affected by the Heritage Overlay control HO149 Dalkeith (*house and garden*), including the open fields which are free of any buildings and works.

In 2002, a planning permit application was submitted for the subdivision of the land into two lots. Lot 1 of the subdivision comprised the majority of the land and had an area of 53.29ha while Lot 2, which included *Dalkeith (house and garden)*, made the balance of the subdivision with an area of 4.05ha. The application was refused by Council and subsequently approved on appeal by the Victorian Civil and Administrative Tribunal, October 2003 (VCAT Application No. P1081/2003).

The approved subdivision of the land (for which a planning permit has been issued) will formally create Lots 1 & 2 on Plan of Subdivision 520602V. Lot 1 is largely undeveloped and the buildings which are on this lot (including one dwelling) are considered to have no heritage significance. Accordingly, it is appropriate to remove the Heritage Overlay control from this lot.

Palm Beach Estate, Somers – Amend the Schedule to the Heritage Overlay in relation to HO290 ‘Palm Beach Estate’ to introduce an Incorporated Plan under Clause 43.01-2. Request Item 521

The Palm Beach Estate, Somers is the area around Garden Square, bounded by Alexandra Avenue, The Boulevard, Camp Hill Road and Bonview Avenue as detailed on the map below. The area is affected by heritage place HO290 *Palm Beach Estate* and a planning permit is required for all buildings and works in the area affected by the overlay control.



The amendment amends the Heritage Schedule entry for HO290 *Palm Beach Estate* by introducing an Incorporated Plan (Plan No. 3) pursuant to Clause 43.01-2 of the Heritage Overlay.

The purpose of the Incorporated Plan is to recognise the significance of the Palm Beach Estate to the Mornington Peninsula Shire. (A copy of the Incorporated Plan is on exhibition as part of this amendment).

The Incorporated Plan provides a 'Statement of Significance' which outlines the key factors which contribute to the significance of this area to the Shire. It states:

The Palm Beach Estate is significant to the Mornington Peninsula Shire because:

- *of its distinctive design, using curving streets focused on a central private reserve and other recreation reserves offered for resort facilities in the new motor age;*
- *of the new age it brought to this part of the Shire in terms of resort development on former farming land, marking a major turning point in the occupation of this part of the coast;*
- *its geometric shape is an indication of the influence, if not the involvement, of the noted town planner, Saxil Tuxen; and*
- *as the subject of local history publications (such as 'All Our Somers') as an indication of its social value within the community.*

At Point 3.0 of the Incorporated Plan, the significant elements of the Palm Beach Estate are identified, such as the (near) original lot configuration and street alignment pattern. This is followed by the identification of specific buildings and trees which significantly contribute to the character of the estate. Specifically identified are 24 houses, 2 tennis pavilions, Somers Store and 3 trees.

At Point 4.0, the Incorporated Plan provides a list of works which are specifically excluded by the Incorporated Plan from requiring a planning permit. For example, the demolition or removal of a building other than a building specifically identified in Point 3.0 of the Incorporated Plan. If these

items were not specifically excluded from permit requirement under the Incorporated Plan, a permit would be required under the normal operation of the current HO290 provisions.

The main benefits of introducing the Incorporated Plan are twofold. Firstly, the Incorporated Plan will assist planning permit applicants and Council by providing a statement of significance and list of significant elements which will assist in the consideration of the merits of a planning permit application. Secondly, the Incorporated Plan will reduce the number of matters which require planning permits by identifying buildings of historic and character significance and excluding all others from the requirement of a planning permit for demolition or removal.

16 Peacock Road, Tyabb. Amend the Heritage Overlay map in relation to HO289 'Tyabb Residential, Commercial & Civic Precinct' by deleting from the Heritage Overlay map that part of 16 Peacock Road which is outside of the current building area.

Request Item 534

16 Peacock Road (*Paganoni House*) is an irregular shaped lot with a site area of approximately 1.5ha situated at the end of Peacock Road on the western side. The land contains a dwelling and small collection of other structures situated within the lot's south east quarter. The majority of the land is undeveloped.

The subject land is affected in its entirety by HO289 '*Tyabb Residential, Commercial & Civic Precinct*'. This overlay control affects a large part of the inner township areas of Tyabb and was included in the planning scheme in March 2002 in recognition of the area's historic significance with regard to the heritage value of a number of the remaining buildings and the links these buildings have with the commercial activities which occurred in this area over the past century. The subject land is located at the north western extremes of the area affected by the HO289.

The amendment partially deletes the overlay control from that part of the land which is outside of the development footprint of the dwelling and outbuildings. That part of the land from which the control is to be removed is displayed in Map 12 (D-HO289) which is exhibited as part of this amendment.

The amendment is considered appropriate because it removes from the Heritage Overlay that part of the land which has no heritage significance while protecting within the Heritage Overlay the existing dwelling and associated outbuildings. By partially removing the Heritage Overlay, future development of the Industrial 3 zoned land may occur unencumbered by the Heritage Overlay and the requirement to consider every application against the Decision Guidelines of the Heritage Overlay will be removed.

17 – 19 Albert Street, Mornington. Insert a new entry in the Heritage Overlay Schedule and map - HO328

Request Item 548

17 – 19 Albert Street, Mornington (Lot 1 on TP397352L) is an irregular shaped lot situated at the north east corner of the intersection of Albert Street and Alfred Street, Mornington. The land has an area of 1,647sqm and contains a single storey brick dwelling which was constructed c.1890. The land is included in a Residential 1 Zone and is affected by the Design and Development Overlay Schedule 1 (Township Design) and the Vegetation Protection Overlay – Schedule 1 (Township Vegetation).

The purpose of the amendment is to include all of the subject land in the Heritage Overlay as HO328 '*House 17 – 19 Albert Street, Mornington*'. Subject to the approval of the amendment, the Schedule to the Heritage Overlay will be amended by the inclusion of the following entry, between the entries for HO2 and HO143.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO328	House 17 – 19 Albert Street, Mornington	yes	no	no	no	no	no	-	no

The property has been recommended for inclusion in the Heritage Overlay by Heritage Victoria, which recently undertook a heritage assessment of the building. While Heritage Victoria concluded that the building is of insufficient heritage value to warrant inclusion on the Victorian Heritage Register, they state that the building does have sufficient architectural significance at a local level to warrant inclusion in the Heritage Overlay of the planning scheme. The Heritage Victoria ‘Statement of Cultural Heritage Significance’ forms the basis of the Council’s argument for the inclusion of the land in the Heritage Overlay. It states (in part):

“The residence at 17 – 19 Albert Street Mornington is believed to have been constructed c.1890. The house was occupied from 1901-2 by local physician Dr James Louis Edgeworth Somers...

Mornington Rotary Club used the house as a centre for handicapped people in the 1970s. It was later used as a special school for disabled students before being taken over by the Peninsula Community Health Service.

The residence is a single storey Victorian house constructed of tuckpointed polychrome brick with a spreading return verandah and a slate roof. The original verandah no longer exists but has been reconstructed without the original decorative iron lacework. The interior rooms have high ceilings and are of substantial proportions. The hall retains etched glass panels around the front entrance and several rooms have decorative plaster ceiling roses. A small addition in brick was constructed on the eastern side, probably in the late 1930s.

The house has architectural significance at a local level as one of few remaining houses of this period in Mornington. It is also historically significant at a local level for its association with Mornington physician, Dr Edgeworth Somers. All the evidence supporting the significance of the place reinforces its local importance. It does not have sufficient cultural heritage to warrant inclusion in the Victorian Heritage Register. 17 – 19 Albert Street is of local significance and should be included in the planning scheme.”

It is on the basis of this assessment and the corresponding findings of Council’s heritage consultant that inclusion of the land in the Heritage Overlay is warranted.

3458 Frankston - Flinders Road, Merricks. Amend the Schedule to the Heritage Overlay in relation to HO285 ‘Merricks General Store’ to introduce an Incorporated Plan under Clause 43.01-2.

Request Item 569

3458 Frankston - Flinders Road, Merricks (Part Crown Allotment 2 Township of Merricks) is an irregular shaped allotment with a site area of 4,628sqm situated on the western corner of the intersection of Frankston - Flinders Road and Thompsons Lane. The land contains a single storey dwelling, a large shed and the former Merricks General Store building situated along (and partly over) the front title boundary.

In recognition of the social and built form significance of the Merricks General Store, the land has been included in the Heritage Overlay as 'HO285 *Merricks General Store* 3458 Frankston - Flinders Road, Merricks'. The historic 'Statement of significance' which formed the basis for the inclusion of this land in the Heritage Overlay, provides the following comments on the Merricks General Store:

"Merricks General Store is significant to the Mornington Peninsula Shire because:

- it is a well preserved example of a typical rural store which were once more numerous within the Shire but have over time been altered or demolished;*
- it represents an era when such stores were both the social and supply centre of the communities living around them and locates the old town subdivision of Merricks (sic);*
- it is linked with the Weston family who were well known in the area; and*
- it has been the subject of local history publications as a measure of the surviving social value the store possesses."*

The amendment amends the Heritage Schedule entry for HO285 *Merricks General Store* by introducing an Incorporated Plan (Plan No. 1) pursuant to Clause 43.01-2 of the Heritage Overlay.

The purpose of the Incorporated Plan is to recognise the significance of the Merricks General Store to the Mornington Peninsula Shire and to fine tune the heritage controls affecting the land to remove the requirement for a planning permit to construct or demolish a building on the land outside of the former General Store building and the former store residence. Specifically identified parts of the General Store building may also be demolished without the requirement for a planning permit. A copy of the Incorporated Plan is on exhibition as part of this amendment.

The Incorporated Plan offers a refinement to the current Heritage Overlay control which triggers the requirement for a planning permit for all buildings and works on the land regardless of the heritage impacts which may, or may not, result from these buildings and works.

**Crib Point Public Cemetery 189 Disney Street, Crib Point. Amend the Schedule to the Heritage Overlay in relation to HO274 to introduce an Incorporated Plan under Clause 43.01-2.
Request Item 570**

The Crib Point Public Cemetery (Part Crown Allotment 129B/13A) is located on the south west corner of the intersection of Disney Street and the Stony Point railway line. The Cemetery is Crown Land, administered by the Crib Point Cemetery Trust. The cemetery is an active cemetery, in that interments are still occurring.

The heritage significance of the Cemetery is recognised by its listing in the Heritage Overlay as HO274 *Crib Point Public Cemetery*. The Cemetery's Statement of significance (as detailed in the *Hastings District Heritage Study*) notes that:

"Crib Point Public Cemetery is significant to the Mornington Peninsula Shire because:

- it is an original part of the Flinders Naval Depot development plan, a place of great significance to the Shire and the region;*
- it is a repository of local history;*
- it contains examples of stone masonry skills, not exhibited elsewhere in the district outside of the cemetery;*
- it has social meaning to the residents of the Shire as a place of special historical worth and personal memories;*
- it is perhaps the only public cemetery in Australia closely associated with a naval establishment."*

As a consequence of the listing of the Cemetery in the Heritage Overlay, a planning permit is required for all buildings and works. The definition of 'works' includes earthworks, and from this definition, a planning permit is required to dig a grave or conduct other earthworks normal to cemetery operations.

The amendment amends the Heritage Schedule entry for HO274 *Crib Point Public Cemetery* by introducing an Incorporated Plan (Plan No. 2) pursuant to Clause 43.01-2 of the Heritage Overlay.

The Incorporated Plan provides a Statement of Significance as well as a list of graves and headstones of historic significance. In addition to this is provided a list of exclusions for works which do not require a planning permit.

Under the items listed in point 4.0 *No Permit Required under Clause 43.01-2*, are the permit exemptions for:

- *“Any works on memorials outside of the above listed memorials and memorial area undertaken in accordance with Australian Standard AS4204 Headstones and Cemetery Monuments; and*
- *Internments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries Act 1958 (as amended).”*

Other exemptions are also provided, however, of most relevance to the ongoing operation of the cemetery are the above quoted exemptions.

The introduction of the Incorporated Plan will provide a balance between the protection of the graves of historical significance and the requirements of the Crib Point Public Cemetery Trust for the ongoing operation of the Cemetery into the future. A copy of the Incorporated Plan is on exhibition as part of this amendment.

PUBLIC LAND CORRECTIONS

Request items: 66, 444, 522, 538, 574, 596

Request	Land	Proposal	Reason
66	5 and 9 Harrison Street, Dromana.	Rezone the land from a Public Use Zone 6 (Local Government) to a Residential 1 Zone.	To recognise that the land is in private ownership and the adjoining zoning.
444	2215 Frankston Flinders Road, Bittern.	Rezone the land from a Public Use Zone 4 to a Rural Zone 2.	To recognise that the land is in private ownership and the adjoining zoning.
522	2385 Frankston Flinders Road, Bittern.	Rezoned the land from a Public Use Zone 4 (Transport) to a Low Density Residential Zone.	To recognise that the land is in private ownership and the adjoining zoning.
538	68 The Crescent, Tyabb.	Rezone the land from a Public Use Zone 2 (Education) to a Residential 1 Zone.	To recognise that the land is in private ownership and the adjoining zoning.
574	2353 Point Nepean Road, Rye (Part Lot 1 PS317240).	Rezone the land from a Public Use Zone 6 (Local Government) to a Business 1 Zone.	Corrects a mapping anomaly.
596	Red Hill Recreation Reserve and Show Grounds (34 Arkwells Lane, Red Hill).	Rezone the land from a Public Conservation and Resource Zone to a Public Park and Recreation Zone.	To recognise the most appropriate public land zoning controls based on its activities.

The following assessment of the Minister's Directions, the Metropolitan Strategy and the State and Local Planning Policy Framework, applies to all six of the above listed amendment items. Where one of these requirements is of specific importance to an amendment item, individual comment regarding that item has been made.

Following the strategic assessment is a summary of each amendment item in this group, providing further explanation as to why each amendment item is required.

Impacts of the amendment.

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Direction 2.1 - Establish an Urban Growth Boundary to set clear limits to metropolitan Melbourne's outward development.
- Direction 9.1 - Achieve better planning decisions.

How does the Metropolitan Strategy affect the amendment?

With the exception of item 596 (Red Hill Recreation Reserve and Show Grounds) the subject lands are located inside the Urban Growth Boundary.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The rezonings are consistent with the above policies and initiatives. Five of the amendment items will rezone land from public land zonings to a zoning which reflects the private ownership of the land. The sixth item, regarding the Red Hill Recreation Reserve and Show Grounds, involves a rezoning from PCRZ to PPRZ and this is considered to be primarily a clerical amendment to address an anomaly in the planning scheme.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The rezonings will specifically help to implement Initiative 9.1. The rezonings will remove the need to gain a planning permit for a range of uses and buildings and works as well as remove the need to gain consent of the public land manager prior to the submission of a planning permit application. This facilitates the planning process by removing unnecessary bureaucracy which provides no benefit to the community.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The rezonings are primarily clerical in nature and represent changes to the most appropriate zoning, having regard to the current ownership and uses occurring on these lands. It is not possible to envisage how these amendments could compromise the implementation of any part of the Metropolitan Strategy.

Environmental Effects

Considering that the rezoning of the six parcels of land will not affect how these lands are currently used, it is considered that the amendments will have a neutral effect on the environment. The rezoning of the Red Hill Recreation Reserve and Showgrounds from PCRZ to PPRZ will potentially allow for the consideration of a range of uses, exceeding the current uses permissible under the existing zoning. Most of these additional uses, should they eventuate, will require a planning permit and the environmental effects can be considered at the time of permit assessment.

Social and Economic Effects

Because the six rezonings are considered to be primarily clerical in nature and will not effect how the lands are currently used, it is considered that they will have a neutral social and economic effect. The only potential exception to this rule is the rezoning of the Red Hill Recreation Reserve and Showgrounds from PCRZ to PPRZ. The use of the PPRZ will allow for the consideration of a range of community uses which would otherwise be prohibited under the PCRZ, such as a community market. By allowing consideration of community uses which are normal to public open spaces like this reserve, a social and economic benefit may be achieved. This is consistent with the Metropolitan Strategy.

Strategic and Policy Justification of the Amendment.

The following policies within the State and Local Planning Policy Framework contained within the Mornington Peninsula Planning Scheme are relevant:

State Planning Policy Framework

Clause 16.01 Residential Development for single dwellings.

Clause 17.01 Activity Centres

Clause 17.02 Business

Municipal Strategic Statement

Clause 21.07-1 Housing and integrated local area planning

The Mornington Peninsula MSS is a visionary document that aims to guide decisions on land use planning in the Mornington Peninsula Shire.

The visionary nature of the MSS does not lend itself to easy application when considering amendments which are primarily clerical in nature and will not change how the subject land is used now, or how it may be used in the future.

The MSS provides five ‘*major aims*’ of which one is ‘*To provide the basis and justification for the application of zones, policies, overlay provisions in the new Mornington Peninsula Planning Scheme*’. By rezoning these six parcels of land as proposed by the amendment, consistency is provided across the Shire in how these types of land uses are zoned. The consistent application of zones across the Shire accords with the aim of the MSS and will ensure a greater level of certainty with regard to the current and future uses of the subject lands for their intended purposes.

Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework elaborates on the aims of the MSS and provides a series of policies which are specifically developed to address individual issues and concerns which are central to how the Peninsula will grow and develop.

In consideration of the specific nature of these policies, the LPPF does not provide any pertinent assessing tools or direction in the consideration of this amendment. At most, it can be concluded that these amendment items are not inconsistent with any aspects of the LPPF.

Summary of Individual Amendment Items

5 and 9 Harrison Street, Dromana Request Item 66

This item affects 5 and 9 Harrison Street, Dromana. The amendment rezones these two lots from a Public Use Zone 6 (Local Government) to a Residential 1 Zone.

Both of these lots are in private ownership and contain dwellings. The Mornington Peninsula Shire has no intention (or foreseeable need) to acquire either of these lots, and accordingly, retaining these two lots in a Public Use Zone is inappropriate. As these lots are private dwelling lots, applying a Residential 1 Zone is the most appropriate outcome for these two lots and it complements the adjoining land which is in a Residential 1 Zone.

The Council-owned land at 11 Harrison Street currently provides pedestrian access from Harrison Street to the Dromana Recreation Reserve. This land is not affected by this amendment. The land which is proposed to be rezoned as part of this amendment is displayed on Map 5 marked “Mornington Peninsula Planning Scheme, Amendment C65”.

2215 Frankston - Flinders Road, Bittern Request Item 444

This amendment affects the southern half of the land at 2215 Frankston - Flinders Road, Bittern (Lot 1 on TP599646) and rezones the land from a Public Use Zone 4 (Transport) to a Rural Zone Schedule 2.

This land, which is situated on the eastern side of Frankston – Flinders Road, between the roadway and the railway line, is currently affected by two separate zoning provisions. The (approximate) northern half of the lot is affected by the Rural Zone Schedule 2 with the southern half being affected

by a Public Use Zone 4. The southern zoning of the land as Public Use is (most likely) recognition of the former Crown land ownership of this land as part of the railway reserve.

All of the subject land is now in private ownership and consequently, it is inappropriate to retain any of this private land in a Public Use Zone. Accordingly, the Rural Zone Schedule 2 is recommended to be applied to all of the subject lot. The land which is proposed to be rezoned as part of this amendment is displayed on Map 6 marked "Mornington Peninsula Planning Scheme, Amendment C65".

**2385 Frankston Flinders Road, Bittern
Request Item 522**

This amendment affects all of the land at 2385 Frankston - Flinders Road, Bittern (Lot 1 on TP605389) and rezones the land from a Public Use Zone 4 (Transport) to a Low Density Residential Zone.

The land, which is situated on the eastern side of Frankston - Flinders Road, between the roadway and the railway line, is a small lot of approximately 3,700sqm and contains a single storey dwelling. This land was formally part of the railway reserve and it has remained in the Public Use zoning even though it was sold many years ago to a private interest.

The purpose of this amendment is to recognise this anomaly and rezone the land from Public Use Zone 4, to a Low Density Residential Zone. The surrounding privately owned land is within the Low Density Residential Zone and consequently, the application of this zone on the subject land is the most appropriate outcome. The land which is proposed to be rezoned as part of this amendment is displayed on Map 7 marked "Mornington Peninsula Planning Scheme, Amendment C65".

**68 The Crescent, Tyabb
Request Item 538**

This amendment affects all of the land at 68 The Crescent, Tyabb (Lot 71 on LP3442) and rezones the land from a Public Use Zone 2 (Education) to a Residential 1 Zone.

The land, which is a residential lot with an area of 1,148sqm contains a dwelling, is in private ownership and is used as a residential dwelling. This amendment rezones the land from a Public Use Zone 2 to a Residential 1 Zone. This rezoning is consistent with the zoning of the surrounding residential land and will not change how the land is used. The land which is proposed to be rezoned as part of this amendment is displayed on Map 4 marked "Mornington Peninsula Planning Scheme, Amendment C65".

**2353 Point Nepean Road, Rye
Request Item 574**

This amendment affects the western portion of the land at 2353 Point Nepean Road, Rye (Part Lot 1 on PS317240) and rezones this portion of land from a Public Use Zone 6 (Local Government) to a Business 1 Zone.

It is unclear why this land was initially zoned for Public Use and it is considered that the retention of this zoning is inappropriate given the private ownership of the land and its use as part of a shop development. The rezoning of the land to a Business 1 Zone is consistent with the commercial use of the land. The land which is proposed to be rezoned as part of this amendment is displayed on Map 8 marked "Mornington Peninsula Planning Scheme, Amendment C65".

**Red Hill Recreation Reserve and Show Grounds (34 Arkwells Lane, Red Hill)
Request Item 596**

This amendment affects all of the land known as the Red Hill Recreation Reserve and Showgrounds 34 Arkwells Lane, Red Hill (Lots 1 & 2 on LP48229 and Lot 4 on LP94790). The amendment rezones the land from a Public Conservation and Resource Zone (PCRZ) to a Public Park and Recreation Zone (PPRZ).

The amendment is primarily clerical in nature as it amends the zoning to the correct zoning for this form of land use and is consistent with the zoning of this type of land across the peninsula and Victoria in general.

The PCRZ is a public land zoning which is appropriate to areas where protection of relatively undisturbed natural environments is the critical consideration. In this context, the permissible range of use and development is generally limited to facilities which assist in public education and interpretation of the natural environment or which are clearly dependent on the environmental context e.g coastal dependent facilities. This is reflected in the permissible uses listed in Section 1 of the Table of Uses.

By contrast, the Public Park and Recreation Zone is appropriate to recognise areas used for public recreation and open space. While many reserves involve a combination of roles, in the case of the Red Hill Recreation Reserve it is considered that the primary purpose and existing use of the land is better reflected by the PPRZ, and that the use of the PPRZ on the Red Hill Recreation Reserve is consistent with the Victorian Planning Provisions and the use of this zone across the state.

The change in the zoning from a PCRZ to a PPRZ will not affect how the land is currently used. The land which is proposed to be rezoned as part of this amendment is displayed on Map 9 marked "Mornington Peninsula Planning Scheme, Amendment C65".

BUSINESS ZONE CHANGES

Request Items 514 & 572

Request	Land	Proposal	Reason
514	9, 10 and 11 Gordon Street, Mornington.	Rezones the land from a Business 4 Zone to a Mixed Use Zone. Deletes the Design and Development Overlay Schedule 1 and the Vegetation Protection Overlay schedule 1. Applies the Environmental Audit Overlay and the Design and Development Overlay Schedule 9.	To facilitate residential development on part of the land.
572	23 McCombe Street and Units 3 and 4 at 1A Rosebrook Street, Rosebud.	Rezones the land from a Business 1 Zone to a Residential 1 Zone and deletes the Development Plan Overlay 8 (Port Phillip Plaza Development Plan) from the same land.	

Request Items 514

**Eastern side of Gordon Street, Mornington between 2 Philip Street and Barkly Street
Request item 514**

Land affected by the amendment

The amendment applies to 9, 10 and 11 Gordon Street, Mornington and the land in between them.

What the amendment does

The amendment rezones the land from a Business 4 Zone to a Mixed Use Zone; deletes both the Design and Development Overlay Schedule 1 and the Vegetation Protection Overlay Schedule 1 and applies the Environmental Audit Overlay and the Design and Development Overlay Schedule 9.

Why the amendment is required

The amendment is required to allow the land to be used for mixed uses, including the residential uses sought by the proponent.

Impact of the Amendment

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 1 and 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

The amendment is affected by Ministerial Direction Number 1 – Potentially Contaminated Land. The requirements of the Direction are satisfied by the proposal to apply the Environmental Audit Overlay,

which will ensure that the land is not used for any sensitive use until an environmental audit of the land is carried out.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Policy 1.1 - Build up activity centres as a focus for high-quality development, activity and living for the whole community
- Policy 1.3 – Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.
- Initiative 1.3.1 – Ensure an adequate land supply for urban housing in the region to maintain competitiveness in the housing market. This should include an adequate supply of redevelopment opportunities within the established parts of the city to reduce the pressure for fringe development.
- Initiative 1.1.2 - Work with local government to prepare structure plans that provide for growth and change at Principal and Major Activity Centres in terms of development, land use, higher-density housing, roads and public transport, services and community infrastructure, giving priority to Sunshine, Knox City/Towerpoint, Cranbourne, Doncaster and Narre Warren/Fountain Gate
- Initiative 1.1.4 - Encourage development in Principal and Major Activity Centres and provide assistance through the Urban and Regional Land Corporation with site assembly, master planning and preliminary infrastructure development
- Policy 1.2 - Broaden the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours, and restrict out-of-centre development

How does the Metropolitan Strategy affect the amendment?

The land affected by the amendment is inside the Urban Growth Boundary and part of a Major Activity Centre.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendment is considered to be consistent with the directions and policies of the Metropolitan Strategy because it encourages development (ie is in response to an amendment request) in an activity centre, retains land supply for business uses thereby not creating pressure for out-of-centre development and provides opportunities for new housing in the activity centre.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The amendment supports the activity centre policy of the Metropolitan Strategy for the reasons described above.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment should not compromise the implementation of the Metropolitan Strategy even though it predates the completion of the Mornington Structure Plan. The selection of a Mixed Use Zone rather than a Residential 1 zone to facilitate a residential proposal on one of the lots affected by the amendment (yet to be applied for) preserves an opportunity for the forthcoming structure plan to provide local policy direction about whether or not non-residential uses are appropriate in this location outside the ring road.

Environmental Effects

There may be some potential for the environment to adversely affect residential use of the land if it were contaminated land. The proposed Environmental Audit Overlay is designed to deal with this potential. Any other environmental effects that may be brought about in the future by the change of zoning should be adequately addressed by the planning permit process.

Social and Economic effects

The amendment should not have any significant social effects. The amendment is not expected to have any adverse economic effects.

Strategic and policy justification of the amendment

Relevant policy in the Mornington Peninsula Planning Scheme includes:

State Planning Policy Framework

The following State policies, as outlined in the SPPF of the Mornington Peninsula Planning Scheme, are considered applicable to the proposal:

- Planning for Urban Settlement (Clause 14.01)
- Activity Centres (Clause 17.01)
- Business (Clause 17.02)

Local Planning Policy Framework

Municipal Strategic Statement

- Housing and integrated local area planning (Clause 21.07-1)
- Commercial Activity Centres (Clause 21.07-3)

These policies basically call for the support of the existing activity centres on the Mornington Peninsula, particularly the key centres of Mornington, Rosebud and Hastings. It is intended that new development will be integrated with those centres except where it is for the provision of minor service centres and new neighbourhood commercial centres which serve the day to day needs of local residents in conjunction with new residential development.

A further policy objective is “to encourage development design within commercial centres that contributes to their economic viability, functional performance, level of service and local character”. (Clause 21.07 page 11). Page 10 of Clause 21.07 also calls for further strategic work on the reviewing and consolidation of existing commercial centre strategies. From a residential perspective the policies seek consolidation of urban areas and the infill of appropriate sites.

The Mornington Town Centre Updated Structure Plan 2001 identified that the Business 4 zoning of the land should be retained unless the land owners wished to change it and then a residential zoning would be appropriate.

The removal of the Business 4 Zone in Gordon Street is consistent with urban consolidation policy and provides an appropriate transition between the Mornington Shopping Centre to the west and the residential area to the east. Furthermore, the proposed rezoning is consistent with the Mornington Town Centre Updated Structure Plan 2001 in the sense that the Business 4 Zone in Gordon Street has proven to be inappropriate as demonstrated by the fact that bulky goods retailers have preferred to locate on the Nepean Highway where sites are larger and have better access and exposure to passing trade. The Mixed Use Zone provides greater scope for residential and business uses to support the Activity Centre.

23 McCombe Street and Units 3 and 4 at 1A Rosebrook Street, Rosebud Request Item 572

Land affected by the amendment

The land affected by the amendment is a rectangular parcel of land with an approximate site area of 1,600sqm situated at the corner of McCombe Street and Rosebrook Street, Rosebud. The area affected by the amendment includes most of 23 McCombe Street, all of Units 3 and 4 at 1A Rosebrook Street, a 50m length of Rosebrook Street commencing at the intersection of McCombe Street and a small triangle parcel of land in McCombe Street road reserve.

What the amendment does

The amendment rezones the subject land from its current Business 1 Zone to a Residential 1 Zone and deletes the Development Plan Overlay Schedule 8 (Port Phillip Plaza Development Plan Overlay) from applying over the land.

Why the amendment is required

The amendment is required to address an anomaly in both the zone and overlay controls affecting the land. The subject land is in residential use and is surrounded by residential uses which are buffered from the surrounding commercial activities by McCombe Street and Rosebrook Street. Given that this land is currently in residential use and the land is ill-suited to commercial activities, it is appropriate to rezone the land to a Residential 1 Zone.

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Direction 9.1 Achieve better planning decisions.

How does the Metropolitan Strategy affect the amendment?

The Metropolitan Strategy does not affect this amendment. The amendment is clerical in nature and corrects an anomaly in the planning scheme. To this end, the Metropolitan Strategy has no direct impact on the amendment.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendment is consistent with Direction 9.1 'Achieve better planning decisions'. By removing the Business 1 Zone and applying the Residential 1 Zone, uses and development which is typical of residential areas will (in most cases) be removed from requiring a planning permit. This is consistent with Direction 9.1 as it reduces the requirement to issue planning permits which have no net benefit.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

With the exception of Direction 9.1 mentioned above, the amendment is considered neutral as far as its impact on the implementation of the Metropolitan Strategy.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment will not compromise the implementation of the Metropolitan Strategy. The impact of this amendment is limited to a small parcel of land and is clerical in nature.

Environmental Effects

The land subject to the amendment has recently been developed for dwellings. It is considered that the amendment will have a neutral environmental impact.

Social and Economic Effects

The land subject to the amendment is small and has already been fully developed with dwellings. As the land has already achieved its development potential in accordance with the proposed Residential 1 zoning, it is considered that the amendment will have a neutral social and economic effect.

Strategic and Policy Justification of the Amendment.

Relevant policy in the Mornington Peninsula Planning Scheme includes:

State Planning Policy Framework

The following State policies as outlined in the SPPF of the Mornington Peninsula Planning Scheme are considered applicable to the proposal:

- Planning for Urban Settlement (Clause 14.01)
- Activity Centres (Clause 17.01)
- Business (Clause 17.02)

Local Planning Policy Framework

Municipal Strategic Statement

- Housing and integrated local area planning (Clause 21.07-1)
- Commercial Activity Centres (Clause 21.07-3)

This amendment rezones the land from a Business 1 Zone to a Residential 1 Zone. As the land has already been developed for dwellings, the rezoning of the land is primarily clerical in nature and will not facilitate any change in the use or development as a result of the rezoning. In consideration of the Municipal Strategic Statement and the Local Planning Policy Framework, the amendment is justified because it applies the appropriate zoning to the land in recognition of the existing use and it provides to more accurately define the boundaries of the Rosebud commercial activity centre. This is consistent with the above quoted Clauses 21.07-1 and 21.07-3 of the planning scheme.

The removal of the Development Plan Overlay Schedule 8 (Port Phillip Plaza Development Plan) is appropriate because the Development Plan only relates to the commercial development of the shopping centre and should not affect the surrounding residential land. Accordingly, it is inappropriate to include the land subject to the amendment in the Development Plan Overlay.

MISCELLANEOUS CHANGES

Request Items 401 & 482

Request	Land	Proposal	Reason
401	36 - 42 Coryule Street, Shoreham (CP106058).	Deletes the Significant Landscape Overlay 4 (Scenic Recreation Sites) from applying over the land.	Corrects a mapping error by deleting the overlay control.
482	41 and 43 Austral Crescent, Baxter and adjoining road frontage as well as including Lavender Lane.	Applies the Land Subject to Inundation Overlay over the land.	To recognise the potential for stormwater flooding over the land.

The following assessment of the Minister's Directions, the Metropolitan Strategy and the State and Local Planning Policy Framework, applies to both of the above listed amendment items. Where one of the requirements is of specific importance to an amendment item, individual comment regarding that item will be made.

Following the strategic assessment is a summary of both amendment items in this group, providing further explanation as to why each amendment item is required.

Minister's Directions

The amendment is not affected by any of the Minister's Directions under section 12 of the *Planning and Environment Act 1987*, except for Minister's Direction No. 9.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Policy 7.4 - Reduce the impact of stormwater on bays and catchments.
- Direction 9 - 1 Achieve better planning decisions.

How does the Metropolitan Strategy affect the amendment?

The Metropolitan Strategy does not affect this amendment. Both amendment items are located inside the Urban Growth Boundary.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

Amendment item 482 regarding the implementation of the Land Subject to Inundation Overlay (LSIO) is consistent with Policy 7.4 of the Metropolitan Strategy in that the implementation of this overlay control will assist in controlling development which may have an adverse effect on the management of urban stormwater, and in doing so, assist in improving the quality of stormwater entering Western Port Bay.

Amendment item 401 regarding the deletion of the Significant Landscape Overlay Schedule 4 (Scenic Recreation Sites) is consistent with Direction 9.1 Achieve better planning decisions, as it removes from the land subject to the amendment an inappropriate overlay control which triggers the requirement for a planning permit.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

Amendment request item 401 regarding the deletion of the Significant Landscape Overlay Schedule 4 is clerical in nature in that it deletes an overlay control which is entirely inappropriate for the site, while amendment request item 482 regarding the implementation of the Land Subject to Inundation Overlay is a minor fine tuning of an existing control. Given the minor nature of these changes, it is considered that these amendments have a neutral effect regarding the implementation of the Metropolitan Strategy.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment items will not compromise the implementation of the Metropolitan Strategy. The impact of these amendment items is limited to small parcels of land and constitutes a fine tuning of the existing planning controls.

Environmental Effects

In relation to the Land Subject to Inundation Overlay, the amendment should have positive environmental effects by minimising the potential for detrimental impacts upon drainage by requiring the impacts of development on drainage (in identified floodplains) be considered at an early stage in the development approval process. In relation to the deletion of the Significant Landscape Overlay Schedule 4, the amendment has a neutral affect.

Social and Economic Effects

In relation to the Land Subject to Inundation Overlay, the amendment will have positive social and economic effects by ensuring that issues in relation to drainage are identified at an early stage in the development approval process thereby avoiding potential problems and associated costs with developments having to be modified to address drainage issues at a later stage. In relation to the deletion of the Significant Landscape Overlay Schedule 4, the amendment has a neutral affect.

Strategic and Policy Justification of the Amendment

Relevant policy in the Mornington Peninsula Planning Scheme includes:

State Planning Policy Framework

State Planning Policy on floodplain management (Clause 15.02) directs that:

“flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments

land affected by flooding including high hazard floodway areas, as verified by the relevant floodplain management authority should be shown on planning scheme maps.”

Accordingly, State Planning Policy places a clear onus on Councils to ensure that flooding and drainage information is clearly shown in planning schemes. The introduction of the LSIO by this Amendment will assist in compliance with this policy.

Local Planning Policy Framework

The Mornington Peninsula Municipal Strategic Statement also supports the introduction of the LSIO.

At Clause 21.09, under 'Strategic Framework and the Peninsula's Settlement Pattern', Council's 'Strategies' require for their implementation, the identification of land liable to flooding through the LSIO:

“Recognise the constraints on development in areas that have limited infrastructure, that are remote from services and facilities or may be subject to environmental threats (such as flooding or bush fire risk)”.

Similarly, the introduction of the LSIO will enable Council and Melbourne Water to manage development of land liable to flooding, in accordance with the strategy identified at Clause 21.07, under 'Guiding Future Township Development':

“Ensure that proposals for new development provide appropriate stormwater treatment measures and that construction activities do not adversely impact on the regional drainage function of waterways, drains, retarding basins and floodplains”.

The introduction of a LSIO is specifically identified under Council's 'Further Strategic Work':

'Liasing with Melbourne Water to complete mapping of land subject to inundation as the basis for the introduction of appropriate overlay provisions.

Summary of Individual Amendment Items

36 – 42 Coryule Street, Shoreham Request Item 401

The land subject to this amendment is a rectangular lot with a site area of 1.3ha situated on the north western side of Coryule Street, Shoreham.

In the middle of the subject land is an area of approximately 1,840 sqm, shaped in the form of a triangle, which is affect by Significant Landscape Overlay, Schedule 4 (Scenic Recreation Sites).

The *Statement of nature and key elements of landscape* provided in the Significant Landscape Overlay, Schedule 4 (SLO4) states that:

*“Scenic recreation sites have been identified as key landscape features contributing to the opportunities for outdoor and unstructured recreation on the Mornington Peninsula.
Development within these areas may substantially effect the perception of landscape quality”.*

The subject land is in private ownership and contains a dwelling. The land does not form part of a scenic recreation site as it is not open to the public and is not visible from a public area. While the subject land does have landscape values, these values area protected by the Significant Landscape Overlay Schedule 2 (Coastal Landscape) which is the appropriate schedule for the consideration of landscape protection for land in private ownership.

The Significant Landscape Overlay Schedule 4 is an inappropriate control for the land and provides no benefit in the planning consideration of the development of the land. With the deletion of this control, the planning controls on the subject land will be the same as those controls affecting the surrounding lots fronting Coryule Street. The land which is affected by the amendment is displayed on Map 16 marked “Mornington Peninsula Planning Scheme, Amendment C65 Part 2”.

**41 and 43 Austral Crescent, Baxter and adjoining road frontage as well as including Lavender Lane road reserve.
Request Item 482**

The land subject to this amendment comprises two privately owned lots and sections of Shire administered road reserve along Austral Crescent and Lavender Lane, Baxter. The amendment implements on this land the Land Subject to Inundation Overlay (LSIO), as an addition to the land currently affected by this control in the immediate surrounding area.

This amendment has been prepared at the request of Melbourne Water which is the drainage authority for this area.

Current technology now enables Melbourne Water to improve the accuracy of information on its drainage system and enhance its understanding of where flooding will occur after a severe storm. Melbourne Water is applying this technology to survey the drainage system in metropolitan areas and identify land affected by flooding.

These maps provide accurate and comprehensive information about which properties would be affected during a 1 in 100 year storm event. On the basis of this mapping information, Melbourne Water has identified the land subject to this amendment as land which may be susceptible to flooding in a 1 in 100 year storm event.

An effect of the LSIO will be that a planning permit will be required for all buildings and works on the land affected by the overlay and that the views of the relevant floodplains management authority (Melbourne Water) must be sought prior to the responsible authority issuing a planning permit. While some exemptions exist, the introduction of this overlay will introduce the requirement for a planning permit on land where this requirement did not previously exist.

In most instances, the LSIO will simply provide a basis for planning permit conditions in relation to drainage to be considered as part of the preparation of development planning at an early stage in the approval process, rather than at the end.

Finally, it is also noted that the LSIO is not retrospective and existing buildings will not be required to comply. The land which is affected by the amendment is displayed on Map 14 marked "Mornington Peninsula Planning Scheme, Amendment C65".